

Written Contribution for the EU-Armenia Human Rights Dialogue 2016

ChildPact, the Regional Coalition for Child Protection, uniting 600 NGOs that work with more than 500.000 vulnerable children from 10 different countries in Eastern Europe and South Caucasus region, acknowledges that Armenia has been striving to implement reforms to improve the national child protection system. Nonetheless, numerous reforms are still pending and the number of vulnerable children is increasing in spite of the decrease of their number in the general population.

Together with World Vision International and the **Armenian Child Protection Network (which unites 39 child-focused organisations)** we implemented the **Child Protection Index to assess the extent to which Armenia complies with the United Nations Convention on the Rights of the Child (UNCRC)**. The Index - a comparative policy tool made of 626 indicators- has **looked at those UNCRC articles that are the most relevant for the vulnerable children in Armenia. The results have illustrated the government's actions towards child protection through the lens of policy, service delivery, capacity, accountability and coordination. Through this instrument, Armenia was compared to other countries in the region: Romania, Bulgaria, Moldova, Georgia, Serbia, Kosovo, Bosnia & Herzegovina and Albania.**

Our main concerns related to the respect of child rights in Armenia are as follows:

A. (i) Further cross-sector coordination and cooperation mechanisms are needed between the bodies within the child protection system. (ii) Performance mechanisms, roles and responsibilities need to be clearly defined at all the relevant levels of administration.

Armenia's current child protection system is based on the functioning of the following three-pillars: a national level body - the National Commission for Child Protection; regional level bodies – Family, Women and Child Protection Units; and community level bodies – Guardianship and Trusteeship Units. However:

- (1) Despite the fact that the **National Commission for Child Protection** has been created in 2012, it **still has not been empowered for the task of coordination between line ministries.**
- (2) The national level body and the regional units are missing from the Family Code.
- (3) The regional units are doing both the administrative work (being part of the regional government) and child protection case management. This often creates misunderstandings and problems with the organisation of the professional work within the child protection system.

B. (i) The performance mechanisms, roles and responsibilities of the child protection units and of the professionals working with children need to be revised. (ii) Social workers should be included in the child protection units both at regional and community level.

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- (1) At regional level, the regional units responsible for child protection mostly carry out administrative work. However, in order to increase efficiency of their operation social workers are much needed. Currently, in many of these regional divisions, the **positions of social workers**

are vacant and their role is carried out by civil servants. Even more, **these civil servants do not consider case management and service delivery to families as part of their daily administrative work** – thus, the regional mechanisms responsible with fulfilling children’s rights and protecting them are constantly failing. **This situation lingers despite of the stipulations of the units’ working charters that require the mandatory presence of social workers.**

- (2) A similar situation is replicated **at community level, where there is a severe lack of social workers** able to address child protection issues.
- (3) At the community level, **the Guardianship and Trusteeship commissions do not fulfil their work properly because:**
 - i) The commissions do not have defined either child referral procedures or criteria and methods for the exercise of functions (such as for example appointing guardians for minors).
 - ii) **The commissions carry out their work on voluntary basis thus, the members oftentimes lack motivation, knowledge and skills,** conducting their activities in effective ways;
 - iii) Despite the fact that according to the existing legal provisions these commissions may comprise a social worker, a teacher, psychologist, **in practice these bodies lack this professional personnel, or their employees lack the expertise and adequate qualification.**

C. Child protection services need to be further developed, together with quality standards and licensing mechanisms for the child protection actors.

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- (1) **Quality standards** are currently addressing only residential care and day care services.
 - (2) **Licensing mechanisms** have not been introduced for any of the child protection services providers.
 - (3) Further services (such as **foster care, kinship care, adoption, psychological counseling and support, and hotlines or help lines**) **need to be developed** and consolidated together with quality standards.
 - (4) There are no adequate nor specialised psychological counselling and support services designed for families and children at risk or confronted with crisis situations. **Existing services are not adequately prepared to respond to situations of violence against children, homelessness, exploitation, trafficking or drug abuse.**

D. (i) Armenia should continue the process of deinstitutionalisation while developing alternative care services. (ii) Armenia should include a specific number of foster care families in each year’s annual state budget.

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- (1) **Institutionalisation of children in Armenia is still an on-going practice,** although studies show that about 80% of around 4,000 children living in orphanages have at least one parent. Although in 2008 the government has adopted a Procedure of Placing Children in Foster Care Families, the number of foster care families did not increase, and now there are only about 20 foster care families in Armenia.
 - (2) There is a **need to expand the alternative care services** in order to reduce the number of institutionalised children. Research shows that the state can save 1.8 million USD per year just by making the transition to foster care families programs.

E. Violence against children is a systemic concern in Armenia and the measures meant to fight it are poor and insufficient.

- (1)** Violence against children is punishable under Armenian criminal law. However, **it is ineffective at protecting children from violence that does not reach the level of severity that creates responsibility under criminal law.** Thus, methods to fight violence against children remain ineffective and limited.
- (2)** The **absence of a national child referral procedure** with a view to protect children from violence also contributes to the existing undesirable situation. Therefore, children cannot report, raise their voice or defend themselves in cases they become victims of violence and abuse.
- (3)** The **legal framework does not include compulsory reporting requirements to certain professional groups** (health workers, educators, etc.) regarding violence against children.
- (4)** There are also **no requirements to ensure the periodic review of individual children placed for the purposes of care and protection.**

F. (i) The Armenian juvenile justice system needs to be reformed and become more child-friendly; (ii) Children should have better access to justice to speak up when their rights are being violated.

- (1)** The Armenian legislation is not child-friendly and does not take into consideration the specific needs of a juvenile, giving a differentiated regulation.
- (2)** There are **no provisions requiring the specialisation of prosecutors, lawyers**, etc. dealing with juvenile cases.
- (3)** There are **no provisions requiring the involvement of pedagogues or social workers during the interrogation and trial** of a juvenile defendant.
- (4)** Children do not have sufficient access to judicial courts. Only parents, adoptive parents, or guardians can bring forward a case to defend the rights of the child, on his/her behalf.
- (5)** **The opinion and testimony of a child under 10 is not taken into consideration** by courts – this is a violation of Article 12(2) of the CRC which requires the child to be provided with the opportunity to be heard in any judicial and administrative proceedings affecting him/her.

ChildPact, the Regional Coalition for Child Protection, is a network of 10 child-focused national networks from 10 different countries: Armenia, Albania, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Georgia, Kosovo, Moldova, Romania and Serbia. Bringing together 600 NGOs, our members work with more than 500.000 vulnerable children. ChildPact's four objectives are: 1. Monitor and influence child-related policies at regional and European levels; 2. Strengthen the capacity of its members by actively supporting their expertise development, visibility and credibility; 3. Advocate for regional cooperation at inter-governmental and civil society level; 4. Raise public awareness of child rights and protection issues. Find more information about ChildPact at: www.childpact.org.

For further information regarding our recommendations on child protection and child rights issues in Armenia, please contact:

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