



Convention on the Rights of the Child

Distr.: General
6 March 2013
English
Original: French

Committee on the Rights of the Child Thirty-fifth session

Summary record of the 925th meeting

Held at the Palais Wilson, Geneva, on Thursday, 15 January 2004, at 3 p.m.

Chairperson: Mr. Doek

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (continued)

Second periodic report of Armenia (continued) (CRC/C/93/Add.6; CRC/C/Q/ARM/2; CCR/C/RESP/46; HRI/CORE/1/Add.57)

1. *At the invitation of the Chairperson, the members of the delegation of Armenia resumed their places at the Committee table.*

2. **Mr. Krappmann** expressed pleasure that primary, secondary and vocational education were free and the literacy rate was high but regretted the sharp fall in the education budget from 7 per cent to some 2 per cent of GDP. He inquired whether the intention to allocate a further 8 million drams to education would be implemented in the next budget. He regretted that 10 to 20 per cent of children did not attend school because of ill-health, the need to contribute to the family income or the high cost of school transport, all factors linked to poverty.

3. He wondered whether the Government could not consider bearing the cost of school transport, expanding or better targeting the programme of education grants, increasing teachers' salaries, improving teaching quality and teachers' morale by adopting new teaching methods and developing in-service training, taking steps to halt the decline in attendance at preschool institutions and making vocational education free where that was not yet the case.

4. It would be helpful to know whether the results of the UNICEF survey into absenteeism and school dropout had been published and whether children who did drop out of school had access to vocational training and care.

5. **Mr. Citarella** regretted that the child's opinion was not taken into account in adoption proceedings. Noting that the law conferred Armenian nationality on children under 14 whose parents became Armenian, he wondered whether older children became stateless in such a situation.

6. He pointed out that agreements such as that on compulsory education concluded in 2002 between the Government and the Armenian Apostolic Church were, in general, contrary to the freedom of religion prescribed in article 14 of the Convention.

7. He wondered whether the decision not to replace the 20,000 teachers approaching retirement was political or attributable to real financial problems.

8. **Ms. Vuckovic-Sahovic** said that, while the school enrolment rate might seem high, many children on the rolls were in fact often absent for various reasons. She wondered whether schoolchildren had access to after-hours care and to free services provided by the Government or the community or were left to their own devices, in which event they would be easy prey for drug dealers or even people involved in human trafficking or prostitution networks. She would also like information on the physical and mental health of refugee children, including those of Azerbaijani origin who had arrived in large numbers with their parents.

9. It would be interesting to have more information on the practice of adoption in a medical institution mentioned in the written replies and in particular to know the legal status of such adoption.

10. **Mr. Liwski**, observing with pleasure that article 19 of the Armenian Constitution prohibited torture and cruel treatment or punishment and that Armenia had been a party to the Convention against Torture since 1993, asked what mechanisms there were for

enforcing those texts, including in high-risk establishments such as prisons or institutions housing children, and for registering victims' complaints.

11. He also wished to know which body was competent to decide that a child should be separated from its parents: according to paragraph 173 of the second periodic report it was a local authority or a court, whereas according to paragraph 180 it was a court.

12. He asked whether the expressed political will to give priority to primary health care had been reflected in any increase in the allocation for such care in the overall health budget and what was meant by the phrase "affordability of health care" in the periodic report. In view of the importance that culture and tradition could have for health promotion and disease prevention, it would be helpful to know whether primary health-care teams included people from the communities where they operated and whether such persons' training included instruction in child rights.

13. **Mr. Filali** asked whether parents who refused medical treatment for their child on religious grounds could be prosecuted for non-assistance to a person in danger and, if so, whether cases of that kind had already been brought.

14. While article 124 of the Criminal Code provided for prosecution of a father who refused to pay child maintenance, such an action would not alleviate the child's hardship. He wondered, therefore, whether there was State aid for children in such a situation.

15. **Ms. Douryan** (Armenia) said that Armenia had several bodies responsible for human or child rights, including the presidential Human Rights Commission and the Human Rights Resource Centre. The Centre's duties included overseeing implementation of the national Child Protection Programme, which had been drawn up by a now disbanded commission, and of the recommendations of the United Nations General Assembly's Special Session on Children, monitoring implementation of the Committee's recommendations and generally investigating all issues relating to children.

16. **Mr. Vardanyan** (Armenia) stressed that Armenia was a country in transition that needed to rebuild itself and that the question of leisure had therefore been until recently a secondary concern. Numerous cinemas, theatres and other cultural facilities had, however, been established in the previous few years, first in the capital and then in small provincial towns.

17. As everywhere, children in Armenia tended to prefer other leisure pursuits to reading. They did, nonetheless, have all sorts of books and magazines at their disposal. There was a private television channel for children and children's programmes were broadcast at various times on the country's 15 other television channels, some of which were public. Thanks to a computerization programme carried out with financial help from the World Bank, schools could now offer courses in information technology. Ecology was not taught as a separate subject but was studied in, for example, civics courses.

18. Adoption law had been aligned with the Hague Convention. One of the changes provided for international adoption when no adoptive parents could be found within Armenia. Another new feature was that adoption directly from a hospital or other medical facility was now prohibited.

19. Guardianship was on the rise as the economic situation left increasing numbers of parents unable to support their families. One of the objectives of the National Poverty Reduction Strategy was therefore to help families in need to care for their children, to which end family allowances would be raised in 2004.

20. In the event of non-payment of child maintenance, the children concerned received a special State allowance and, since 1994, financial incentives had been available to

encourage families forced by poverty to place children in institutions to resume caring for them. In addition, UNICEF was contributing to a project to establish a children's home.

21. The school attendance rate had changed alarmingly over the previous few years and the authorities were therefore investing heavily in programmes to develop the education sector, with a focus on secondary and vocational education. Teachers' monthly salary had been raised from 18,000 to 30,000 drams for the 2003–2004 school year and was expected to reach twice that level within the two years to come. The problem of delayed payment had been resolved and for several years teachers had, like all civil servants, been receiving their salaries at the proper time.

22. It was true that the number of serving teachers was declining, but the figures that had been given were an exaggeration. The departures in fact numbered some 4,000 and were attributable mainly to retirement. The school closures were not harming teaching quality; on the contrary, they formed part of a programme to rationalize and improve teaching. The period of compulsory education had been increased from 10 to 11 years. Higher education was based on State universities and private institutions, some of them fee-paying and others free. When there was an enrolment fee, the State usually paid it for students from the most vulnerable levels of society.

23. **Ms. Soudjyan** (Armenia) acknowledged that both the birth and the death registration systems left something to be desired. The obligation for parents to show their passports to prove their identity when registering a birth derived from a provision of the Family Code. New passports had been introduced in 2003 and the Ministry of Health had since been recommending women to take a passport with them when registering a pregnancy; that recommendation was proving successful. Notwithstanding, there would soon be an inter-ministerial round table in order fully to resolve the outstanding problems and to guarantee the registration of all births. Thanks to the UNICEF-supported establishment of a databank, more statistics should be available in the future regarding, in particular, children with disabilities, child-care institutions, children available for adoption and street children. Statistics on adopted children were already available.

24. In 2003 there had been a very extensive campaign of vaccination against measles, mumps and rubella, something that had not been possible earlier because of a lack of resources. As there was no specific budget line for the purchase of vaccines, Armenia was largely dependent for their acquisition on donors, principally UNICEF. Despite vaccination coverage in excess of 90 per cent, the worsening economic and social situation had led to a renewed rise in tuberculosis, which was more prevalent among adults than among children. Efforts to prevent the disease were under way with the help of donors.

25. The low prevalence of the various forms of meningitis was a source of satisfaction. The rate of HIV/AIDS propagation, including mother-to-child transmission, was also low, but the Government had nonetheless devoted almost 4 million dollars in international aid to increasing public awareness of sexually transmissible diseases. Non-governmental organizations were also very active in that area and, for example, often participated in sex education campaigns in schools.

26. The latest official mortality statistics concerned the year 2000, but unofficial figures suggested that deaths were on the increase, particularly among under-fives. In view of the role played by nutrition, that trend was largely attributable to the economic situation, a fact that underscored yet again the importance of the National Poverty Reduction Strategy, which included a subprogramme on nutrition.

27. The psychiatric problems among child victims of the armed conflict in Nagorno-Karabakh, which had ended in 1994, were now virtually over. The affected children had now reached adulthood and had been monitored as part of a long-term process of integration. The after-effects of the earthquake were, however, still being felt and

psychiatric rehabilitation centres therefore remained active in the area concerned. Sex education and public-health issues such as smoking and alcohol or drug abuse were addressed in schools, for example in civics and biology classes.

28. The primary health-care infrastructure was steadily expanding, thanks in particular to health expenditure's increasing share of the State budget, which had risen to 6 per cent in 2003. The staff at primary health-care centres were trained in child rights. In keeping with those rights, it was the duty of medical staff to treat any child who came to them, whether or not the child did so with its parents' consent. The law applied to everyone and no one could escape liability for failure to assist someone in danger by invoking their religious beliefs.

29. Armenian society was unquestionably behind in giving persons with disabilities the place and the fair treatment they deserved. The situation was slowly improving, thanks to the work of non-governmental organizations and the changes to legislation. A community support centre offering a full range of services for persons with disabilities had been set up, but activities were still at the stage of pilot projects and initiatives of its kind were far from countrywide.

30. **Ms. Saribekyan** (Armenia) said that everyone had a constitutional right to medical care, either free or fee-paying, and the health budget was increasing. Since 2002, the law guaranteed basic medical care for all children under 7 years of age, irrespective of their social status or illness. There was 100 per cent coverage for care during pregnancy and childbirth.

31. **The Chairperson**, speaking as a member of the Committee, asked whether the intended increase in family allowances would be enough to prevent poor parents placing their children in institutions, especially as the children would receive free health care there after the age of 7, and how the most disadvantaged families would be informed of the increase. He also asked whether Armenia had the resources to expand the pilot wet-nursing project to cover more than the current 50 children.

32. **Mr. Vardanyan** (Armenia) said that informing families about the rise in allowances was not a problem, because 95 per cent of the people in Armenia had access to television, not to mention newspapers and other media. The pilot project was large enough to cover 50 children out of the 1,200 in need. Of the 10,000 children studying at residential schools, only 4,000 were boarders; the others went home at night.

33. The increase in family allowances would probably not be sufficient in itself to dissuade parents with economic problems from placing their children in the country's eight State homes or four centres run by other bodies. That was why Armenia was currently trying to set up a parallel care system and conducting programmes to provide means of subsistence for former inmates, who had to leave institutions and residential schools on turning 18.

34. **Ms. Douryan** (Armenia) said that payment of child maintenance in proportion to the number of children in the family had been obligatory under the Marriage and Family Code since 1994. The penalties for non-payment ranged from a fine through compensatory work to asset seizure on the order of the Ministry of Justice. Parents who lived abroad could be prosecuted following an investigation by the Ministry of Internal Affairs.

35. Pursuant to article 19 of the Convention on the Rights of the Child, Armenian children were protected against all forms of violence. Anyone who subjected a child to physical ill-treatment, including sexual abuse, or mental ill-treatment breached the new Criminal Code and was liable to prosecution.

36. With regard to violence against children in detention, it should be noted that children were detained separately from adults and that children under the age of 14 could only be questioned in the presence of a parent or of their legal representative.

37. Major efforts were under way in Armenia to prevent ill-treatment of children, particularly corporal punishment. The police had been co-operating with UNICEF for the past three years, there were regular seminars and workshops on child abuse for staff of, for example, the Ministry of Justice and the Ministry of Social Protection, and investigations had been undertaken. In cooperation with UNICEF, there was an annual seminar on child protection and awareness of children's rights.

38. **Ms. Lee** asked why the legal obligation for members of the medical profession to report on violence against a child did not extend to other professionals in contact with children, particularly teachers, and what means of filing complaints were open to children who were victims of violence.

39. **Ms. Douryan** (Armenia) said that the law on the prevention of violence against children, which was expected to come into force during the current year, would govern all the questions relating to the means and procedures for reporting instances of violence. At present, all cases of ill-treatment brought to the attention of the Ministry of Internal Affairs incurred the relevant legal penalties. In addition, the police had a contact service which monitored parents against whom a complaint had been made and did some really fundamental work with them.

40. Children who were ill-treated, like those who were forced into begging or vagrancy or who committed minor offences, could receive help from psychologists and educators in a guidance centre. The results were encouraging and the centre was a good example of the policy of cooperation between the police and international organizations.

41. **Ms. Aluoch**, noting that the age of criminal responsibility was 16 and 14 for particularly serious offences such as rape or murder, asked whether children aged 14 were subject to ordinary proceedings, whether they could have legal assistance and to what type of penalty they could be sentenced if found guilty.

42. Problems such as child labour and juvenile drug addiction and prostitution were becoming worryingly worse. As children involved in them were, regrettably, liable to prosecution, she wondered whether the Government could consider making appropriate changes in the relevant provisions of the Criminal Code.

43. The situation of children belonging to a minority or indigenous group was a further subject of concern, since under the Language Act the language of instruction was literary Armenian and the children would not always receive general education in their native tongue.

44. **Ms. Khattab** requested additional information on the extracurricular activities aimed at inculcating military and patriotic values, on the allegations of forced recruitment by the Armenian Army of children from Azerbaijan aged less than 18, and on the tax young people could pay to avoid conscription.

45. She would also like to know how much housing had been built as part of the special treatment afforded to refugees, the budget and the amount of foreign assistance for such construction and the extent to which the provisions of article 2 of the Children's Rights Act concerning family reunification applied to refugee children.

46. **Mr. Citarella** requested clarification of the circumstances in which, pursuant to the Nationality Act, children aged over 14 could lose their Armenian nationality. Expressing regret at the absence of juvenile courts and of any legislation concerning them, he asked exactly how many minors had received custodial sentences in Armenia and been sent to the

Abovian correctional labour colony, which was apparently the country's only detention centre for minors.

47. **Mr. Liwski** inquired whether the physical and psychological rehabilitation programme for children affected by armed conflicts was a centralized programme covering the entire country and was run by professionals, perhaps in cooperation with competent international bodies such as the United Nations, and what were its expected and actual results.

48. **Mr. Filali**, noting with concern that, according to paragraph 374 of the second periodic report, witnesses aged under 16 were not warned that it was an offence to give false testimony or to refuse to testify, urged Armenia to do more to protect under-age witnesses. He welcomed the fact that all convicted persons had the right to apply to intergovernmental bodies responsible for human rights if all internal remedies had been exhausted, but wondered how far Armenian citizens were aware of those bodies' existence.

49. **The Chairperson**, speaking as a member of the Committee, asked what happened to street children sent to reception centres and what Armenia did to facilitate their return to society.

The meeting was suspended at 5.20 p.m. and resumed at 5.30 p.m.

50. **Mr. Vardanyan** (Armenia) said that the extracurricular activities for inculcating military and patriotic values in children were by no means obligatory and were akin to the Scout movement. With respect to military conscription, no boy aged under 18 had been called up since the end of the Nagorno-Karabakh conflict in 1994 and no young man could evade his military obligations in any way. Those who left the country in the hope of avoiding military service were liable to a fine.

51. Most of the 360,000 refugees from Azerbaijan now had Armenian nationality and were being rapidly integrated into Armenian society thanks to an extensive housing aid programme. There was still considerable room for improvement in the refugees' living conditions, but the Government was sparing no effort in that regard.

52. **Ms. Saribekyan** (Armenia) said that Armenia did not recognize dual nationality and that minors whose parents had lost Armenian nationality also lost it if they took another nationality. The physical and psychological rehabilitation programme for children affected by armed conflicts was being implemented in cooperation with a number of international organizations, was intended for children in border areas and involved principally the services of psychologists.

53. Human trafficking was a relatively new phenomenon in Armenia and as such was unknown to the population at large. The national programme of action to combat such trafficking therefore focused on awareness-raising and prevention. Armenia was a party to the Convention against Transnational Organized Crime and had aligned its legislation with international law. A victim assistance programme was scheduled to begin in a few months' time.

54. There were not separate schools, but special classes for indigenous children. The authorities were aware how very much remained to be done for such children regarding, in particular, the training of teachers from indigenous groups and the production of textbooks in vernaculars.

55. **Ms. Douryan** (Armenia) said that 65 per cent of street children placed in reception centres were returned to their families, while the rest went to specialized residential schools.

56. Strictly speaking, there were no juvenile judges; instead, each court designated the judge to deal with juvenile cases. Juvenile delinquency was sharply down: in 2003, only 7 minors had been convicted of serious crimes, as compared with 64 in 2000.

57. Drug addiction and prostitution were not as widespread among minors as was claimed. Substantial efforts at prevention were made in schools, where there were monthly workshops against drug addiction.

58. Minors called upon to testify were duly informed of their duties and obligations and could, if they so wished, be accompanied by their parents or guardian. Minors were never questioned in the presence of the accused.

59. **Ms. Aluoch** thanked the members of the delegation for their clarifications. Among the positive points were the ratification of the 1996 European Social Charter, the drafting of a new labour code, the adoption of the National Programme of Action to Protect Children's Rights, the creation of a data bank on children and the establishment of the post of Ombudsman.

60. Regrettably, however, Armenia had still not acceded to the two Optional Protocols to the Convention on the Rights of the Child or ratified either the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) or the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

61. **Mr. Vardanyan** (Armenia) said that the two ILO Conventions in question would be ratified by the end of the year. He thanked the members of the Committee for their comments and recommendations and assured them that Armenia would do all it could to discharge its obligations under the Convention on the Rights of the Child better.

The meeting rose at 6.10 p.m.