

Corporal punishment of children in Armenia

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Child population 654,000 (UNICEF, 2015)

Armenia's commitment to prohibiting corporal punishment

Armenia expressed its commitment to prohibiting all corporal punishment of children by unequivocally accepting recommendations to do so made during the Universal Periodic Reviews of Armenia in 2010 and 2015 and within the Human Rights Action Plan 2020-2022. Armenia has been a Pathfinder country with the Global Partnership to End Violence Against Children since January 2018.

Summary of necessary legal reform to achieve full prohibition

Prohibition is still to be achieved in the home, some alternative care settings and day care.

There is no defence for the use of corporal punishment enshrined in legislation but there is no explicit prohibition. In theory, the prohibition of physical or psychological violence, cruelty 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 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.

Alternative care settings – Corporal punishment is considered unlawful in care institutions under the Rights of the Child Act 1996, though the law does not explicitly refer to corporal punishment. Explicit prohibition should be enacted in relation to all alternative care settings (including foster care, places of safety, emergency care, etc).

Day care – Corporal punishment should be prohibited in all early childhood care (nurseries, crèches, preschools, family centres, etc) and all day care for older children (day centres, after-school childcare, childminding, etc).

Current legality of corporal punishment

Home

Corporal punishment is lawful in the home. The Family Code 2004 (amended 2017) states in article 53(1) (unofficial translation): “Parental rights may not be exercised contrary to the interests of children.... In the exercise of parental rights, parents are not entitled to harm the physical and mental health of children or their moral development. Methods of parenting must exclude any physical or psychological violence as a means of upbringing, as well as scornful, cruel, inhuman treatment, insults and 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 there is no clear and explicit prohibition of all corporal punishment.

In 2010, the Government stated that it planned to analyse legislation relating to children with a view to harmonising domestic law with international standards.¹ In the same year, the Government accepted the recommendations to prohibit corporal punishment of children made during its Universal Periodic Review.² In 2011, the Government also stated its intention to amend the Rights of the Child Act to prohibit corporal punishment in the family and in other forms of care.³ In 2013, the Government reported to the Committee on the Rights of the Child that amendments to the Family Code which would prohibit all forms of corporal punishment were under consideration in Parliament.⁴

In February 2014, approval was given to an Action Plan deriving from the National Strategy on Human Rights Protection, including measures on the rights of the child. The Plan envisaged the development of a concept and action plan to fight against violence against children, to be presented to the Government by the end of 2014.⁵ In May 2014, the Government reported to the Committee on Economic, Social and Cultural Rights that the adoption of the bill on domestic violence and related legislation had been postponed, with newly revised drafts expected to be submitted to the National Assembly by the end of 2015; the legislation would contain “comprehensive regulations” relating to corporal punishment. The Government also noted that amendments to the Family Code had been proposed to prohibit corporal punishment in institutions and in the family.⁶ In 2015, the Government accepted a recommendation to prohibit corporal punishment in all settings made during the Universal Periodic Review of Armenia and confirmed that prohibition will be included in draft amendments to the Family Code.⁷ Amendments to the Family Code adopted in December 2017 (see above) did not however enact a clear and explicit prohibition of all corporal punishment of children.

On the Law on Domestic Violence, the Armenian Gender Policy Strategic Action Plan for 2011-2015 identified the need “to ensure improvement of the legislation aimed to combat gender-based violence” and the goal in relation to this of “harmonization of the legal Acts currently in force with international norms” (para. 50); the Strategic Action Plan to Combat Gender-Based Violence 2011-2015 includes as a preventive goal harmonization of laws with international standards (goal 1.1) and including the issue of gender-based violence in parent education, associated with the outcome of “ruling out of violence in the family and creation of safe environment for the development of the child” (goal 1.6). Neither specifically refers to prohibition of corporal punishment. The Law on the Prevention of Violence within the Family was adopted in December 2017. Article 3 of the Law defines physical and psychological violence as the intentional infliction of “severe” physical pain or mental suffering – this effectively protects children from some “severe” forms of corporal punishment but there is no explicit prohibition of all corporal punishment of children, however light.

¹ Letter to former Council of Europe Commissioner for Human Rights Thomas Hammarberg, 21 December 2010

² 6 July 2010, A/HRC/15/9, Report of the working group, para. 93

³ 7 February 2011, RAP/RCha/AR/IV(2011), National report to the European Committee of Social Rights, page 67

⁴ 5 June 2013, CRC/C/SR. 1790, Summary record of 1790th meeting, paras. 3 and 38

⁵ Letter from Yeghishe Kirakosyan, Deputy Minister of Justice, to the Global Initiative, 12 May 2014

⁶ 12 May 2014, E/C.12/2014/SR.16, Summary record, paras. 13 and 33

⁷ 13 April 2015, A/HRC/29/11, Report of the working group, para. 120(117); 5 June 2015, A/HRC/29/11/Add.1, Report of the working group: Addendum, para. 120(117)

A new Criminal Code is being drafted and a Law on the Rights and Social Inclusion of Persons with Disabilities is being considered.⁸ The National Strategy and Action Plan on the Protection of the Rights of the Child 2017-2021 does not provide a separate activity on corporal punishment, but reportedly prioritizes the issue of social acceptance of violence in home as a serious concern, and provides several activities on public awareness raising.⁹ Armenia has been a Pathfinder country with the Global Partnership to End Violence Against Children since January 2018. This commits the Government to three to five years of accelerated action towards the achievement of Target 16.2 of the Sustainable Development Goals. The Human Rights Action Plan 2020-2022 commits Armenia to adopting legislation prohibiting corporal punishment of children, with the relevant Bill to be submitted to the National Assembly in the first semester of 2021.

Alternative care settings

Corporal punishment is unlawful in care institutions under the Rights of the Child Act 1996 (see under “Home”) but there is no explicit prohibition and the law is not interpreted as prohibiting corporal punishment in non-institutional forms of care. Applicable law includes the Law “On social protection of children deprived of parental care” 2002: it does not explicitly prohibit corporal punishment.

Day care

There is no explicit prohibition of corporal punishment in all early childhood care and day care for older children. It is possibly considered unlawful in preschool settings under the Law on Education 1999 (see under “Schools”).

Schools

Corporal punishment is unlawful in schools under the Rights of the Child Act 1996 (see under “Home”) but there is no explicit prohibition. Article 49(2) of the Law on Education 1999 prohibits teaching methods that use physical or mental pressure.

Penal institutions

Corporal punishment is considered unlawful as a disciplinary measure in penal institutions under the Rights of the Child Act 1996, the Criminal Code 2003 and the Constitution 1995, 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.

Sentence for crime

Corporal punishment is unlawful as a sentence for crime. It is not available as a sentence under the Criminal Code 2003 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 1995 states that “no one shall be subjected to torture or inhuman or degrading treatment or punishment” and “all persons arrested, detained or deprived of liberty shall have the right to be treated with humanity and with

⁸ For example, see 2 July 2015, A/HRC/29/2 Advance Unedited Version, Report of the Human Rights Council on its twenty-ninth session, para. 496

⁹ April 2019, Communication with Save the Children Armenia

respect for dignity”; there are similar provisions in the Criminal Procedure Code. A draft new Criminal Procedure Code is under discussion (2015) which includes a chapter on juvenile justice.

Universal Periodic Review of Armenia’s human rights record

Armenia was examined in the first cycle of the Universal Periodic Review in 2010 (session 8). The following recommendations were made and were accepted by the Government:¹⁰

“Intensify efforts to prevent and combat violence against children, including corporal punishment (Brazil); adopt specific legislation punishing violence against children, including the prohibition of corporal punishment ... (Uruguay)”

Examination in the second cycle took place in 2015 (session 21). The following recommendation was made:¹¹

“Reform national law in order to prohibit corporal punishment in all settings and to develop an enforcement mechanism and sanctions against corporal punishment of children (Poland)”

The Government accepted the recommendation, stating that it was being implemented and that “for the purpose of reforming national legislation, particularly bringing it in compliance with the European Social Charter (revised), provision of excluding corporal punishment of children has been foreseen in the Draft law on amendments of the Family Code of Armenia”.¹²

Third cycle examination took place in 2020 (session 35). No recommendations were made specifically on the issue of corporal punishment, but the following recommendations were made:¹³

“Adopt legislative measures necessary to prohibit all forms of violence against children (Estonia);

“Take urgent measures to strengthen the protection of children from violence and sexual exploitation (Togo)”

The Government will examine the recommendations and respond by the 44th session of the Human Rights Council in June 2020.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(8 July 2013, CRC/C/ARM/CO/3-4, Concluding observations on third/fourth report, paras. 24 and 25)

“The Committee is concerned at the information that children in closed and partially closed institutions, in particular in Vanadzor Children’s Home and at the Vanadzor Care and Protection Centre (Boarding school) No 1 are subjected to ill treatment and violence. It is also concerned that although both the Family Code and the Rights of the Child Act of 1996 have provisions against corporal punishment, there is a lack of enforcement mechanisms and the State party’s legislation does not provide sanctions in cases of violation.

“The Committee urges the State party to take urgent measures in closed or partially closed institutions, in particular in Vanadzor Children’s Home and at the Vanadzor Care and Protection Centre (Boarding school) No 1, to investigate the individual cases of violence as well as prosecute and punish perpetrators. Furthermore, it recommends that the State party prohibit the use of corporal punishment in all settings and provide for enforcement mechanisms under its legislation, including appropriate sanctions in cases of violation. It further recommends that the State party strengthen and expand awareness-raising and education programmes and campaigns, in order to promote positive, non-

¹⁰ 6 July 2010, A/HRC/15/9, Report of the working group, para. 93(25)

¹¹ 27 January 2015, A/HRC/WG.6/21/L.8 Unedited Version, Draft report of the working group, para. 120.117

¹² 5 June 2015, A/HRC/29/11/Add.1, Report of the working group: Addendum, para. 120(117)

¹³ 28 January 2020, A/HRC/WG.6/35/L.7 Unedited version, Draft report of the Working Group, paras. 6(198) and 6(205)

violent and participatory forms of child rearing and discipline, and accelerate the adoption of the draft Law on Domestic Violence.”

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 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.”

Committee on Economic, Social and Cultural Rights

(23 May 2014, E/C.12/ARM/CO/2-3 Advance Unedited Version, Concluding observations on second/third report, para. 19)

“The Committee is concerned that, despite the Government’s de-institutionalization programme, the rate of institutionalization of children, the majority of which have families, remains very high. The Committee is concerned that families, while maintaining parental rights, place their children in boarding schools and child care institutions due to economic hardship and because of their inability to cover the

costs associated with covering the children's basic needs. The Committee is further concerned about the protection of children against corporal punishment (art. 10).

The Committee recommends that the State party:

- a) strengthen social and financial support to families in situations of vulnerability, including by providing adequate child benefits targeting families living in extreme poverty and thus allowing them to avoid the placement of children in boarding schools and children's homes for economic reasons;
- b) accelerate its efforts to provide alternative family-and community-based care systems and ensure that institutional care is used only as a measure of last resort;
- c) introduce independent monitoring of the rights of children in institutions under the Ministry of Education and Science, the Ministry of Labour and Social Issues, and the authority of regional governments;
- d) prohibit the corporal punishment of children in all settings and sanction perpetrators."

European Committee of Social Rights

(March 2020, Conclusions 2019)

"In its previous conclusion the Committee held that the situation during the reference period was not in conformity with the Charter as corporal punishment was not explicitly prohibited in the home (Conclusions 2015).

"The Committee notes that the report provides details of the various legal provisions prohibiting violence and abuse against children. Under the amendments to Article 8 of the Law of the Republic of Armenia of 21 December 2017 Article 53 of the Family Code has been amended to read as follows: "Parental rights cannot run counter to children's interests which should be of primary concern for parents. When exercising their rights, parents shall not have the right to harm the physical and psychological health of the children and nor their moral development. The upbringing of children must exclude any use of physical or psychological violence as a disciplinary measure, as well as ignorant, cruel, violent, degrading treatment."

"However the Committee notes from the Global Initiative to End All Corporal Punishment of Children (Country report for Armenia 2019) that "Prohibition is still to be achieved in the home, some alternative care settings and day care.....There is no defence for the use of corporal punishment enshrined in legislation but there is no explicit prohibition. In theory, the prohibition of physical or psychological violence, cruelty and humiliation in childrearing in article 53 of the 25 Family Code would prohibit corporal punishment by parents, but the potential for such an interpretation is undermined by the near universal social acceptance and use of corporal punishment in childrearing....."

"The Committee asks for the Government's comments on this. In the meantime, the Committee finds that the situation is still not in conformity in this respect. (...)

"The Committee concludes that the situation in Armenia is not in conformity with Article 17§1 of the Charter on the grounds that: • not all forms of corporal punishment of children are prohibited in all settings..."

European Committee of Social Rights

(January 2016, Conclusions 2015)

"In its previous conclusion the Committee held that the situation was not in conformity with the Charter as corporal punishment was not explicitly prohibited in the home.

"The Committee notes from the Global Initiative to End Corporal Punishment of Children that prohibition is still to be achieved in the home, alternative care settings and schools. 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.

“The Committee notes from the report of the Governmental Committee to the Committee of Ministers (TS-G (2011)1, §377) that in accordance with Section 9 of the Law on the Protection of the Rights of the Child, each child had a right to protection against any type of violence and any person including the child’s legal representative were forbidden to exercise any violence against the child or any punishment humiliating the child’s dignity. An express prohibition of corporal punishment has been included in the new draft Law on Domestic Violence.

“The Committee notes from the report that for the purpose of ensuring the compliance of the legislation with the Revised European Social Charter, as well as having regard to the priority of protection of interests of a child, a provision has been introduced to the Family Code on excluding beating as a means of child upbringing.

“In this connection, the Committee notes from the Global Initiative to End Corporal Punishment of Children that in 2015, the Government accepted a recommendation to prohibit corporal punishment in all settings made during the Universal Periodic Review of Armenia and confirmed that prohibition would be included in draft amendments to the Family Code. The Committee asks the next report to provide the information on the provision in the Family Code which explicitly prohibits all forms of corporal punishment of children in the home.

“The Committee notes that during the reference period the situation which it has previously found not to be in conformity with the Charter has not changed. The Committee reiterates its previous finding of non-conformity on the ground that corporal punishment is not prohibited in the home.”

“The Committee concludes that the situation in Armenia is not in conformity with Article 17§1 of the Charter on the grounds that: ... not all forms of corporal punishment of children are prohibited in the home.”

European Committee of Social Rights

(January 2012, Conclusions 2011)

“In its previous conclusion the Committee held that the situation in Armenia was not in conformity with the Charter as corporal punishment of children was not explicitly prohibited in the home. In this connection the Committee takes note of the information contained in the report of the Governmental Committee of the Social Charter to the Committee of Ministers (TS-G (2009) 4, §250) and also of the information provided in the report.

“The Committee notes that in December 2010, the Government undertook 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. The Committee wishes to be informed of these developments.

“The Committee notes from another source that corporal punishment is lawful in the home. The Family Code (2004) states in Article 53 that 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.

“The Committee considers that the situation which it has previously considered not to be in conformity with the Charter has not changed. Therefore it reiterates its previous finding of nonconformity on this point.

“The Committee concludes that the situation in Armenia is not in conformity with Article 17§1 of the Charter on the grounds that:

- corporal punishment of children is not explicitly prohibited in the home....”

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.”

Prevalence/attitudinal research in the last ten years

According to UNICEF statistics collected between 2005 and 2013, 70% of children aged 2-14 experienced violent “discipline” (physical punishment and/or psychological aggression) in the home in the month prior to the survey. Forty-three per cent experienced physical punishment and 66% experienced psychological aggression (being shouted at, yelled at, screamed at or insulted). A much smaller percentage (3%) of mothers and caregivers thought physical punishment was necessary in childrearing.

(UNICEF (2014), Hidden in Plain Sight: A statistical analysis of violence against children, NY: UNICEF)

The 2010-2011 report of the Public Monitoring Group on the situation in the special education institutions of the Ministry of Education and Science, which studied 13 “special boarding schools” providing alternative care to children, found that staff were violent towards children and encouraged children to punish one another.

(Reported in Armenia Now, 16 January 2013)

In April 2014, a visit by the Ombudsman’s office as a National Preventive Mechanism revealed physical and other humiliating punishment of children in boarding institutions for children’s care. For example, during the visit children were punished by being forced to stand during the study process and being hit across the fingers with a pen; children were intimidated by management and would not approach them when dealing with conflicts with each other. As a result, the Director of the Boarding Care Institution was dismissed, the Deputy Minister of Labor and Social Affairs of RA, as well as the Head of the responsible Department received admonitions.

(Information provided to the Global Initiative by the Human Rights Defender Institution of the Republic of Armenia, 19 August 2014)

[End Corporal Punishment](#) is a critical initiative of the [Global Partnership to End Violence Against Children](#). Previously known as The Global Initiative to End All Corporal Punishment of Children, we act as a catalyst for progress towards universal prohibition and elimination of corporal punishment of children. We track global progress, support and hold governments to account, partner with organisations at all levels, and engage with human rights treaty body systems.