



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

**BRIEFING ON ARMENIA FOR THE COMMITTEE ON THE RIGHTS OF  
THE CHILD, PRESESSIONAL WORKING GROUP – October 2012**

*From Peter Newell, Coordinator, Global Initiative*

[info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

**This briefing describes the legality of corporal punishment of children in Armenia. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, its previous recommendations to Armenia on the issue, the Government’s acceptance of the recommendations made during the UPR, and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will:**

- **in its List of Issues for Armenia, raise the issue of corporal punishment of children, in particular asking what concrete measures have been taken to draft legislation which would explicitly prohibit corporal punishment in all settings, including the home, schools, penal institutions and all forms of alternative care?**
- **in its concluding observations on Armenia’s third/fourth periodic report, recommend that legislation is enacted to achieve prohibition in all settings, including the home, as a matter of urgency, and that prohibition is enforced through appropriate public education and professional training on positive, participatory and non-violent forms of education and childrearing.**

## 1 The legality of corporal punishment of children in Armenia

1.1 In Armenia, corporal punishment is unlawful as a sentence for crime. It is considered unlawful in schools and in penal institutions, but it is not explicitly prohibited in those settings. It is lawful in the home and in alternative care settings.

1.2 With regard to the **home**, the Family Code (2004) states in article 53 that methods of childrearing “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.

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

1.4 In the **penal system**, corporal punishment is unlawful as a sentence for crime: there is no provision for judicial corporal punishment in criminal law. It 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.

1.5 In **alternative care settings**, corporal punishment is considered 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. Applicable law includes the Law “On social protection of children deprived of parental care” (2002): it does not explicitly prohibit corporal punishment (information unconfirmed).

## 2 Moves towards prohibition of corporal punishment

2.1 In 2010, the Government stated that it planned to analyse legislation relating to children with a view to harmonising domestic law with international standards.<sup>1</sup> In the same year, the Government accepted the recommendations to prohibit corporal punishment of children made during its Universal Periodic Review.<sup>2</sup>

2.2 In 2011, a draft law on domestic violence was under discussion, expected to be submitted for approval at the end of the year; 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.<sup>3</sup>

2.3 In reporting to the UN Committee Against Torture in 2012, with regard to prohibiting corporal punishment the Government stated that the draft State Concept and Programme of Activity on Prevention of violence and neglect against children aimed to analyse legislation on

---

<sup>1</sup> Letter to then Council of Europe Commissioner for Human Rights Thomas Hammarberg, 21 December 2010

<sup>2</sup> A/HRC/15/9, Report of the Working Group, para. 93

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

children's rights and harmonise it with international standards, but gave no details of specific moves towards drafting prohibiting legislation.<sup>4</sup>

2.4 Despite the above mentioned statements indicating an intention to prohibit corporal punishment of children, as well as law review and reform processes which would provide immediate opportunities to achieve prohibition, the Government has not confirmed that prohibiting legislation has been drafted and has given no indication of when such legislation is expected to be tabled in Parliament.

### **3 Recommendations by human rights treaty bodies and during the UPR**

3.1 The **Committee on the Rights of the Child** has twice recommended to Armenia that corporal punishment be prohibited in the family, schools and care institutions – in its concluding observations on the initial report in 2000<sup>5</sup> and again in the concluding observations on the second report in 2004.<sup>6</sup>

3.2 The **European Committee of Social Rights** has twice concluded that the situation in Armenia is not in conformity with article 17 of the Revised European Social Charter because corporal punishment of children is not prohibited in the home – in 2007<sup>7</sup> and most recently in 2012.<sup>8</sup>

3.3 During the review of Armenia in the first cycle of the **Universal Periodic Review**, the following recommendations were made and were accepted by the Government: “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).”<sup>9</sup>

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org); [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)  
July 2012

---

<sup>4</sup> 10 April 2012, CAT/C/ARM/Q/3/Add.1, Written replies to List of Issues, para. 640

<sup>5</sup> 24 February 2000, CRC/C/15/Add.119, Concluding observations on initial report, paras. 32 and 33

<sup>6</sup> 26 February 2004, CRC/C/15/Add.225, Concluding observations on second report, paras. 39 and 40

<sup>7</sup> 2007, Conclusions XVIII-1, vol.1

<sup>8</sup> January 2012, Conclusions 2011

<sup>9</sup> 6 July 2010, A/HRC/15/9, Report of the Working Group, para. 93(25)