



Global Initiative to
**End All Corporal Punishment
of Children**

ARMENIA – COUNTRY REPORT

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, schools, penal institutions, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

No – There is no defence for the use of corporal punishment enshrined in legislation but there is no explicit prohibition. In theory, the prohibition of cruelty, violence and humiliation in childrearing in article 53 of the Family Code would prohibit corporal punishment by parents, which invariably violates a child's dignity, but the law is not interpreted in this way – and the potential for such an interpretation is undermined by the near universal social acceptance and use of corporal punishment in childrearing. Realisation of children's rights to equal protection from assault under the law and to protection from all forms of violence requires clarity in law that no degree or form of corporal punishment is acceptable or lawful, without exception. Explicit prohibition should be enacted of all corporal punishment and other humiliating and degrading treatment, in the home and all other settings where adults exercise authority over children.

Other legislative measures necessary

Schools – Explicit prohibition should be enacted of corporal punishment in all schools, public and private.

Penal institutions – Legislation should explicitly prohibit corporal punishment as a disciplinary measure in all institutions accommodating children in conflict with the law.

Alternative care – Explicit prohibition of corporal punishment should be enacted in relation to all alternative care settings, including public and private day care, residential institutions, foster care, etc.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is lawful in the home. The Family Code (2004) states in article 53: "... The ways of children's rearing should exclude ignorant, cruel, violent attitude towards them, humiliating human dignity, offence or exploitation..." Article 9 of the Rights of the Child Act (1996) states that children have a right to protection from all forms of violence and that no person, including parents, must inflict violence on the child or punishment which affects the child's dignity, and article 22 protects the child's right to honour and dignity. But these provisions and others in the Criminal Code (2003) and the Constitution (1995) are not interpreted as prohibiting all corporal punishment in childrearing.

As at December 2010, the Government planned to analyse legislation relating to children with a view to harmonising domestic law with international standards. In the same year, the Government accepted the recommendations to prohibit corporal punishment of children made during its Universal Periodic Review by the Human Rights Council.

Schools

Corporal punishment is unlawful in under the Rights of the Child Act (see above) but there is no explicit prohibition.

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not available as a sentence under the Criminal Code and article 11 of the Code states that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. Article 17 of the Constitution states that "no one shall be subjected to torture or inhuman or degrading treatment or punishment. All persons arrested, detained or deprived of liberty shall have the right to be treated with humanity and with respect for dignity". There are similar provisions in the Criminal Procedure Code.

Corporal punishment is considered unlawful as a **disciplinary measure** in penal institutions under the Rights of the Child Act (see above), the Criminal Code and the Constitution, but there is no explicit prohibition. The Law on the Treatment of Arrestees and Detainees (2002) prohibits physical violence and inhuman or degrading actions and makes no provision for corporal punishment. Under the Penitentiary Code, the execution of a sentence must not be accompanied by physical violence or degrading treatment and no person sentenced to deprivation of liberty shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Alternative care

Corporal punishment is unlawful in care institutions under the Rights of the Child Act (see above) but there is no explicit prohibition and the law is not interpreted as prohibiting corporal punishment in non-institutional forms of care.

Prevalence research

A 2002 survey by the Armenian Relief Society of 550 parents and 550 children aged 7-18 years, together with interviews with 100 teachers, 100 neighbours, and 50 specialists from social, educational, health and legal spheres, found a high prevalence of physical abuse in families. A third of

parents (33.3%), particularly young mothers, were in favour of slapping and beating in disciplining children. Preliminary analysis revealed that beating and slapping were also common in schools.¹

According to statistics from UNICEF, of girls and women aged 15-49, 22% think that a husband is justified in hitting or beating his wife under certain circumstances; 31% of boys and men aged 15-49 believe this.²

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(26 February 2004, CRC/C/15/Add.225, Concluding observations on second report, paras. 39 and 40)

“While taking note that the Children’s Rights Act and the Criminal Code include provisions which protect children against violence and abuse, the Committee reiterates its concern that the State party has not yet introduced legislative and other measures which specifically address the issue of violence against children. The Committee is concerned about the lack of data on cases of abuse, including sexual abuse and neglect, and ill-treatment of children, which may occur in child institutions and families, as well as information on specific programmes of systematic control of mechanisms in place to avoid institutional impunity in cases of abuse and ill-treatment. It is also concerned at the lack of complaints mechanisms to which children could have recourse and the fact that only medical professionals are responsible for reporting cases of abuse and neglect.

“The Committee encourages the State party to adopt specific legislation and take other measures to prevent violence against children in all circumstances, including corporal punishment. It also recommends that the State party strengthen programmes for the recovery and reintegration of abused children and establish adequate procedures and mechanisms to receive complaints and to monitor, investigate and prosecute cases of ill-treatment. The Committee urges the State party to ensure that all people working with children, such as teachers and care personnel, are made responsible for reporting cases of abuse and neglect. The Committee recommends that the State party launch awareness-raising campaigns on the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the family, schools and other institutions and ensure that all people working with children, including law enforcement officials, judges and health professionals, undergo training in how to identify, report and manage cases of ill-treatment.”

Committee on the Rights of the Child

(24 February 2000, CRC/C/15/Add.119, Concluding observations on initial report, paras. 32 and 33)

“... Notwithstanding protection under the Rights of the Child Act, the Committee expresses its concern at the ill-treatment of children, including sexual abuse, not only in schools and institutions, but also within the family....

“In the light of, inter alia, articles 19 and 39 of the Convention, the Committee recommends that the State party ensure that all forms of physical and mental violence, including corporal punishment and sexual abuse against children in the family, schools and care institutions are prohibited. Programmes for the rehabilitation and reintegration of abused children need to be strengthened and adequate procedures and mechanisms established to receive complaints, monitor, investigate and prosecute instances of ill-treatment. The Committee recommends that the State party launch awareness-raising campaigns on the ill-treatment of children and its negative consequences. The Committee recommends

¹ Urumova, I., Galvastian, M. & Tevosyan, A. (2003, draft), “Violence against children and women in Armenia”, Armenian Relief Society/UNICEF

² UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF

that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools. The Committee recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in identification, reporting and management of cases of ill-treatment.”

European Committee of Social Rights

(2007, Conclusions XVIII-1, vol.1)

“Article 9 of the Children’s Rights Act states that every child has the right to be protected from any form of violence, including physical, mental and other forms and that all persons, including parents and legal representatives are prohibited from subjecting children to violence or degrading treatment or punishment. The Criminal Code prohibits torture (Article 110), abuse of guardian’s rights (Article 126) and humiliation of dignity and honour (Article 132) and provides for severe penalties for offences against minors. Article 68 of the Marriage and Family Code stipulates that parents may forfeit their parental rights for abuse of these rights or cruelty towards their children.

“The Committee notes from another source that whereas corporal punishment is unlawful in schools as well as in penal institutions or as a sentence for a crime, there is no explicit prohibition of corporal punishment within the family nor within, other institutions or forms of child care. In addition, it observes from a further source that the aforementioned provision of the Children’s Rights Act is not interpreted as prohibiting corporal punishment in the home. The Committee recalls that Article 17 of the Revised Charter requires a prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere. It considers that this prohibition must be combined with adequate sanctions in penal or civil law. Therefore, it considers that since there is no prohibition in legislation of corporal punishment within the family or other forms of child care and institutions other than penal institutions, the situation is not in conformity with Article 17 of the Revised Charter. As regards the prohibition of corporal punishment in schools and penal institutions, the Committee asks how observance of such prohibition is ensured in practice.

...

“The Committee concludes that the situation in Armenia is not in conformity with Article 17§1 of the Revised Charter on the ground that corporal punishment of children within the family and alternative child care is not prohibited.”

Universal Periodic Review

Armenia was examined under the Universal Periodic Review process in 2010. The Government accepted the recommendations to prohibit corporal punishment of children.

Report prepared by the Global Initiative to End All Corporal Punishment of Children

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