



Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/SR.924
21 January 2004

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fifth session

SUMMARY RECORD OF THE 924th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 15 January 2004, at 10 a.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Armenia

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.04-40093 (E) 200104 210104

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

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

1. At the invitation of the Chairperson, Ms. Ayvazyan, Ms. Douryan, Mr. Mnatsakanian, Ms. Saribekyan, Ms. Soudjyan and Mr. Vardanyan (Armenia) took places at the Committee table.
2. Mr. VARDANYAN (Armenia) said that, over the reporting period, Armenia had endeavoured to ensure that its domestic legislation was fully in conformity with the Convention. At the end of 2003, Armenia had ratified the revised European Social Charter. Armenia's social policies placed particular emphasis on family support programmes and support for orphans.
3. From 2002 to 2003, the Ministry of Labour and Social Affairs had created a databank on children in institutions, adopted or adoptable children, street children and disabled children. In Armenia, adoption took place only if it was in the best interests of the child and was in keeping with the Marriage and Family Code.
4. In 2003, a State support programme had been established for children leaving institutions, as a result of which 55 children had been provided with accommodation, education grants and free legal and medical assistance. In the same year, a strategic programme for the reform of children's institutions had been approved. Efforts were being made to increase support for physically and mentally disabled children and their families.
5. In 2003, the Government had adopted the long-term Strategic Programme to Overcome Poverty, which included reforms in education, health and culture. All additional tax revenues would be allocated to those areas.
6. Non-governmental organizations (NGOs) had been included in the interdepartmental committee that had compiled the report. Although NGOs were being developed to assist socially unprotected groups, the national system of State institutions and human rights NGOs needed to be improved and expanded. Armenia had therefore adopted the Human Rights Procurator (Ombudsman) Act, which had entered into force on 1 January 2004.
7. Several programmes for the improvement of children's health and education had been launched in Armenia with assistance from the United Nations Children's Fund (UNICEF). Although progress had been made, 50 per cent of Armenian children lived in poverty, more than 11,000 children lived in temporary accommodations and 16,000 children lived in refugee families. Although infant mortality had decreased significantly over the past 10 years, the figures for Armenia were still higher than the European average.
8. Armenia was implementing the recommendations made in the outcome document of the special session of the General Assembly on children, entitled "A World Fit for Children". The Government had adopted a decision on the proclamation of a national year of the child in 2001, and on the development of the National Programme of Action to Protect Children's Rights, 2004-2015. Some of the objectives of the National Programme were to create a firm

legislative base, ensure the implementation of legislation through continuous monitoring, recognize the key role played by the family, restructure the existing system for granting assistance to children with physical and mental disabilities and to children from disadvantaged families, and reform the pre-school education system. The National Programme was approved by the Government in December 2003.

9. In 2001, human rights had been included in the school curriculum, and the textbook on that subject included sections on the main elements of the Convention. The full text of the Convention had also been published and widely disseminated.

10. On 25 March 2003, Armenia had ratified the United Nations Convention against Transnational Organized Crime and the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Under the new Armenian Criminal Code, trafficking in persons was a punishable offence. After almost two years of work, a national programme of action to combat trafficking had been developed. In September 2003, Armenia had signed the two Optional Protocols to the Convention on the Rights of the Child.

11. In 2003, Armenia had abolished the death penalty and replaced it with life imprisonment. Amendments had also been made to the Children's Rights Act.

12. Ms. ALUOCH, Country Rapporteur, requested information on the results of the comparative analysis that had been carried out in 1999 with a view to bringing Armenian legislation into line with the Convention. She wished to know when Armenia's new family law would enter into force.

13. Although Armenia had many bodies that dealt with children's issues, there was no standing national committee on human rights; such a committee was necessary for coordination purposes. She wished to know more about the mechanisms used to collect and analyse data on children. She hoped that budget allocations to children's services would be increased.

14. She wished to know whether NGOs had participated in developing the National Programme of Action to Protect Children's Rights and requested further information on the role of NGOs in the protection of children's rights. She enquired whether NGOs and children had been involved in the preparation of the report. The delegation should provide further information on the Human Rights Procurator.

15. The report did not give a clear definition of the child. There appeared to be a discrepancy between the age of majority which, according to the Children's Rights Act was 18, and the minimum age of employment established in the Labour Code. Such legislation should be harmonized in order to protect children's rights. She enquired what amendments had been made to the provisions on child labour in the Children's Rights Act. She wished to know whether Armenia had ratified International Labour Organization (ILO) Conventions No. 138 concerning Minimum Age for Admission to Employment and No. 182 concerning the Worst Forms of Child Labour.

16. Although the Constitution stipulated that persons under the age of 18 could not serve in the armed forces, paragraph 367 of the report stated that children under 15 were forbidden from participating in military activity. Moreover, the Committee had received information that 14-year-olds were receiving military training.
17. She wished to know why the legal marriageable age differed between boys and girls.
18. Although discrimination was prohibited by law in Armenia, the Committee had received reports of gender-based discrimination. There was also evidence of discrimination against children with disabilities, children from rural areas, refugee children, particularly Azerbaijani children and street children.
19. Ms. CHUTIKUL wished to know whether the National Commission that had been established to prepare the National Programme of Action to Protect Children's Rights was still active or whether it had functioned only on an ad hoc basis. Further information was required concerning the work and structure of the National Resource Centre for Children's Rights. She wished to know whether the National Programme of Action included all elements of the Convention or only the recommendations made at the special session of the General Assembly on Children.
20. She wished to know whether the expert council that worked together with the Human Rights Procurator could receive complaints from children. She also wished to know whether the work of the Human Rights Procurator was monitored by Parliament.
21. Mr. CITARELLA commended Armenia for having incorporated all the treaties that it had ratified into its national legislation. He wished to know how an international treaty would be incorporated into Armenian legislation in cases where there were significant discrepancies between the treaty and the Constitution.
22. He wished to know at what age a child could receive medical assistance without the consent of a parent or guardian. He also wished to know why there was no legislation on the minimum age of sexual consent.
23. Under the Civil Code, if a child under the age of 16 was in full-time employment, he or she was granted full legal capacity. He wished to know whether such children were legally considered to have reached the age of majority. While it was commendable that the minimum age of criminal responsibility was 16, more information was necessary concerning the procedure for dealing with offences committed by children under that age.
24. Ms. VUCKOVIC-SAHOVIC wished to know whether statistics were available only on children in institutions or whether data had been collected on all aspects of the rights of the child. She also wished to know whether legislation on NGOs had been updated. She asked if NGOs had been subjected to tax increases, which might cause financial problems and affect their activities.

25. She wondered when children would be able to exercise their rights independently. She would be interested to know whether Armenia had considered ratifying the European Convention on the Exercise of Children's Rights.
26. Mr. KRAPPMAN wished to know whether there were any initiatives or programmes for listening to children's views. He wondered whether children in Armenia were aware that they had the right to be heard and whether the text of the Convention had been adequately disseminated among children.
27. Mr. LIWSKI wished to know how efforts to implement the rights of the child at the national level were being supported at the regional and provincial levels.
28. Mr. FILALI asked whether the Government planned to strengthen its legal framework for the protection of children's rights by ratifying ILO Conventions No. 138 and No. 182, or the European Convention on the Exercise of Children's Rights. He wished to know whether the process of incorporating the provisions of the United Nations Convention against Transnational Organized Crime into domestic law had begun.
29. He enquired whether the National Commission established by Government Decision No. 558 dealt only with children's rights, or whether it had a broader human rights mandate. The delegation should explain whether the Human Rights Procurator played any significant role in that Commission.
30. Regrettably, the Constitution of Armenia did not appear to afford children any special protection. Pursuant to article 29 of the Civil Code, children between the ages of 6 and 14 were entitled to sign contracts. In his view, that provision should be amended to make contractual obligations subject to parental approval. He wished to know which State agencies had been established under article 3 of the Children's Rights Act to uphold the best interests of the child, and how they carried out their task. Further details should be provided concerning the recent reform of adoption laws.
31. Mr. KOTRANE said that it was unclear why the Government of Armenia had failed to ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment, since its domestic laws seemed to reflect the provisions of the Convention. He asked whether Armenia's regulations concerning children under the age of 16 who, under exceptional circumstances, were entitled to work, were in conformity with international standards. He wished to know whether children between 16 and 18 years of age were treated as adults during criminal proceedings, and under what circumstances criminal proceedings could be brought against children under 16 years.
32. Mr. CITARELLA asked whether sufficient financial resources were available to implement the Convention. He requested an overall picture of budget allocations and trends in education, health and social services.
33. The CHAIRPERSON asked why public spending on health care had fallen in recent years. He wished to know why neither the report nor the written replies had referred to the recommendations of the Committee regarding Armenia's initial report. He asked whether the specific programmes concerning care institutions, poverty reduction and families with children

came within the scope of the National Programme of Action to Protect Children's Rights. According to paragraph 43 of the report, medical boards and doctors could take important decisions concerning a child's medical treatment without requiring the child's consent.

The meeting was suspended at 10.55 a.m. and resumed at 11.20 a.m.

34. Mr. VARDANYAN (Armenia) said that, although children had not participated actively in preparing the National Programme of Action, their views had been taken into account. The Human Rights Procurator (Ombudsman) Act, which had entered into force on 1 January 2004, provided for the appointment of an independent ombudsman within the next two months.

35. International treaties took precedence over domestic legislation. In practice, the National Assembly ratified treaties only after it had harmonized the provisions of domestic legislation. It had ratified the revised European Social Charter of the Council of Europe, which contained many provisions relating to the rights of the child. A new labour code would be adopted shortly, and would incorporate international labour standards and adapt regulations in the light of Armenia's transition to a market economy. Once that process was completed, the Government planned to ratify the relevant ILO Conventions No. 138 and No. 182.

36. Under the Strategic Programme to Overcome Poverty, social spending would increase by \$40 million over the next 10 years. The Ministry of Social Welfare intended to allocate approximately half of its budget over that period to meet the needs of children.

37. Ms. SOUDJYAN (Armenia) said that, following ratification of the Convention against Transnational Organized Crime, a national plan of action to combat trafficking in women and children had been drawn up. The plan would soon be submitted to Parliament for adoption. A recent amendment to the Children's Rights Act had defined the child as any person under the age of 18, except when legal capacity was acquired at an earlier age.

38. The right of children to express their opinions freely was limited only by law in cases where it was necessary to protect the fundamental rights and freedoms of others. Steps to implement that right had included the establishment of student councils in a number of schools, which had enabled children to participate directly in their school's affairs.

39. Non-discrimination was guaranteed by articles 15 and 16 of the Constitution and by certain articles of the Children's Rights Act, which made specific reference to the rights of the most vulnerable categories of children, including refugee children, disabled children and children of ethnic minorities.

40. Following the Nagorny Karabakh conflict, Armenia had taken measures to provide housing and medical services to more than 360,000 ethnic Armenian refugees, and to offer language instruction to those who did not speak Armenian. In accordance with the Government's reintegration policy, more than 60,000 of the refugees had acquired Armenian citizenship. Despite those efforts, all questions concerning the future of the refugees had not been resolved and the Government remained committed to assisting refugees.

41. Since the vast majority of disabled children were in special institutions, the Government recognized the need to work towards de-institutionalization. A special advisory body had recently been established to deal with issues relating to the rights of ethnic minorities, who accounted for only 4 per cent of the population. Many other persons belonging to minority groups had left Armenia owing to the difficult economic situation.

42. The Government had translated the Convention into Armenian and had published it on the Internet. It had also produced an eighth-grade human rights textbook based on the Convention. More than 12,000 teachers in Erevan and the provinces had been trained to teach human rights, in particular the rights of the child.

43. The National Commission established by Government Decision No. 558 had originally been mandated to implement the National Programme of Action to Protect Children's Rights. However, during the course of its activities, it had received numerous requests for assistance in human rights matters and had therefore requested a broader mandate.

44. When drafting the National Programme of Action, the National Commission had proposed the establishment of an independent centre, staffed by various NGOs, to monitor implementation of the Programme and to disseminate the Convention.

45. Ms. CHUTIKUL asked whether the centre would report to a government ministry or whether it would be entirely independent.

46. Ms. SOUDJYAN (Armenia) said that the centre would function independently but would receive technical assistance from UNICEF, the Ministry of Foreign Affairs and the Canadian International Bureau for Children's Rights.

47. The CHAIRPERSON enquired whether the centre would make recommendations and investigate complaints. He wished to know to whom the centre would report its findings.

48. Ms. SOUDJYAN (Armenia) said that the centre would cooperate with the National Commission, which was an interdepartmental body.

49. Ms. SARABEKYAN (Armenia) said that the discrepancy between the Children's Rights Act and the administration of the health-care system had been corrected. Beginning in 2005, children would receive paediatric care until the age of 18 and not 15, as had previously been the case.

50. A bill was currently before Parliament to establish a family code that would address the issue of the legal age of marriage, which had not yet been resolved. The Government would have to take into account the fact that early marriage was common in Armenia.

51. Children could not be recruited into the army before the age of 18. For planning purposes, however, the State gathered information from children's clinics on the health status of future recruits based on medical examinations conducted before the age of 18.

52. Armenian legislation prohibited any form of discrimination. Nevertheless, disabled children currently did not enjoy the same rights as other children because they did not have access to some buildings and means of public transport. However, some progress had been

made. Urban planning legislation had been amended and construction standards for buildings and roads had been changed to take account of the needs of disabled persons. A recent road construction project in Erevan had adapted crosswalks to accommodate wheelchairs. The Government was committed to creating equal opportunities for disabled children and protecting their rights.

53. According to recent draft legislation, NGOs were required to pay social and income taxes but were exempt from property taxes and the value-added tax if they qualified as charitable organizations. The Government had been working with NGOs since 1993 and had found such cooperation to be a valuable means of maximizing its resources.

54. Teenagers in Armenia had taken part in drafting an article of national legislation on adolescent reproductive health and had proposed two amendments. The first concerned the right to receive private medical consultation and assistance and the second required schools to include sex education in their curricula.

55. While legislation adopted in 1996 had stipulated that medical assistance must be provided to children only in the presence of their parents or legal guardians, that did not mean that if a child's parents were not available the child would be denied treatment. Rather, if a child's parents could not be present, decisions concerning medical assistance would be taken by the medical staff. The Ministry of Health was currently preparing new health-care legislation.

56. Since 2001, the Government had pursued an overall policy to increase social expenditure. Primary health-care expenditure, for example, had risen from \$7.1 million in 2001 to \$12.1 million in 2003. Of those amounts, \$2.7 million and \$4.5 million, respectively, had been allocated to children's medical care. Although such expenditure still did not provide the desired level of service, it represented progress and reflected the Government's ongoing commitment to improving health care.

57. The Ministry of Statistics was well organized and produced reliable data. However, since official statistics did not always reflect reality, the Government had established highly developed alternative sources of information.

58. There had been a gradual reduction in intercountry adoptions and an increase in national adoptions. In accordance with international standards, there was a three-month waiting period before a child could be put up for intercountry adoption. Approximately 90 per cent of such adoptions were concluded by ethnic Armenians living abroad.

59. The National Programme of Action to Protect Children's Rights, which would be translated into English, was based on the Convention. The national development strategy had been based on other relevant international instruments signed by Armenia, as well as on the goals established by the major international children's summits in which Armenia had participated.

60. The CHAIRPERSON said that the issue of adolescents' involvement in reproductive health decisions was one that needed to be resolved by the new health-care legislation. Such legislation should stipulate that all such decisions required the adolescent's consent. That goal

could be accomplished by specifying the minimum age that must be attained or the condition - such as sufficient maturity - that must be met before an adolescent could obtain consent. The problem with specifying a minimum age was that it tended to be somewhat rigid, while the problem with establishing a condition of sufficient maturity was that it would ultimately place decisions as to what was best for the adolescent in the hands of the medical staff. The Government would have to give serious consideration to the matter and devise its own solution.

61. Ms. DOURYAN (Armenia) said that the new Criminal Code, which had entered into force on 1 August 2003, contained a section on crimes against the family and the interests of the child, while the treatment of minors who committed offences was regulated by the Code of Criminal Procedure. The new Criminal Code set the age of criminal responsibility at 16, or 14 for serious offences. Children between the ages of 14 and 16 were treated as minors.

62. In the case of a child under 14, criminal proceedings were brought and the case was investigated in the normal way, during which time the child remained in the parental home. The case was then tried in a court of law. If the child was found guilty of the offence, he or she was required to register with the local police for a period of one year, during which time the child remained under supervision. At the end of the year the child's record was automatically expunged. The Government of Armenia was aware that much remained to be done in the field of juvenile justice. The National Programme of Action to Protect Children's Rights had recommended the establishment of a special juvenile court.

63. Ms. KHATTAB asked about follow-up procedures carried out during the period of registration of births and about alternatives.

64. Ms. ALUOCH said that she was concerned at the delayed registration or non-registration of births caused by the requirement that births should be registered on the basis of a national passport. She wondered whether there was a procedure for registering births in remote areas, and suggested that the regulations on birth registration should be re-examined in order to ensure that all children in Armenia were protected.

65. While she expressed concern at parents' persistent refusals to pay court-ordered maintenance payments for their under-age children, she was equally concerned that failure to pay should constitute a criminal offence. It was clearly not in the best interests of the child for a parent to be imprisoned. Parents must be made aware of the maintenance obligation and law enforcement officers should receive training in the rights of the child. In addition, an effective court system, including machinery to enforce court orders, was crucial.

66. She wished to know why so many children with a living parent or parents were in institutions. She requested more information about parents who used such institutions as day-care centres. There appeared to be a lack of well-defined follow-up on children in institutions. The delegation should provide statistics on foster care and adoption and additional information on maintenance for children born out of wedlock, as well as on adoption standards. There did not seem to be any requirement for communities to assist in caring for disabled children so as to obviate the need for institutionalization. She regretted that no legislation specifically addressed the problem of domestic violence. She welcomed the availability of free medical and dental treatment to children and hoped that funding in that area would continue.

67. Ms. AL-THANI wished to know what was being done to help children with disabilities in rural areas, since those children had no access to health or education services. She also wished to know more about disabled children's participation in cultural activities, and decision-making where their rights were concerned. She would appreciate an explanation as to the nature of the sanatoriums referred to in the report.
68. She wished to know why children were not vaccinated against mumps and why Armenia was not using the recommended triple vaccine against measles, mumps and rubella. She also wished to know the reasons for the spread of tuberculosis. She enquired what measures were being taken to address child malnutrition. She regretted that Armenia's good breastfeeding record did not extend to the recommendation on exclusive breastfeeding for six months. In the light of an increase in sexually transmitted infections, she wished to know what was being done in schools to educate adolescents about reproductive and mental health, HIV/AIDS and drug abuse. She also wished to know what steps had been taken to address the problem of environmental pollution, in particular the contamination of drinking water.
69. Ms. KHATTAB asked what assistance was available to a woman who could not afford to apply for the national passport needed to register her child's birth. The delegation should indicate what measures the Government had taken with regard to parents who refused to seek medical assistance for their children on religious grounds. She wondered what efforts were under way to reverse the trend of criminality among juveniles and violence in society, at home and in school. She enquired whether there was a government agency or other body to deal with child abuse, and asked how a child could report negligence or abuse.
70. The delegation should explain why poor families unable to care for their children placed them in institutions. In that regard, it seemed unlikely that there should have been no cases of the illicit transfer and non-return of children, and she wished to know what the procedure was for reporting such cases. She asked whether the centre for the reception and placement of children was sufficient to meet demand, and wondered what provision was made for children who did not fall into one of the four categories. She wished to know what impact the Nagorny Karabakh conflict had had on children and what measures had been taken to mitigate its effects. In relation to the definition of extra-curricular activities, she asked for an explanation of "the inculcation of military and patriotic values".
71. Ms. SMITH wished to know whether high-quality children's television programmes, newspapers, magazines and books were available and, if so, how children could access them. She asked what sports facilities were available to children in and outside of school. She wondered whether children had an opportunity to learn to play musical instruments in schools, given the fact that it was difficult to acquire musical instruments. She wished to know whether the decline in investment in those areas was solely a question of resources. She stressed the importance of educating children about environmental issues.
72. Ms. LEE asked whether there was any allocation in the education budget for the education of children with disabilities, and whether the Government intended to take measures to raise awareness of disabilities and to assist parents in overcoming the stigma of having a disabled child. She welcomed the adoption of the tenth revision of the International Statistical Classification of Diseases and Related Health Problems. Referring to paragraph 234 of the report, she wished to know more about the "victims of military activities".

73. Ms. ORTIZ requested an explanation of the procedure for putting a child up for adoption. She asked whether the State party was considering signing the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. She wondered what measures had been taken to counter trafficking in women and children and what the results had been. She wished to know the number of refugee children living in orphanages, what authority was responsible for them and whether a programme was in place to locate the parents of any children thought to have a living parent or parents. She wished to know what preventive measures were being taken with regard to street children, and the role of the police in such measures; she wondered who was responsible for social work with such children.

The meeting rose at 1 p.m.