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**Council of Europe project
“Protecting the Rights of Armenian Children in Post-Conflict Context”**

**NEEDS ASSESSMENT REPORT
ON ARMENIA’S DEINSTITUTIONALISATION AND CHILD
PROTECTION REFORM, INCLUDING THE PROTECTION OF THE
RIGHTS OF UNACCOMPANIED AND SEPARATED CHILDREN**

**Yerevan
July 2024**

This report has been commissioned by the project “Protecting the Rights of Armenian Children in Post-Conflict Context”, implemented under the Council of Europe Action Plan for Armenia 2023—2026.

The project draws on the Council of Europe's expertise to safeguard children's rights in the aftermath of conflict. Aligned with the Council of Europe Strategy for the Rights of the Child, the project supports the implementation of the CM/Rec(2019)11 Recommendation of the Committee of Ministers on effective guardianship for unaccompanied and separated children in migration contexts.

The project adopts a multifaceted approach to protect the rights of affected Armenian children by offering legal and policy support aligned with Council of Europe standards. Simultaneously, the project focuses on strengthening the capacities of civil servants, focal points, and other professionals to effectively safeguard the rights of Armenian children impacted by the conflict, including those who are unaccompanied and separated. In addition, the project aims to raise awareness among both children and parents about effective guardianship and the prevention of violence against children.

In this context, international and national consultants were engaged to develop a Needs Assessment Report and propose recommendations to facilitate Armenia's deinstitutionalisation and child protection reform, including the protection of the rights of unaccompanied and separated children. The experts engaged are:

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The opinions expressed in this work are the responsibility of the author(s) and do not necessarily reflect the official policy of the Council of Europe.

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KEY DEFINITIONS

Barnahus	A model of multidisciplinary interagency services for child victims and witnesses of crime, which facilitates the parallel and coordinated conduct of criminal and child protection investigations and prevents secondary victimisation through bringing relevant agencies and services together in a child-friendly and safe environment.
Child	Any person under the age of 18
Child safeguarding	Taking appropriate measures to ensure that staff, experts, contracted third parties, operations, projects and programmes do no harm to children and promote their best interest. Children are not exposed to the risk of harm and abuse and any concerns the organisation has about children's safety are reported to the appropriate authorities.
Foster care	Temporary arrangement for the care of a child by a state-certified and trained caregiver, as defined by Art. 137 of the Family Code of the Republic of Armenia.
Guardianship	A formal care arrangement for children left without parental care, as defined by Art. 134 of the Family Code of the Republic of Armenia. Unlike foster care, guardianship does not imply state certification or training, although guardians are screened for eligibility requirements.
Separated child	A child who is separated from both parents, legal, or customary primary caregiver, but not necessarily from other relatives.
Unaccompanied child	A child who is separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.

ACRONYMS AND ABBREVIATIONS

ARC	Armenian Red Cross
CDS AIS	Automated Information System on Children in Difficult Circumstances
CP WG	Child Protection Working Group
CPC	Criminal Procedure Code
CSO	Civil society organisation
FTR	Family tracing and reunification
ICRC	International Committee of the Red Cross
KI	Key informant
LSG	Local self-government
MIA	Ministry of Internal Affairs
MoH	Ministry of Health
MoLSA	Ministry of Labor and Social Affairs
NGO	Non-governmental organisation
NSS	National Security Service
PSEA	Prevention of sexual exploitation and abuse
PVoT	Presumed victim of trafficking
RA	Republic of Armenia
SOP	Standard operating procedure
UASC	Unaccompanied and separated children
UK	United Kingdom
VoT	Victim of trafficking

EXECUTIVE SUMMARY

This gaps and needs assessment was commissioned by the Council of Europe in the framework of the Project *Protecting the rights of Armenian children in post-conflict context*. It pursues the overall purpose of identifying and analysing the gaps in the existing legislation, policies, and practices in Armenia with regard to the protection and safeguarding of displaced children, including effective guardianship of UASC, and providing recommendations for addressing the issues identified, including in terms of building institutional and human capacities. It also identifies domestic good practices to promote their institutionalisation and wider application. The gaps and needs assessment analyses these issues in a wider context of child protection, child-friendly justice, and alternative care reform, paying special attention to deinstitutionalisation and the protection and safeguarding of children affected by humanitarian crises.

The gaps and needs assessment has identified several good practices but also gaps in terms of both legislation and policies, on the one hand, and their implementation, on the other. While it recognises as laudable the general stance of Armenian practitioners, who strive to apply a child-friendly approach even where specific regulatory basis or operational guidance is lacking, the gaps and needs assessment also notes a general lack of proper interagency coordination among the relevant stakeholders at the national level, which hinders a truly multidisciplinary approach. This is further exacerbated by insufficient focus on capacity building and performance appraisal, and lack of sustainability of the capacity building efforts that do take place.

The lack of an integrated national child protection system poses a major concern that requires priority attention. Against this backdrop, the fragmentation of services and generally insufficient coordination, despite relatively clear agency mandates and taskings, are even more salient.

Some of the key recommendations concern the following:

- Prioritising the introduction of an integrated national child protection system
- Further development of the child-friendly justice system complete with a viable access to justice mechanism
- Improvement of the framework for the protection and safeguarding for children in migration, including prescribing the indicators and a SOP for UASC identification, and
- Introducing an effective monitoring and oversight mechanism for alternative care.

An overarching recommendation is to prioritise building practitioner capacities and strengthen interagency coordination mechanisms to promote a multidisciplinary approach.

1. INTRODUCTION

This gaps and needs assessment was commissioned by the Council of Europe in the framework of the Project *Protecting the rights of Armenian children in post-conflict context*. Recognising the critical importance of extending support to Armenia's deinstitutionalisation reform and transition to quality community-based care for vulnerable children, including unaccompanied and separated children ("UASC") in general and specifically the significant influx of displaced persons and refugees to Armenia in September 2023, the assessment provides a set of detailed actionable recommendations based on the gaps and needs identified.

2. PURPOSE AND OBJECTIVES

This gaps and needs assessment report pursues the overall purpose of identifying and analysing the gaps in the existing legislation, policies, and practices in Armenia with regard to the protection and safeguarding of displaced children, including effective guardianship of UASC, and providing recommendations for addressing the issues identified, including in terms of building institutional and human capacities. It also identifies domestic good practices to promote their institutionalisation and wider application. The gaps and needs assessment analyses the issues within its scope in a wider context of child protection, child-friendly justice, and alternative care reform, paying special attention to deinstitutionalisation and the protection and safeguarding of children affected by humanitarian crises.

The objectives of this report are as follows:

- To analyse the legislative and policy framework against the applicable international and Council of Europe standards in the area of child protection, child-friendly justice, alternative care, and effective guardianship of UASC, and to identify gaps
- To collect and analyse evidence of practical implementation of the relevant legislation and policies, and identify gaps
- To propose actionable recommendations for relevant state authorities, including both recommendations in terms of further improvement of the legislative and policy framework, and in terms of building institutional and human capacities in relevant areas, paying special attention to multidisciplinary approach and interagency coordination.

3. METHODOLOGICAL OUTLINE

Methodologically, this gaps and needs assessment was designed as a two-phase qualitative analysis exercise involving the following components:

- Desk review
- Field research.

At the desk review stage, the consultant team analysed the applicable domestic legislation and policies against the binding and non-binding international standards, with a special emphasis on Council of Europe Recommendation CM/Rec(2019)11 on Effective guardianship for unaccompanied and separated children in the context of migration (Recommendation CM/Rec(2019)11). It also examined the available sources of information on relevant practices, including the implementation of said legislation and policies (sources will potentially include domestic and international reports, statistical data, and other open-source information). Also at the desk review stage, a benchmarking framework (see 7. *Benchmarking framework and recommendations* below) was developed, which was used as a reference framework to ensure consistency in analysis.

At the field research stage, the consultant team conducted in-depth and semi-structured interviews with key informants. Supplementary documentation, such as administrative data, was solicited where relevant, however, access to administrative data on UASC in particular was impeded by the absence of a formal definition of UASC and, consequently, non-collection of relevant data and non-disaggregation of the statistical data available by applicable indicators.

Key informants (“KIs”) were identified mostly at the central level due to the limited time and resources allocated to the gaps and needs assessment. While the desk review primarily

looked at analysing the legislation and policies, the field research data (in combination with statistical and administrative data as applicable and feasible) helped assess the implementation, which in turn permitted the identification of stakeholders' needs and their role and perspectives; assessment of the engagement and interaction of key stakeholders; assessment of the capacities of institutions and staff/civil servants, and the identification of their training needs; as well as the assessment of resource allocation.

The data collected were analysed against the benchmarking framework and recommendations developed. The draft analysis with the set of recommendations will be validated with key stakeholders and finalised using the feedback received through the validation exercise.

4. OVERVIEW OF INTERNATIONAL AND EUROPEAN/COUNCIL OF EUROPE LEGAL STANDARDS

The effective guardianship system constitutes an essential safeguard for the protection of the rights of unaccompanied and separated children (“UASC”) in migration, and guardians play a key role in the safeguarding of children’s best interests and the exercise by these children of their rights. Guardianship is critical to ensuring that state efforts to find sustainable, rights-based solutions are initiated and implemented without delay. For this purpose, Recommendation CM/Rec(2019)11 considers the establishment of a comprehensive and consistent framework of measures concerning guardianship for UASC in migration, which takes account of the way responsibilities are organised.¹

As a member of the UN and the Council of Europe, Armenia has ratified or acceded to several treaty instruments in the area of child rights and countering crimes against children. In particular, Armenia is a State Party to the Convention on the Rights of the Child² and the Optional Protocols thereto (the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol on the sale of children, child prostitution and child pornography,³ and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure⁴). Armenia is also a State Party to the ILO Convention No 182 Worst Forms of Child Labour.⁵

In addition, Armenia is a State Party to the Council of Europe Convention on Action against Trafficking in Human Beings⁶ and the UN Convention on Transnational Organised Crime (CTOC) and two protocols thereto, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol).⁷

Armenia is a State Party to the 1951 Refugee Convention and 1967 Protocol⁸, as well as to other human rights instruments relevant to refugees.⁹

¹ Recommendation CM/Rec(2019)11 of the Committee of Ministers and Explanatory Memorandum on the Effective guardianship for unaccompanied and separated children in the context of migration, Preamble, available at: <https://rm.coe.int/cm-rec-2019-11-guardianship-en/16809ccfe2>.

² Acceded on 23 June 1993.

³ Ratified on 30 June 2005.

⁴ Ratified on 24 March 2021.

⁵ Ratified on 2 January 2006.

⁶ Ratified on 14 April 2008.

⁷ Ratified on 1 July 2003.

⁸ 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, ratified in 1993, available at: <https://www.unhcr.org/5d9ed32b4>; 1967 Protocol to the Convention relating to the Status of Refugees, ratified in 1993, available at: <https://www.unhcr.org/5d9ed66a4>.

⁹ See, for example: International Covenant on Civil and Political Rights (ICCPR), ratified in 1993 (<https://indicators.ohchr.org/>); ICCPR Optional Protocol 1, ratified in 1993 (<https://indicators.ohchr.org/>); ICCPR Optional Protocol 2, ratified in 2020 (<https://indicators.ohchr.org/>); International Covenant on Economic, Social, and Cultural Rights (ICESCR), ratified in 1993 (<https://indicators.ohchr.org/>); ICESCR Optional Protocol, ratified in 1993

Armenia has been a full member of the Council of Europe since 25 January 2001. The European Convention on Human Rights entered into force in Armenia on 26 April 2002. Armenia has since ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)¹⁰ and the Council of Europe Convention on Action against Trafficking in Human Beings.¹¹ It has also signed¹² (but not ratified) the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

Access to justice is critically important to safeguarding and advancing the human rights of all children, including displaced children and UASC specifically.

The Council of Europe defines child-friendly justice as “a justice system which guarantees the respect and the effective implementation of all children’s rights, considering the child’s level of maturity and understanding and to the circumstances of the case. It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.”¹³ Access to information and the child’s right to express their views and have them taken seriously forms an important part of access to justice. In particular, Recommendation CM/Rec(2019)11 emphasises the importance that states “ensure that unaccompanied and separated children in migration are provided with relevant information and advice, and that they have access to an independent complaint mechanism and remedies to effectively exercise their rights or act upon violations of their rights.”¹⁴ Further, Recommendation CM/Rec(2019)11 clarifies that “[a]n effective remedy implies that the child should have access to representation and, where necessary, to legal counsel, as well as interpretation whenever required. Proceedings should be child sensitive and accessible, and the urgency principle should be applied to provide justice in a timely manner, and free of charge. The decision should be explained in a child-friendly manner, which is adapted to the child’s age and maturity.”

In terms of access to justice, the UN Committee on the Rights of the Child held that the right to an effective remedy is an implicit requirement of the Convention. The Committee affirmed that “States need to give particular attention to ensuring that there are effective, child-sensitive procedures available to children and their representatives. These should include the provision of child-sensitive information, advice, advocacy, including support for self-advocacy, and access to independent complaints procedures and to the courts with necessary legal and other assistance.” The Committee also stressed that in case of violations of rights, “there should be appropriate reparation, including compensation, and, where needed, measures to promote

(<https://indicators.ohchr.org/>); International Convention on the Elimination of All Forms of Racial Discrimination, ratified in 1993 (<https://indicators.ohchr.org/>); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified in 1993 (<https://indicators.ohchr.org/>); CEDAW Optional Protocol, ratified in 2006 (<https://indicators.ohchr.org/>); Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT), ratified in 1993 (<https://indicators.ohchr.org/>); CAT Optional Protocol, ratified in 2006 (<https://indicators.ohchr.org/>); Convention on the Rights of the Child (CRC), ratified in 1993 (<https://indicators.ohchr.org/>); CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography, ratified in 2005 (<https://indicators.ohchr.org/>); CRC Optional Protocol on the Involvement of Children in Armed Conflicts, ratified in 2005 (<https://indicators.ohchr.org/>); Convention on the Rights of Persons with Disabilities (CRPD), ratified in 2007 (<https://indicators.ohchr.org/>); European Convention on Human Rights, ratified in 2002 (<https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=005>); European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, ratified in 2002 (<https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=126>); European Convention on Extradition, ratified in 2002 (<https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=024>).

¹⁰ Ratified on 7 July 2020.

¹¹ Ratified on 14 April 2008.

¹² Signed on 18 January 2018.

¹³ Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice, Art. II a.

¹⁴ CoE Committee of Ministers Recommendation CM/Rec(2019)11 On [effective guardianship for unaccompanied and separated children in the context of migration](#)

physical and psychological recovery, rehabilitation and reintegration [...]”¹⁵ [t]he crucial consideration is that procedures for obtaining and enforcing reparation must be easily accessible and tailored to the needs of children.”¹⁶

Children in mixed migration flows and UASC specifically are especially vulnerable to exploitation and other types of criminal victimisation, including trafficking in human beings. Their vulnerability may also continue following the settlement in the destination country, where these children may be criminally victimised in a variety of ways, including involvement by adults in criminal activities. The Palermo Protocol, to which Armenia is a State Party, specifies in its Art. 3 that “recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article,” i.e. “threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.” Likewise, the Lanzarote Convention, to which Armenia is also a State Party, expressly requires in its Art. 18 that States Parties criminalise conduct where “abuse is made of a particularly vulnerable situation of the child.”

5. KEY FINDINGS AND RECOMMENDATIONS

The gaps and needs assessment has identified a number of good practices but also gaps in terms of both legislation and policies, on the one hand, and their implementation, on the other.

It is welcome that Armenian practitioners largely strive to apply a child-friendly approach even where specific regulatory basis or operational guidance on child-friendly treatment of children in need of protection, including UASC, is lacking. At the same time, specific SOPs and operational guidance has been found to be inadequate to ensure consistent implementation of applicable legislation, which results in variable quality of the services provided. This is further exacerbated by insufficient focus on capacity building and performance appraisal. Capacity building has been observed to be largely donor-funded, and therefore not sustainable.

The lack of an integrated national child protection system poses a major concern that requires priority attention. Against this backdrop, the fragmentation of services and generally insufficient coordination among domestic stakeholders, despite relatively clear agency mandates and taskings, are more salient.

Global recommendations on strengthening child protection and alternative care systems and frameworks

1. It is recommended that effort be invested into better understanding of the existing processes, procedures, and practices regarding the best interests’ assessment and best interests’ determination by executive, judicial and local self-government bodies, and methodological guidance on best interest assessment and best interest determination in administrative and judicial proceedings be developed and introduced.
2. It is recommended that the Family Code be amended to remove the 6-month deadline for the suspension (restriction) of parental rights, and vest discretionary powers in the court to decide in each case based solely on the best interests of child and on a case-by-case basis. It is also recommended that supporting regulations be

¹⁵ *Ibid.*

¹⁶ Para. 35; children may, for instance, need protection in addition to financial redress for violations of their right; see European Court of Human Rights, *Case of K.U. v. Finland* (Application No. 2872/02), para. 47.

adopted to clearly delineate the procedure of service provision to parents whose parental rights have been restricted, to monitor their compliance of the court-imposed conditions and the implementation of the case plan, with the ultimate aim of promoting family reintegration where it is in the best interests of the child.

3. It is recommended that the provisions of the Family Code concerning emergency removal be revised to 1) introduce the concept of a place of safety, 2) to introduce mandatory judicial review of the emergency removal decision within 48 hours at the maximum, and 3) to introduce a mechanism against unwarranted termination or restriction of parental rights, limiting it only to exceptional circumstances where all other means have failed or otherwise are determined not to serve the best interests of the child.
4. A comprehensive review of the alternative care system in Armenia is recommended that would also include a costing exercise and endeavour to develop recommendations for incentivising potential foster carers.

Institutional measures

5. It is recommended that the competent body in the area of child protection have a policy and oversight mandate, while operational functions be transferred to other relevant bodies represented at the community level.
6. It is recommended that a monitoring unit be set up at the state agency with monitoring powers, or possibly a separate monitoring service be created under the competent body, with the responsibility to conduct incident tracking, ongoing oversight of serious concerns, and risk management and escalation. The monitoring scheme should apply to all situations of children in alternative care, including, but not limited to, UASC.
7. It is recommended that the monitoring scheme be supported by a set of formal quality criteria that are mandatory for all alternative care providers to comply with, as well as by specific operational guidance for monitoring officials.

Information, access to justice and remedies, including child-friendly complaint mechanisms

8. It is recommended that the efforts to introduce the Barnahus model be continued, and the currently operating child-friendly corners be transformed into full-fledged Barnahus facilities providing the entire range of services relevant to criminal and child protection investigations, including investigative interviews, remote or photometric-based identification lineups, and forensic medical examinations of children (properly resourced to conduct examinations of both biological girls and others).
9. It is recommended that mechanisms be introduced to ensure that displaced children including UASC receive information that is linguistically and developmentally appropriate, including access to translation and interpretation services where required. Accessibility should also include removing barriers in access to information for children with sensory and neurodevelopmental disorders (such as information in Braille, interpretation to/from sign language, use of augmentative and alternative communication, etc.)
10. It is also recommended that child-friendly, accessible, and safe complaint mechanisms be established that are subject to strict data protection and privacy safeguards and that accountability measures should be in place to address any misconduct or shortcomings in handling complaints.

11. It is recommended that steps be taken to strengthen the accessibility of legal representation for UASC by raising awareness of UASC's entitlement to free legal aid and ensuring that all parties involved in legal proceedings are informed about this right.
12. It is recommended that the initiative to create a network of medical practitioners/facilities licensed to conduct emergency sexual assault examinations using sexual assault evidence kits be given full support.
13. It is recommended that the Criminal Procedure Code be revised to introduce additional safeguards to ensure that criminal proceedings are child-friendly and conducted in a speedy manner. In particular, it is recommended that the provisions allowing to interview the child remotely (without visual contact) or use the child's pretrial investigative interview as evidence-in-chief during the trial be used more widely based on the best interest's determination. If the child is interviewed remotely rather than their pretrial interview recording is used, the parties should be prohibited from asking questions to the child directly and should instead direct their questions through the judge.
14. It is recommended that Supreme Judicial Council and the Investigative Committee develop and introduce operational guidance for handling proceedings involving children including vulnerable groups such as UASC.
15. It is recommended that an internationally recognised evidence-based structured protocol on child investigative interviewing be formally adopted to establish a common standard of child investigative interviewing.

Legal responsibilities and tasks of guardians

16. It is recommended that the development of a professionalised foster care system be prioritised, in a mid to long term catering to diverse groups of children in need of foster care services, including child victims of serious abuse, children in conflict with the law (e.g. children diverted from the formal justice system), and children with disabilities and other special needs requiring reasonable accommodations. It is also recommended that attention be paid to building a more diverse pool of foster carers to accommodate children's diverse linguistic and ethnocultural needs.

Appointment or designation of guardians without undue delay

17. It is recommended that a set of agency-level regulations be adopted prescribing the indicators and a SOP for UASC identification. These regulations should include a SOP and operational guidance on age assessment that is dignified, child-friendly and gender-sensitive, based on the principles of voluntary informed consent and the presumption of child status, and conducted in a holistic manner (which implies, inter alia, not relying exclusively on bone densitometry and/or dental exams, but including also an interview by qualified professionals with the person undergoing age assessment, giving due consideration to physical, psychological, developmental, environmental and socio-cultural factors). The policymakers may draw inspiration from Recommendation CM/Rec(2022)22 of the Committee of Ministers of the Council of Europe on human rights principles and guidelines on age assessment in the context of migration.
18. It is recommended that Armenian authorities ensure immediate appointment of guardians for the UASC once identified, as well as ensure streamlined implementation of functions by all responsible entities. It is also recommended that the provision in the Government decree on the procedure for appointing a

representative for the UASC regarding *pro bono* performance by the guardian of their functions be abolished.

19. While longer-term placement of UASC in reception centre-style facilities is not recommended, it is recommended that a streamlined procedure for timely community-based accommodation and care of UASC be introduced and supported by adequate resources.

Resources, recruitment, qualifications, and training

20. It is recommended that the development of an integrated national child protection system be given priority attention, and separate child protective services be set up either as part of the Integrated Social Service or as a standalone body under the MoLSA. It is essential that these child protective services are financed from a dedicated state budget line, including both their operational expenses and strategic development and capacity building expenses.
21. It is recommended that a competency framework, professional standards, safe recruitment procedure and reasonable compensation for performing as guardian and representative (*guardian ad litem*) respectively be introduced.
22. It is recommended that priority be given to the review and improvement of statistical indicators to promote data collection on children in difficult circumstances, including UASC.
23. It is recommended that policies to promote and strengthen parents' ability to care for their children be developed and introduced. This, in turn, should occur in the context of the development of an integrated national child protection system, including a specialised child protection social workforce to ensure sufficient numbers of social workers adequately trained and resourced to provide such support.
24. It is recommended that a professional certification or accreditation scheme be introduced for psychologists who participate in the investigative interviews of children and other procedural actions involving children, and a roster be established so that only psychologists certified to the roster may be involved in investigative actions. It is also recommended that psychologists certified to the roster receive regular performance appraisal and refresher training.
25. It is recommended that a specialised child protection social workforce be developed to staff the child protective services. This workforce should have its own competency frameworks, staff schedule complete with job descriptions for each role, and a mechanism in place to ensure that regular training needs assessment takes place and action is taken to address the training needs identified.
26. It is recommended that risk assessment and lethality screening tools be developed, and a set of SOPs adopted for police first responders and guardianship bodies to assess whether emergency removal should be opted for. The introduction of screening tools and SOP should be accompanied by training to ensure their consistent interpretation and application.
27. It is recommended that SOP development and capacity building of frontline responders (Border Guard and the State Migration and Citizenship Service) be considered. The capacity building should prioritise behavioural profiling to assist in the proactive screening and preliminary identification of UASC with a special emphasis on UASC in trafficking situations.
28. It is recommended that CSO capacity building on safe programming be prioritised.
29. It is recommended that close consideration be given to establishing dedicated child protective services or, alternatively, strengthening the operation of community-level multiagency multidisciplinary child protection councils through adopting formal

operational guidance as a common baseline for their operation throughout Armenia, as well as allocating state budget funding to these councils.

Cooperation and coordination at national level

30. It is recommended that multidisciplinary cooperation be enhanced, which should involve close coordination between all relevant state bodies, legal professionals, specialised NGOs, and other stakeholders to ensure a holistic approach to child protection and child-friendly justice. This can be done through the development of an integrated national child protection system, as well as through adopting interagency regulations on specific aspects of the functioning of the child-friendly justice system, including the access to justice for vulnerable groups of children, including UASC.
31. Strengthening interagency cooperation at all levels is recommended to promote effective referrals in cases involving UASC.
32. It is recommended that cooperation between all relevant stakeholders be strengthened with the Migration and Citizenship Service assuming the coordinating role with the establishment a working group with a sufficiently wide thematic scope not be limited to the issues relevant to the UASC. The working group should ideally include state bodies, local self-government bodies, and relevant NGOs, and provide a platform to facilitate coordination and regular exchange of information with regard to UASC needs, legal reform priorities, and practical challenges as well as solutions.

Child protection systems in emergencies

33. It is recommended that the state policy on mass influx of displaced population be finalised and adopted as a matter of priority. There is also need for a more comprehensive, cohesive, and strategic approach to building a more shock-resistant child protection and social protection system.
34. It is recommended that mechanisms be put into place to ensure that children of diverse ethnocultural, linguistic and religious backgrounds have access to quality services, including education, under humanitarian crisis conditions.
35. It is recommended that access to life-saving treatment be regulated in more detail in order to ensure that the state can consent to life-saving treatment where the parent or other holder of parental responsibility is determined to not act in the best interests of the child.
36. It is recommended that the child safeguarding concept be introduced through relevant regulations in all relevant sectors, including social protection, education, healthcare, and others. Stringent safe recruitment procedures should be put in place for professions in contact with children and/or responsibility for decision-making in respect of children, and non-state (both non-profit and for-profit, domestic, and international) service providers to the state should be thoroughly vetted for child safety.
37. It is recommended that access to crisis intervention and rehabilitation services for child survivors of abuse, neglect, exploitation, armed conflict or other trauma be prioritised, including the development of a comprehensive support service for vulnerable victims and witnesses of crime, including children, as well as building a network of vetted, trusted service providers, including providers of gender- and culturally sensitive mental health care (including expanded access to mental health and psychosocial support services for children).
38. It is recommended that a full-fledged, cross-sectoral approach to family tracing and reunification (“FTR”) be adopted and formal interagency operational guidance on FTR be developed and introduced.

In addition, this gaps and needs assessment recommends a number of issues for further consideration by the Council of Europe in its programmatic activities in Armenia. Specifically, it is recommended that the Council of Europe consider extending expert support to the authorities of the Republic of Armenia in the following areas:

- A. Development of a compendium of good practice on child safeguarding.
- B. Development of draft legislative amendments and regulations on child safeguarding in priority sectors, with specific emphasis on humanitarian emergencies.
- C. Development of resources and tools for Police first responders and guardianship authorities in respect of emergency removals and lethality screening.
- D. Development of a FTR mechanism.
- E. Development of draft legislative amendments and regulations on best interest assessment and best interest determination, including mechanisms for child participation, in decision-making on critical issues affecting children and UASC, including, but not limited to: guardian appointment; access to healthcare, including mental health and psychosocial services; education and community integration.
- F. Development of age assessment guidelines.

6. ANALYSIS OF THE NATIONAL LEGISLATION, POLICIES AND PRACTICES ON CHILD PROTECTION, WITH A FOCUS ON UASC

6.1. Alternative care ¹⁷

6.1.1. Forms of alternative care. Family-based alternatives to institutionalisation. Permanency planning

Alternative care in Armenia has come a long way since it first started implementing alternative care reforms in an effort to transition from an outdated, institution-dependent system inherited from the Soviet past to a contemporary child-oriented alternative care system. Over the past years, Armenia has demonstrated a steady decrease in the rate of children in formal alternative care (see Fig. 6.1.1. below).

Decreasing rate of children in formal alternative care between 2015 and 2021 in four countries with an initial rate below 1,000 children (per 100,000 population aged 0-17 years)

Source: TransMonEE, 2022. Note that only countries with a decrease of more than ten per cent over five or more observations are included, while observations following breaks in time series are excluded. For more details, see the [TransMonEE data query](#).

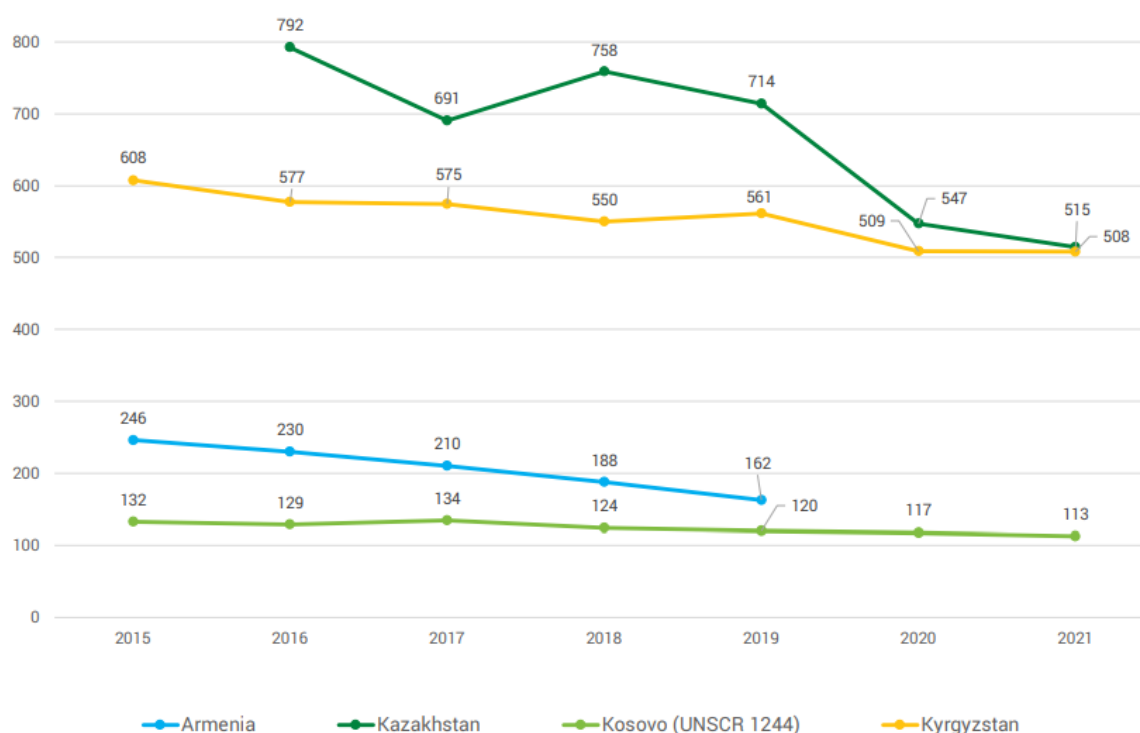


Fig. 6.1.1.

Armenia has relatively low rates of children in formal residential care at 73 per 100,000 of population aged 0 – 17.¹⁸ However, rates of children in family-based care are also comparably

¹⁷ This section discusses alternative care system as a whole. Specific considerations pertaining to effective guardianship for UASC are discussed below under 6.2. *Migration and asylum*.

¹⁸ Source: TransMonEE, 2022; DataCare Technical Report, 2021.

low at 70 per 100,000 of population aged 0 – 17¹⁹ (cp. the rates for Georgia are 56 and 336, respectively).²⁰

Alternative care in Armenia is primarily regulated by the Family Code. Pursuant to Art. 67 of the Family Code, guardianship bodies play a key role in assessing the circumstances of the child and making recommendations on adoption and alternative care. Art. 110 of the Family Code mandates education and healthcare providers to report concerns about children left without parental care to the guardianship authority, which is required to conduct an assessment of the child's situation within 3 days of receiving the report.

It is welcome that Art. 111(1) of the Family Code expressly provides that a child left without parental care may only be placed in an institution where alternative care in the form of guardianship or foster care cannot be arranged. It is also welcome that the same provision requires that the child's ethnic, linguistic, and religious background be taken into account when arranging for alternative placement.

Art. 111(1.1) requires that any placement-related decision be guided by the best interests of the child, which are determined through a multidisciplinary assessment. However, it remains unclear to what extent this is implemented in practice. One specific challenge identified through this gaps and needs assessment is the need for a uniform and consistent understanding of the concept of the best interests of the child across all sectors, underpinned by methodological guidance and standard operating procedures (SOP).

One of the KIs interviewed stated that there was a survey underway to gain better understanding of how different state agencies determine the best interests of the child. It would be advisable to follow up on this initiative and use its findings to initiate the development of methodological guidance on best interest assessment and best interest determination in administrative and judicial proceedings.

It is therefore recommended that effort be invested into better understanding of the existing processes, procedures and practices with regard to the best interests assessment and best interests determination by executive, judicial and local self-government bodies, and methodological guidance on best interest assessment and best interest determination in administrative and judicial proceedings be developed and introduced.

According to Art. 59 of the Family Code, parental rights may be terminated²¹ by the court based on one or more of the following grounds:

- Malicious evasion of parental duties, including child support payment, for over 1 year.
- Failure to implement corrective action within 6 months of the entry into force of the court decision on the restriction of parental rights.
- Child abandonment in a maternity ward or another healthcare provider in the absence of a legitimate reason.

¹⁹ Id.

²⁰ Id.

²¹ Note that, while the termination of parental rights on its surface may appear to bear only tangential relevance to displaced children and UASC, this gaps and needs assessment has analysed this issue due to the fact that most displaced children in Armenia are not unaccompanied. However, they face higher risks of deprivation (including family deprivation) compared to the general child population within Armenia. This may lead to neglect, parental substance abuse and other acts and behaviors that are likely to result in the suspension and, unless remedied, termination of parental rights. While there is no evidence to assert that these acts and behaviors are prevalent, the absence of support mechanisms to build parenting capacities calls for a focus on the regulation of termination of parental rights as an issue relevant to displaced children, including separated children displaced with their extended family members.

- Child abandonment for over 1 year in an educational, social protection or other institution without a legitimate reason.
- Abuse of parental rights, including being a harmful influence on the child because of one's behaviour.
- Being addicted to alcohol, narcotic drugs, or other psychoactive substances.
- Being diagnosed with one of the listed chronic psychiatric disorders.
- Child abuse, including regular physical abuse in the absence of elements of criminal conduct, and/or regular emotional abuse.
- Commission of an intentional crime against the child.

Art. 63 of the Family Code also allows for temporary suspension of parental rights (termed "restriction of parental rights" by the Family Code) by the court in the event that the parent's conduct endangers the child but the grounds for parental rights termination are absent. The maximum term for which parental rights may be restricted is 6 months, after which court review takes place and, unless the parent has implemented corrective action, parental rights are terminated. In principle, Art. 63 is intended as a safeguard against unwarranted termination of parental rights, which is welcome. However, in the absence of a viable mechanism to provide support to the parent to better care for the child and strict monitoring criteria, Art. 63 is reduced to a formality. Moreover, the 6-month deadline is too restrictive and impossible to comply with in cases when restoring the parent's capacity to care for the child requires more intensive interventions that may take place over extended periods of time (such as substance addiction treatment and rehabilitation). This said, this gaps and needs assessment has been unable to find evidence of specific policies to promote family reintegration.

It is recommended that the Family Code be amended to remove the 6-month deadline for the suspension (restriction) of parental rights, and vest discretionary powers in the court to decide in each case based solely on the best interests of child and on a case-by-case basis. It is also recommended that supporting regulations be adopted to clearly delineate the procedure of service provision to parents whose parental rights have been restricted, to monitor their compliance of the court-imposed conditions and the implementation of the case plan, with the ultimate aim of promoting family reintegration where it is in the best interests of the child.

It bears note that Armenia's Family Code in its Art. 58 vests guardianship bodies with emergency removal powers where the child is in imminent danger if left in the household. However, KIs have indicated that there has been no capacity building on this issue, and police first responders (who are usually the first ones to respond to such emergencies) and guardianship bodies alike need training to ensure prompt, efficient and consistent response that serves the best interests of the child.

Another concern with the exercise of emergency removal powers pertains to the provisions of Art. 58(2), which require the guardianship body to arrange for temporary accommodation for the child and to petition the court within 7 days of emergency removal to terminate or restrict the parents' parental rights. This concern is twofold:

- First, the Family Code is silent on the type of accommodation the child should be placed in and does not introduce the concept of a place of safety.
- Second, emergency removal may be due to a host of circumstances, some of those not requiring that the parental rights be terminated. For instance, a child may be in imminent danger because of a violent live-in partner of the custodial parent or another household member, but the removal of the perpetrator from the household or the custodial parent's relocation would present an effective solution not requiring the termination or restriction of parental rights. Moreover, emergency removal for a 7-day

term without judicial review also runs contrary to the best interests of the child and the child's right to a family environment. It is therefore advisable that a 24 or 48-hour emergency removal be the default option instead, after which it may only be extended by the court. Termination or restriction of parental rights should only be attempted where all other means have failed or otherwise are determined not to serve the best interests of the child.

It is recommended that the provisions of the Family Code concerning emergency removal be revised to 1) introduce the concept of a place of safety, 2) to introduce mandatory judicial review of the emergency removal decision within 48 hours at the maximum, and 3) to introduce a mechanism against unwarranted termination or restriction of parental rights, limiting it only to exceptional circumstances where all other means have failed or otherwise are determined not to serve the best interests of the child.

The gaps and needs assessment has not identified specific mechanisms to ensure permanency planning, apart from the provision of Art. 120 of the Family Code requiring the child's guardian's consent to the child's adoption by a third party, save in cases where the court rules that seeking such consent would be contrary to the best interests of the child. The relatively little focus on permanency planning may be at least partly due to the fact that most children deprived of parental care are cared by their kin through the guardianship scheme and the foster care system is still nascent (see 6.1.2. *Guardianship frameworks and measures. Legal responsibilities and tasks of guardians* below). However, permanency planning as a concept needs to be discussed more as Armenia is making progress with the development of the foster care system.

6.1.2. Guardianship frameworks and measures. Legal responsibilities and tasks of guardians

The guardianship system currently in place has been characterised by some KIs as rather outdated. The key challenge is the absence of a monitoring mechanism (see 6.1.3. *Institutional measures. Government monitoring and oversight* below), and while guardianship bodies are in principle required to report to MoLSA, reporting is inconsistent and where done, is usually treated by the guardianship bodies as a mere formality. Guardian supervision does not occur consistently either.

Guardians/kinship carers are in certain cases eligible for allowances. However, as observed by KIs, there is a need to strike a fair balance between fair compensation of guardians/kinship carers and preventing a situation where guardianship/kinship care would be abused for financial gain (e.g. fraudulent "child relinquishment" schemes so that a grandparent could earn some money).

This said, the development of a professionalised foster care system is underway and in the mid to long term may become a valid and sustainable alternative to traditional guardianship. Specialised foster families have already been trained to cater to children with special needs resulting from behavioural issues or disabilities (termed "emergency care" under Armenia's terminological nomenclature) as well as for respite care (e.g. in cases where a parent is hospitalised, has to be absent due to a work trip etc.). Regular foster care is usually for 1 year with the possibility of extension, emergency care for 1 month with the possibility of extension.

In total, there are currently ca. 75 specialised foster families nationwide.²² However, this cadre is certainly unable to meet the existing demand and attracting foster carers has been characterised by KIs are quite challenging.

A comprehensive review of the alternative care system in Armenia is recommended that would also include a costing exercise and endeavour to develop recommendations for incentivising potential foster carers.

6.1.3. Institutional measures. Government monitoring and oversight

Government monitoring and oversight of alternative care has been flagged as a challenge by more than one KI. The issues at the bottom of these concerns primarily have to do with absence of a full-fledged integrated national child protection system (see 6.3. *Integrated child protection system. Child protection systems in emergencies* below).

While the Draft Law of the Republic of Armenia on the Rights of the Child and the Child Protection System²³ (“Draft”), if adopted as it stands at the time of this report, will address this gap to an extent, the solutions provided by the Draft are still insufficient to fully remedy the problem.

Specifically, Art. 43(1)(3) and Art. 43(1)(4) of the Draft vest the competent body in the area of child protection with oversight powers in respect of multidisciplinary child protection councils, and of the implementation of alternative care, respectively. At the same time, Art. 43(1)(8) tasks the competent body with decision-making on individual child placements to alternative care based on multidisciplinary council recommendations.

This setup blurs the line between policymaking and oversight functions of the competent body, on the one hand, and its operational functions, on the other. This, in turn, potentially undermines the effectiveness of monitoring and oversight. Moreover, depending on the caseload, this may result in a situation where the capacity of the competent body may not match the volume of incoming cases requiring placement-related decisions, resulting in delays in placement-related decision-making.

It is recommended that the competent body in the area of child protection have a policy and oversight mandate, while operational functions be transferred to other relevant bodies represented at the community level.

Moreover, pursuant to Art. 47(3)(28)-(29), heads of local communities are entrusted with the supervision of guardians and foster carers, through assigned community social workers. While community social workers may be well placed to provide ongoing supervision of foster carers, serious concerns or reported allegations against foster carers require escalation to a higher level. This is also important in cases where the social worker is alleged to have been negligent in fulfilling their supervision functions.

It is recommended that a monitoring unit be set up at the state agency with monitoring powers, or possibly a separate monitoring service be created under the competent body, with the responsibility to conduct incident tracking, ongoing oversight of serious concerns, and risk management and escalation. The monitoring scheme should apply to all situations of children in alternative care, including, but not limited to, UASC. It is also recommended that the monitoring scheme be supported by a set of formal quality

²² Unofficial statistics as quoted by a KI.

²³ As of the time of finalising this report, the Draft was slated for adoption by the end of 2024.

criteria that are mandatory for all alternative care providers to comply with, as well as by specific operational guidance for monitoring officials.

6.1.4. Information, access to justice and remedies, including child-friendly complaint mechanisms

As of today, Armenia does not have a full-fledged child-friendly justice system in place nor specialised juvenile courts or children's courts. While Judicial Code of the Republic of Armenia vests the High Judicial Council's with the authority to appoint specialised juvenile judges, no such courts have been established, although specialised judges operate in general jurisdiction courts.²⁴

Preventing secondary victimisation while ensuring the integrity of criminal investigation is an important challenge that can be successfully addressed through the implementation of the Barnahus model.²⁵ The Armenian authorities with UNICEF support have started the introduction of Barnahus in Armenia and have so far rolled out 2 "child-friendly corners" in Yerevan and Kapan, using children's crisis centres as the basis. The Barnahus pilot in Armenia involves cross-sectoral cooperation among key entities: the Ministry of Justice (responsible for criminal justice reforms), the Investigative Committee (implementing party), and the Prosecutor's Office (supervisory role). However, the Armenian child-friendly corners cannot be considered true Barnahus, since they are not housed on independent premises and do not permit conducting the entire range of investigative actions involving the child on the site. For instance, the Ministry of Health does not participate in Barnahus (although it is understood from the KI interviews that a dialogue with the Ministry of Health (MoH) is currently taking place with a view to including them) and forensic medical examinations are still conducted in hospitals. The MoH supports the initiative, however, a revision of the existing licensing procedures is required to ensure that the Barnahus can be licensed as a facility providing forensic medical examinations.

While there is no evidence that displaced children in general and UASC in particular have been targeted for serious crime, the vulnerability of children on the move, especially UASC, to exploitation, including trafficking in human beings, makes the introduction of the Barnahus model potentially relevant to this group of children and a highly welcome step. At the same time, KIs have indicated that the child-friendly corners are not sufficiently known or used (for instance, some of the defence counsel practicing in Yerevan were unaware of the existence of a child-friendly corner in the city).

It is recommended that the efforts to introduce the Barnahus model be continued, and the currently operating child-friendly corners be transformed into full-fledged Barnahus facilities providing the entire range of services relevant to criminal and child protection investigations, including investigative interviews, remote or photometric-based identification lineups, and forensic medical examinations of children (properly resourced to conduct examinations of both biological girls and others).

Ensuring that displaced children including UASC have access to relevant information and advice is fundamental to safeguarding their rights and well-being in any context, especially

²⁴ See 2023 ad hoc report of the Human Rights Defender of Armenia on fulfillment of the obligations defined by the Convention on the Rights of the Child and the attached protocols by the Republic of Armenia for 2013-2022.

²⁵ "Barnahus" refers to a model of multidisciplinary interagency services for child victims and witnesses of crime, which facilitates the parallel and coordinated conduct of criminal and child protection investigations and prevents secondary victimisation through bringing relevant agencies and services together in a child-friendly and safe environment.

within criminal and administrative proceedings. This said, the information should be communicated in a language the child understands and in age and developmentally appropriate manner. Both the child and the child's guardian should be provided with information, and there should be no assumption that if the guardian has been informed then there is no need to inform the child.

Armenia's Law on Children's Rights in its Art. 10 provides for the right of every child to freely express their opinion, to seek, receive and communicate ideas and information through any means of communication. A child's right to access information may be limited by law. In addition, the Law on Refugees and Asylum includes several provisions delineating state authorities' responsibilities to provide information of refugees and asylum seekers.

However, the implementation mechanisms require further improvement to ensure that all displaced children including UASC receive clear and comprehensive information on their rights and the processes and procedures affecting them. This should include detailed explanations on the scope of guardianship arrangements, the specific roles and responsibilities of guardians and guardianship authorities, the mechanisms of access to legal aid and the processes involved in lodging complaints or seeking redress. Information should be regularly updated and accessible to children in a format that is age-appropriate and easy to understand.

It is imperative that information is provided to each child in a language they understand or are reasonably expected to understand. This involves using interpreters or translators when necessary to ensure effective communication. The interviews with KIs did not provide sufficient evidence to ascertain whether challenges persist in ensuring that non-Armenian speaking children have full access to information in a language they understand, however, given the challenges with access to education for children with specific linguistic needs (see 6.3.2. *Child protection systems in emergencies. Child safeguarding in humanitarian settings* below), this issue begs further exploration.

Provision of information should be directly accessible to children themselves, and not solely communicated through guardians. While guardians have a responsibility to assist and support UASC, children must have the autonomy to access information independently, particularly concerning decisions that affect their legal status and well-being. States should establish channels for children to receive information directly from competent authorities or trusted organisations, ensuring transparency and reducing the risk of information being withheld or misrepresented. Yet again, there is need to conduct additional research to establish whether this is the case in practice.

To ensure that displaced children including UASC have effective access to justice, Armenia's legal system should be capable of receiving and handling complaints from or on behalf of children. This should be done while fully respecting, protecting, and ensuring their rights. Procedures and communications should be tailored to the child's age and maturity level while ensuring a supportive environment throughout the complaint process. However, at this point in time, there are no child-friendly and accessible complaint channels for displaced children including UASC.

It is recommended that mechanisms be introduced to ensure that displaced children including UASC receive information that is linguistically and developmentally appropriate, including access to translation and interpretation services where required. Accessibility should also include removing barriers in access to information for children with sensory and neurodevelopmental disorders (such as information in

Braille, interpretation to/from sign language, use of augmentative and alternative communication, etc.).

It is also recommended that child-friendly, accessible, and safe complaint mechanisms be established that are subject to strict data protection and privacy safeguards and that accountability measures should be in place to address any misconduct or shortcomings in handling complaints.

Legal representation and access to legal aid are another critical area to be addressed. While Armenia has established legislative provisions for free legal aid, particularly for vulnerable groups, the practical implementation of these provisions requires urgent attention and improvement.

Art. 41 of the Law on Advocacy extends to the eligibility for free legal aid, *inter alia*, to children left without parental care and other children in similar circumstances, as well as to asylum seekers and refugees. Art. 16.1 of the Law on Refugees and Asylum also requires the bodies listed by Art. 13 of this law to inform all asylum seekers and refugees about the right to free legal aid when accepting an asylum request.

Despite the existence of these legislative regulations, the practical implementation of free legal aid for UASC remains to be further assessed. KI interviews have not identified any cases of UASC requesting legal aid. While the reasons for this cannot be conclusively determined, one probable reason to be explored is the lack of the guardians' – and the children's – awareness of UASC rights and their eligibility for free legal aid.

It is recommended that steps be taken to strengthen the accessibility of legal representation for UASC by raising awareness of UASC's entitlement to free legal aid and ensuring that all parties involved in legal proceedings are informed about this right.

Considering the vulnerability of displaced children, in particular UASC, to criminal victimisation, it bears note that the detection of crimes against and/or affecting children are increasingly prioritised by the Police. It was acknowledged by the KIs interviewed that several factors pose barriers to detection, some of which are on the socio-cultural level (for instance, neighbours who should reasonably suspect child abuse rarely, if ever, report their suspicions to the police). At the same time, there is an increase in the number of children who self-report. It was also noted that medical practitioners as mandated reporters are increasingly capacitated to recognise non-accidental injuries as well as behavioural signs of possible abuse, including child sexual abuse.

However, in respect of child sexual abuse, a serious challenge is posed by the lack of a procedure for first responder medical practitioners to collect biological samples, which results in delays and irrecoverable loss of physical evidence. This challenge is recognised both by the Police and the MoH, and there are now consultations underway to introduce relevant procedures. One mechanism that is being considered for implementation is creating a network of medical practitioners/facilities licensed to conduct emergency sexual assault examinations using sexual assault evidence kits.

Additionally, the Police prioritise developing community police officers' competencies, including cultural and communication competencies, to promote trust-based relations with the communities they serve. This is expected to result in better secondary prevention as well as crime detection.

It is recommended that the initiative to create a network of medical practitioners/facilities licensed to conduct emergency sexual assault examinations using sexual assault evidence kits be given full support.

A child-friendly approach to children in contact with the law – including child victims and witnesses of crime, as well as children suspected or accused of a crime – in the conduct of criminal investigations is also tangentially relevant to the situation of displaced children. While the new Criminal Procedure Code (“CPC”) introduces a number of child-friendly safeguards, there are still gaps and practical challenges to address.

The new CPC, in addition to provisions concerning child investigative interviewing (which were already included in the previous CPC), addresses also other investigative and other procedural actions involving children. However, it lacks specific details on their implementation and provides minimal additional safeguards to mitigate any negative impact on child witnesses or victims during the criminal proceedings, and there is no specialised legislation to address these issues either. Moreover, while CPC Art. 327 permits taking victim and/or witness testimony remotely during the trial and Art. 330(1)(6) creates the legal basis for the use of the audiovisual recording of the child’s pretrial interview as evidence-in-chief, it remains an underused option.

Further, while Art. 24 of the CPC emphasises the importance of completing pretrial proceedings and trials within a reasonable timeframe, it does not set specific time limits in proceedings involving children. While there is a decision of Supreme Judicial Council (65v165 of 2021) "On defining the benchmark dates for the average duration of the examination of cases according to the complexity of individual types of cases," no benchmark dates for the average duration of the examination of cases involving children have been defined.

According to Art. 212 of the CPC, an appropriately qualified psychologist must actively participate in investigative actions involving children. However, there is no formal operational guidance available on this issue (see also 6.1.5. *Resources, recruitment, qualifications, and training* below).

It is recommended that the Criminal Procedure Code be revised to introduce additional safeguards to ensure that criminal proceedings are child-friendly and conducted in a speedy manner. In particular, it is recommended that the provisions allowing to interview the child remotely (without visual contact) or use the child’s pretrial investigative interview as evidence-in-chief during the trial be used more widely based on the best interest’s determination. If the child is interviewed remotely rather than their pretrial interview recording is used, the parties should be prohibited from asking questions to the child directly and should instead direct their questions through the judge.

It is also recommended that Supreme Judicial Council and the Investigative Committee develop and introduce operational guidance for handling proceedings involving children including vulnerable groups such as UASC. It is also recommended that an internationally recognised evidence-based structured protocol on child investigative interviewing be formally adopted to establish a common standard of child investigative interviewing.

6.1.5. Resources, recruitment, qualifications, and training

The gaps and needs assessment has identified needs for better resourcing of the foster care system and a greater investment into the recruitment of foster carers and their capacity

building. In particular, emphasis should be made on developing a professionalised foster care system, in a mid to long term catering to diverse groups of children in need of foster care services, including child victims of serious abuse, children in conflict with the law (e.g. children diverted from the formal justice system), and children with disabilities and other special needs requiring reasonable accommodations.

A greater investment into the capacity building of social workers is likewise recommended, which will require budget allocations specifically earmarked for this purpose (See 6.3.3. *Resources, recruitment, qualifications, and training* under 6.3. *Integrated child protection systems. Child protection in emergencies* below).

It is recommended that the introduction of policies to promote and strengthen parents' ability to care for their children (see 6.1.1. *Forms of alternative care. Family-based alternatives to institutionalisation. Permanency planning* above) occur in the context of the development of an integrated national child protection system, including a specialised child protection social workforce to ensure sufficient numbers of social workers adequately trained and resourced to provide such support. Strengthening interagency cooperation at all levels is likewise recommended to promote effective referrals.

As discussed above under 6.1.4. Information, access to justice and remedies, including child-friendly complaint mechanisms, CPC Art. 212 provides for an active role of an appropriately qualified psychologists in investigative actions involving children. However, psychologists involved in these activities often lack sufficient professional capacity and specialised knowledge. There is also no professional certification or accreditation scheme for psychologist intermediaries involved in child investigative interviewing.

It is therefore recommended that a professional certification or accreditation scheme be introduced for psychologists who participate in the investigative interviews of children and other procedural actions involving children, and a roster be established so that only psychologists certified to the roster may be involved in investigative actions. It is also recommended that psychologists certified to the roster receive regular performance appraisal and refresher training.

6.1.6. Cooperation and coordination

Adopting a holistic approach to alternative care that prioritises the best interests of the child requires a significant degree of cross-sectoral coordination and cooperation. In the case of Armenia, this coordination and cooperation is still in a nascent stage. Cross-sectoral coordination and cooperation is similarly inadequate in access to justice.

In this context it is recommended that multidisciplinary cooperation be enhanced, which should involve close coordination between all relevant state bodies, legal professionals, specialised NGOs, and other stakeholders to ensure a holistic approach to child protection and child-friendly justice. This can be done, in particular, through the development of an integrated national child protection system, as well as through adopting interagency regulations on specific aspects of the functioning of the child-friendly justice system, including the access to justice for vulnerable groups of children, including UASC.

6.2. Migration and asylum

6.2.1. General overview. Legislative, policy and institutional framework

Armenia has provided international protection to displaced population from the beginning of 1990. It has since faced several refugee crises, the first and the largest being an influx of ethnic Armenian refugees from Azerbaijan.

According to the Migration and Citizenship Service, between 1988 - 1992, Armenia hosted more than 420,000 refugees and displaced population, around 360,000 of which were ethnic Armenians from Azerbaijan, the rest from other post-Soviet states.²⁶ The next large influx was from Iraq, which started in late 2004. Due to the war, about 1,000 ethnic Armenians from Iraq have been granted refugee or temporary asylum status in Armenia.²⁷ Another massive influx was from Syria. According to the official data, as of May 2020, around 22,000 Syrians had fled to Armenia since the war began in 2011, of which an estimated 14,000 remain. Most of the arrivals are ethnic Armenians and are considered in a refugee-like situation since they hold Armenian citizenship.²⁸

As of December 2023, Armenia hosted 150,725 displaced persons and refugees (including 145,966 refugees, 4,124 persons in a refugee-like situation, 635 asylum-seekers, and 520 stateless persons).²⁹ In the case of asylum-seekers, Iraq, Iran, Ukraine, and Egypt were the top countries of origin in 2023. At the end of September 2023, renewed hostilities triggered the arrival of over 100,000 refugees in Armenia. In addition, Armenia hosts 520 stateless persons.³⁰ The majority (more than 100,000) of persons in a refugee-like situation were displaced as a result of the escalation of the conflict in the region in 2020 and 2023. In addition, Armenia also hosts refugees from Lebanon, Ukraine, Türkiye, Cuba, etc.³¹

²⁶ Migration Service with the assistance of the Armenian representation of the International Centre for Migration Policy Development (ICMPD), 2013 – 2017 Extended Migration Profile of the Republic of Armenia, page 10, available at: <http://migration.am/migration-profile?lang=en>.

²⁷ United Nations High Commissioner for Refugees (UNHCR) official webpage, available at: <https://www.unhcr.org/news/latest/2009/7/4a4e20db6/unhcr-inaugurates-residential-block-iraqi-refugees-armenia.html>.

²⁸ United Nations High Commissioner for Refugees (UNHCR) official webpage, available at: <https://www.unhcr.org/news/stories/2020/5/5ecf78874/unhcr-helps-displaced-syrian-armenians-facing-hardship-amid-pandemic.html>.

²⁹ United Nations High Commissioner for Refugees (UNHCR) official webpage, available at: <https://www.unhcr.org/armenia.html> ; <https://www.unhcr.org/am/en/figures-at-a-glance>.

³⁰ United Nations High Commissioner for Refugees (UNHCR) official webpage, available at: <https://www.unhcr.org/armenia.html>; <https://www.unhcr.org/am/en/figures-at-a-glance>.

³¹ Migration and Citizenship Service official webpage, available at: <http://migration.am/statistics>.

According to the statistical data provided by the Migration and Citizenship Service, Armenia received 248 asylum seekers in 2019, 207 in 2020, 260 in 2021, 968 in 2022, and 817 in 2023.³² The number of asylum claims dramatically increased in 2022 and 2023. In 2022, around half of the asylum seekers were from Ukraine.

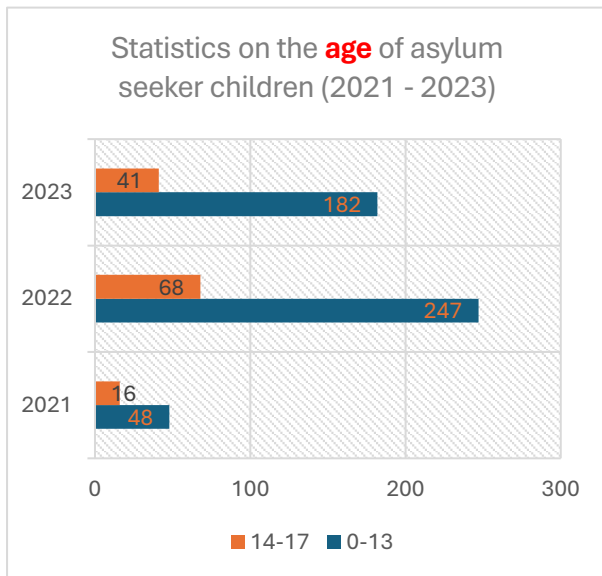


Fig. 6.2.1

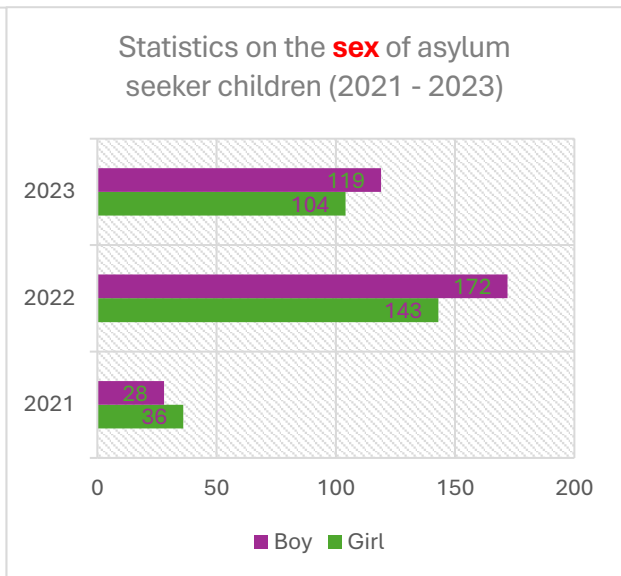


Fig. 6.2.2

As can be seen from the statistics above, in the last two years, the number of child asylum seekers also increased proportionally to the total number of asylum applications. Notably, the Migration and Citizenship Service also runs statistics on the number of asylum seekers whose age is disputed. For instance, in 2021, 3 such cases were reported from Gambia, Russia and an unidentified state. Another such case was reported in 2023. The age assessment processes and practices in particular raise concerns, which are discussed at length under 5.1.3. *Identification and treatment of UASC* below.

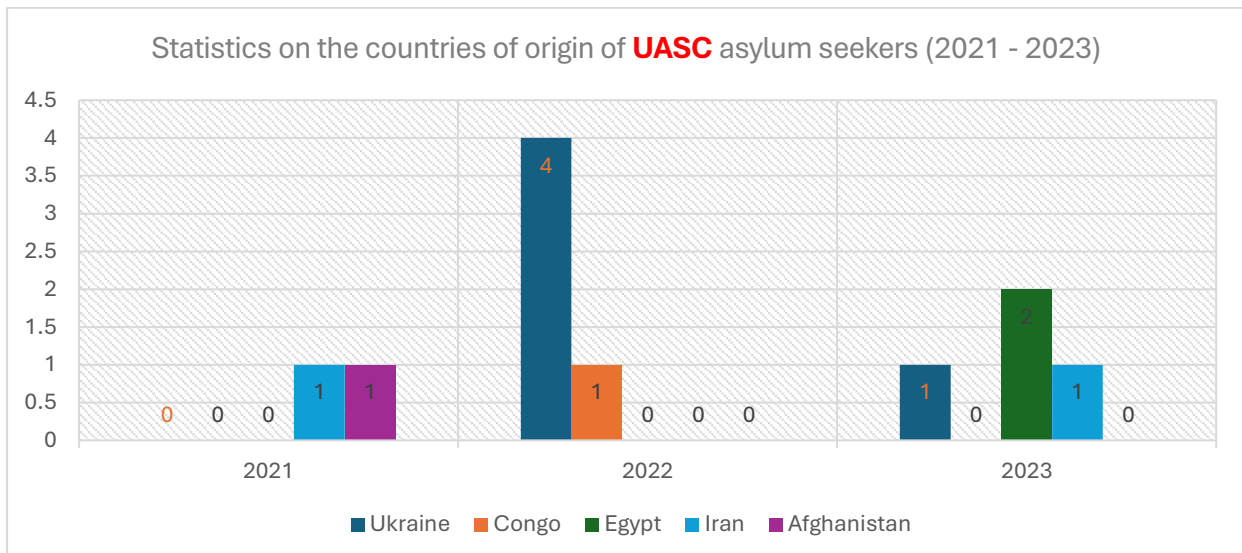


Fig. 6.2.3

According to the statistical data given above (source: Migration and Citizenship Service), only a few UASC usually apply for asylum each year. However, it is noteworthy that the statistics do not include the UASC displaced in September-November 2023. It was unclear whether

³² Id.

authorities had carried out any identification procedure for UASC during this influx. In the meantime, it bears note that following the mass influx of over 100,000 displaced Armenian population in September-October 2023, the displaced persons received temporary protection in Armenia based on the Government Decree.³³ According to the Law on Refugees and Asylum, those granted temporary protection hold refugee status and equal rights as refugees.³⁴

In recent years, Armenia adopted several strategic documents directly relevant to migration and asylum as well as in other areas but containing cross-cutting elements relevant to the area at hand. The Conceptual Framework and Action Plan for State Management of Migration envisages the development of four programmes, including a Programme on the Management of Migration Flows, which includes an asylum and refugees-related component and focuses on further improvement of the international protection system. It is envisaged that a draft of the programme should be submitted to the Office of the Prime Minister 9 months following the establishment of the MIA, and it has not been adopted yet.³⁵

Under the directions resulting from the goal of increasing the efficiency and transparency of the management of borders, entry, exit and residence of foreigners, the Programme on the Management of Migration Flows envisages reforming the process of handing over persons from border checkpoints to the jurisdiction of other institutions. This includes clarifying and improving the process of transferring asylum seekers, UASC crossing the border, and persons with health needs (risks) to the jurisdiction (care) of relevant institutions and increasing institutions' financial and technical capabilities to ensure the reception of these persons.³⁶ Though the 2021-2026 Action Plan of the Government Programme contains a part on migration, it does not have any specific direction relevant to UASC.³⁷

The National Strategy for Human Rights Protection envisages the improvement of the assessment of the best interests of the child and the decision procedure, including the UASC considering the international best practices. According to the 2023-2025 Action Plan based on the strategy, the review is envisaged in the 2nd half of 2024. It is envisaged to be followed by 7 training sessions for social workers working with children, including UASC.³⁸

The main legal act regulating the international protection system in Armenia is the Law on Refugees and Asylum,³⁹ which was adopted in 2008 and amended several times since. The legislation includes internationally accepted fundamental principles of international protection, such as non-refoulement and non-penalisation principles, additional guarantees for the human rights protection of UASC, etc.

The decisions of the Migration and Citizenship Service on the asylum application are adopted during the asylum procedure. According to the Law on Refugees and Asylum, the decision is an administrative act and adopted following the administrative procedure.⁴⁰ The Law also provides that immediate family members (spouse, child or another dependent under age 18)

³³ RA Government Decision N1864-N of 26 October 2023 on Accepting Forced Displaced Persons from Nagorno Karabakh under Temporary Protection, Adopting the Description of the Document Confirming the Identity of the Refugee Receiving Temporary Protection and Procedure for Issuing It, available at: <https://www.arlis.am/DocumentView.aspx?DocID=184503>.

³⁴ RA Law on Refugees and Asylum, Chapter 5, available at: <https://www.arlis.am/DocumentView.aspx?DocID=190407>.

³⁵ RA Government Decision N801-L of 20 May 2021 on adopting the Conceptual Framework and Action Plan of State Management of Migration of the Republic of Armenia, para 1 of Appendix 2, available at: <https://www.arlis.am/documentview.aspx?docid=152909>.

³⁶ Id.

³⁷ RA Government Decision N 1902-L of 18 November 2021 on adopting the 2021-2026 Action Plan of the Programme of the Government of the Republic of Armenia, available at: <https://www.gov.am/files/docs/4586.pdf>.

³⁸ RA Government Decision N 1674-L of 28 September 2023 on adopting the National Strategy for the Protection of Human Rights and the 2023-2024 Action Plan deriving from it, Activity 10.4, available at: <https://www.moj.am/page/575>.

³⁹ RA Law on Refugees and Asylum, available at: <https://www.arlis.am/DocumentView.aspx?DocID=190407>.

⁴⁰ Id., Art. 45.

of the refugee who have citizenship of the same country and live with them should also be recognised as refugees based on the family reunification principle.⁴¹ In these cases, one of the family members can submit the joint family application. However, in case of cancellation or termination of the refugee status of that person, the refugee status of their family members will also be cancelled or terminated.⁴² According to the findings of the Human Rights Defender of Armenia (“HRDO”), this is applied in an overly formalistic manner without regard for the individual circumstances of each case. Moreover, this practice is also problematic as it is cumbersome and results in unnecessary workload for the Migration and Citizenship Service.⁴³

Domestic legislation stipulates regulations for people with special needs, which category includes elderly people and people with disabilities, UASC, as well as pregnant women, people with diagnosed psychiatric conditions and some others.⁴⁴ They were specifically expanded by the 2015 amendments, which also introduced a definition of UASC, however, only insofar as applicable to aliens (foreign nationals and stateless persons; see further discussion of this issue under 5.1.3. *Identification and Treatment of UASC* below).

Furthermore, it also prescribes the obligation of the Migration and Citizenship Service to take all the possible and necessary actions to identify asylum seekers with specific needs within the shortest possible period upon registration of the asylum application and to render adequate support, as well as to give them sufficient time so that the necessary conditions are created with the view to ensure their access to the procedure and to present the facts necessary to substantiate their respective claim.⁴⁵

The Law on Refugees and Asylum includes procedural safeguards for asylum seekers with special needs. In particular, while UASC are subject to the general asylum procedures provided by the Law on Refugees and Asylum, the Law introduces several child-friendly safeguards such as the family reunification principle and the requirement of engaging trained officials in work with UASC.⁴⁶ As amended in 2015, the Law on Refugees and Asylum also states that the officials working with persons with special needs must have the necessary knowledge and skills. In case the involvement of a respective official is impossible, an expert with the necessary knowledge and skills is required.⁴⁷

The domestic legislation stipulates the process of appointing a guardian for UASC and the role of each entity therein. At the policymaking level, the primary responsibility lies with the Government of the Republic of Armenia, which leads policymaking and budget planning. It also establishes reception centres and their operation procedures, as well as approves the forms of ID documents, including the travel documents of asylum seekers and refugees.⁴⁸

The Migration and Citizenship Service examines asylum applications and adopts decisions (administrative act) in that regard; provides legal, social, and other assistance; provides ID cards and travel documents to those who have received refugee status, etc.⁴⁹

The National Security Service (“NSS”) is responsible for the verification of the identity of the asylum seeker and risk assessment, including the substantiation of a decision finding the asylum seeker a threat to national security. The NSS also presents information to the Migration and Citizenship Service on the grounds for cancellation and termination of refugee status and non-application of the *non-refoulement*.⁵⁰

⁴¹ Id., Art. 7 (1).

⁴² Id., Art. 7 (5) and (6).

⁴³ 2021 Annual Report of the RA Human Rights Defender, pages 1474-1475, available at: <https://www.ombuds.am/images/files/022666474d87ff84a86acf39be58bec8.pdf>.

⁴⁴ Law on Refugees and Asylum, Art. 8 (1).

⁴⁵ Id., Art. 50 (1).

⁴⁶ Law on Refugees and Asylum, Art. 50.

⁴⁷ Id., Art. 50 (2).

⁴⁸ Law on Refugees and Asylum, Art. 33.

⁴⁹ Id., Art. 34.

⁵⁰ Id., Art. 35(1).

The Border Guard under the NSS refers those who legally entered the territory and seek international protection to the Migration and Citizenship Service and provide relevant information. In case of illegal entry, the Border Guard is responsible for registering the asylum application and notifying the Migration and Citizenship Service and Police accordingly. The Border Guard can also order to keep the asylum seeker in the reception centre at the border crossing point.⁵¹

The Police provide information to the Migration and Citizenship Service on the facts brought by the asylum seeker during the examination of the case, verify the identity of an asylum seeker, present information on the grounds for cancellation and termination of refugee status, as well as non-application of the *non-refoulement*. Furthermore, the Police are also responsible for the deportation of persons whose asylum application was rejected unless protected by the *non-refoulement* principle.⁵² As reported by KIs, the Police conduct screening and provide opinions on the fitness of potential the guardians of UASC.

The Ministry of Foreign Affairs supports the Migration and Citizenship Service in verifying the identity and country of origin of asylum seekers, including UASC, and in clarifying the other information provided by the latter. Armenia's diplomatic and consular services validate the documents presented by asylum seekers and refugees issued to them by entities within the jurisdiction of the consulate. Furthermore, consular services support the reunification of families of those who received refugee status in Armenia.⁵³

The MoLSA takes measures to improve access to the labour market, social security, and health care for asylum-seekers and refugees. The MoLSA, in cooperation with the local self-government bodies and GTBs, arranges the accommodation and care of UASC. Furthermore, the MoLSA also facilitates the integration of refugees.⁵⁴ With regard to integration, it bears note that although Armenia has adopted a number of regulations and policy documents that are welcomed, major gaps with regard to their implementation in practice still persist, in particular with regard to long-term strategic implementation. In particular, the Government's Programme for 2021-2026 stipulates a clear commitment to continued improvement of the arrangements for receiving foreign citizens and stateless persons seeking asylum in Armenia, as well as the adoption of an integration and reintegration strategy and action plan, which should have been implemented between 10 to 20 December, 2021.⁵⁵ The development of the Integration and Reintegration Strategic Plan was discussed during the 19th working meeting of the conference on integration and reintegration of displaced refugees, long-term migrants.⁵⁶ However, it remains not adopted as of the time of this report.

The Ministry of Education, Science, Culture and Sport takes measures to implement the right to education of asylum seekers and refugees. Moreover, based on the request of the guardianship body, admission to an educational institution for UASC should be arranged.⁵⁷ UNHCR reports that even though the national legislation provides asylum-seeking and refugee-children with full access to secondary education, they experience difficulties accessing secondary education. In particular, refugee and asylum-seeking children have fewer opportunities to be admitted to secondary education in the absence of NGO partners' individual intervention and assistance. There is no support with remedial education and language classes to ensure refugee-children successful enrolment into classes of their age

⁵¹ Id., Art. 35(2).

⁵² Id., Art. 36.

⁵³ Id., Art. 37.

⁵⁴ Id., Art. 38.

⁵⁵ Programme of the Government of the Republic of Armenia for 2021-2026 approved by Annex N1 of the RA Government Decision N 1902-N of November 18, 2021, paras 93 and 94, available at: <https://www.arlis.am/DocumentView.aspx?DocID=158031>

⁵⁶ Press release on 19th working meeting of the conference on integration and reintegration of displaced refugees, long-term migrants, available at: <https://www.mlsa.am/news/700>.

⁵⁷ Id., Art. 39.

group. Furthermore, the limited number of state scholarships to access tertiary education limits refugees' access to higher education.⁵⁸

More attention to tolerance education with a direct focus on the specific situation of displaced children would help to prevent negative attitudes towards them. In this regard, it is also important to bear in mind religious diversity.

The Ministry of Health ("MoH") ensures the right to health care and assistance of refugees and asylum seekers' free medical screening, preventive, and, if necessary, restrictive measures.⁵⁹

The Ministry of Justice ("MoJ") is the responsible state body for legislative development and quality in lawmaking.⁶⁰ The MoJ also arranges and implements the extradition procedure regarding offenders, as well as the transfer of foreign convicted persons.⁶¹

The Prosecutor's Office has the mandate for mutual legal assistance under international agreements and based on reciprocity in cases under pre-trial proceedings.⁶²

The Penitentiary Service and the administration of other detention facilities interview those in need of international protection, including UASC, register asylum applications, provide requisite information to the asylum seeker on their rights (including free legal aid) and obligations, and transfer the application to the Migration and Citizenship Service.⁶³

Guardianship bodies are responsible for the appointment of guardians for UASC.⁶⁴ Departments on the Rights of Family, Women and Children of local self of local self-government bodies, in cooperation with the guardianship bodies, arrange for the accommodation and care of UASC.⁶⁵

6.2.2. *Effective guardianship and representation*

Immediately following the receipt of the asylum application from the UASC, the Migration and Citizenship Service should apply to the MoLSA or specifically to the Departments on the Rights of Family, Women and Children to arrange for their accommodation and care.⁶⁶ Guardianship bodies are required to appoint a guardian for the UASC within seven working days after the receipt of relevant request from the Department on the Rights of Family, Women and Children.⁶⁷ According to the Law on Refugees and Asylum, guardians of UASC, the appointed guardian participates in the consideration of the asylum application by the Migration and Citizenship Service and other bodies, as well as in all further legal relations provided for in the proceedings initiated for granting the refugee status.⁶⁸

Despite the regulations described above, it was reported by KIs that the process is ineffective in practice. There was one case of UASC in which the Migration and Citizenship Service needed to appoint a guardian and formally applied to the MoLSA, however, no response was received and, consequently, no guardian was appointed. This case was reported to not be

⁵⁸ UNHCR Submission for the Universal Periodic Review – Armenia – UPR 35th Session (2019), available at: <https://www.refworld.org/policy/upr/unhcr/2019/en/123101>,

⁵⁹ Id., Art. 40.

⁶⁰ Statute of the Ministry of Justice of the Republic of Armenia, Paragraph 10 (1), available at: http://mtad.am/u_files/file/kanonadrutyun/24-1.pdf.

⁶¹ Id., Paragraphs 11 (20) and 11 (21).

⁶² Statute of the Prosecutor's Office of the Republic of Armenia, Paragraph 2 (1) (6.14), available at: <https://shorturl.at/71Lja>.

⁶³ RA Law on Refugees and Asylum, Art. 13 (2), 46 (4) and (9), available at: <https://www.arlis.am/DocumentView.aspx?DocID=154872>.

⁶⁴ Id., Art. 41.

⁶⁵ Id., Art. 42.

⁶⁶ RA Law on Refugees and Asylum, Art. 34 (4) (9), available at: <https://www.arlis.am/DocumentView.aspx?DocID=154872>.

⁶⁷ Id., Art. 41 and 42.

⁶⁸ Id., 47 (8).

unique, however, it is not clear to what extent this forms a pattern. A probable reason may be shortage of guardians who are willing to take care of UASC, however, there is more evidence required to support this assumption.

This stresses the importance of having implementation mechanisms to support legal requirements in place. While the extant legislation is largely consistent with the requirements of Recommendation CM/Rec(2019)11⁶⁹ and CRC General Comment No 6 regarding the critical importance of timely guardian appointment for the UASC in migration until the child has either reached the age of majority or permanently left the state's territory and/or jurisdiction,⁷⁰ the lack of supporting regulations and mechanisms to attract a pool of eligible guardians undermines the effectiveness of the legislative provisions in question.

A guardianship commission is established as an adjunct to the guardianship body and is a consultative body that operates *pro bono* and is composed of 3 to 9 members. The commission may include employees of the structural units of the staff of regional governor's offices (the Yerevan City Hall in the case of Yerevan), territorial centres, community employees of local government bodies, healthcare workers, personnel of relevant police units, community educators, psychologists, social workers, lawyers, as well as representatives of NGOs, upon their consent.⁷¹

The functions of the guardianship body include guardian supervision, including monitoring and examining applications and complaints about their actions or inaction, and response up to relieving the guardian of their duties. This is raising concerns due to the lack of a possibility to escalate complaints if there is a conflict of interest.

The MoLSA has introduced a methodological guide on the activities of the guardianship commissions. The purpose of the guide is to provide practical support to the guardianship bodies to ensure the protection of the rights and legal interests of children and persons declared legally incapable or with limited capacity within the framework of the powers assigned to them by the legislation.⁷²

Under the law, the child's guardian acts as their legal representative. If the child is placed in a residential institution, the institution's representative is appointed as the child's representative. In the case of UASC, representative appointment is based on an application to the Migration and Citizenship Service.

Pursuant to the representation procedure for UASC asylum seekers, the Migration and Citizenship Service appoints a legal representative who is legally responsible for representing the best interests of the child. This is a distinct figure from a guardian and more similar to the figure of *guardian ad litem*. The representative acts *pro bono*. The Government decree on the procedure for appointing a representative for the UASC stipulates that the Migration and Citizenship Service shall not proceed with the consideration of the UASC's asylum application until a representative has been appointed.⁷³

The decree also delineates eligibility requirements for UASC representation. In particular, it can be any adult citizen of the Republic of Armenia, a foreign citizen legally residing in the Republic of Armenia or a stateless person who meets the generic criteria listed by the decree.

⁶⁹ UN Committee on the Rights of the Child General Commentary No. 6 (2005), Paragraphs 33, available at: <https://www2.ohchr.org/english/bodies/crc/docs/gc6.pdf>.

⁷⁰ Id. Explanatory memorandum, Paragraphs 13-20.

⁷¹ Civil Code, Art. 37 (1), available at: <https://www.arlis.am/DocumentView.aspx?DocID=186960>.

Decision N 631-N of 2 June 2016 of the RA Government on approving the statute of the guardianship and trusteeship bodies on recognition of void of the Decision N 164-N of 24 February 2011 of the RA Government, Paragraphs 11, 12 and 14, available at: <https://www.arlis.am/DocumentView.aspx?DocID=152354>.

⁷² Decree No N 12-A/1 of 31 June 2017 of the Minister of Labor and Social Affairs on approving a methodological guide on the activities of the guardianship and trusteeship commissions adjunct to the guardianship and trusteeship bodies, available at: <https://www.irtek.am/views/act.aspx?aid=96439>.

⁷³ RA Government Decision N 239-L of 9 March 2017 on adopting the Procedure and conditions for appointing a representative within the framework of the asylum procedure, available at: <https://www.arlis.am/DocumentView.aspx?DocID=183604>.

Pursuant to the procedures, NGOs working on refugee issues and rostered by the Migration and Citizenship Service may nominate candidates with the consent of the latter. NGOs are contacted by Migration and Citizenship Service within one working day from the receipt of the child's asylum application. In particular, the Migration and Citizenship Service closely cooperates with the Armenian Red Cross Society as a leading NGO on UASC issues. Since representatives are supposed to act *pro bono* and there is no state funding allocated, the funding for this purpose was provided through a UNHCR-funded project, however, this project was completed at the end of June 2024.

If the child's parent or other holder of parental responsibility is traced in the course of the examination of the child's asylum application, the child is reunited with the parent/other holder of parental responsibility in Armenia and the appointed representative's powers are consequently terminated by the Migration and Citizenship Service. The representative's powers are also terminated once the child reaches the age of 18. The decision of the Migration and Citizenship Service on the termination of the representative's powers is immediately notified to the NGO that put forward the representative's candidacy.

Under the Law on Refugees and Asylum, representatives play a key role throughout the UASC's asylum procedure. The interview with a UASC asylum seeker is conducted within 2 weeks after the appointment of a representative in a child-friendly manner and in the presence of a support person (involving a psychologist where needed). The child's placement is also done by the Migration and Citizenship Service in consultation with the child's representative.

It is recommended that Armenian authorities ensure immediate appointment of guardians for the UASC once identified and streamlined implementation of functions by all responsible entities. (See also recommendations to 6.2.4. Resources, recruitment, qualifications, and training below). It is also recommended that the provision in the Government decree on the procedure for appointing a representative for the UASC regarding *pro bono* performance by the guardian of their functions be abolished.

6.2.3. Identification and treatment of UASC

There is no definition of an unaccompanied or separated child in the extant law. While Art. 1 of the Law on Refugees and Asylum provides for a definition of unaccompanied children and separated children, which is generally consistent with the international understanding of this concept such as the definition in the Recommendation CM/Rec(2019)11,⁷⁴ this provision applies only to aliens (foreign nationals and stateless persons), and would not be applicable to UASC in internal migration flows, e.g. internally displaced children due to a natural disaster. At the same time, the Draft Law on the Rights of the Child and the Child Protection System includes references to children "permanently or temporarily deprived of parental care",⁷⁵ however, this is insufficient to reflect the unique challenges that UASC face.

The lack of a solid legislative basis for UASC identification that is not limited to aliens only may be a contributing factor to the small numbers of UASC identified among the displaced children (less than 40 UASC in total in a displaced child population of ca. 30,000). Thirty children out of the total number have been reunited with their families, while 8 are currently awaiting placement. This said, the numbers cited here are unofficial (quoted by individual KIs) due to the lack of a clear UASC definition and relevant statistical indicators.

It is not sufficient to merely provide for a definition of UASC in the law and to introduce a requirement of prompt identification, but such identification should be underpinned by standard operating procedures including those on age estimation and age assessment.

⁷⁴ Recommendation CM/Rec(2019)11 of the Committee of Ministers and Explanatory Memorandum on the Effective guardianship for unaccompanied and separated children in the context of migration, Chapter II, Paragraph 1 a. and b., available at: <https://rm.coe.int/cm-rec-2019-11-guardianship-en/16809ccfe2>.

⁷⁵ For instance, see Art. 16(4).

According to the CRC General Comment No 6, identification should be followed by prompt registration. It entails an initial interview conducted in an age-appropriate and gender-sensitive manner, in a language the child understands, by professionally qualified persons to collect biodata and social history to ascertain the identity of the child, including, wherever possible, the identity of both parents, other siblings, as well as the citizenship of the child, the siblings, and the parents.⁷⁶

It is important that the age assessment procedure be holistic and be based not only on anthropometric parameters, dental evidence and densitometric tests, but also include assessments of psychological and social maturity. It is important that the age assessment procedure be based on voluntary informed consent (including the right to refuse age assessment), that there be a presumption of child status (laudably, KIs have observed that this actually takes place in practice, but there is still need to provide for a regulatory basis for this practice), and that there be a possibility to review the decision on age assessment should the person assessed as adult be able to present additional evidence of their child status in the future.

The Law on Refugees and Asylum categorises UASC as a group with special needs and mandates the Migration and Citizenship Service to take measures to ascertain the identity and nationality of the UASC, as well as search for the child's parents or other relatives for family reunification if such search and unification are in the child's best interests.⁷⁷ However, as reported by KIs, the Migration and Citizenship Service does not have any internal document prescribing the indicators and standard operational procedures for such cases.

Though there seem to be important legislative safeguards for the UASC, due to the limited practice (see Fig. 6.2.3), proper importance is not paid to the given area and is under-assessed. During the interviews and analysis of relevant materials, practical shortcomings were reported. As mentioned in the 2018 Progress Analysis Report on the Republic of Armenia of the Asylum Systems Quality Initiative in Eastern Europe and South Caucasus overall, the identification and referral of asylum-seekers with specific needs work in practice, and the relevant staff exhibits a caring and flexible approach. However, in the absence of a formal mechanism and specific training, they need a sufficient amount of guidance to manage the function properly. In addition, the relevant services, such as psychological, medical, and shelter/housing, still depend on UNHCR and its partners to a certain degree. Furthermore, despite the requirement of the Migration and Citizenship Service SOP on Refugee Status Determination Record Management, the referrals and other actions performed concerning applicants with specific needs are usually not recorded.

It also bears note that some of the KIs believe that age assessment should serve as the basis for the assignment of a child to a specific grade. This is problematic due to at least two factors. First, it fails to take into account that knowledge and skills may vary considerably among children of the same age, and the history of displacement and deprivation may further exacerbate these differences, resulting in the need for a UASC to take remedial classes. Second, age assessment provides a more or less accurate estimation, and cannot conclusively determine a child's age.

Furthermore, the UNHCR recommended that the Armenian authorities improve the identification, referral, and prioritisation of vulnerable persons (referred to as "persons with special needs" under the Armenian law), referring in particular to the development of supporting regulations to ensure proper implementation of the safeguards provided by the Law on Refugees and Asylum. In particular, the recommendations stressed the importance of systematic identification of vulnerable individuals, including UASC during the reception (including entry procedures), registration and asylum procedures, as well as to establish

⁷⁶ Id. Paragraph 31 (B).

⁷⁷ Law on Refugees and Asylum, Art. 50 (4).

effective and efficient mechanisms for their referral to State and other available assistance and services.⁷⁸ This gaps and needs assessment concurs with the recommendations.

It is recommended that a set of agency-level regulations be adopted prescribing the indicators and a SOP for UASC identification. These regulations should include a SOP and operational guidance on age assessment that is dignified, child-friendly and gender-sensitive, based on the principles of voluntary informed consent and the presumption of child status, and conducted in a holistic manner (which implies, inter alia, not relying exclusively on bone densitometry and/or dental exams, but including also an interview by qualified professionals with the person undergoing age assessment, giving due consideration to physical, psychological, developmental, environmental and socio-cultural factors). The policymakers may draw inspiration from Recommendation CM/Rec(2022)22 of the Committee of Ministers of the Council of Europe on human rights principles and guidelines on age assessment in the context of migration.⁷⁹

6.2.4. Resources, recruitment, qualifications, and training

The CRC General Comment No 6 requires states to allocate adequate resources to ensure effective guardianship for UASC in migration, including ensuring that guardians are adequately screened, dependable, qualified, and supported throughout their mandate.⁸⁰ While in Armenia there exists a procedure for guardian screening, inadequate resourcing largely renders the procedure ineffective. Furthermore, there is no training or any other capacity enhancement scheme in place to ensure guardianship quality (see also 13.1. *Alternative care* above). Similarly, the procedure whereby the representative of the child (guardian ad litem) is supposed to work *pro bono* hinders effective representation.

It is recommended that a competency framework, professional standards, safe recruitment procedure, and reasonable compensation for performing as guardian and representative (*guardian ad litem*) respectively be introduced.

The Council of Europe Recommendation No. R (98) 15 of the Committee of Ministers to Member States on the Training of Officials who first come into contact with Asylum Seekers, in Particular at Border Points, is relevant in the context of qualifications and training, and should be considered in strategic development.⁸¹ As civil servants, the staff of the Migration and Citizenship Service receive training pursuant to Decree No 2-N of the First Deputy Prime Minister of 9 January 2019, which exempts from mandatory refresher training those staff members whose performance appraisal is in the top 10 percentile.⁸² According to the KIs interviewed, no staff of the Migration and Citizenship Service took part in the training organised by the Civil Service Council over the past 3 years. However, they did participate in a few training sessions organised by international organisations and NGOs.

For instance, the World Vision Armenia project *Together against Trafficking in Persons*, funded by the U.S. State Department, developed a guide on the indicators for the detection of alleged cases of trafficking in human beings (including a section on children and child-friendly

⁷⁸ UNHCR Comments on the Draft Concept of the Republic of Armenia on Introduction State Migration Management.

⁷⁹ Recommendation CM/Rec(2022)22 of the Committee of Ministers to member States on human rights principles and guidelines on age assessment in the context of migration, available at: <https://rm.coe.int/0900001680a96350>.

⁸⁰ Recommendation CM/Rec(2019)11 of the Committee of Ministers and Explanatory Memorandum on the Effective guardianship for unaccompanied and separated children in the context of migration, Principle 7, available at: <https://rm.coe.int/cm-rec-2019-11-guardianship-en/16809ccfe2>.

⁸¹ Committee of Ministers of the Council of Europe, Recommendation No. R (98) 15 to Member States on the Training of Officials who first come into Contact with Asylum Seekers, in Particular at Border Points, 15 December 1998, para 2, available at: <https://www.refworld.org/pdfid/3ae6b39d10.pdf>.

⁸² Decree of the RA First Deputy Prime Minister N 2-N, of 9 January 2019, available at: <https://www.arlis.am/DocumentView.aspx?DocID=149874>.

interviewing techniques), which was subsequently approved by a Migration and Citizenship Service decree. The Migration and Citizenship Service received training on the application of this guide.⁸³

This said, other agencies' capacities to conduct initial interviews with asylum seekers have been found to be lacking. The Law on Refugees and Asylum vests the power to conduct such interviews with the Migration and Citizenship Service, the Border Guard, the Police, and the Penitentiary Service of the Ministry of Justice, whichever agency acts as the frontline response agency. As reported by KIs, instead of conducting actual interviews, these agencies simply refer the asylum seeker to the Migration and Citizenship Service. This is problematic both in terms of the Migration and Citizenship Service workload, and in terms of delayed interviewing, which in cases of vulnerable asylum seekers such as children may result in secondary victimisation.

The 2023-2025 National Action Plan and Schedule on Action Against Trafficking in Human Beings also envisages a few activities that concern migration and asylum in general and UASC in particular. One of such activities is the training for relevant staff of the Migration and Citizenship Service and the Border Guard (which is under the National Security Service) on the risks of human trafficking and exploitation among UASC and possible prevention thereof. However, according to KI reports, only the Migration and Citizenship Service asylum officials have so far been trained on child trafficking.

As far as age assessment capacities are concerned, it is understood that at present, rather than conduct age assessment, the Migration and Citizenship Service would rather rely on the words of the presumed child affording them the benefit of the doubt. At least in part, this is due to the fact that forensic expert evaluation providers are not sufficiently capacitated to carry out the age assessment in a dignified and human rights-based manner. Furthermore, the challenges in age assessment create an issue of criminal liability as well, for example, in cases of border crossings, which appear in practice. While comprehensive forensic examinations (both medical and psychological) take place in the context of criminal proceedings, this is not the case in asylum proceedings. It was also observed that capacity building of forensic expert evaluation providers is required.

The 2018 Progress Analysis Report on the Republic of Armenia of the Asylum Systems Quality Initiative in Eastern Europe and South Caucasus included a number of recommendations that remain relevant today. In particular, it is recommended that training for newly recruited State Migration Service⁸⁴ staff be developed through further strengthening and standardising the curricula and prioritising continuing professional development. Integrating additional competencies (such as relevant education and experience, foreign language skills, etc.) as eligibility criteria for staff promotion was likewise recommended.⁸⁵

Regarding the reception infrastructure and resources, the fact that Armenia does not practice immigration detention deserves special note as a welcome practice. In the case of UASC, even though the legal term for their containment in Border Guard facilities at border crossing points is 72 hours as a maximum, in practice children are transferred by the Migration and Citizenship Service within several hours to 1 day, depending on the relative remoteness of the border crossing point (for example, in the case of UASC identified at Zvartnots airport the average wait time is a few hours only). While the Border Guard facilities are not specially designed for children, they are sufficiently comfortable and include all amenities for short-term stay.

At the same time, the gaps and needs assessment has identified gaps. While the Law on Refugees and Asylum stipulates that UASC asylum seekers be prioritised for reception centre

⁸³ Publication in the World Vision webpage, available at: <https://shorturl.at/N9iSa>.

⁸⁴ The predecessor of the Migration and Citizenship Service.

⁸⁵ 2018 Progress Analysis Report on the Republic of Armenia of the Asylum Systems Quality Initiative in Eastern Europe and South Caucasus, pages 21 – 22.

placement, considering their best interests and in consultation with their representative,⁸⁶ the actual practice is different. According to KIs, the Migration and Citizenship Service do not accommodate UASC in the reception centre, considering that there is only one such institution and it is not child friendly. The HRDO also reported that the reception centre is usually overcrowded.⁸⁷ The Law on Refugees and Asylum provides for an alternative option to apply to the MoLSA to organise the accommodation and care of the UASC.⁸⁸ In practice, for the accommodation of UASC, the Migration and Citizenship Service cooperates with NGOs such as the Foundation for Armenian Relief.

It bears note that the Human Rights Protection Strategy and the 2020-2022 Action Plan envisaged enhancing accommodation capacity for asylum seekers by the first semester of 2020.⁸⁹ However, as of the time of this gaps and needs assessment, the new Reception Centre of the Migration and Citizenship Service was still under construction, despite the deadline for its launch having been set for July 2022. The new facility, to be located in Abovyan city, will provisionally accommodate 100 - 120 asylum seekers once launched.⁹⁰

While longer-term placement of UASC in reception centre-style facilities is not recommended, it is recommended that a streamlined procedure for timely community-based accommodation and care of UASC be introduced and supported by adequate resources.

6.2.5. Cooperation and coordination

Interagency cooperation and coordination in issues affecting UASC in Armenia is hampered by an apparent insufficiency of agency-level awareness about the mandates, functions and capabilities of other agencies involved. In particular, the State Migration and Citizenship Service, while quite engaged in ensuring that the child receives relevant services post-referral (such as temporary accommodation in child-friendly reception and accommodation centres operated by the State Migration and Citizenship Service, etc.), is not aware of the exact procedure for the identification of arriving children as unaccompanied or separated. The State Migration and Citizenship Service's SEKT database, likewise, does not flag UASC cases, which results in a lack of statistical data on UASC identified among child arrivals. This, in turn, contributes to knowledge gaps and ultimately poses a barrier to evidence-led interagency approach to policymaking.

It is recommended that priority be given to the review and improvement of statistical indicators to promote data collection on children in difficult circumstances, including UASC.

Despite the Law on Refugees and Asylum providing for a sufficiently clear division of responsibilities and the mandate of each stakeholder, the KI interviews have revealed shortcomings in some of their implementing functions concerning UASC. As it was reported, on some occasions, even with a clear division of responsibilities, there is a lack of mutual collaboration and coordination. Notably, there is no working group that would provide a platform for coordination and information exchange and ensure that there is no duplication of tasks or fragmentation in approach.

⁸⁶ RA Law on Refugees and Asylum, Art. 24 (1), available at: <https://www.arlis.am/DocumentView.aspx?DocID=154872>.

⁸⁷ 2021 Annual Report of the Human Rights Defender, page 1482, available at: <https://ombuds.am/images/files/022666474d87ff84a86acf39be58bec8.pdf>.

⁸⁸ Id., Art. 50 (5).

⁸⁹ Human Rights Protection Strategy and 2020-2022 Action Plan approved by the RA Government Decision N 1978-L of December 26, 2019, Annex 2, para 20, available at: <https://www.arlis.am/DocumentView.aspx?DocID=159241>.
<https://www.arlis.am/DocumentView.aspx?DocID=158031>

⁹⁰ Migration Service official webpage, available at: <http://www.migration.am/news/421>.

It is recommended that cooperation between all relevant stakeholders be strengthened with the Migration and Citizenship Service assuming the coordinating role with the establishment a working group with a sufficiently wide thematic scope not be limited to the issues relevant to the UASC. The working group should ideally include state bodies, local self-government bodies, and relevant NGOs, and provide a platform to facilitate coordination and regular exchange of information with regard to UASC needs, legal reform priorities, and practical challenges as well as solutions.

6.3. Integrated child protection system. Child protection systems in emergencies

6.3.1. Integrated child protection systems

At this point in time, Armenia does not yet have an integrated national child protection system in place, although there are efforts underway to set up such a system. In particular, the Draft Law of the Republic of Armenia on the Rights of the Child and the Child Protection System⁹¹ (“Draft”) in its Art. 43 enumerates the powers of the competent body in the area of child protection, including powers with regard to policymaking and implementation, as well as the oversight of the implementation of delegated child protection powers by local community heads and the activities of child protection councils. This said, the Draft stops short of setting up separate child protective services, nor does it expressly delineate the composition, powers, and tasks of multidisciplinary child protection councils. While the Draft instils cautious hope for the establishment of a legislative basis for an integrated child protection system, its adoption would be the first step in what appears to be a long and painstaking process of developing a full-fledged system at the national level.

It is recommended that the development of an integrated national child protection system be given priority attention, and separate child protective services be set up either as part of the Integrated Social Service or as a standalone body under the MoLSA. It is essential that these child protective services are financed from a dedicated state budget line, including both their operational expenses and strategic development and capacity building expenses.

Presently, the Child Protection Working Group (“CP WG”) under the Children’s Issues Department of the Ministry of Labor and Social Affairs (“MoLSA”) serves as an interagency platform for coordination of issues affecting children. The KIs interviewed have observed that while the CP WG is quite active, the scope of its activities has narrowed down following the beginning of the influx of displaced persons and refugees to Armenia in September 2023. It may be presumed that this is due to displaced children receiving priority attention. If so, the child protection strategy needs to adopt a more comprehensive approach since many of the issues affecting displaced children are not endemic to this group of child population.

The ongoing digitalisation of child protection in Armenia is certainly welcome. However, as observed by the KIs interviewed, the Automated Information System on Children in Difficult Circumstances (“CDS AIS”) is outdated and in need of reform. One specific circumstance that needs addressing in the short term is the fact that the CDS AIS is not integrated with external databases or automated information systems, which poses a serious barrier to ensuring seamless data exchange. The MoLSA Information Technology Centre, with UNICEF support, is currently embarking on the development of a new CDS AIS, which may in theory include a separate module on displaced children. The vision is to develop it into a full-fledged child protection automated information system that would also support the mandatory reporting

⁹¹ As of the time of finalising this report, the Draft was slated for adoption by the end of 2024.

system, thereby contributing to uniform implementation of mandatory reporting requirements and minimising the risk of human error.

On a positive note, Armenia has ratified a number of international instruments of relevance to child protection, including HCCH treaties such as the 1980 Child Abduction Convention, the 1993 Adoption Convention, and the 1996 Child Protection Convention. This introduces additional safeguards in terms of international and cross-border cooperation in child protection cases.

6.3.2. *Child protection systems in emergencies. Child safeguarding in humanitarian settings*

Armenia is at substantial risk of natural disasters, which include floods, earthquakes, and hailstorms. Located in the Alps-Himalaya seismic zone, Armenia is particularly earthquake-prone and devastating earthquakes are known to have occurred in the recent past. Other sociopolitical and socioeconomic shocks that have impacted the country in the recent years include the mass displacement of ethnic Armenian population in September 2023, including some 30,000 children⁹², as well as the COVID-19 pandemic.

While Armenia has invested a considerable effort into developing its disaster management capabilities, child protection in emergencies remains lagging behind, which may at least partially be attributed to the lack of an integrated national child protection system overall. At the same time, the CSO sector, notably the Armenian Red Cross (“ARC”), has consistently put child protection in emergencies in the spotlight. By virtue of its close cooperation with the national authorities and nationwide geographical coverage, the ARC has been able to partially offset the risks posed by the absence of a robust child protection in emergencies framework, however, the need for a sustainable long-term institutionalised mechanism still remains.

The state policy on response to a mass influx of displaced population, as envisaged by the Conceptual Framework and Action Plan for State Management of Migration, is slated for discussion. The Action Plan for Management of Migration Flows Induced by Disaster or Military Action was drafted by the former Ministry of Emergency Situations and published on the e-draft.am platform⁹³ back in 2019 but has not yet been adopted. It suggests a special chapter on the state bodies with competence on migration issues involved in the plan and their authorities, which stipulate the functions of each entity concerning the UASC. In general, the response to shocks, including displacement, has been rather slow.

In particular, if adopted, it would require that the body with the coordination mandate in the area of emergency situations would be required to refer UASC to the MoLSA in order for the latter to organise their accommodation and care. In response to an application by the guardianship body, the Ministry of Education, Science, Culture and Sport is supposed to ensure the admission of UASC to an educational institution.⁹⁴ The procedure for guardian appointment for UASC is discussed above under 6.1.2. *Effective guardianship and representation*.

It is recommended that the state policy on mass influx of displaced population be finalised and adopted as a matter of priority. There is also need for a more comprehensive, cohesive, and strategic approach to building a more shock-resistant child protection and social protection system.

Access of children to quality services under humanitarian crisis conditions poses a challenge to an extent. One issue that has been flagged by KIs is the need for a more diverse pool of

⁹² See UNICEF Armenia Humanitarian Situation Report No 8, 17 – 30 November 2023.

⁹³ E-draft.am is a platform for public consultations on draft legislation and regulations.

⁹⁴ Draft Action Plan for Management of Migration Flows Induced by Disaster or Military Action drafted by the Ministry of Emergency Situations of the Republic of Armenia, available at: <https://www.e-draft.am/projects/1462/about>.

foster carers (and guardians in general; see also 6.2.2. *Effective guardianship and representation* above) since some of the children unofficially identified as UASC do not possess sufficient command of the Armenian language (specifically, 2 UASC relocated from Rostov, who are ethnically Armenian but do not speak the language).

Armenia also accommodated displaced Êzidî (alternatively spelled “Yezidi”) children from the Shengal (alternatively spelled “Sinjar”) area in Iraq. While these children were accompanied, there have been cases identified where lack of a mechanism attuned to the specific ethnocultural, linguistic and religious needs of children and families resulted in limitations on the access to important services such as education, especially where the child/family relocated to a settlement without a sizeable population with the same ethnocultural/linguistic/religious background. For instance, two displaced Êzidî families in Zvartnots village, Armavir marz, were reportedly unable to send their children to school as no Kurmanji-language school was available and their children did not speak Armenian.

It is recommended that mechanisms be put into place to ensure that children of diverse ethnocultural, linguistic and religious backgrounds have access to quality services, including education, under humanitarian crisis conditions.

Children’s access to quality healthcare does not appear to pose a challenge. In Armenia, all children are eligible for free healthcare, and KIs have indicated that displaced children, including UASC, have been able to access healthcare without impediment. The Law on Healthcare makes a provision for children in informal care, including kinship care, to make healthcare-related decisions on behalf of the child in their capacity as temporary guardians.

Armenia not only has the capacity to provide quality healthcare to displaced children resident within Armenia’s territory, but Armenian clinics have provided life-saving medical interventions to foreign children on humanitarian grounds where the required medical intervention cannot be performed in the country of the child’s residence.⁹⁵

Access to healthcare-related information (including information on sexual and reproductive health) is provided regardless of the child’s age, but with due regard to the child’s evolving capacity and developmental maturity. This said, in order to seek access to mental healthcare, children under 16 need the consent of their parent or other holder of parental responsibility. In the case of sexual and reproductive healthcare, the consent of the parent or other holder of parental responsibility is required for abortion, although there is a package of draft amendments to the Law on Reproductive Care that intends to lift this requirement for children aged 16 and older.

Access to life-saving treatment (e.g. the power of the medical practitioner to overrule the parent’s refusal to consent to life-saving treatment for the child) is not regulated in detail. In many cases a judicial intervention is required, which is not always in the child’s best interests as it can involve protracted decision-making. Given the variety of cultural and educational backgrounds that displaced children come from, this may pose a challenge in respect to displaced children in particular.

It is recommended that access to life-saving treatment be regulated in more detail in order to ensure that the state can consent to life-saving treatment where the parent or other holder of parental responsibility is determined to not act in the best interests of the child.

Another salient gap is the lack of a legislative and/or policy basis for child safeguarding. In particular, while the authorities use the social contracting model to outsource public services to the private and nonprofit sectors through public procurement schemes, there is no requirement for the legal entities bidding for contracts involving contact with children and/or provision of services that affect children to pass child safeguarding compliance checks. Any

⁹⁵ A case quoted by KIs is described in detail here: <https://auroraprize.com/en/saving-life-yazidi-girl-iraq-armenia-humanitarian-mission-be-continued>

child safeguarding compliance therefore remains strictly voluntary and not directly incentivised by the government.

It is recommended that the child safeguarding concept be introduced through relevant regulations in all relevant sectors, including social protection, education, healthcare, and others. Stringent safe recruitment procedures should be put in place for professions in contact with children and/or responsibility for decision-making in respect of children, and non-state (both non-profit and for-profit, domestic, and international) service providers to the state should be thoroughly vetted for child safety.

While there is an increasing awareness of the importance of rehabilitation services for child survivors of abuse, neglect, exploitation, armed conflict, or other trauma in general, the access to quality services is still inadequate. In particular, there is no comprehensive, end-to-end support service for vulnerable victims and witnesses of crime.

It is recommended that access to crisis intervention and rehabilitation services for child survivors of abuse, neglect, exploitation, armed conflict or other trauma be prioritised, including the development of a comprehensive support service for vulnerable victims and witnesses of crime, including children, as well as building a network of vetted, trusted service providers, including providers of gender- and culturally sensitive mental health care (including expanded access to mental health and psychosocial support services for children).

With regard to the situation of UASC and to family tracing and reunification (“FTR”) specifically, the ARC together with the ICRC play a vital role. In particular, the ARC operates the ICRC’s Restoring Family Links (RFL) family tracing scheme in Armenia. The ARC website describes the scheme as “tracing and restoration of family links lost during population movement, searching of notifications confirming the place of the grave of the victims of war, conflict and disasters, tracing or assistance in the tracing of documents confirming that a person was subjected to evacuation, captivity, forced departure or forced labour during World War II”.

This gaps and needs assessment has not been able to find evidence of the existence of a state-level institutional mechanism for FTR. While the police appear to play a role in family tracing, there is no full-fledged, cross-sectoral approach to FTR or indeed any formal SOP or operational guidance on FTR.

It is recommended that a full-fledged, cross-sectoral approach to FTR be adopted and formal interagency operational guidance on FTR be developed and introduced.

Since children affected by humanitarian emergencies are especially vulnerable to criminal victimisation, including trafficking in human beings. In Armenia’s case, victim of trafficking (VoT) identification is not conducted in procedurally consistent manner, and there is no consolidated list of indicators, of child trafficking specifically. This poses a challenge, especially given KI reports that the Border Guard usually do not proactively screen child arrivals for PVoT, and usually only intervene if a child or a third party approaches them to report a concern. It is unclear if training on behavioural profiling has been conducted to identify suspicious behaviour in general and suspicious behaviour of persons accompanying children in particular. For further discussion of this issue, see 6.3.3. *Resources, recruitment, qualifications, and training* below.

6.3.3. Resources, recruitment, qualifications, and training

A critical need has been identified with regard to capacity building and human capital development for the social workforce. As currently there is no budgetary funding envisaged for MoLSA capacity building, the Ministry is entirely dependent on donor funds. This, in turn, results in a lack of sustainability and, should steps be made to develop a full-fledged integrated child protection system, is likely to pose challenges to the development of a workforce of specialised child protection social workers.

At this point in time, there are no social workers specialised in child protection. This implies that a social worker working for the Integrated Social Service may in principle be reassigned to various job roles throughout their career. While the core skill set for all social worker roles may be the same, child protection requires a substantial number of additional skills, which cannot be acquired through brief retraining. Importantly, the focus of child protection work is on the identification of children in situations or at risk of abuse and/or neglect, child protection investigations and response in cases of abuse and/or neglect, and on needs assessment of children and families and support to parents and other caregivers to improve their parental/caregiving skills, which often involves multidisciplinary cross-sectoral cooperation to help parents/caregivers break their destructive lifestyle habits (e.g. use of psychoactive substances, involvement in sex work, etc.).

It is recommended that a specialised child protection social workforce be developed to staff the child protective services (see 6.3.1. *Integrated child protection systems* above). This workforce should have its own competency frameworks, staff schedule complete with job descriptions for each role, and a mechanism in place to ensure that regular training needs assessment takes place and action is taken to address the training needs identified.

Another capacity-building need identified concerns the need for training on risk assessment and lethality screenings for police first responders and guardianship bodies to identify whether grounds for emergency removal of the child are present.

It is recommended that risk assessment and lethality screening tools be developed, and a set of SOPs adopted for police first responders and guardianship bodies to assess whether emergency removal should be opted for. The introduction of screening tools and SOP should be accompanied by training to ensure their consistent interpretation and application.

As briefly mentioned under 6.3.2. *Child protection systems in emergencies. Child safeguarding in humanitarian settings*, one specific issue that poses a potential concern but needs to be further researched before a definitive assessment can be given, is the lack of a SOP to proactively screen and identify possible UASC (including children in trafficking situations) through behavioural observation in the event that the child does not approach the border guard directly or through an intermediary.

The review of the existing PVoT/VoT (presumed victim of trafficking/victim of trafficking) screening and identification procedure for consistency and detail may be considered, and relevant training provided to the Border Guard, among other frontline responders, to proactively identify child PVoT. Resources such as the FRONTEX VEGA Handbooks⁹⁶ may be used as a source of inspiration and to be localised for the Armenian context.

It is recommended that SOP development and capacity building of frontline responders (border guard and the State Migration and Citizenship Service) be considered. The capacity building should, in particular, prioritise behavioural profiling to assist in the proactive screening and preliminary identification of UASC with a special emphasis on UASC in trafficking situations.

With regard to CSOs, as already noted under 6.3.2. *Child protection systems in emergencies. Child safeguarding in humanitarian settings* above, child safeguarding concept has not yet firmly taken root. While larger, more established CSOs such as the ARC, as well as CSOs that act as implementing partners for UNICEF and other international organisations with strict child safeguarding and PSEA policies, are generally familiar with and adhere to safe programming principles, this is not the case for many other, smaller CSOs.

⁹⁶ See <https://www.frontex.europa.eu/publications/vega-handbook-children-at-land-borders-lqVyxI> and https://www.frontex.europa.eu/assets/Publications/Operations/VEGA_Children_Handbook.pdf.

In light of this circumstance, it is recommended that CSO capacity building on safe programming be prioritised.

6.3.4. Cooperation and coordination

The picture that appears from the interviews conducted with KIs is that of limited coordination and generally fragmented approach to child protection. While the lack of dedicated child protective services may be a factor, even in the absence of such services well-institutionalised and adequately resourced multiagency cooperation mechanisms such as community-level commissions such as Local Safeguarding Children Partnerships in the UK⁹⁷ or joint municipal boards in Finland may be at least partially capable of mitigating this gap. However, local child protection councils in Armenia are not financed from the state budget and essentially have to operate *pro bono*, which puts into question their potential even in the event that the Draft Law is adopted and enacted.







The lack of interagency SOPs in the area of child abuse reporting and response, as well as child protection in emergencies, further exacerbates this concern. While the Draft Law introduces a mandatory reporting mechanism for suspicions of child abuse, it remains to be seen to what extent the implementation of the mandatory reporting system will be supported both in procedural and resourcing terms.


It is recommended that close consideration be given to establishing dedicated child protective services or, alternatively, strengthening the operation of community-level multiagency multidisciplinary child protection councils through adopting formal operational guidance as a common baseline for their operation throughout Armenia, as well as allocating state budget funding to these councils.





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


See https://assets.publishing.service.gov.uk/media/65cb4349a7ded0000c79e4e1/Working_together_to_safeguard_children_2023_-_statutory_guidance.pdf for specific statutory guidance on the operation of these partnerships.





7. BENCHMARKING FRAMEWORK AND RECOMMENDATIONS






	Aspirational standard/benchmark	Implementation status  Fully  Partially  Not implemented	Recommendations
1.	ALTERNATIVE CARE		
1.1.1.	There is a legislative and regulatory framework on alternative care in place, which emphasises the principles of necessity and suitability.		
1.1.2.	The legislation provides that decision-making on alternative care placement consider the best interests of the child.		
1.1.3.	There are safeguards in place against placement in residential care.		Art. 111(1) of the Family Code expressly provides that a child left without parental care may only be placed in an institution where alternative care in the form of guardianship or foster care cannot be arranged.





1.1.4.	There exist policies to promote and strengthen parents' ability to care for their children.		<p>Art.63 of the Family Code allows for temporary suspension of parental rights (termed “restriction of parental rights” by the Family Code) by the court in the event that the parent’s conduct endangers the child but the grounds for parental rights termination are absent. In principle, Art. 63 is intended as a safeguard against unwarranted termination of parental rights, which is welcome. However, in the absence of a viable mechanism to provide support to the parent to better care for the child and strict monitoring criteria, Art. 63 is reduced to a formality.</p> <p>While, at least at the level of policymakers, there is awareness of the importance of providing support to parents to strengthen their ability to care for their children, it does not occur in practice due to the absence of dedicated child protective services and the lack of social workers adequately trained and resourced to provide such support. Inadequate interagency cooperation at the local level likewise poses a challenge as it inhibits referrals.</p>	<p>It is recommended that the Family Code be amended to remove the 6-month deadline for the suspension (restriction) of parental rights, and vest discretionary powers in the court to decide in each case based solely on the best interests of child and on a case-by-case basis. It is also recommended that supporting regulations be adopted to clearly delineate the procedure of service provision to parents whose parental rights have been restricted, to monitor their compliance of the court-imposed conditions and the implementation of the case plan, with the ultimate aim of promoting family reintegration where it is in the best interests of the child.</p> <p>It is recommended that the introduction of policies to promote and strengthen parents' ability to care for their children occur in the context of the development of an integrated national child protection system, including a specialised child protection social workforce to ensure sufficient numbers of social workers adequately trained and resourced to provide such support. Strengthening interagency cooperation at all levels is likewise recommended to promote effective referrals.</p>
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1.1.5.	There exist policies to promote family reintegration, which ensure that reintegration occurs as a gradual and supervised process that takes into account the child's age, needs and evolving capacities, as well as the cause of the separation.		The gaps and needs assessment has been unable to find evidence of such policies. An additional concern is posed by the existing provisions in the Family Code on emergency removal, which provide for the power of the guardianship body to apply to the court for parental rights termination or restriction as a default option in cases where emergency removal has occurred.	It is recommended that the provisions of the Family Code concerning emergency removal be revised to 1) introduce the concept of a place of safety, 2) to introduce mandatory judicial review of the emergency removal decision within 48 hours at the maximum, and 3) to introduce a mechanism against unwarranted termination or restriction of parental rights, limiting it only to exceptional circumstances where all other means have failed or otherwise are determined not to serve the best interests of the child.
1.1.6.	Policies allow for timely decision-making on the child's eligibility for permanent family placement.			
1.1.7.	Foster care is expressly provided for.			
1.1.8.	Foster parents receive appropriate support, including capacity building.		Support, supervision and capacity building for foster parents is inadequate and not properly resourced. Moreover, attracting prospective foster carers poses a major challenge.	A comprehensive review of the alternative care system in Armenia is recommended that would also include a costing exercise and endeavour to develop recommendations for incentivising potential foster carers.





1.1.9.	There is a mechanism in place to assess and match the needs of the child with the abilities and resources of prospective foster parents.		While there is the understanding of its importance, the extremely limited pool of trained foster carers precludes its implementation in practice.	<p>It is recommended that the development of a professionalised foster care system be prioritised, in a mid to long term catering to diverse groups of children in need of foster care services, including child victims of serious abuse, children in conflict with the law (e.g. children diverted from the formal justice system), and children with disabilities and other special needs requiring reasonable accommodations.</p> <p>It is also recommended that attention be paid to building a more diverse pool of foster carers to accommodate children's diverse linguistic and ethnocultural needs.</p>
1.1.10.	There are incentives in place to encourage informal carers to notify the care arrangement and promote their access to relevant services.		Formal guardians, unlike informal carers, are eligible for certain, albeit limited, financial assistance.	
1.1.11.	The appointment of a guardian for the child is procedurally regulated and is made in consultation with the child and taking into consideration the child's evolving capacity.		Guardian appointment is sufficiently regulated at the primary legislation level but is in need of clarification through supporting regulations.	It is recommended that the adoption of the Draft be accompanied by a set of supporting regulations to ensure proper implementation of guardianship-related provisions and promote the best interests of the child in guardian appointments.





1.1.12.	There is a competent authority in place with responsibility for the management of guardianship for UASC in migration.		The authority exists, but the process is not effective in practice. In particular, the lack of supporting regulations and mechanisms to attract a pool of eligible guardians undermines the effectiveness of the legislative provisions in question.	There is need to introduce implementation mechanisms. It is also recommended that Armenian authorities ensure immediate appointment of guardians for the UASC once identified, as well as ensure streamlined implementation of functions by all responsible entities. It is further recommended that the provision in the Government decree on the procedure for appointing a representative for the UASC regarding pro bono performance by the guardian of their functions be abolished.
1.1.13.	There is a mechanism in place to ensure that the staff of the competent guardianship authority conform to and maintain high professional standards.		There is no such mechanism nor a set of standards to be complied with. Lack of state financing further exacerbates this challenge.	It is recommended that a competency framework, professional standards, safe recruitment procedure and reasonable compensation for performing as guardian and representative (guardian ad litem) respectively be introduced. It is also recommended that a streamlined procedure for timely community-based accommodation and care of UASC be introduced and supported by adequate resources.
1.1.14.	There are state monitoring mechanisms in place that extend to all forms of alternative care, including all forms of formal care as well as informal care.			It is recommended that a monitoring unit be set up at the state agency with monitoring powers, or possibly a separate monitoring service be created under the competent body, with the responsibility to conduct incident tracking, ongoing oversight of serious concerns, and risk management and escalation.
1.1.15.	There exists a set of formal quality criteria that are mandatory for all alternative care providers to comply with.		There is no formal monitoring scheme, and there are no formal quality criteria apart from generic prohibitions spelled out by the law.	It is recommended that the monitoring scheme be supported by a set of formal quality criteria that are mandatory for all alternative care providers to comply with.





1.1.16.	The monitoring scheme comprises both scheduled and unannounced visits.		There is no regulation or operational guidance on this issue.	It is recommended that the monitoring scheme be supported by specific operational guidance.
1.1.17.	To the extent possible and appropriate, the monitoring scheme includes a component of training and capacity building for care providers.			It is recommended that emphasis be made on developing a professionalised foster care system, including access to continuous professional education.
1.1.18.	There is an effective mechanism in place to allow children to access an independent and effective complaint mechanism in relation to their care provider, guardian, guardianship arrangements and/or guardianship authority.		There are no such complaint mechanisms.	It is recommended that child-friendly, accessible, and safe complaint mechanisms be established that are subject to strict data protection and privacy safeguards and that accountability measures should be in place to address any misconduct or shortcomings in handling complaints.
1.1.19.	The complaint mechanism is accessible to all children and provides for reasonable accommodation where the child in question does not have the command of the state language, has a disability, or has other special needs, including those stemming from past trauma.			
1.1.20.	Data collection occurs on a regular basis and is supported by a well-developed system of relevant indicators, with a view to identifying the number and categories of children in each type of alternative care, the needs, and allocated resources.		While more research into this issue is required, the indicators on UASC in particular do not exist.	It is recommended that priority be given to the review and improvement of statistical indicators to promote data collection on children in difficult circumstances, including UASC.
B.	MIGRATION AND ASYLUM. IDENTIFICATION AND TREATMENT OF UASC			
2.1.	<i>Migration and asylum legislation</i>			





2.1.1.	There is a mechanism in place to ensure that all migrants have proof of legal identity and adequate documentation.			
2.1.2.	Access to accurate and timely information is provided at all stages of migration, in law and in practice.		Access to information is provided, albeit not immediately, but both NGOs and the Migration and Citizenship Service provide information once the child comes into contact with them.	Access to information at the first contact with the child should be ensured.
2.1.3.	Children have access to child protection systems and basic services when undergoing asylum and immigration procedures, in law and in practice.		While the authorities endeavour to apply a child-friendly approach insofar as possible, the lack of an integrated child protection service and inadequate resourcing of services for child asylum seekers leave room for improvement.	It is recommended that a streamlined procedure for timely community-based accommodation and care of UASC be introduced and supported by adequate resources.
2.1.4.	Detention of children solely on the basis of immigration/asylum reasons is never resorted to.			
2.2.	<i>Identification and treatment of UASC</i>			




2.2.1.	Prioritised identification of a child as UASC takes place immediately upon arrival at ports of entry or as soon as their presence in the country becomes known to the authorities.		One specific issue that poses a potential concern but needs to be further researched before a definitive assessment can be given, is the lack of a SOP to proactively screen and identify possible UASC (including children in trafficking situations) through behavioural observation in the event that the child does not approach the border guard directly or through an intermediary.	It is recommended that SOP development and capacity building of frontline responders (border guard and the State Migration and Citizenship Service) be considered. The capacity building should, in particular, prioritise behavioural profiling to assist in the proactive screening and preliminary identification of UASC with a special emphasis on UASC in trafficking situations.
2.2.2.	UASC are appointed a guardian without undue delay, in law and in practice.		Even though the law requires it, the implementation mechanisms are lacking.	There is need for supporting regulations and mechanisms to attract a pool of eligible guardians.
2.2.3.	Where the child's age cannot be conclusively determined, the presumption of child status applies.			
2.2.4.	There exist regulations and/or operational guidance on age assessment, which includes safeguards to ensure that such assessment is holistic and not based exclusively on clinical or anthropometric assessment methods.		There is also no procedure for age assessment of children whose age is disputed, nor are there sufficient capabilities to conduct age assessment.	It is recommended that a set of agency-level regulations be adopted prescribing the indicators and a SOP for UASC identification. These regulations should include a SOP and operational guidance on age assessment that is dignified, child-friendly and gender-sensitive, based on the principles of voluntary informed consent and the presumption of child status, and conducted in a holistic manner.

2.2.5.	Initial identification procedures require prompt registration by means of an initial interview conducted in an age-appropriate and gender- and culturally sensitive manner, in a language the child understands, by professionally qualified persons to collect biodata and social history to ascertain the identity of the child, including, wherever possible, identity of both parents, other siblings, as well as the citizenship of the child, the siblings and the parents.		While the Law on Refugees and Asylum mandates the Migration and Citizenship Service to take measures to ascertain the identity and nationality of the UASC, as well as search for the child's parents or other relatives for family reunification if such search and unification are in the child's best interests, the Migration and Citizenship Service does not a SOP prescribing the indicators and standard operational procedures for such cases.	There is need for an improved set of procedures for the identification, referral, and prioritisation of vulnerable persons (referred to as “persons with special needs” under the Armenian law), referring in particular to the development of supporting regulations to ensure proper implementation of the safeguards provided by the Law on Refugees and Asylum.
2.2.6.	There exist standard operating procedures and referral mechanisms to promote coordination between the guardians, the guardianship authority, and all other relevant stakeholders to protect UASC from the moment of identification until a sustainable, rights-based solution is implemented.		Since guardianship commissions do not receive any state funding, their effectiveness in practice is severely limited.	There is need for a comprehensive review and sustainable state budget support of the guardianship body system.
2.2.7.	Referral mechanisms address the role of the guardian and of the guardianship authority in cases of disappearance of an UASC and in situations where the child is a victim or is at risk of becoming a victim of violence, abuse, trafficking, or exploitation.		Since there is no viable monitoring mechanism for guardianship arrangements, any such cases would be handled on an ad hoc basis.	It is recommended that a monitoring unit be set up at the state agency with monitoring powers, or possibly a separate monitoring service be created under the competent body, with the responsibility to conduct incident tracking, ongoing oversight of serious concerns, and risk management and escalation.
2.2.8.	In law and in practice, UASC are provided with their own personal identity documentation as soon as possible.			

2.2.9.	In law and in practice, family tracing of an UASC is commenced as soon as possible.			
C.	INTEGRATED CHILD PROTECTION SYSTEMS			
3.1.	<i>Integrated child protection systems</i>			
3.1.1.	An integrated child protection system exists.		At this point in time, Armenia does not yet have an integrated national child protection system in place, although there are efforts underway to set up such a system.	It is recommended that the development of an integrated national child protection system be given priority attention, and separate child protective services be set up either as part of the Integrated Social Service or as a standalone body under the MoLSA. It is essential that these child protective services are financed from a dedicated state budget line, including both their operational expenses and strategic development and capacity building expenses.
3.1.2.	The child protection system has transnational and cross-border mechanisms in place.		Armenia has ratified a number of international instruments of relevance to child protection, including HCCH treaties such as the 1980 Child Abduction Convention, the 1993 Adoption Convention, and the 1996 Child Protection Convention.	
3.1.3.	The child protection system has built-in mechanisms to respond to shocks where children's protection needs are likely to escalate, including displacement.		The response to shocks, including displacement, has been rather slow.	There is need for a more comprehensive, cohesive, and strategic approach to building shock resistance.
3.2.	<i>Child protection systems in emergencies</i>			

3.2.1.	In large scale emergencies, interim care is provided for the shortest time appropriate for unaccompanied children.		Since the number of unaccompanied children among the recently displaced child population has been low, it is difficult to conclusively determine the timeliness of interim care provision. However, the shortage of eligible guardians and an extremely small pool of foster carers calls the preparedness to accommodate unaccompanied children in emergencies into question.	There is need to invest into further development of the pool of eligible guardians and foster carers.
3.2.2.	Access to education is maintained during all phases of the displacement cycle.		This is generally the case, however, there is lack of capacity to provide access to quality education for non-Armenian speaking children.	There is need to improve access to quality education for non-Armenian speaking children.
3.2.3.	UASC are registered with appropriate school authorities as soon as possible.			
3.2.4.	Access to healthcare is maintained during all phases of the displacement cycle.			

3.2.5.	Rehabilitation services are accessible to all children who have been victims of any form of abuse, neglect, exploitation, armed conflict, or other trauma. This includes access to gender- and culturally sensitive mental health care.		While there is an increasing awareness of the importance of rehabilitation services for child survivors of abuse, neglect, exploitation, armed conflict, or other trauma in general, the access to quality services is still inadequate.	It is recommended that access to rehabilitation services for child survivors of abuse, neglect, exploitation, armed conflict or other trauma be prioritised, including the development of a comprehensive support service for vulnerable victims and witnesses of crime, including children, as well as building a network of vetted, trusted service providers, including providers of gender- and culturally sensitive mental health care.
3.3.	<i>Child safeguarding in humanitarian settings</i>			
3.3.1.	State and non-state actors working with children affected by humanitarian crises ensure that children are safeguarded at every stage of the humanitarian response cycle.		The child safeguarding concept is not yet rooted in the legislation, policies, and practices.	It is recommended that the child safeguarding concept be introduced through relevant regulations in all relevant sectors, including social protection, education, healthcare, and others.
3.3.2.	Child safeguarding and PSEA are included in needs assessment and monitoring of the response interventions.			
3.3.3.	All planned programmatic activities are constructed safely, with risk assessment forming an integral part of planning.		This is the case for larger, more established CSOs such as the Armenian Red Cross, as well as for CSOs that act as implementing partners for UNICEF and other international organisations with strict child safeguarding and PSEA policies, but far from a widespread practice yet.	In light of this circumstance, it is recommended that CSO capacity building on safe programming be prioritised.

3.3.4.	State and non-state actors working with children affected by humanitarian crises practice safe recruitment, with a special focus on staff and volunteer roles in direct contact with or having decision-making responsibility for children.		This is only the case of larger, more established CSOs.	Stringent safe recruitment procedures should be put in place for professions in contact with children and/or responsibility for decision-making in respect of children, and non-state (both non-profit and for-profit, domestic, and international) service providers to the state should be thoroughly vetted for child safety.
3.3.5.	Safe and ethical referral pathways exist.		There is a network of service providers, but no vetting mechanism in place.	
3.3.6.	Staff and volunteer capacity building and awareness raising on child safeguarding and PSEA issues is routinely conducted.		This is only the case of larger, more established CSOs.	There is need for an added emphasis on child safeguarding and PSEA capacity building for both state and non-state actors.

REFERENCES

1. Migration Service with the assistance of the Armenian representation of the International Centre for Migration Policy Development (ICMPD), 2013 – 2017 Extended Migration Profile of the Republic of Armenia
2. 2021 Annual Report of the RA Human Rights Defender
3. FRONTEX, VEGA Handbook: Children at airports. Children at risk on the move. Guidelines for border guards, 2015
4. FRONTEX, VEGA Handbook: Children at land borders. Children at risk on the move. Guidelines for border guards, 2021
5. TransMonEE, 2022; DataCare Technical Report, 2021
6. UNHCR Comments on the Draft Concept of the Republic of Armenia on Introduction State Migration Management
7. UNICEF Armenia Humanitarian Situation Report No 8, 17 – 30 November 2023

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