

Corporal punishment of children in Armenia: Briefing for the Universal Periodic Review, 21st session, 2015

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**End All Corporal Punishment
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The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Armenia, corporal punishment of children is lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child, the European Committee of Social Rights and during the 1st cycle UPR in 2010 (accepted by the Government). However, draft legislation which would achieve prohibition is under discussion.

We hope the Working Group will note with concern the legality of corporal punishment of children in Armenia. We hope states will raise the issue during the review in 2015 and make a specific recommendation that the draft amendments to the Family Code which would achieve prohibition are enacted and implemented as a matter of priority.

1 Review of Armenia in the 1st cycle UPR (2010) and progress since then

1.1 Armenia was reviewed in the first cycle of the Universal Periodic Review in 2010 (session 8). The issue of corporal punishment was included in the compilation of UN information,¹ in the summary of stakeholders information² and in an advanced question by Argentina. The following recommendations were made during the review and were accepted by the Government:³

“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)”

1.2 In 2011, the Government reported to the European Committee of Social Rights its intention to amend the Rights of the Child Act to prohibit corporal punishment in the family and in other forms of care.⁴ 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

¹ 19 February 2010, A/HRC/WG.6/8/ARM/2, Compilation of UN information, para. 29

² 5 February 2010, A/HRC/WG.6/8/ARM/3, Summary of stakeholders' views, para. 21

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

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

punishment were under consideration in Parliament.⁵ In January 2014, the amendments were with the Ministry of Social Affairs, to be signed by the Minister before being sent to the Government. **We hope members of the Working Group will urge Armenia to ensure that the draft amendments to the Family Code include explicit prohibition of corporal punishment and that the new law is enacted and implemented as a matter of priority.**

2 Legality and practice of corporal punishment in Armenia

- 2.1 **Summary:** In Armenia, corporal punishment is unlawful in care institutions and schools and in the penal system, but it is not prohibited in the home, in non-institutional alternative care settings and in day care.
- 2.2 **Home (lawful):** The Family Code 2004 states in that in exercising parental rights “parents are not entitled to harm the physical and mental health of children or their moral development” and “methods of parenting must exclude scornful, cruel, inhuman treatment, insults and exploitation” (art. 53(1)). 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 (art. 9); it also protects the child’s right to honour and dignity (art. 22). But these provisions and others in the Criminal Code 2003 and the Constitution 1995 are not interpreted as prohibiting all corporal punishment in childrearing. According to UNICEF statistics collected between 2005 and 2011, 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.⁶
- 2.3 **Alternative care settings (partially prohibited):** Corporal punishment is considered unlawful in care institutions under the Rights of the Child Act 1996 (see para. 2.2, above) but there is no explicit prohibition and the law is not interpreted as prohibiting corporal punishment in non-institutional forms of care. The Law on Social Protection of Children without Parental Care 2002 does not explicitly prohibit corporal punishment. 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.⁷
- 2.4 **Day care (?partially prohibited):** 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 education law (see para. 2.5, below).
- 2.5 **Schools (unlawful):** Corporal punishment is considered unlawful under the Rights of the Child Act 1996 (see para. 2.2, above) but there is no explicit prohibition. The Law on Education 1999 prohibits teaching methods which use physical or mental pressure (art. 49(2)).
- 2.6 **Penal institutions (unlawful):** Corporal punishment is considered unlawful 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

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

⁶ UNICEF (2013), *The State of the World’s Children 2013: Children with Disabilities*, NY: UNICEF

⁷ Reported in *Armenia Now*, 16 January 2013

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.

2.7 ***Sentence for crime (unlawful)***: There is no provision for judicial corporal punishment in criminal law.

3 Recommendations by human rights treaty monitoring bodies

3.1 ***CRC***: The Committee on the Rights of the Child has three times expressed concern at corporal punishment of children in Armenia and recommended its prohibition in all settings – in its concluding observations on the initial report in 2000,⁸ the second report in 2004⁹ and the third/fourth report in 2013.¹⁰

3.2 ***ECSR***: In 2012, the European Committee of Social Rights concluded that the situation in Armenia is not in conformity with article 17 of the European Social Charter because corporal punishment is not prohibited in the home.¹¹ The Committee drew a similar conclusion following the previous review of Armenia in 2007.¹²

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities.

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

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

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

¹¹ January 2012, Conclusions 2011

¹² 2007, Conclusions XVIII-1, vol.1