

ALTERNATIVE REPORT
ON IMPLEMENTATION OF
THE UN CONVENTION ON THE
RIGHTS OF THE CHILD BY THE
REPUBLIC OF ARMENIA

(FIFTH AND SIX JOINT PERIOD)

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Helsinki Citizens' Assembly-Vanadzor is a non-governmental human rights organization whose activity covers the whole Republic of Armenia (RA) territory. One of the statutory goals of the Organization is to contribute to the implementation of each individual's rights, promote legislative changes to comply with international principles and obligations undertaken by Armenia, and advocate for human rights.

One of the main directions of the Organization's activity is to monitor human rights in closed institutions, including orphanages and crisis centers providing 24/7 care to children. Helsinki Citizens' Assembly-Vanadzor presides the Public Group of Observers conducting monitoring of State Non-Commercial Organizations (SNCOs) - under the RA Ministry of Labor and Social Affairs - providing care services to children, older persons, and persons with disabilities (hereinafter referred to as "Group of Observers conducting monitoring of care institutions). The Group has made a significant contribution to the collection of information presented in the report.

The World Organisation Against Torture (OMCT) works with 200 member organisations to end torture and ill-treatment, assist victims, and protect human rights defenders at risk wherever they are. Together, we make up the largest global group actively standing up to torture in over 90 countries. We work to protect the most vulnerable members of our societies, including women, children, indigenous peoples, migrants and other marginalised communities.

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Introduction

The present alternative report is submitted in view of the coming review by the UN Committee on the rights of the Child of the implementation of the UN Convention of the Rights of the Child by the Republic of Armenia. It follows the submission of the fifth and sixth joint period national report of Armenia, presented in 2020.

General context and legal framework

The Republic of Armenia (RA) acceded to the UN Convention on the Rights of the Child in 1993 and is party to the main core human rights treaties. It also ratified the third Optional Protocol to the Committee on the Rights of the Child (CRC) on Communications Procedure, in 2021. On 11 May 2020, Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as “the Lanzarote Convention”, was ratified. The Convention had been signed before that, back in 2010.

At national level, children’s rights are protected through the RA Constitution, international treaties, Family Code. The Strategic Program for Children’s Rights Protection acted until 2021, however, no strategy has been adopted since then. The Human Rights Protection Strategy and its Action Plans have a section on children’s rights protection.

Certain legislative regulations remain in contravention with provisions of the UN Convention on the Rights of the Child. For example, the RA Law on the Rights of the Child, as a legislative act containing “lex specialis” norms, does not guarantee the child’s right to be heard in health sphere, in particular, in the context of receiving confidential medical counselling and other medical services without parents’ agreement. The Law does not envisage a possibility of medical intervention in case of the child’s informed voluntary consent without his/her parents’ agreement, in line with the child’s age and maturity level.

The RA Family Code envisages restriction of parental rights in case the parent is unable to implement his/her parental obligations or endangers the child’s physical or mental health and intellectual development due to the parent’s mental, intellectual or nervous system problems.

Prevention and early intervention system does not respond timely and properly, we do not have enough community social workers, enough potential, and a precise road map in order to prevent children from entering institutions.

This report will present and focus on the violations of children's rights, and especially the rights of children living in care institutions. We will focus on the violations of children's rights to non-discrimination, the right to be free from ill-treatment and corporal punishment, children's right to health, to an adequate standard of living, and the treatment of children with disabilities.

A review of the implementation of the CRC also cannot ignore the impact the recent conflict has had on children and their rights. The large-scale military attack conducted by Azerbaijan on 27 September 2020 against Nagorno-Karabakh and later on Armenia, including the blockade and displacement, has a direct impact on the implementation of the UN CRC and children's specific rights, including their right to health, their right to safety, to education.

The conflict and the displacement is today one of the core challenges for the realization of children's rights as enshrined in the CRC. We invite the present Committee to recognise this challenge and to provide guidance.

There are reliable evidence that Azerbaijani forces carried out indiscriminate attacks¹ that resulted in the deaths of civilians, including children. In particular, on 14 October 2020, Azerbaijani Armed Forces struck Vardenis community in Gegharkunik region with a UAV, which resulted in the injury of a 14-year-old.² As a result of the war, about 90,000 people were displaced from their homes and fled to Armenia, 88% of whom were women and children.³

Since 12 December 2022, Lachin corridor, the sole road connecting Nagorno-Karabakh to Armenia, has been blocked, leaving the entire population of 120,000 people, including 30,000 children, blockaded in Nagorno-Karabakh. Azerbaijan also allegedly deliberately disrupted the operation of the critical infrastructure of Nagorno-Karabakh (natural gas supply, electricity supply, Internet and mobile communication),

¹ Azerbaijan: Unlawful Strikes in Nagorno-Karabakh, Human Rights Watch, 11 December 2020, available at <https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh>

² Azerbaijani Drone Attack Injures 14 Year-Old in Armenia, available at <https://hetq.am/en/article/123075#:~:text=The%20boy%2C%20who%20was%20in,a%20farm%20field%20harvesting%20potatoes>

³ The statement of Ministry of Foreign Affairs of Armenia on the World Refugee Day, 20.06.2021, Ministry of Foreign Affairs of Armenia available at https://www.mfa.am/en/interviews-articles-and-comments/2021/06/20/mfa_refugeesday/10997

thus leaving the population facing survival threats.⁴ Supply of food, medicine, medical and hygiene items to Nagorno-Karabakh was prohibited. 30,000 children of Nagorno-Karabakh faced a lack of food, and more than 2,000 infants under 1 year of age were lacking baby formulas.⁵ School classes were suspended, kindergartens were closed, and children with autism were denied of the opportunity to attend daycare centers due to a lack of fuel and, accordingly, transportation.⁶ On 21 December 2022, the European Court of Human Rights issued interim measures obligating Azerbaijan to take “all measures that are within their jurisdiction to ensure safe passage through the “Lachin Corridor” of seriously ill persons in need of medical treatment in Armenia and others who were stranded on the road without shelter or means of subsistence”.⁷

Children’s right to health was at risk. Many children in Nagorno-Karabakh used to have regular check-ups and to receive conservative treatment in medical centers in Armenia due to the unavailability of proper medical services in Nagorno-Karabakh. They were also deprived of that opportunity because of the blockade. More than 200 children did not undergo operation, having to endure consequences in terms of pain and worsening of their medical condition as a result of the blockade. In one case, due to lack of fuel, a child with autism could not be transported to the hospital for 2 weeks to diagnose that his leg was broken.

In the conditions of lack of enough food and fuel, there was an increase in the number of premature births (about three times⁸), cases of miscarriages⁹, and infant mortality¹⁰.

⁴ “Report on the violations of individual and collective human rights as a result of Azerbaijan`s blockade of Artsakh (Nagorno Karabakh). Six month”, 12.06.2023, Human Rights Ombudsman of Artsakh, available at <https://artsakhombuds.am/en/document/1028>

⁵ In Nagorno-Karabakh, more than 2,000 infants under 1 year of age deprived of baby food - Deputy Minister of Health, 31.07.2023, ARKA News Agency, available at https://arka.am/en/news/politics/in_nagorno_karabakh_more_than_2_000_infants_under_1_year_of_age_deprived_of_baby_food_deputy_ministe/

⁶ See “My child cannot sleep because of pain” No medication in blockaded Artsakh, 02.09.2023, Article, “Pravmir” edition, <https://www.pravmir.ru/moj-rebenok-ne-mozhet-spat-ot-boli-v-blokadnom-arczahe-net-lekarstv/?fbclid=IwAR38SeSxswK0ZY6iHJN4Drp8u4d-iJ3ZxwIQbU-tMrqmBusmzSpfGeP1tsg>

⁷ European Court decides to indicate interim measures in the “Lachin Corridor”, Press Release, 21.12.2022, https://www.echr.coe.int > documents > d > echr > CP_Azerbaijan_ENG

⁸ In Recent Month, the Indicator of Reproductive Losses almost tripled: Head Doctor, 20.07.2023, Irvaban.net news website, available at <https://iravaban.net/en/433941.html>

⁹ Pregnant woman suffers miscarriage in blockaded Nagorno-Karabakh because ambulance was unavailable due to fuel shortages, 16.08.2023, “Armenpress” news agency, available at <https://www.armenpress.am/eng/news/1117458/>

¹⁰ In Nagorno-Karabakh, 3 and 6-year-old children died as a result of a serious humanitarian situation: Ararat Mirzoyan, 13.07.2023, Irvaban.net news website, available at <https://iravaban.net/en/433024.html>

On 19 September 2023, after 9 months of blockade, Azerbaijan unleashed a new large-scale military operation in Nagorno-Karabakh. The above-mentioned situation was compounded by a siege of certain towns and villages in Nagorno-Karabakh, and the targeting of civilians. 30,000 children in Nagorno-Karabakh again faced a humanitarian crisis. Azerbaijani military forces allegedly killed 18 civilians, including 6 children.¹¹ According to the statement of the Office of the RA Human Rights Defender dated 20 September 2023, 13 out of 200 persons injured as a result of shelling were children.

As a result of Azerbaijan's military attack, the population was forced to leave their homes. As of 4 October 2023, there are 100,250 forcibly displaced persons to the Republic of Armenia, about 29,000 of whom are children.

Despite the conflict, some areas of children's rights are the responsibility of the RA, which needs to ensure the respect of the UN Convention on the Rights of the Child.

Methodology

This report presents information on the implementation of the State's obligations with respect to ensuring the child's absolute right to be free from torture and cruel, inhuman or degrading treatment (ill-treatment). The report also addresses the situation of the prohibition of corporal punishment, living conditions of children receiving care in institutions, their right to health and right to education.

The report is based on the Committee's last concluding observations¹², and the state's report. Information sources included the monitoring visits to orphanages and crisis centers by our organization, as part of the Group of Observers¹³ which conducts monitoring of care institutions, during which the members had private conversations with children, among other discussions; policy papers; responses of state agencies; official statistics; statements, reports of the Office of RA Human Rights Defender; United States Department of State reports on Armenia¹⁴; United Nations International

¹¹ Fact-Finding Activities, 26.09.2023, Center for Law and Justice, Tatoyan Foundation, available at <https://tatoyanfoundation.org/fact-finding-activity-results/?lang=en>

¹² Concluding observations on the combined third and fourth periodic reports of Armenia, adopted by the Committee at its sixty-third session (27 May – 14 June 2013), Committee on the Rights of the Child, available at <https://digitallibrary.un.org/record/756273>

¹³ The Group of Observers conducting monitoring of care institutions is an independent body functioning since 2018. It was established according to order N 112-A/1 of the RA Minister of Labor and Social Affairs.

¹⁴ 2022 Human Rights Report on Armenia, Official Reports, U.S. Embassy in Armenia, available at <https://am.usembassy.gov/our-relationship/official-reports/>

Children's Emergency Fund publications and reports¹⁵; Human Rights Watch annual reports¹⁶; submissions to the UN CRC and the UN Committee on the Rights of Persons with Disabilities¹⁷; mass media publications.

Independent Monitoring

The Group of Observers conducting monitoring of care institutions has been established and operates according to order N 112-A/1 issued by the RA Minister of Labor and Social Affairs in 2018. According to the procedure established by the order, the Group has an authorization to unhindered visits to SNCOs under the Ministry of Labor and Social Affairs providing care services to children, older persons and persons with disabilities. The Group conducts monitoring by visiting care institutions and submitting information papers, reports, and public recommendations to the Ministry based on the visits made.

Over the last three years the Group of Observers has made more than 35 visits, and held meetings and discussions with the relevant representatives of the RA Ministry of Labor and Social Affairs.

While the establishment of the Group of Observers is welcomed, we have observed that state authorities cast doubt on and deny facts recorded by the Group of Observers in care institutions, which is particularly worrisome.

General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

Stereotypical approach to disability is deeply entrenched in care institutions. The personnel's vocabulary is filled with discrimination, exclusion and labeling words. When speaking about children, orphanage employees use words such as "street

¹⁵ See <https://www.unicef.org/armenia/en>

¹⁶ See <https://www.hrw.org/world-report/2023/country-chapters/armenia>

¹⁷ See

https://www.hrw.org/sites/default/files/media_2022/12/Human%20Rights%20Watch%20Submission%20to%20the%20Committee%20on%20the%20Rights%20of%20the%20Child%20Review%20of%20Azerbaijan.pdf; <https://www.hrw.org/news/2022/07/07/human-rights-watch-submission-committee-rights-persons-disabilities-draft>

[child]", "stupid behavior", "the normal one", "invalid", "obtuse" and other discriminatory words.

According to the data of the Group of Observers conducting monitoring of care institutions, nurses and child carers have a stigmatizing attitude towards children with intellectual problems. For example, a child in one of the orphanages mentioned that employees used sentences such as "he/she is a patient of a psychiatric hospital, he/she has the paper [certifying she has mental health problems]". Children also use discriminatory expressions such as "he/she is insane", "he/she is bonkers", "he/she is nuts", "don't listen to him/her".

Orphanages' employees do not have the necessary skills to eliminate discriminatory attitudes towards children, including for other health reasons. In one of the orphanages visited, a teenager with human immunodeficiency virus was accepted with great reluctance, while the staff wore gloves when touching the teenager, called on the other children to stay away from him and separated his dishes.

There is also a different attitude conditioned by **gender discrimination**. The staff involve girls in cleaning and activities related to changing bed linen, presenting it as a gender-related necessary component of upbringing, and prepare girls for family life.

In October 2021, the RA Government presented a legislative initiative, whereby "beneficiaries not possessing abilities of self-service" were deprived of the opportunity to receive a certificate for purchasing an apartment.¹⁸ A number of non-governmental organizations made a statement calling the draft discriminatory and in contravention with Armenia's obligations under the Convention¹⁹, but it remained unanswered. Moreover, the decision was made without any public discussion.

Recommendations

- Ensure the right of children with disabilities to freedom from discrimination at legislative level and in practice.
- Conduct training of personnel of institutions to eliminate discrimination based on gender, disability or any other basis.

¹⁸ See RA Government's decree N 1774 - U of 28 October 2021 on making amendments and addenda to the RA Government's decree N 1555-N of 7 November 2019, available at https://www.e-gov.am/gov-decrees/item/37169/?fbclid=IwAR2v57CJT8L4_FqmrUcYK70Et-AcHrQ9hiBLrLzuq8jUy0naJGfWk9Y0uOw

¹⁹ Joint Statement on Disability-based Discrimination against Orphanage Graduates, 15.11.2021, available at <https://dra.am/news/joint-statement-on-discrimination-against-graduates>

Violence, ill-treatment and torture against children (articles 19, 37(a) and 39)

Ill-treatment and corporal punishment

24/7 care services are provided to children by 5 orphanages and 3 child and family support centers under the RA Ministry of Labor and Social Affairs.²⁰ Monitoring results of the Group of Observers evidence that there is **no effective system in place to prevent** abuse, violence and cruel, inhuman or degrading treatment or punishment within institutions. Decision N 7-A/1 of the RA Minister of Labor and Social Affairs from 27.01.2017, and joint decision N 464-A/2HH of the RA Minister of Education and Science from 28.04.2017, established a procedure for disclosing alleged cases of violence against or among children receiving care and/or studying in institutions providing care and protection to children, and a form to record of suspected and confirmed cases of violence. Nonetheless, not all institutions hold such a record.

The National Strategy for Human Rights Protection and its 2020-2022 Action Plan envisaged the introduction of tool to make anonymous any report of torture, inhuman or degrading treatment in child care institutions.²¹ According to the report issued in 2020 regarding implementation of the Strategy, boxes were introduced in all child care centers so that children could make anonymous reports of torture, inhuman or degrading treatment. Information regarding the hotline (114) of the RA Ministry of Labor and Social Affairs was posted in invisible areas in the centers.²² However, the monitoring of the Group of Observers evidences that these anonymous boxes may not be accessible to children. For example, the box was placed at the very entrance in one of the institutions, where not all children could have access. According to the information provided by the RA Labor and Social Affairs on 10 October 2023, SNCOs providing care to children did not share any information about violence through the Ministry's 114 hotline in 2022-2023.

²⁰ "Specialized orphanage of Kharberd" SNCO, Children's Home of Gyumri SNCO, Orphanage named after Mari Izmirlyan SNCO, Gavar orphanage SNCO, Infant's House of Yerevan SNCO, Zatik child support center in Yerevan SNCO, Shirak region Child and Family Support Center SNCO, Syunik region Child and Family Support SNCO

²¹ Electronic platform on National Human Rights Strategy, Action 18.4, available at http://www.e-rights.am/?app=AppEvent&page=default&event_id=79&event_tab=report

²² Ibid

The Group of Observers conducting monitoring of care institutions receives information about **physical and sexual violence**, including by the security guard, as well as self-harm attempts among children. Group members witnessed how one guard grabbed a child's arm and yelled loudly at him.

Tension among children was also recorded. According to the Group of Observers, some children manifested an obviously fearful behavior when communicating with authoritative children.

During conversations with employees and children in one of the institutions, information about **prevalence of self-harm** or similar attempts among girls was confirmed. One of the children made a suicide attempt and tried to escape, and according to the child who told the Group of Observers about it, no-one in the Center was aware of it. That child also tried to hang herself, and tried to throw herself out of the window. The child said that if nurses/childcarers learnt about it, it would have bad consequences (such as a punishment for the child in question).

The use of corporal punishment by the staff of the institutions is common. What is also alarming is that corporal punishment **and ill-treatment is understood and used as methods of upbringing**:

- Guards hit children on the head, hit their head on the wall (according to a child receiving care in an institution),
- They deprive children of the opportunity to eat (according to a child receiving care in an institution),
- They oblige children to arrange their closet, and if they are not satisfied with how the closet is arranged, they make children do it again (according to an institution employee),
- They threaten children that they would be transferred to care institutions with worse conditions and be deprived of the opportunity to play in the yard.

Cases of **sexual violence** are also alarming. An 18-year-old resident of Gavar orphanage was in a sexual relationship with an underage girl of the same institution from October 2022 until March 2023.²³ In one of the orphanages, according to one of the boys, an older boy subjected a younger child with intellectual problems to sexual violence, which he did not witness himself, but was told by others. He also asked what

²³ Human Rights Protection in Residential Institutions, 12.07.2023, EVN Report non-profit online weekly magazine, available at <https://evnreport.com/law-society/human-rights-protection-in-residential-institutions/>

could sexual violence lead to, whether it could lead to sex reassignment, mental health problems, etc.

Hygiene organization is degrading. In one of the institutions, girls mentioned that they had a bath only once or twice a week, for 10-15 minutes. This is largely conditioned by insufficient financial resources of the institution: the utility payment for water would be a problem if children had more frequent and longer baths. Hygiene items are insufficient and of poor quality. According to the results of studies in one of the institutions, one sanitary pad, and one razor of common use were provided daily. In another institution, 3 bast wisps were envisaged for 10 persons. In addition, there was a lack of toilet paper in the toilet.

In the context of such violence, the way that competent bodies approach these issues is extremely worrisome. Despite the Committee's last Concluding Observations urging the state to investigate all individual cases, identify and punish the offenders²⁴, cases of violence disclosed by the Group of Observers do not receive a proper response from law enforcement or highest state authorities. In particular, the RA Investigative Committee and the Prosecutor's Office did not find grounds for initiating criminal proceedings in any information on violence.

Due to low level of awareness and peculiarities of perception, institution employees do not consider their activities and attitude as violence, rather, they see it as an effective educational method. There is a need for continuous training and supervision of institution employees in order to ensure respect for children and their decent living, as well as reporting to competent bodies, if necessary.

The fact that **prohibition of corporal punishment** has not been enshrined at the legislative level is very concerning in the context of violence against children, including children in institutions. Armenia has undertaken to prohibit corporal punishment since 2010.²⁵ Action Plan of 2020-2022 Strategy for Human Rights Protection envisages an activity to legislatively prohibit corporal punishment against a child during the first half of 2021 (Activity 25).²⁶ The immediate outcome of the activity should be submission of draft laws to the National Assembly. Its implementation period was postponed until the first half of 2022. However, according to the report published by the Ministry of Justice in the National Human Rights Strategy electronic platform,

²⁴ CRC/C/ARM/CO/3-4, of July 2013, para 24, 25

²⁵ Country Report for Armenia, End Corporal Punishment platform, available at <https://endcorporalpunishment.org/reports-on-every-state-and-territory/armenia/>

²⁶ See the Government's session agenda of 20 December 2019, question 54, available at <https://www.e-gov.am/sessions/archive/2019/12/26/>

only the research aimed at developing RA legislation prohibiting corporal punishment against children has been carried out so far.²⁷

According to the 2015-16 Armenia Demographic and Health Survey, seven out of ten children aged 1-14 years old were subjected to psychological or corporal punishment 30 days prior to the research. 65% of children were subjected to psychological aggression, 38% were subjected to some form of physical punishment, a violent educational method was used against 68.9%.²⁸ It should be noted that in 2010, a violent educational method was used against 69.6% of children aged 1-14. This means that the situation has not changed in 5 years.

Recommendations

- Take necessary measures to eliminate violence against and among children in institutions, including cases of sexual violence, punitive educational methods.
- Ensure a procedure for proper recording and reporting to competent authorities of possible and confirmed cases of violence, suicide, self-harm and attempts of suicide and self-harm.
- Ensure the maintenance of proper records of possible and/or confirmed cases of violence against and among children by establishing liability for the lack of the record log and/or improper recording of cases.
- Guarantee an opportunity for children to report violations of their rights, and cases of violence by ensuring access to phones and boxes, and ensuring the protection of children who report those acts, including protection from reprisals.
- Ensure conditions necessary for maintaining hygiene, including the necessary amount of proper quality hygiene items, in order to ensure the dignity of all children living in care institutions.
- Conduct continuous training courses for employees of institutions with the purpose of preventing cases of violence, suicide, self-harm and attempts of suicide/self-harm.
- Conduct urgent, effective investigation into each case of violence and ill-treatment, and hold liable those who used violence.
- Make a legislative change prohibiting corporal punishment against children in all settings, including in care institutions.

²⁷ Electronic platform on National Human Rights Strategy, Action 25, available at http://www.e-rights.am/?app=AppEvent&page=default&event_id=89&event_tab=report

²⁸ Armenia, Demographic and Health Survey 2015-16, pp 27-28, available at <https://www.dhsprogram.com/pubs/pdf/FR325/FR325.pdf>

Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Children deprived of a family environment

The state continues allocating funds for the maintenance and strengthening of orphanages instead of investing in family and community-based care and services, as it is advised by the UN Guidelines on Alternative Care, which indicate that “alternatives to residential care should be developed in the context of an overall deinstitutionalization strategy”²⁹. This issue was also recorded in the annual human rights report of the Human Rights Watch.³⁰ In October 2022, the Embassy of Japan and “For You” public charity organization signed a grant project of 99,7 thousand USD with the purpose of improving conditions of “Kharberd Specialized Orphanage” under the RA Ministry of Labor and Social Affairs.³¹

Approaches to accepting children in care institutions are problematic. According to the information provided by the Group of Observers conducting monitoring of care institutions, when entering care institutions, children do not receive sufficient information in a language they understand regarding their stay in the center, which reduces effectiveness of further work.

In one case, a boy was admitted to Zatik child support center in Yerevan without sufficient grounds and stayed there for 3 days. The child was brought to the center by his mother in order to fix what happened between her child and another child, “that boy pulled down a child’s pants, the parent saw it. He [the boy brought to the center] brought here so that he escapes”.

In another case, the parent’s lack of tidiness and the fact that the parent lived in a rented apartment was an obstacle to reunification with the children. The issue was

²⁹ Official Documents System of the United Nations, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N09/470/35/PDF/N0947035.pdf?OpenElement>

³⁰ Armenia, Events of 2022, Report, Human Rights Watch, available at <https://www.hrw.org/world-report/2023/country-chapters/armenia>

³¹ Grant Assistance for Grassroots Human Security Projects FY 2022: Signing Ceremony of “The Project for the Improvement of the Specialized Children’s Home of Kharberd in Ararat Region”, 11.10.2022, available at <https://www.am.emb-japan.go.jp/files/100405223.pdf>

solved, however, the children stayed in a crisis center for some time, and were in a grave emotional situation, as they were told they could be transferred to an orphanage in a different region.

The Group of Observers conducting monitoring of care institutions also recorded a case when crisis center employees found out that the admitted two children were male only during their bath. The children's hair was completely shaved and the policemen transferring them mentioned that one of them was a girl, the other was a boy. Both before and after identifying their sex, the children were placed in the girls' section, since there was no vacant place in the boys' section.

Recommendations

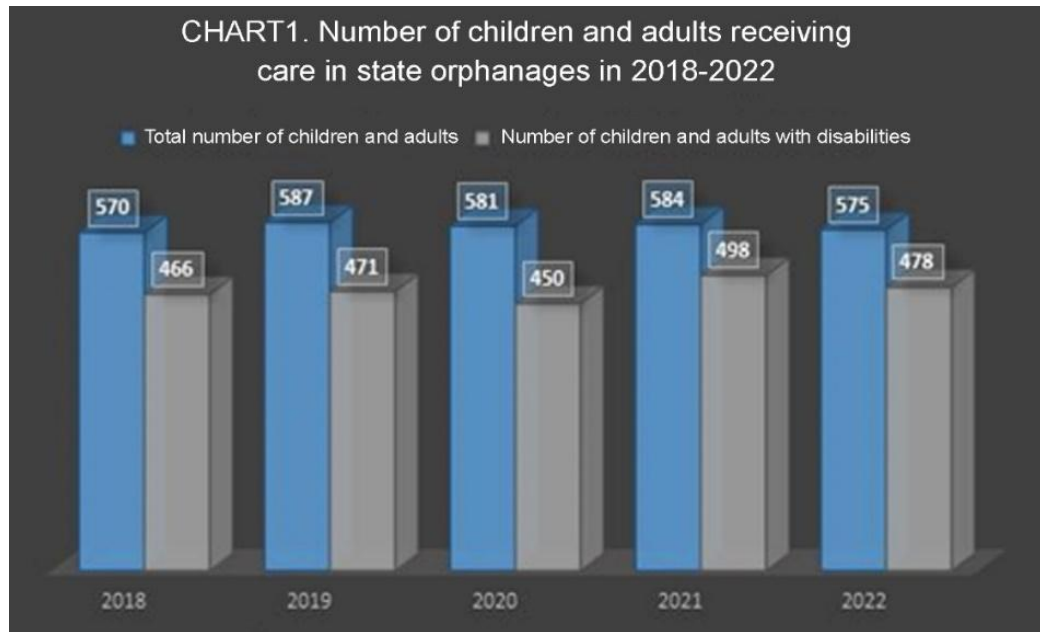
- Ensure investment of financial resources to community services for the care of children, in a strategy of deinstitutionalization.
- Guarantee that institutionalization of children be the last resort, including by eliminating risks of keeping children in institutions without adequate grounds or illegally.

Disability, health and standard of living (Articles 6, 18 (para. 3), 23, 24, 26, 27 (para. 1-3))

Children with disabilities

The main reasons why children are placed in institutions are the child's disability and the family's social vulnerability. There are no services in communities that would support families in taking care of a child with disabilities, whereas it is of key importance in terms of preventing institutionalization of children with disabilities.

According to the data provided by the RA Ministry of Labor and Social Affairs, about 590 children and adults are receiving care in orphanages (see Chart 1).



Persons with disabilities make up the majority of persons receiving care every year. Children and persons who have reached 18 years of age and have disabilities are more vulnerable, since there is hardly any alternative to their care: children with disabilities are not adopted or accepted by foster families. Moreover, because they are not receiving skills and resources to build and manage an independent life, after becoming adults, they continue living in orphanages or are transferred to care institutions for adults.

According to the information provided by the RA Ministry of Labor and Social Affairs on 10 October 2023, all 210 adults receiving care in five state orphanages have disabilities. Moreover, adults with disabilities in Kharberd specialized orphanage amount to 76% of 246 persons receiving care.

Human Rights Watch also highlighted that while the Government of Armenia has committed to move children out of at least orphanages, special schools, and night boarding institutions and transform them into non-residential centers to deliver community-based services, there are no actual concrete plans to transform the country's three orphanages exclusively for children with disabilities.³²

Recommendations

³² "When Will I Get to Go Home?", Report, 22.02.2017, Human Rights Watch, available at <https://www.hrw.org/report/2017/02/22/when-will-i-get-go-home/abuses-and-discrimination-against-children-institutions>

- Put an end to placing children to institutions based on the family's social vulnerability by implementing, inter alia, actions of social support to children with disabilities and their families.
- Ensure alternative care to children, including children with disabilities, receiving care in orphanages, i.e., offer alternatives to orphanages.
- Ensure that the child protection system is adequately staffed with professionals (including psychologists and social workers), and provide ongoing training to ensure they are skilled in interacting with and treating children with disabilities.

Health and health services

According to the Group of Observers monitoring care institutions, the system of state-guaranteed free medical aid and service is not flexible enough, as it does not respond to the needs of children and adults who have subsequent or rarely occurring diseases.

Not all institutions observe rules for keeping medication on site. For instance, expired medication was found in one of the institutions.

The right of children receiving care in institutions to sexual and reproductive health is violated. They do not receive private friendly counseling on puberty and sexual health matters. Noteworthy, in one of the institutions, some children are sexually active while they are not properly aware of sexual and reproductive health.

There is a need for training regarding personal hygiene and space, and human immunodeficiency virus (HIV) prevention both among the personnel and children. Children therefore do not have access to reliable information on sexual and reproductive health.

Girls for example are told by the institutions' staff that it is prohibited to have a bath during menstruation, that it is dangerous to stand under hot water for long, and as a result, girls only wash their hair at that time. During a visit to one of the care institutions, one of the girls told the Group of Observers that she was very scared when she got her first menstruation, and tried to ask the psychologist questions about it. Other girls of the institution taught her how to use pads. While employees of the institution, who are responsible for informing children about personal hygiene rules,

avoid using the term “menstruation” and instead say “the one who has a problem”, “she got sick”.

Recommendation

- Ensure institution employees’ awareness about teenagers’ right to sexual and reproductive health, guarantee individual work with children around puberty and sexual health.

Standard of living

In some institutions providing care to children, children’s age difference, various manifestations of conduct (for example, some older children with “authority/reputation” control the situation, and sometimes put pressure on younger children) health and hygiene conditions and insufficient space due to overcrowding make it impossible to ensure decent living.

According to reports of the Group of Observers conducting monitoring of care institutions, there are separate areas allocated for girls and boys, however, same sex children of all ages are in the same unit. This is a serious obstacle to keeping children’s coexistence rules, organizing sleep or rest, and can lead to violence. For example, older boys can “hit” younger ones, when they make noise and disturb them.

In some institutions, bedroom conditions do not comply with established standards, as the beds are placed as densely as possible. Not all children are provided with individual shelves, and according to some children, beds are uncomfortable. Not all institutions have sufficient furniture and conditions for keeping clothes and shoes there.

In one of the institutions, the canteen area is small (despite that sufficient amount of food is provided), the number of tables and chairs is smaller than the number of students, which is why they take turns to have a meal.

In some institutions, respect for private life and personal space is not ensured. The Group of Observers recorded that the bathroom door was not locked while one of the girls was having a bath, as the lock was broken. Another employee of the same institution mentioned that children are obliged to accept support while bathing irrespective of the condition whether they really need support or not. One of them noted that even if a girl is big enough and can have a bath independently and does not

want help, they help her either way. In addition, as a rule, employees do not knock on the door when entering bedrooms.

Not all institutions ensure proper temperature during winter, including in bedrooms and bathrooms.

Recommendation

- Provide children with care and living conditions based on human rights and dignity (irrespective of their sex, social origin, disability).

Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

In public schools, the right of children from orphanages and crisis centers to be free from ill-treatment treatment is not ensured, which negatively affects children's right to education. Children receiving care in state-sponsored institutions are labeled, mocked and bullied by other students, they are called "orphanage child" or "orphan". Children have difficulties adapting to school, while cooperation between institutions and schools is not effective.

In such conditions, children with disabilities are more vulnerable, as they are labeled not only for being in a care institution, but also for having disabilities.

Recommendation

- Eliminate all factors hindering children's education, as well as take efforts to change treatment of children receiving care in orphanages and crisis centers, and contribute to giving a legal assessment to all possible cases of discrimination.