

**HUMAN RIGHTS DEFENDER OF
THE REPUBLIC OF ARMENIA**

**GUIDELINES FOR THE ACTIVITIES OF THE RA
HUMAN RIGHTS DEFENDER IN THE FIELD OF
PROTECTION OF THE RIGHTS
OF THE CHILD**

LEGAL ANALISYS

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INTRODUCTION

The issues of protection of children's rights are the basis of international law. That law is clear: children are the future of each society and state, therefore they must be under special and permanent attention, having the core right of a child to live and grow in the family. This is the issue that must be priority of each contemporary state's activity.

Due to the features of their age, mental and physical growth, children are considered a special group and need ongoing care and protection. In reality, the protection level of children differs from state to state. Children living in different parts of the world are either fully protected in respect to all their rights or are not even protected with regard to the right to life.

Especially in transitional society, children always bear the negative impact of economic instability and changing social environment, as a result of which the entire generation may appear in a crisis situation. Whereas, children are the future of each society and state, and the high level of children's protection proves that the given society or state is developed and dignified, as well as civilized and sustainable.

In Armenia, the efforts to protect human rights assume effective work in cooperation with the state and specialized non-governmental organizations, as well as with individual experts. In this sense, the institution of the RA Human Rights Defender carries out permanent and comprehensive activities aimed at protection of the rights of groups of society, via cooperation with international and local organizations working in this field, development and application of methodology of targeted support deriving from the needs of representatives of various social groups.

The protection of children's rights is the core of the activities of the RA Human Rights Defender. This fact was also recorded at the level of the constitutional law. Particularly, according to Article 2, Paragraph 3 of the RA Constitutional Law on

Human Rights Defender, Human rights defender shall conduct monitoring of the implementation of the provisions of the UN Convention on the Rights of the Child adopted on 20 November 1989, as well as carry out prevention of violations of the rights of the child and the protection thereof. This regulation had an important significance, and considerably changed the system of priorities of the Defender. In that direction, the RA Human Rights Defender has always taken institutional and procedural steps aimed at strengthening the legislative framework and relevant structures necessary to protect the rights of the child, the correction and modernization of the tools for ensuring the rights of the child, as well as at the targeted use of professional potential and cooperation with all stakeholders.

The activity of the RA Human Rights Defender in the sphere of protection of the rights of the child is based on the traditions of special attention to, love and care for children that are transmitted through generations, as well as the importance of protection of the Armenian family as a value.

Based on above-mentioned, as well as on the importance of effective protection of children's rights based on their best interest, Child Rights Protection Unit has been established within the staff of the Defender. One of the most important directions of the Unit's activity is protection of children's rights in closed-type institutions. Thus, children at those places must have an unrestricted opportunity to apply to Human Rights Defender and to receive support regarding protection of their rights.

During the consideration of issues of protection of children's rights within the system of activity of the Human Rights Defender's staff, relevant international experience has also been addressed. The mechanisms of human rights institutions in Western and Eastern Europe countries (England, Ireland, Norway, Hungary, Czech Republic, Slovakia, Latvia, Lithuania, Serbia, etc.), as well as some post-Soviet countries (Russia, Georgia) for receiving application or complaint lodged by children or on violations of children's rights, obtaining relevant information, as well as protection of the rights of children to be heard, are examined and presented below. Those countries have developed and introduced such

mechanisms considering the emphasis on protection of children's rights, the social-psychological features of those societies, and the necessity to ensure children's right to be heard has also been highlighted. It should be noted that the experience in countries studied, differs in terms of approaches, as well as size, content, selection of mechanisms and implementation. The study of international effective experience and consideration of strengths and weaknesses existing in other countries may support effective introduction of relevant mechanisms in the RA.

The main axis of study includes the national approaches of human rights protection or the approaches and procedures implemented by institutions of Ombudsman, relevant legal frameworks and the features of their implementation the countries studied.

Meanwhile, for assessment of needs related to protection children's rights protection thematic discussions were arranged with 40 children selected from different schools, who actively participated in the discussions regarding children's problems, in initiatives aimed at children's rights and are the opinion leaders in their social group.¹ The discussion with children related to protection of their rights allowed to clarify different factors in Armenia treating protection of children's rights in their surrounding social environment, as well as to reveal facts proving risks of violation of children's rights protection in different social groups surrounding them. Simultaneously, possible, more accessible and desirable mechanisms for implementation of the right of children to be heard and the right to make a complaint, to receive professional consulting were discussed with children via application of special methodology.

¹ In particular, the interviewed children are included in Impact and SKYE clubs initiated by World Vision Armenia, see <http://www.wvi.org/armenia/youth-empowerment>. Besides, the problem was discussed with schoolchildren regularly visiting the Human Rights Defender's Office and participating in discussions organized by Child's Rights Protection Unit of Defender's Staff.

Besides, the localized experience of different organizations acting in the field of children's rights protection in RA has been taken into consideration and discussed with the experts of the field. Those discussions aimed at finding out:

- ✓ Target problems of protection of child's rights in Armenia, as well as main points of violations of child's rights in social environment (elders and peers in educational institutions);
- ✓ The nature and forms of violation of child's rights (physical and psychological violence against child, bullying by peers, etc.);
- ✓ The level of understanding of their rights by children, implementation mechanisms and possibilities to use thereof in the RA;
- ✓ The experts' needs regarding the collaboration with the RA Human Rights Defender.

The Report introduces summing conclusions and recommendations that may support the increasing of effectiveness of protection of child's right by the RA Human Rights Defender and other concerned organizations or structures.

1. THE BASIC REQUIREMENTS OF THE IMPLEMENTATION OF THE RIGHTS OF THE CHILD AND THE RA RESPONSIBILITIES IN THE FIELD OF PROTECTION OF THE RIGHTS OF CHILDREN

The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.

The creation of the essential conditions for the exercise of the rights of the child to live in a family is one of the problems the country has; since life in the family and proper upbringing is an important guarantee for the implementation of the other rights of the child and the development of the child.

By signing the UN Convention (hereafter the Convention²) on the Rights of the Child, the States parties undertook to respect children's rights and take appropriate measures to respond to violations of children's rights. Relevant responsibilities ensuring protection of children's rights are stipulated in the first part of the Convention, as well as the optional protocols thereto. According to first part of Article 12 of the Convention States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

According to the second part of the same article the child shall in particular be provided with the opportunity to be heard in any judicial and administrative proceedings affecting him/her, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

² Adopted by the United Nations on 20.11.1989, in New York.

Family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community³.

Life in family will allow a child to develop and grow as a complete member of society who will also participate in the state's governance process. In this regard, it is important to respect the right of parents to bring up their child in the state and the society. According to the Article 5 of the UN Convention on the Rights of the Child the state shall respect the responsibilities, rights and duties of parents to provide, in a manner consistent with the evolving capacities of the child, appropriate direction in the exercise by the child of the rights recognized by Convention.

Unfortunately, children do not always have the possibility to live in families. Due to different circumstances they may find themselves in special institutions, in the places of deprivation of liberty, etc. In these places the protection of children's rights becomes more a topical issue. In this regard, one of the main directions of activity of RA Human Rights Defender is to create and implement mechanisms for prompt and appropriate response to violations of children's rights in those places.

This particularly refers to relevance of protection of children's rights in their surrounding social environment which is conditional upon the transitivity of Armenian society during last decades, the fact of appearance of enduring values among national values and quick spread thereof as a result of impact of different factors. In particular, illustrations of criminal morals and conflicts in yard and school, the permanent screening and glorification of holders thereof via mass media create practical precedents for the violation of children's rights and increase the risks of physical and mental violence against children in future.

³UN Convention on the Rights of the Child on November 20, 1989, Preamble, <http://www.arlis.am/DocumentView.aspx?docID=60503>

Similar risks especially refers to the infants in closed-type institutions who are deprived of the right to protect their rights by themselves or by support of others, the right to make a complaint and the right to be heard appropriately, because of being deprived of full parental care and having significantly less possibilities to communicate than other children.

Protection of children's rights is based on the concept of "the best interests of the child" according to which the interests of the child are supreme value. Thus, Article 3 of UN Convention on the Rights of the Child stipulates: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration"⁴. Children in special and closed type institutions enjoy the same right, and their best interests shall also be guaranteed by State and other relevant institutions⁵.

Article 18 of UN Convention on the Rights of the Child stipulates that States parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. The above mentioned, in essence, introduces the right to be heard, from which the right to submit complaints on violations of rights is derived, and which have different implementations in the States Parties of the Convention.

For example, children in closed-type institutions must have the opportunity to Inform about the cases of violations of their rights. Making complaints on the violation of their rights is one of the main forms of implementation of their right to be heard.

⁴http://www.un.org/res/un%20Treaties/III_12.pdf, page 3:

⁵ Thus, Article 37 of the UN Convention on the Rights of the Child states that "Every child deprived of his or her liberty shall be treated with humanity and respect of the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults, unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances." Ibid, page 17

In this regard, by making a complaint to each relevant state body the child realizes his or her right to be heard along with other rights.

In its General Comment No. 13 on the right of the child to freedom from all forms of violence UN Committee on the rights of the child states that State parties shall develop safe, well-publicized, confidential and accessible support mechanisms for children, their representatives and others to report violence against children⁶.

The Committee also states that 24-hour toll-free hotline may be one of those mechanisms.

According to General Comment No. 12 of the UN Committee on the rights of the child⁷, during all processes involving children the following 9 principles should be respected:

1. Transparency and awareness

Children must be provided with full information about their right to be heard.

2. Voluntariness

Children should never be coerced into expressing views against their wishes and they should be informed that they can cease involvement at any stage.

⁶http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf

⁷The right of the child to be heard, Committee on the Rights of the Child, 2009, <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf>

3. Respect

Children's view has to be treated with respect.

4. Relevance

The issues on which children have the right to express their views must be of real relevance to their lives and enable them to draw on their knowledge, skills and abilities.

5. Child friendly environment and working methods

Working methods with children should be adapted to children's capacities, considering different needs of children and that children should be adequately prepared to express their views.

6. Inclusiveness

Participation must be inclusive, avoid existing patterns of discrimination. Children are not a homogenous group and should have equality opportunities, in consideration of their personality.

7. Training of persons working with children

Persons working with children need trainings for working jointly with children effectively. In this regard, the involvement of children in the trainings may be effective.

8. Safety and sensitivity to risk

The child must be confident while announcing his view that nothing will threaten him if he speaks of issues concerning him.

9. Accountability

A commitment to follow-up is essential in any consultative process. Children must be informed as to how their views have been interpreted and used.

By ratification of the Convention in 1993, Republic of Armenia undertook the obligation to align its legislation with the provisions of Convention. By ratification of the Convention Armenia also recognized that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding, and should be fully protected.

The most important precondition of State prosperity is the policy aimed at ensuring interests of children. The right of the child to live in family is prescribed in Article 37 of the RA Constitution. In particular, that article stipulates that every child shall have the right to maintain regular personal relations and direct contacts with his or her parents, except for the cases where pursuant to a court decision it is against the interests of the child.

In 1996 RA adopted the Law on the Rights of the Child which promoted the formulation of system for protection of child's rights in the RA. The creation of three-level system for children protection is one of the most important achievements in the process of implementation and coordination of unified state policy for protection of child's rights and interests.

According to Article 41 of the RA Family code each child has the right to live and be reared in a family, know his/her parents, feel their care (to the extent possible), live with them, except for the cases when it is contrary to the best interests of the child. The child also has the right to be reared by his/her parents, right of guarantees of his/her interests, comprehensive development, respect of his/her human dignity, as well as being provided with the necessary living conditions for full physical, mental and spiritual development.

The right of the child to live in a family also is stipulated in the RA Law on the Rights of the Child. According to Article 12 of the Law, every child has the right to live with his/her parents, with the exception of those cases stipulated in the legislation of the Republic of Armenia, when by the court's decision the separation of the child from the parent or the parents is necessary based on the child's interests. The state and its corresponding bodies should support family reconciliation.

Nevertheless although the above mentioned system was established there are still problems in the sphere of protection of children's rights. Those issues have been highlighted by several local and international organizations, as well as by the RA Human Rights Defender.

As early as in 2013 in its concluding observations UN Committee of the Rights of the Child has mentioned that the legislation is one of the alarming problems. It is stated in the observations the Committee is also concerned about the inadequate implementation and enforcement of existing laws and regulations in the area of children's rights.

The Committee also has stated that the RA should take appropriate measures in order to promote and facilitate the respect for the views of the child within the family, schools, care institutions and the courts in all matters affecting him or her. Committee also recommended to have Youth parliament and to encourage children's active participation therein.

Taking into account its General Comment No. 2 on the Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child, the Committee recommended taking measures to establish a child rights unit at the Office of the RA Human Rights Defender.

In the above mentioned Comment it also stated, that every State needs an independent human rights institution with responsibility for promoting and protecting children's rights.⁸

Taking into consideration the above mentioned and that protection of the rights of the child is one of the most important problems that modern states face, as it was already mentioned above, Children's Right Protection Unit was established at the RA Human Rights Defender's office since June 2016 (more detailed description is provided in chapter on Activity of the RA Human Rights Defender).

⁸See details, <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ARM-CO-3-4.pdf>

2. THE FEATURES OF THE FUNCTIONS OF THE RA HUMAN RIGHTS DEFENDER IN THE FIELD OF PROTECTION OF THE RIGHTS OF THE CHILD

On 21 October 2003 national institution of human rights (Ombudsman) was introduced in the RA based on the Law on Human Rights Defender. Since 2004 it starts its actual activity under the name of “**Human Rights Defender**”. Over the years the activity of Human Rights Defender and its staff has been significantly developed in different spheres, including children’s rights protection. In this regard, along with the practical operation the legislation in this sphere was recently developed either. In particular, it is about the RA Constitutional Law on Human Rights Defender adopted on 16 December, 2016. As it was already mentioned above, Part 3 Article 2 of that law defines that Human Rights Defender shall conduct monitoring of the implementation of the provisions of the UN Convention on the Rights of the Child” adopted on 20 November 1989, as well as carry out prevention of violations of the rights of the child and protection thereof.⁹

According to Article 30 of the same law Defender has the power to carry out regular, as well as ad hoc unimpeded visits to childcare and child protection institutions as well as comprehensive educational institutions, to present special public reports related to the child rights and to present recommendations to the competent bodies in relation to the improvement of legal acts related to children rights or the drafts thereof or practice.

The stipulation of higher guarantees for the activities of Defender and persons holding office within the Staff of the Defender or experts of National Preventive

⁹<http://www.ombuds.am/resources/ombudsman/uploads/files/legislation/a9bc11fa30fa490f687b53605076d6d4.pdf>

mechanism and criminal and administrative liability for obstructing that activity is an impressive progress in the sphere of protection of children rights in the RA¹⁰.

The above mentioned legislative amendments and structural changes in Human Rights defender's staff are aimed at promotion of solving problems in the sphere of protection of children's rights and effective implementation of children's rights in the RA.

While undertaking activities to protect human rights, and in particular, implementing projects for protection of children's rights in Armenia, the RA Human Rights Defender always collaborates with the NGOs and independent experts specialized in that sphere. That collaboration promotes the implementation of complex approaches, exchange of experience and received data in the sphere of human rights protection.

Any person (including children and/or their official representatives) whose rights are violated by RA state and local self-government bodies may submit a complaint to Defender. The complaints submitted to the Defender may be written or oral (for example by the private conversation with the Defender or its staff representatives or through hot line). Although the mechanism for making complaints to Defender operates for many years, the public, including those in closed type institutions; in particular children are not aware of how and in which cases they can make their complaints to Defender. The UN Committee of the Rights of the Child is also concerned about that in its concluding observations.¹¹

The legal mechanisms to correct violations of rights should be accessible for appropriate implementation of rights. This requirement is mentioned in the Convention on the Rights of the Child and in other international human rights documents. The special and vulnerable status of children, especially those in

¹⁰Article 10 and

¹¹<http://www.ombuds.am/resources/ombudsman/uploads/files/legislation/a9bc11fa30fa490f687b53605076d6d4.pdf>

¹¹<http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-ARM-CO-3-4.pdf>

closed or special institutions, makes real difficulties with elimination of violations of their rights. Consequently, states should pay particular attention to ensure that effective, child-centered and accessible procedures are available to children and their representatives. In addition to other tools, this process should also include access to independent complaint procedures. Children should have the opportunity to apply to the Human Rights Defender and address their complaint.

Although the right of the child to live in family is protected in the Republic of Armenia, nevertheless 635 children live in orphanages under the RA Ministry of Labor and Social Affairs as of December 2016, including 350 children in three specialized orphanages and 100 persons over the age of 18. 510 children are in care of boarding schools under the authority of the Ministry.¹²

Moreover, violations of children's rights in closed and semi-closed institutions¹³ have been constantly recorded during regular and special visits of the RA Human Rights Defender.

Thus, the Defender's report¹⁴ "On the rights of the child in child care and special education institutions; systemic analysis" has focused on limitation of children's rights and cases of violence against children in closed and semi-closed institutions. According to that report, being a national preventive mechanism stipulated by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the "RA Human Rights Defender (...) has consistently conducted regular visits to and monitoring of child care and special educational institutions, in particular, special general-education

¹² Annual report on the activities of the Human Rights Defender of the Republic of Armenia during 2016, the situation of human rights and freedoms protection, Section "Children's Rights ", page 263,

<http://www.ombuds.am/resources/ombudsman/uploads/files/publications/28731eccde752a30c70feae24a4a7de7.pdf>

¹³ In this report, "closed and semi-closed institutions" means special public schools, boarding schools and orphanages functioning in the Republic of Armenia.

¹⁴ Published in 2015,

<http://www.ombuds.am/resources/ombudsman/uploads/files/publications/47f11a7aaf7697321fbb9952c536f36a.pdf>

schools under the subordination of the Ministry of Education and Science of the Republic of Armenia, Yerevan Municipality, Regional Governors' offices, child care and protection boarding institutions and orphanages under the subordination of RA Labor and Social Affairs Ministry. The monitoring always recorded, that pupils of almost all boarding schools have stated that they have been discriminated against in general-education schools, including even the forms of ill-treatment and degrading treatment to them."

The cases of ill-treatment towards children, including beating and violence were also recorded during the visits.¹⁵ In one of the institutions, children reported that bathing only allowed to those children who sleep in the institution including on Saturdays and Sundays, and the rest of the children are allowed only to wash their feet being offered to have a bath at home. According to the pupils of the institution, sometimes they do not get back their sport uniforms and outwear that handed over to the laundry. The children also mentioned frequent cases of robbery in the institution (phones, clothes and money). The children also spoke about the scarcity of hygienic items.

In this regard, a special attention must be paid to the note about the practice of registration of information on suspicious or verified cases of violence against children or between them and incomplete of registration of statements on those cases in registration-books of competent bodies, and frequently hiding those cases from law enforcement authorities, stipulated in Point 7 of "Minimum state social standards necessary for care and upbringing of children in child care and protection institutions" confirmed by the RA Government Decision No. 1324-N adopted on 5 August 2004.

¹⁵ During the visit, they recorded how the tutor slapped one of the children in one of the training rooms. After experts of Violence Prevention National Mechanism enter the classroom, the witnesses denied that fact, and the tutor explained that he had pulled the clothes of pupil and ordered him to sit down. During the private conversation, the children stated about the use of other forms of violence against them (e.g. hitting by a ruler during lessons, dragging, pulling, etc.). It is noteworthy that during private conversations, the children justified the behavior of the tutor, considering slapping and hitting as means of rearing.

The cases of violations of children's rights in closed institutions have always been in the spotlight of the RA Human Rights Defender. In the annual reports of 2015 and 2016, the Defender also referred to the cases of violations of children's rights in closed type institutions; and the analysis of recorded violations does not allow making conclusion on positive progress in this sphere.

For the solution of problems recorded during the annual visits the Annual report on the activities of the RA Human Rights Defender and state of protection of human rights and freedoms, in particular, recommends:

1. To clarify admission criteria to institutions, excluding admission of a child to institution based only on poverty,
2. To establish specialized community-based centers that will support children with disabilities and their families in order to prevent children's living in institutions,
3. To increase the financial transfers for involving new foster families, focusing on care of children with disabilities,
4. To include also orphanages taking care of children with disabilities in the process of reorganization of these institutions, excluding establishment of new institutions,
5. To increase the availability of services through mechanism of delegation,
6. To introduce mechanism of monitoring for those children who have returned to families¹⁶.

During the visits to closed and other type of institutions different types of violations of children's rights are constantly recorded. Thus, in 2016 representatives of Rapid Response Department and Child Rights Protection Unit

¹⁶<http://www.ombuds.am/resources/ombudsman/uploads/files/publications/28731eccde752a30c70feae24a4a7de7.pdf>

of the Defender's Office had visited “Pokr Mher” Educational Complex, and recorded violations of rights of the child guaranteed by domestic legislation and international treaties. In particular, the cases of violation of the child’s right to honor and dignity, right to protection from all forms of violence, inviolability of private life and right to live in a family had been recorded. There are also annoying provisions in the charter of educational complex. Based on personal initiative of the Defender, as a result of the discussion of the issue the RA Ministry of Education and Science undertook appropriate measures for protection of rights and interests of pupils of “Pokr Mher” educational complex.¹⁷

Different human rights organizations also referred to violations of children's rights in closed and semi-closed institutions, which also recorded violations of rights of children during as a result of conducted monitoring.

In its report titled “Child rights situation analysis: Armenia” “Save the children” NGO especially emphasizes that the institutions in charge of the care of the child do not have regulations developed for the staff, which would regulate relations with the child in order to protect children. The absence of a national child referral procedure with a view to protection from violence also contributes to the existing undesirable situation. In practice, “professionals” apply the methods of chiding, subjugation and other authoritarian methods. The expressions and the wording used by some of the staff to describe children and their parents are a violation in both ethical and professional term.¹⁸

During recent years, cases of forced labor and sexual abuse have also been registered in closed or semi-closed institutions in the Republic of Armenia.

Thus, S.U. was sentenced to 10 years imprisonment for engaging children in forced labor and fir violent sexual actions towards against one of the pupils of the special school. According to the judgment in force, the convict who was the

¹⁷<http://pashtpan.am/resources/ombudsman/uploads/files/publications/28731eccde752a30c70feae24a4a7de7.pdf>

¹⁸<https://armenia.savethechildren.net/sites/armenia.savethechildren.net/files/library/book-arm.pdf>

Deputy Director of Nubarashen Special School N18 compelled the pupils of the same school to vagrancy for about two years, as well as committed violent sexual acts against one of the pupils below the age of 14. It is noteworthy that the witnesses who gave testimonies during the trials also referred to other cases of violence in the given institution.

In another case, L.A. was found guilty of committing of sexual intercourse with the pupils of the special school and was sentenced to two years imprisonment (further the Court of Appeal increased the penalty to three years). According to the judgment, the convict has been working as a teacher of Armenian language at Nubarashen Special School N 11 and has committed sexual intercourse with female pupils under the age of 16 for 2 years.¹⁹

During the preliminary investigation of criminal case initiated on cases of abuse found in “Byureghavan Child Care and Protection Boarding Institution” SNGO it was revealed that during 2010-2014 violence was regularly imposed against infant pupils because of being "disobedient", as director defined, which causing them strong psychological sufferings. The number of victim children was 14.²⁰

In regard with the mentioned, the RA Human Rights Defender proposed in the annual report of 2016 recommends to clarify admission criteria to institutions, excluding admission of a child to institution based only on poverty and to establish specialized community-based centers that will support children with disabilities and their families in order to prevent children’s living in institutions. The Defender also recommends increasing the financial transfers for involving new foster families, focusing on care of children with disabilities and to include also orphanages taking care of children with disabilities in the process of reorganization of these institutions, excluding establishment of new institutions. The Defender also noted that it is necessary to introduce mechanism of monitoring for those children who have returned to families.²¹

¹⁹<http://hra.am/hy/tag/child#>

²⁰http://forrights.am/?ln=1&id_=16&page_id=7

²¹ Ibid., pages 264-265

Thus, the low level of protection children's rights in closed and semi-closed educational institutions in the RA is particularly proved the necessity to expand and implement mechanisms to make complaints on violations of their rights to the RA Human Rights Defender by children and, to start consideration by the initiative of the Defender if grounds exist.

Based on the above mentioned, children should have the right to make a complaint to Defender and mechanisms for making a complaint should be accessible and easy for the child in special or any other type of institutions.

3. THE LEGISLATIVE AND INSTITUTIONAL APPROACHES OF THE PROTECTION OF CHILDREN'S RIGHTS WITHIN THE FRAMEWORK OF INSTITUTION OF OMBUDSMAN: INTERNATIONAL EXPERIENCE

The legislation of several countries in Western Europe (Spain (Catalonia), Slovakia, France, Belgium French Community, Greece, Hungary, Poland and Sweden) does not require to do anything in relation to children participation in protection of their rights.²² Simultaneously, for example in Sweden there is an implicit duty to communicate with children in order to fulfil its statutory obligation to represent them. The England statute reduces the function of the children's ombudsperson to a single duty – that of “promoting awareness of the views and interests of children in England.”

Otherwise, some statutes require the ombudsperson to consult and involve children in its activities, including those of Belgium (Flanders), Lithuania, Denmark, Austria, England, Wales, Scotland, Northern Ireland, Ireland and Cyprus.

Alternatively or additionally, some require that the Ombudsperson must promote children's rights to be heard by others (Lithuania, Cyprus, Finland, Malta, England and Ireland).

In this regard, Scotland provides an example of strong legislation requiring the institution to relate to children directly: The legislation of this country, in particular, stipulates that the Commissioner must encourage the involvement of children and young people in the work of the Commissioner. The Commissioner must, in particular, take reasonable steps to ensure that children and young people are made aware of the functions of the Commissioner, the ways in which they may communicate with the Commissioner; and the ways in which the Commissioner may respond to any issues which they raise.

²²The source of data is the report of 2008 on “Child participation and children ombudsmen's institutions within the European Union” by “The European Network of Ombudspersons for Children” NGO

While carrying out his or her duties the Commissioner must pay particular attention to groups of children and young people who do not have other adequate means by which they can make their views known. The Commissioner must prepare and keep under review a strategy for involving children and young people in the work of the Commissioner. The statute also states that: “Where the Commissioner publishes a report which is not specifically designed for children or young people the Commissioner must also publish a child friendly version of the report.”

Cyprus’s law gives an example of where the institution also has outward-looking responsibilities in this respect: it must “identify and promote the views of children where they themselves cannot be heard”.

The situation in Eastern Europe is different where there are not only legislatively stipulated institutions for protection of children's rights conducting proactive activity, but also examples of intermediary, indirect organizations for protection of children’s rights acting with or without existence of the first ones.

Under Article 30(1)-(2) of the Fundamental Law, the Commissioner for Fundamental Rights shall perform fundamental rights protection activities, shall inquire into any violations related to fundamental rights that come to his or her knowledge, or have such violations inquired into, and shall initiate general or specific measures to remedy them.²³

According to First Article of Act CXI of 2011 of Hungary²⁴ the Commissioner for Fundamental Rights shall pay special attention to the protection of the rights of children and the interests of future generations pursuant to provisions of that act.²⁵

²³<http://www.ajbh.hu/documents/14315/2521732/REPORT+ON+THE+ACTIVITIES+OF+THE+COMMISSIONER+FOR+FUNDAMENTAL+RIGHTS+AND+HIS+DEPUTIES+2015/0700c63b-3ff3-46df-b899-1427587775f9?version=1.0>

²⁴ Entered into force in January 2012

²⁵ <http://www.ajbh.hu/en/web/ajbh-en/act-cxi-of-2011>

According to the Article 1 of the Act of the Czech Republic on the Public Defender of Rights the Defender shall work to defend persons against the conduct of authorities and other institutions set forth in this Act, thereby contributing to the defense of fundamental rights and freedoms²⁶.

The Defender is not authorized to enter private-law relationships with only exception. The Defender may intervene in the private-law sphere if complaints are about discriminatory conduct.²⁷

The institutional stability of the system engaged in children's rights of Slovakia is peculiar. Being a post Soviet country Slovakia could effectively establish and implement modern mechanisms for protection of the rights of its own citizen, including children.

In Slovakia there are two institutions operating in the sphere of protection of children's rights: the Public Defender of Rights of the Slovak Republic and the Commissioner of the Rights of the Children of the Slovak Republic.

According to Article 151a Section 1 of the Constitution of the Slovak Republic, the public defender of rights is an independent body which is authorized to protect the fundamental rights and freedoms in cases of violations of those rights and freedoms by state bodies.²⁸

Besides the institution of Public rights defender, as mentioned above, the Commissioner of the rights of the children also functions in Slovakia. The Commissioner of children's rights starts to function in the sphere of protection of children's rights in 2015, e.g. after the Act No. 176/2015 of the Slovak Republic on the Commissioner for Children and the Commissioner for Persons with Disabilities came into effect. The Commissioner for Children is involved in

²⁶ http://www.ochrance.cz/fileadmin/user_upload/VOP/Law-on-VOP-II-2016_en.pdf

²⁷ <http://www.ochrance.cz/en/mandate-of-the-public-defender-of-rights/>

²⁸ <http://www.vop.gov.sk/files/anglicky-nove.pdf>

protection of children's rights by supporting and enforcement of rights assigned to children under international treaties by which the Slovak Republic is bound.²⁹

The Commissioner of children's rights is an independent body performing its competence separately from other authorities. Everybody has the right to contact the Commissioner for Children with respect to infringement of children's rights or a threat thereof.

It is peculiar that the Commissioner for is authorised to submit notifications to the UN Committee on the Rights of the Child on behalf of a child/children under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.³⁰

Unlike other institutions engaged in the protection of child's rights, the scope of the authorities of the Commissioner is limited to the protection of children's rights.

There is no separate Ombudsman institution for children in Latvia. The Ombudsman of Latvia, who is also a member of the European Network of Ombudspersons for Children (ENOC)³¹, is also in charge of protection of children's rights. The Ombudsman's Office has a Children Rights Division that is responsible only for protection of children's rights.

In Latvia, national legislative mechanisms for protection of children's rights are generally defined by the Law on Ombudsman, as well as by the Law on Children's Rights Protection.

In particular, by Part 2 of Article 70 of the Law on the Protection of the Rights of Children", a child himself or herself and other persons have the right to apply for assistance to institutions for the protection of the rights of the child and to other State and local government institutions, if the father, mother or other legal

²⁹ <http://www.ohchr.org/Documents/Issues/Children/2030/SlovakRepublic.pdf>

³⁰ Ibid.

³¹ http://enoc.eu/?page_id=210

representative of the child, or a child care or educational institution employee violates the rights of the child.

According to Part 1 of Article 12 of Ombudsman Law, the Ombudsman accepts and examines applications received from private individuals in the performance of the functions specified by the same law. In accordance with Article 13, Part 4 of the same Law, the Ombudsman has the right to hear the opinion of a child without the presence of his or her parents, guardians, employees of educational or child care and instructional institutions.

Unlike Latvia, Lithuania has a separate Ombudsman Institution for Children that was established in 2000. The issues of protection of children's rights are mainly stipulated by the Lithuanian Law on the Ombudsman for Children. In particular, according to Part 1 of Article 16 of the Law, "the Ombudsman for Children shall investigate the submitted complaints concerning the acts or omissions of natural and legal persons as a result of which the rights or legitimate interests of children are violated or could be violated as well as the complaints concerning misuse of powers of officials in the field of the protection of the rights of children".

According to Part 2 of Article 17 of the Lithuanian Law on the Ombudsman for Children, a child may apply to the Ombudsman for Children on his own. Where a child applies to the Ombudsman for Children, the formal requirements for the complaint shall not apply.

The Chancellor of Justice functions in Estonia. The Chancellor of Justice is an independent body whose main function is to review the constitutionality of normative legal acts. The latter also performs the function of the Ombudsman (which is regulated by Law of on Chancellor of Justice). Since 2011, the latter also performs functions of Ombudsman in the field of children's rights.³² In accordance with Paragraph 8 Article 1 of the Law on Chancellor of Justice, the Chancellor of Justice performs the functions of protection of the rights of children and promotion thereof according to Article 4 of the Convention on the Rights of

³² <https://www.crin.org/en/library/publications/estonia-childrens-ombudsperson>

the Child.³³ The law does not provide special mechanisms for the protection of children's rights. According to Article 20 of the Law, the form and details of procedural acts shall be determined by the Chancellor of Justice, unless otherwise provided by law.

³³ <https://www.riigiteataja.ee/en/eli/507042016001/consolide>

4. THE OPPORTUNITIES FOR IMPLEMENTATION OF INTERNATIONAL EFFECTIVE EXPERIENCE AND MECHANISMS OF MAKING A COMPLAINT TO OMBUDSMAN IN THE REPUBLIC OF ARMENIA

For selection and implementation of relevant tools by Ombudsman for protection of children's rights, the studied international experience can be distinguished according to direct and indirect approaches. Direct approaches are related to making complaints directly to the Ombudsman. This approach occurs more often than an indirect complaint approach when intermediary structures are established to make complaint to and communicate with the Ombudsman. In particular, through regular communication with children, representatives of the Ombudsman staff always inform them about their activities (through lectures, posters about activity of Ombudsman in schools and other institutions, meetings with members of staff of Ombudsman). This is to ensure that awareness of children about their rights and opportunities to protect thereof by Ombudsman's and to apply to the Ombudsman. Direct mechanisms or approaches for making complaints or applying to the Ombudsman allow to avoid intermediate communication and to properly perceive child-related issues, to respond timely and to be targeted. At the same time, the establishment of intermediary structures for making complaint to and communicating with the Ombudsman can contribute to the involvement of a wide range of civil society in the implementation of the functions of the Ombudsman, polarizing the attention of the public to the issues discussed with the support of the intermediary structures.

Meanwhile, it should be noted that in certain countries all main means for protection of children's rights have been established, but they are mostly formal and ineffective because of ineffective work of the Ombudsman's institution or the actuality of social and economic problems in society, lack of culture to discuss openly the violations of human rights and other objective and subjective reasons.

Thereby, the discussion of the mechanisms that are functioning effectively or are in the stage of formulation can be useful within the system of activity of Human

Rights Defender of the Republic of Armenia, allowing to use effective experience of the leading countries and to avoid the gaps occurs in other countries.

Below are certain models of experience of a number of countries related to the mechanisms for protection of children's rights.

Norway

The Norwegian Ombudsman for Children was the world's first Ombudsman for Children. The Ombudsman for Children is appointed by the King and occupies the post for six years.

The Ombudsman exercises control over the protection of children's rights by state bodies, as well as influences the authorities in ways that can create a better society for children and young people. In particular, the Ombudsman of Norway:

- ✓ holds lectures and seminars for people who work with/provide services for children,
- ✓ writes letters to the authorities when he/she believes that the rights of children are not being satisfactorily upheld,
- ✓ gives statements when laws are being written or amended,
- ✓ provides advice and information on the rights of children to people who contact us online or via email/telephone,
- ✓ talks to the children and young people themselves about their experiences and relays recommendations and perspectives to decision-makers.

Anyone, including the child can contact the Ombudsman for Children. The Ombudsman may be reached online, by e-mail or by phone.

The Ombudsman's official website also has an opportunity to send anonymous questions. The visitors of the site can also find a video dedicated to children's

rights. The video also describes the children's rights to apply to the Ombudsman and other relevant government agencies and forms of implementation thereof.³⁴

Hungary

The experience of Hungary to make a complaint to the Ombudsman office is interesting. Within the scopes of his/her powers the Commissioner for Fundamental Rights of that country pays special attention to the protection of the rights of the children and future generations.

It is noteworthy that within the scopes of his/her powers the Commissioner for Fundamental Rights of Hungary makes comments on draft laws and long-term programs that directly may have an impact on the rights of future generations.³⁵

There is no special form for complaint developed for children available on the web site of the Commissioner for Fundamental Rights of Hungary. Meanwhile, visitors of the site may complete the interactive form composed of questions and answers and to make an appointment with a specialist.³⁶

The first part of the form concerns the nature of the complaint. By answering the questions, the applicant noted the authority he/she makes a complaint against and whether the complaint is based on the legislative problem not. It is noteworthy that the form is quite accessible for a child who may check the box "Do not know", if he/she does not know the answer.

The applicant's name, surname, address and telephone number must be filled in the other part of the form. To make online an appointment the visitors of the site may enter their data in the model form, which is also has an easy one and requires submitter's data.³⁷

³⁴ <http://barneombudet.no/english/>

³⁵ Ibid.

³⁶ http://www.ajbh.hu/en/web/ajbh-en/turn-to-Ombudsman_form

³⁷ <http://www.ajbh.hu/en/web/ajbh-en/lodge-a-complaint>

The mechanisms described above are accessible, easy to use although they are not designed especially for children. In Hungary, as well as in many other countries, there is a support phone number for children.³⁸

Czech Republic

The website of the Public Defender of the Czech Republic has a special mark, which guides children to more accessible electronic page. There are few ways to apply to the Defender.³⁹ Particularly, the Defender can be contacted by using a regular letter, completing the electronic complaint form⁴⁰, visiting the Ombudsman's office or by calling. The electronic form of the complaint is quite affordable, allowing children to fill it out themselves by indicating their name, surname, address and e-mail. It is noteworthy that in the electronic form of the complaint there is an opportunity to indicate the preferable way (e-mail, post or by telephone) for the applicant to be contacted.

On the Ombudsman's webpage a child may be informed of the procedure of the examination of his/her complaint by the Defender.⁴¹ Thus, it is mentioned that, after the receipt of the complaint it is sent to the relevant specialist, and within a week the child will be informed whether the content of his/her complaint is under the authority of the Defender. If the preferable way of getting information and discussion of the details was not indicated it is not mentioned by the child, then the specialist check out the most appropriate way for him/her.

The Defender also mentions the 10 rules applied for examination of the complaint of the child and communication with him/her:

1. Child's interests have priority,
2. The respond to child's application must be sent as soon as possible

³⁸ <https://www.youtube.com/watch?v=McSUyChAIPA>

³⁹ <http://deti.ochrance.cz/jak-se-na-ochrankyni-obratit/>

⁴⁰ <http://poe.gordic.cz/KVOPCHILD/>

⁴¹ <http://deti.ochrance.cz/co-se-bude-dit-s-mym-pripadem/>

3. Communication with the child should be friendly and squarely
4. The child may ask for any advice without being ashamed
5. To listen to the child attentively and try to find best solutions of his/her problem
6. The child's application for protection of his/her rights is welcomed
7. The communication with the child must be non-formal
8. To reply to the child's questions, to the extent possible, clearly and accessibly
9. To explain his/her rights and responsibilities to the child
10. To inform periodically the child about the examination process of his/her complaint.

If a child is in a severe psychological condition or had a dispute with his/her parents or had any other problem and may ask no one for help, a child may call and ask assistance from special crisis centers operating in the Czech Republic.⁴² The phone numbers of those centers are indicated on the Defender's website.⁴³

It is noteworthy that the Defender received 49 complaints from children in 2016 and 51 complaints in 2015. That number is not so high taking into consideration the number of population of the Czech Republic.⁴⁴

Nevertheless, the Ombudsman's spokeswoman noted that children seek advice mainly in cases when their parents are in the divorce process. The children are worried whether this process will ever end, whether they can do something, or how courts weigh their wishes.⁴⁵

⁴² <http://deti.ochrance.cz/cim-se-zabyva/>

⁴³ <http://deti.ochrance.cz/krizova-centra-v-cr/>

⁴⁴ <https://eno.ombudsman.europa.eu/cms/home/news/archives-2016/maincontent/more-children-turn-to-czech-ombu.html>

⁴⁵ Ibid.

Slovakia

As it has already been mentioned, there are two bodies for the protection of children in Slovakia: the Public Defender of Rights of Slovakia and the Commissioner for Children's Rights of Slovakia.

The Public Defender of Rights is an independent body of the Slovak Republic, whose scope of powers is defined by the Constitution of the country and the Law on Public Defender.⁴⁶

Everybody has the right to contact the Commissioner with respect to infringement of children's rights or a threat thereof. Children may, without the permission or assistance of any person, apply to the Commissioner, as well as the child may make his/her complaint to the Commissioner through his / her legal representative.⁴⁷

Like Hungary, in Slovakia everyone have the opportunity to file an online motion to the Defender through the Defender's website.⁴⁸ The application form is not specifically designed for children, but however it is accessible for children of certain ages, because it requires to mention name, surname, towards whom the inducement is directed and the content of the inducement.

At the same time, there are several options to apply to on the website of the Commissioner of Children's Rights. Children or persons who want to report about violation of children's rights can call to 24/7 telephone number.⁴⁹

The Commissioner may also be reached online. In this case an e-mail address is required to be noted. The applicant must also indicate his/her name and surname and submit a short message.⁵⁰

⁴⁶ <http://www.vop.gov.sk/langEnglish>

⁴⁷ <http://www.komisarpredeti.sk/o-komisarovi/>

⁴⁸ <http://www.vop.gov.sk/would-you-like-to-file-a-complaint>

⁴⁹ <http://www.komisarpredeti.sk/kontakt/>

⁵⁰ Ibid.

A hot line also operates in Slovakia. Every child may call to this phone number, if he/she needs help or just wants to talk with someone. This mechanism assists children who appeared in a difficult situation and need help, guides them with regard to protection of their rights, and let them announce their problems and annoying issues.⁵¹

There is an interesting experience of the Public Defender of Rights of Slovakia to organize conference (2009) “Rights of child through children eyes” with participation of children, who expressed their opinion on the rights of children.

Lithuania

Taking into account that under Article 17, Part 2 of the Lithuanian Law on Ombudsman for Children “A child may apply to the Ombudsman for Children on his own” the experience of Lithuania may be considered as a direct model for implementation of the child's right to be heard.

In Lithuania the complaints for the Children’s Rights Ombudsman usually should be in writing: sending by e-mail, fax or bringing into the Children’s Rights Ombudsman’s institution. The written complaint should be made in accordance with the requirements of Article 18 of the Law on Ombudsman for Children of the Republic of Lithuania. The complaint may also be made orally by calling to free phone line and in that case Ombudsman may discuss the issue on his own initiative.⁵²

The website of Ombudsman for Children is in native language, as well as in English and Russian, taking into consideration the minority languages in Lithuania. At the same time it is noteworthy that the information is updated mainly in Lithuanian and English versions, whereas the pages in Russian are either empty or have not been updated⁵³, which probably reflects the anti-Russian political approach of the state, but, unfortunately, also has an impact on creation of unequal opportunities

⁵¹ <http://www.vop.gov.sk/emergency-contacts>

⁵² <http://www3.lrs.lt/pls/inter/vaikai?sakId=7878&dokId=110710&kalbId=2>

⁵³ <http://www3.lrs.lt/pls/inter/vaikai?sakId=7866&kalbId=5>

for children's rights protection. Besides, the website is not child-friendly from psychological viewpoint, does not provide visual game approaches in terms of ensuring convenience of communication.

Estonia

Like in Lithuania, in Estonia anyone, including a child may make a complaint to Chancellor of Justice of Estonia against the act or omission of administrative body.⁵⁴

The complaint may be made in written:

- From the homepage of the Ombudsman for Children,
- By sending an email,
- In person, by post or fax.

The complaint may also be made orally by calling the Office of Chancellor of Justice.

There is also an opportunity to meet with specialists of Office of Chancellor of Justice.

It is necessary to schedule a time for meeting beforehand by calling phone numbers mentioned on official website.

The Office prepares and distributes information leaflets where detailed and child-friendly information may be found about the Ombudsman's tasks, as well as who, how and in what cases of violation of rights can make the complaint.⁵⁵

It should be noted that institution of Chancellor of Justice of Estonia also carries out initiatives to promote the involvement of different organizations in the activities of children's rights protection. In particular, the Ombudsman has set "With and for Children" annual award, which encourages the efforts of individuals and organizations for the protection of children's rights every year.

⁵⁴ <http://www.oiguskantsler.ee>

⁵⁵ <http://www.oiguskantsler.ee/sites/default/files/Ombudsman%20for%20Children%20-%20informative%20booklet%202015.pdf>

Candidates are nominated and the opinions on their activity are gathered after the announcement, and awardees are announced at the recognition event held at the Office of the Chancellor of Justice on 1 June.⁵⁶

Special attention is paid to the programs implemented by Ombudsman for Children of Estonia, which who aimed to prevent bullying in the schools.⁵⁷ The fact of bullying of and individual by children's group is world-spread and is typical for schools and groups of students; it is a form of conflict behavior, which is a violation of the rights of a child by other children and may cause occurrence of psychological problems (which may lead to suicide) for the child being bullied. Besides, bullying of the peer by children may also be physical. In this regard, the initiatives of Ombudsman for Children of Estonia for protection children's rights may be useful and effective in terms of implementation in Armenia.

Thus, the website of Ombudsman for Children of Estonia provides information on effective international experience in the fight against bullying, programs implemented in that sphere, and provide the staff of educational institutions with advices how to prevent bullying among the children under their supervision. In addition advice is provided how to ensure safe school environment.⁵⁸

Ireland

In Ireland, the right of the children to be heard (complain) is realized by permanent Youth Advisory Panel (YAP).⁵⁹ The slogan of the Panel is, "We represent the views and voices of young people all over the Ireland."

⁵⁶See for example

<http://www.oiguskantsler.ee/ru/%D0%BD%D0%B0%D0%B3%D1%80%D0%B0%D0%B4%D0%B0-%C2%AB%D1%81-%D0%B4%D0%B5%D1%82%D1%8C%D0%BC%D0%B8-%D0%B8-%D0%B4%D0%B5%D1%82%D1%8F%D0%BC%C2%BB-%D0%B6%D0%B4%D1%91%D1%82-%D0%BD%D0%BE%D0%BC%D0%B8%D0%BD%D0%B0%D0%BD%D1%82%D0%BE%D0%B2>

⁵⁷ <http://www.oiguskantsler.ee/koolikiusamine/ru/index.html>

⁵⁸ <http://www.oiguskantsler.ee/koolikiusamine/ru/kiusamine.html>

⁵⁹ <https://www.plan.ie/stories/yap/>

The Panel is a group of 10 young people aged 16-21 years old who participate in the selection process of Ombudsman for Children, including designing a job description, formulating a job statement, and interviewing candidates.

The First Youth Advisory Panel was also involved in the recruitment of Ombudsman's senior staff members, including trainings and assistance in design of a job description, compiling candidate's questionnaire, and membership in interviewing and hiring committees on equal basis with adults. Those commissions are usually independent bodies, consisting of two members from the Youth Advisory Panel and from the staff.

The functions of the Youth Advisory Panel are mainly as follows:

1. To provide consultancy to Ombudsman's office concerning the issues of communication with children and youth.
2. To inform the Ombudsman's office about the problems rose for children and youth.
3. To support in designing, planning and introducing mechanisms for awareness raising on Ombudsman's office and UN Convention on the Rights of Children.
4. To participate in the discussions regarding children's rights and problems organized by mass media.
5. To represent the Ombudsman's Office at events designed for children and encourage youth and children to participate in those events.
6. To participate in conferences, professional and public discussions regarding this issue.

It is noteworthy that the Panel especially emphasizes the rights of women (girls) using "Because I am a Girl" thematic activities and informative work. In particular, on the Panel's website statistical data, programs and initiatives titled "100 Million

Reasons to Support Girls", "Stop Child Marriage", "Why Girls?" and otherwise, which are aimed at protection girl's and women's rights .⁶⁰

The experience of Irish Youth Advisory Panel's establishment and activity may also be implemented in the process of creation of constant link between the RA Human Rights Defender and the target group, the creation of a child-friendly complaint mechanism involving youth, special emphasis on girls' rights.

Taking into consideration that in **Latvia** (one of the studied countries) there is no special Ombudsman for Children and the protection of children's rights is a task of Ombudsman of the country; the Latvian model may also be classified as indirect model of protection of children's rights.

You can submit an application to the Ombudsman in two ways:

1. Electronically, signed with secure electronic signature;
2. In free format, sent by mail or submitting it on the spot, in Ombudsman's Office.

If a person wishes to see the Ombudsman or experts of the Ombudsman Office in person, it must make an appointment in advance by calling phone number mentioned on official website.

Consultations by telephone and by e-mail are also available.⁶¹

Procedures for registration and examination of applications by the Ombudsman's Office are regulated by the Law on the Ombudsman, as well as internal procedural regulations.

At the same time, the shortcomings and gaps recorded in the field of protection of children's rights by the Latvian Ombudsman, which may also remind the existing or potential problems in that sphere in the RA. Thus, as a result of conducted visits to and study of children's care and education institutions of

⁶⁰ <https://www.plan.ie/biaag-page/100-million-girls/>

⁶¹ <http://www.tiesibsargs.lv/en/pages/add-application>

Latvia, the Ombudsman has raised a number of issues that find their detailed description in the Annual Report 2015 of the Ombudsman of Latvia.⁶²

In particular, according to the report main concern is that children do not understand their rights to submit a complaint, and in closed institutions these complaints might not be registered and reviewed. Practice shows that greatest part of oral complaints are not registered and prepared in writing as prescribed by the Administrative Procedure Law. There is also concern if the children are ensured an opportunity to complain outside of institutions – in a supervising institution, the Ombudsman's Office or State Inspectorate for Protection of Children's Rights; if information is provided (address, telephone) of institution for submitting complaints; if there is a possibility to send a letter (that is, if postage stamp, envelope, paper, pen are available); if an opportunity to call to free children's hotline is provided. In this context, based both on number of complaints and submissions and what children said, they are not effectively provided with an opportunity to lodge a complaint outside their institution. Mostly it is connected with the lack of understanding of children regarding their rights to submit complaints, as well as insufficient provisions of the institution (telephone, postage stamp, envelope, no paper, lack of anonymous mail box, etc). Furthermore, the institutions still view complaining as a negative phenomenon to be prevented. Therefore they are not interested in providing the children with information on the mechanism of submitting complaints and making it transparent and easily understandable.

Thus the institutions were invited to:

- 1) register the oral complaints as prescribed by the Administrative Procedure Law;
- 2) perform the necessary actions in order to effectively provide an opportunity to submit a complaint outside the institution, as well as to complain anonymously;
- 3) provide children with comprehensive information on mechanisms for submission of complaints in a language understandable to children.

⁶² http://www.eoi.at/d/EOI%20-%20Jahresberichte/Lettland/Annual%20Report%202015_ombudsman's%20Office%20of%20the%20Republic%20of%20Latvia.pdf

At the same time, in order to improve the mechanism for submission of complaints, the legal framework should be improved. Currently a general framework is provided by 19 Administrative Procedure Law, Law on Submissions, Law on Notification, and specialised laws of the sectors. A special regulation regarding exactly the rights of the children to access state and municipal institutions has been defined in Section 70, Paragraph two of Protection of the Rights of the Child Law. However, it is not complete, since it provides the right of the child to submit a complaint only in case if his rights have been breached by a legal representative, employee of the child care or education institution. Thus it is necessary to amend Section 70 of the Protection of the Rights of the Child Law by providing the rights for a child to complain in any case when his or her rights have been violated. The law should also define the obligation of each institution for children to provide the procedure of complaint submission and review, and to make it available to the children, if the procedure has not been determined by the regulatory enactments.

Serbia

The Protector of Citizens of Serbia is an independent official who is authorized by the Constitution of the Republic of Serbia to promote the protection of the fundamental rights of persons.⁶³

The Protector of Citizens focuses particularly on the protection of:

- ✓ National minority rights
- ✓ Children rights
- ✓ Rights of disabled persons
- ✓ Rights of people deprived of liberty
- ✓ Gender rights.⁶⁴

The Youth Advisory Group⁶⁵, consisting of 30 children under the age of 13-17, has been established with the support of Children's Rights Protection Unit of the Ombudsman's Staff and with the assistance of the OSCE Mission in Serbia. In order to be a member of the group, a child must participate in the competition organized by Ombudsman. The competition announcement is posted at schools, and also advertised on TV. The announcement states that all children who are interested in the protection of rights may apply.

The seminars are organized with the participation of children involved in the group, during which they provide with information who the Defender is, what are the fundamental rights and children's rights. The children of the group along with Defender's staff visit schools and talk to children about their rights and problems. Children more rely on their peers and as a result, such conversations reveal violations of children's rights that children do not want to tell adults.

⁶³ http://www.ombudsman.org.rs/index.php?option=com_content&view=article&id=3&Itemid=24

⁶⁴ Ibid.

⁶⁵ <http://www.osce.org/serbia/76563>

Further, the children of the Group share their experiences in their communities, encourage other children to participate in the group as well as raise awareness on children's rights and mechanisms of their protection.⁶⁶

In cases of violations of rights the complaints may be submitted to the Ombudsman of Serbia by call, post and at the Ombudsman's office. The application form can be downloaded from the Ombudsman's official website. It is a child-friendly form and requires filling the applicant's name, surname, address, telephone number and brief content of the complaint.⁶⁷ Application also requires identifying the applicant's sex, which helps to have a number of gender-based violations of children's rights during the analysis of applications.

Russian Federation

On one hand, the model institution of the Commissioner for the Rights of the Children adjacent to the Russian President presupposes to be a mechanism for direct complaint to the Commissioner. However, on the other hand, it should be classified as an indirect complaint mechanism based on the fact that the established conditions for complaints to the Commissioner are more likely to be submission of complaints by others instead of the children, which, in particular, is conditional upon the application structure of available on the Commissioner's website.

For example, in the application form there are such lines as "Citizenship", "Social Status", which the child applicant can not reply to for various reasons.

Besides, there is a requirement to select one of the suggested options for filling in the "Social Status" line; and only two options are more or less relevant for applicant children, namely "Learner" and "Other". In fact, the form of

⁶⁶ The features of activity of the Youth Advisory Group were presented to the representatives of the RA Human Rights Defender's Office by the representatives of the Serbian Human Rights Defender's staff during their study visit, <http://pashtpan.am/media/study-visit-serbia.html>

⁶⁷ http://www.ombudsman.org.rs/attachments/051_complaint_template.pdf

communication with RF Commissioner for children's rights is intended for adults.⁶⁸

It is not a coincidence that summary of the complaints of 2015 has revealed the references of the complainants with children's rights, and the statistics show that 52.03% of the total number of complainants are parents, 12.06% are relatives, 10.29% are other citizens, and only 0.92% are orphaned children and 0.90% are infants.⁶⁹ Factually the RF Children's rights defender's activity could be considered as indirect mechanism, where the mediators are adults. One of the disadvantages of this model is that if adults, including parents and relatives, are the cause of children's rights violations, the children may hardly be able to get support in such conditions to make a complaint.

At the same time, one of the positive aspects of RF experience is the operation of regional defender's for children's rights in different regions who are liable to the Commissioner for Children's Rights adjacent to the President of the Russian Federation and have comparative autonomy and provide clarifications and regulations of issues locally. It is interesting that making a complaint to the regional defender is easier and the application form is more child-friendly, although it has no game-funny nature promoting dialogue with children.⁷⁰ Besides, the possibility to communicate with and apply to the child psychologist on the Regional Defender's websites may be useful.⁷¹

⁶⁸ <http://deti.gov.ru/submit.php>

⁶⁹ <http://deti.gov.ru/content-wide.php?id=33>

⁷⁰ <http://www.spbdeti.org/feedback>

⁷¹ See for example <http://www.spbdeti.org/psych>

Georgia

The Institution of the Child Advocate in Georgia was established in 2000. The Child Advocate evaluates the complaints and provides assistance, conducts sphere research and provides advice to competent decision-makers, as well as child advocacy organizations with respect to the solution of the issues revealed during the consideration of received complaints on violations children's rights.⁷²

The Child Advocate receives complaints from relatives, service providers, law enforcement bodies and concerned citizens regarding children. The Child Advocate may also be contacted online by filling out the required information on the official website. The complaint may refer not only to the violation of the rights of a certain child, but also to the concerns of the applicant in the field of the protection of children's rights.⁷³

For questions that require prompt response, there is an opportunity to apply to the Family and Children Division through the separate section on the official website. The hot line number (1-855-422-4453) works in the Division.⁷⁴ The application form is also available on the website.

Thus, the selection of the discussed European countries has been conditional upon the opportunity to reveal and analyze the positive examples as a result of study of best European practice in the sphere of human rights protection, as well the importance of consideration of existing gaps during the formulation of national mechanisms. As for post Soviet countries, their relatively new experience may also be instructive, taking into account the similar situation of Armenia and those countries in the near past and the existence of similar problems in the field of human rights protection nowadays. The study of the experience of above-mentioned countries allows separating the different national mechanisms developed in the sphere of children's rights protection, comparing thereof with

⁷² <https://oca.georgia.gov/>

⁷³ <https://oca.georgia.gov/webform/request-oca-assistance-or-investigation>

⁷⁴ <https://oca.georgia.gov/child-abuse-and-neglect-reporting>

the approaches implemented in the RA and promoting modernization of the mechanisms for the protection of children's rights in Armenia.

Thus, the organization of regular visits of children to the staff of the RA Human Rights Defender and discussion the issues of their interest with them will essentially contribute to the identification and monitoring of the problems existing in the field of protection of children's rights, adequate formulation and solution of those problems. Besides, conducting sociological surveys with children and identifying their needs may have permanent nature and become a part of the tools for the preventive mechanism.

The accessible, understandable and interesting information available on the Defender's website could be a reason for frequent visits for children, during which the effective communication with children by the specialists of the Defender's staff will promote the raising of the level of legal consciousness of children, disclosure and discussion of issues of their interest, implementation of professional consultancy and prevention of risks of violations of children's rights.

During the localization of international experience in Armenia it is necessary to study the stereotypical approaches and perceptions on human rights existing in the society, mechanisms that are traditionally used for their protection and introduced in the scopes of legal approaches, and to reveal the existing problems in the field of protection of children's rights. It is necessary to identify children's perceptions of their rights, the impact of adults and social environment thereon, and to take out statistical data on violations of children's rights in Armenia. In this context, expert opinion and experience of the experts in the field of children's rights protection are very important. The combination of local and international experience will allow developing recommendations for increasing the effectiveness of efforts for protection of children's rights and activity of institutions promoting thereof in Armenia.

5. CERTAIN PRIORITIES IN PROTECTION OF CHILDREN’S RIGHTS IN THE REPUBLIC OF ARMENIA

Expert opinion

The study of international best practice in the protection of children’s rights allows to identify the achievements and gaps related to the activities being carried out in that area in other countries, as well as to enhance the activities of the Human Rights Defender in the Republic of Armenia and, in particular, the mechanisms for the full-scale protection of the rights of children in Armenia.

Discussions held with experts⁷⁵ on the key issues covering the level of children’s protection in the context of peculiarities of the Armenian society allows to draw certain conclusions concerning the vulnerable groups and current key issues from the prospective of protection of children’s rights.

According to experts, the protection of children’s rights in Armenia is primarily exercised by their parents based on traditional values of Armenian families. Meanwhile, the results of activities carried out by experts along with data available with them prove that while bringing up their children more than half of the parents resort to physical abuse in the meantime realizing that it is not the best child-rearing practice.

“Nowadays 70% of our parents resort to physical or psychological abuse in their upbringing, and 40% resort to physical abuse against children. Meanwhile, 67% of the same parents find that violence against children does not prove to be an effective child-rearing practice. At the same time, the given parents do not apply other child-rearing practices. In other words, if the child does not do his or her lessons, the parent may shout at the child, slap the child in the face and then

⁷⁵ The proposed key issues have been discussed with experts from organizations such as the United Nations Children's Fund (UNICEF), World Vision, Red Cross, Women’s Resource Center.

“everything will fall right into place⁷⁶.”

Expert

It is worth mentioning that similar data have been obtained from other organizations, particularly from those advocating for women’s rights and dealing with family health issues. Thus, in 2016 from January to June “Women’s Resource Center” NGO has conducted a survey— with the assistance of the office of “Open Society Foundations-Armenia”— which was aimed at revealing the positions of parents with teenage children on parenting, upbringing and sexual education of children. The findings of the survey conducted showed that physical abuse, as a child-rearing practice, is most prevalent in Armenian families living in marzes, whereas parents residing in Yerevan believe that physical abuse is a secondary practice of last resort in family upbringing. Besides, domestic violence against children for educational purposes has prominent sex-specific characteristics: boys are exposed to more severe punishments than girls are.

“For the women living in the towns of marzes the physical abuse against teenager boys in the form of beating is considered as the most essential precondition for their upbringing and obedience: “No boy grows up without being beaten; it is a must to beat boys. Girls, for instance, are brought up in more gentle manner”:

(Women’s Focus Group, Sevan town)”⁷⁷

It is interesting to note that infringement of children’s rights and, in particular, violence against children— in the absence of relevant legal consciousness — may be perceived by children and parents as normal behavior.

⁷⁶ From survey findings brought by one of the experts.

⁷⁷ PARENTS’ POSITION ON SEXUAL DEVELOPMENT OF TEENAGERS: Survey findings. “Women’s Resource Center” NGO, Y., 2017

Our regular focus group discussions conducted with children point to the fact that children often justify the violence used by parents: “if, for instance, I have received a low mark at school and fail to do whatever my parents wanted me to do, that is quite normal that I have to be beaten”.

Expert

Another significant issue is the practice of infringements of children’s rights at schools, which is conditioned by a number of circumstances, including:

1. certain educational considerations;
2. lack of teachers’ skills necessary for instruction and work with children;
3. traditional approaches demonstrated by teachers using violence and infringing children’s rights, lack of their knowledge of modern schools and up-to-date approaches, as well as their unwillingness to be trained and upgrade their knowledge in this respect;
4. lack of conceptions concerning children and adolescent psychology;
5. impunity.

It is also worth mentioning that **schools often lack effective mechanisms to resolve conflicts between children**, as well as efforts made in that regard. As a consequence, the school assists the children’s use of violence against each other, which also can be considered as contributory infringement of children’s rights in educational institutions.

“I am working with children of Syrian Armenian refugees, who study at Armenian schools. Certainly, there always happen conflicts, “showdowns” in schools, especially among boys, that are not settled by the school administration, instead, those conflicts are condemned and pushed off the school. Accordingly, those conflicts have continuation out of the school and take even sharper forms as they proceed. Afterwards, when the boy comes to school in his own school environment he finds himself in a completely different situation, i.e. often in the

role of an outsider. He has no idea about who he can address, who he can complain and who will lend him a helping hand at school. In case he has an elder brother, he may try to settle the issue by his intervention, but elder brothers and sisters study in upper classes, where they can possibly have problems amongst each other. If that is the case what should the children being exposed to violence at school do, who should they turn to for support?”

Expert

Experts also noted that discourse about children’s rights should not be limited only, for instance, to the facts of physical and psychological abuse practiced at educational institutions. In their practice, experts have also encountered cases, when the right to education of children has been infringed and when often it was impossible to protect that right.

“As a practicing social worker I would like to speak only about specific communities that I am working with. There is a problem of huge concern in our schools and kindergartens. Any director can leave a child out of his or her school without any needs assessment, clarification, resolution of issues, just only because he or she does not want to have “such” a child studying in “his or her” school.”

While discussing the main issue with experts almost all participants were concerned about the question of what steps should a child do after a complaint has been received concerning infringement of his or her rights. Actually, Experts have pointed out that mechanisms for protection of children’s rights in the Republic of Armenia are not explicitly defined. In particular, specialists have brought examples from their own experience, when the issue have not been handled even after it has been taken to the Police.

Experts have also noted that in Armenia professionals protecting the children’s rights are not themselves quite often protected or heard.

“The experience has shown that even after I detect an infringement of children’s rights due to my profession I cannot apply to state bodies, since I know they will not respond and take follow-up action according to the need. In other words, **professionals protecting the children’s rights themselves are not protected: “Who are you from whatever NGO you represent to tell me what I have to do at school?”**”

Expert

Professionals engaged in protection of children’s rights in most cases do not get support from the communities, which is basically the key factor hindering their activities. Moreover, as experts have noted the issue of protection of children’s rights is not a matter of great concern in educational institutions of communities.

“If the director of an educational institution— for example of a school— has considerable ties with the administration of the community, all the efforts of a professional to protect the infringed rights of a child at that school will be in vain. Besides, as a result, I can even hear threats, lose my job and experience personal negative consequences of it.”

Expert

Experts also reflected on the activities of state bodies of guardianship and trusteeship. It was noted that activities of the mentioned bodies are often not targeted and professional and if, for instance, parents complain about infringements of their children’s rights at school they are not sure whether or not they complain will reach the relevant bodies and be satisfied being provided with an adequate professional solution.

“The officials of state bodies of guardianship and trusteeship themselves often support violence. When being employed generally the issue of their competence is not considered. Consequently, who do you think complaints

should be addressed? Those, who support violence? They pass an examination envisaged for civil servants, are granted many powers and take decisions concerning the child's destiny.”

Expert

When speaking about complaining possibilities accessible to children the experts highlighted the methods of making phone calls and sending messages via internet. According to experts, most children, unfortunately, are either not aware of such possibilities or will not apply those methods because of the low level of legal consciousness. In the meantime, some of the experts noted that many children—especially those in closed type of institutions— are objectively deprived of the possibility to freely use internet, while it is in those institutions that children's rights are often being infringed.

“Certainly, that would be great if children could send their questions and complaints through a window available on a relevant web page. However, many children, particularly in marzes, as well as in institutions (orphanages, boarding schools) do not have any access to the internet. And it was the most vulnerable children, who have the need to complain and be heard. That is the reason why hot line is also necessary.”⁷⁸

Expert

In the context of violence against children the specialists also reflected on the phenomenon of chasings, persecution, bullying practiced among children towards each other that have reached large volumes in Armenia. According to the specialists, in this event only in individual cases adequate work is being carried out. Specifically, joint commissions are established in individual schools by NGOs

⁷⁸ The necessity of informing children about hot line and the possibility of applying that tool by children have been discussed also with children the results of which will be presented below.

specialized in the area of protection of children's rights, parents' committees and officials of state bodies of guardianship and trusteeship. Children and parents are informed about those commissions and can address them their complaints if such cases occur. In the meantime, such attempts are far from providing fundamental solution to the problem.

To the question concerning the possible intervention by the Human Rights Defender, NGOs and professionals engaged in protection of children's rights the experts answered: "and what can the Human Rights Defender do under conditions established?"

It has been noted that the intervention by the Human Rights Defender in infringements of children's rights must be distinct and decisive; otherwise, the situation will not change.

«It would be preferable that, specifically in open and closed types of educational institutions it was explicitly understood that in case of infringement of one or another right of children specific mechanisms will be definitely applied by the Human Rights Defender. In that event the functions of the Human Rights Defender will be really targeted and have preventive effect.»

Expert

On the one hand, experts believe that the functions of the Human Rights Defender must be effectively carried out by acting as an additional factor in the process of ensuring mediation in citizen and state body relations, as well as in the process of restoration of the infringed right of a citizen by a state body.

"It appears to me that the mission of the Human Rights Defender is to mediate between citizens with infringed rights and state bodies responsible for restoration of those rights. Moreover, in case the state body fails to fulfill its obligations the Human Rights Defender must oblige the latter to fulfill its obligations. At the same time, Human Rights Defender must work with citizens with a view to raise the level of awareness and legal consciousness, to give publicity to the issue."

Expert

On the other hand, given the current situation of state bodies having low standing in society, considering them by the Human Rights Defender as the key player in protection of citizens' rights may be not so effective.

“Actually, if the child's rights have been infringed at school, at orphanage, in the family, in the street and the state authorized body have not resolved the issue properly, then what is the point of applying again to the same state body now through the mediation of the Human Rights Defender? It would be preferable, if the Human Rights Defender had the right to reach the resolution of the issue and protection of children's rights by his own means without applying to state bodies for the second or third time.”

Expert

Thus, the experts find that the effectiveness of the protection of the children's rights suggests not only introduction of technical possibilities for submitting complaints or applications, but also reforms targeted at exercise of powers of the Human Rights Defendant. Most notably, it is necessary to develop direct intervention mechanisms by the Human Rights Defender and establishment of mechanisms for direct influence of the Human Rights Defender on state authorized bodies in case of children's rights infringements under conditions of institutions related to socialization of children. Children, as well as persons responsible for protection of their rights will also be informed about such mechanisms.

Protection of children’s rights through the eyes of children

The functions of the Human Rights Defender aimed at protection of children’s rights, the current and possible mechanisms have also been discussed with around 40 children selected from different schools, who are actively engaged in discussions covering key issues of children’s concern, in initiatives targeted at children’s rights and are thought to be opinion leaders within their social group. Some of the schoolchildren are involved in study groups initiated by World Vision Armenia,⁷⁹ others have participated in discussions being held by the Division of Protection of Children’s Rights of the Staff of the Human Rights Defender of the Republic of Armenia.

During discussions, it was found out that the main problems and troubles that children experience arise not at home, but at school and when troubles are caused to children, their rights are infringed at school, generally, it is the child’s mother, who interferes by visiting the school and trying to settle the problem. This mostly refers to the problems that children have with teachers. What comes to the existing conflicts with peers, the majority of children interviewed prefer not to talk about it at home and resolve the issues either with the given peer or by turning to elder relatives and friends.

The discussion concerning the technical possibilities of addressing complaints to the Human Rights Defender revealed that children would prefer to have such assistance, if it is provided in targeted and professional manner. As far as trust is concerned, children primarily find their relatives more reliable and professionals from the office of the Human Rights Defendant or other institutions— with their communication and technical possibilities—must demonstrate a comprehensive approach, so that children start applying to those institutions for support.

“Why should we tell anything to strangers, if we can tell that our mothers.”

Schoolchild, female

⁷⁹ <http://www.wvi.org/armenia/youth/youth-empowerment>

In the meantime, discussions with children revealed that they have a number of questions concerning which they would prefer not to talk to their parents and far less with their grandparents. In such cases they are more in need of information to behave adequately, rather than intervention and protection. On such occasions professional assistance with the expert through internet communication will be much preferred and comfortable on condition of anonymity.

“What is the matter with writing to a specialist on a webpage, asking the question you want and getting a professional response? I am not saying- write and complain, rather- ask a question. You may not act the way you are advised, however be aware of that option as well”.

Schoolchild, male

According to children, their rights are generally infringed at school related to the inadequate attitude, the speaking manner, punishment options of teachers, as well as with respect to finding themselves in a new class setting and experiencing troubles when moving to a high school.

Children have separately discussed the aforementioned **bullying**, i.e. the phenomenon of chasing practiced by children towards each other, putting pressure on, abusing distinguished children in the class, isolating individual students, in which case school administration generally is either not aware of it or do not take adequate measures.

“I attend a study group, where there is a girl who is being constantly persecuted and is made cry every day. That girl has turned to her brother for protection. And what refers to the Director of studies or to the Supervising teacher, she cannot tell them, because she is feeling shy”.

Schoolchild, female

“At first senior pupils can come and ask for money. If you give them money, next time they will come and ask for much more money, take your phone...”.

Schoolchild, male

As a result of discussion it was found out that in cases when weak pupils are persecuted by schoolchildren, it is possible to apply to the administration of the school, which is, however, almost useless as children said. The maximum that can happen is that the guilty pupil will be excluded from school by which the key issue is not being solved; rather it is moved to the street.

“To exclude a child from school he or she must be given a reprimand for three times. Given once, twice and by the time it is given for the third time that child can be persecuted to death. **There must be a body, which can give immediate solutions to the problem”.**

Schoolchild, male

As much as the prevention of violence used by children against each other is concerned, it is because of the weak and indifferent /negligent/ position of schools' administration that children generally turn to their circle of friends to feel protected at school. For instance, according to children, boys mostly create their circle of friends /“brotherhood”/ to protect each other's interest also through the use of force, which also causes violence towards others. What comes to girls, it should be noted that some of them also try to communicate with boys that are “reputable” in the sense mentioned above with a view to have their protection. At the same time, as children put it, this path is risky too.

“The girl, who makes friendship with a boy with some reputation and calls him: “my brother” like other boys, should not think that the boy does not want anything from her and will protect her unselfishly”.

Schoolchild, female

According to children, they mostly need advice from a psychologist, as well as from specialists engaged in the area of protection of children's rights.

“When applying to that specialists we must be told our rights and explained our obligations, so that we understand whatever is wanted from us”.

Schoolchild, male

In the meantime, children find that the process of children's application to the specialist is hindered by the stereotypes existing in Armenian society.

“I have lived in Greece for several years and there is a psychologist available in each school, who always communicates with you, assist you, gives you advice. From a very early age the child there knows that there is a psychologist he or she can turn to in difficult situations”.

Schoolchild, male

“Just imagine what can happen if I go to the psychologist and the class knows about it; they will say that I am mentally ill”.

Schoolchild, female

While discussing whether complaining and reporting information on the key issues is acceptable and encouraged behavior in terms of stereotypic perceptions existing in Armenian society, some of the children have expressed the concern that a considerable part of the population will not complain in spite of everything. In this sense, the anonymity, the accessibility of mechanisms for complaining can contribute to reducing the number of such people. So, according to children, when complaint boxes are placed in schools, making complaints and providing information is difficult and less effective, since the complaining child may think that he or she is being followed, in addition, the school administration will regularly check the contents of the box and be apt to punish the complainant

instead of seeking to find a resolution to the key issue raised in the complaints.

At the same time, some of the children have highlighted the necessity of discussing the key issues as a way of facilitating their resolution.

“Before making a complaint on a key issue, it must be discussed with the person having caused that issue. For instance, if the children are dissatisfied with their teacher’s attitude that must be discussed with the teacher involving also the school administration. Problems must be spoken out, otherwise they will not be solved, they must be settled, as the phrase goes, in the “internal kitchen”. Only if the problem is not solved in this wise, the complaint may be addressed to, for instance, the Ministry of Education”.

Schoolchild, female

Taking into consideration the aforementioned, the children suggested calling that specialist a “**CONSULTANT**”, namely “a person who you trust and can turn to for professional support”⁸⁰.

The children have singled out the preferred composite character of the “Consultant”, a reliable specialist /institution, specialists/ working with them, namely- a 30-35 years old person /so that children easily communicate with him or her/, a calm and patient person of today, someone understanding children's psychology and working with children affectionately, a woman rather than a man. The photos of consultant-specialists, other persons’ written opinions about them must be placed on the web page of the Human Rights Defender, so that the

⁸⁰ As opposed to the names “Human Rights Defender” or “Ombudsman” that were difficult for children to utter even after having heard so many times, the name “Consultant” is completely intelligible to them, inspires trust and allows to avoid the stereotypic consequences of appearing in the role of a “complainant” or of being perceived as a “mentally ill” in case of applying for the support of a psychologist.

applicant can trust and decide on applying.

Children also noted that besides making complaints through the webpage, there must necessarily be a hot line number. For example, in case of an incident on the street it is necessary to make an immediate phone call and do not lose time on using the internet.

Children involved in discussions were specifically worried about the situation of their peers in different closed institutions, as well as about limited possibilities of making complaints in case of maltreatment. Children expressed the concern that those in closed institutions may be rejected access to the internet, may not apply to the Human Rights Defender through the webpage, as well as be deprived of the possibilities of freely making phone calls and fail to call a hot line. Children have already considered all these as infringement of their peers' rights at closed institutions. In the meantime, it was highlighted the fact that the employees of the staff of the Human Rights Defender can freely access such facilities for the purpose of making preventive and inspection visits, as well as identifying infringements of children's right and any risks during those visits.

CONCLUSION

Thus, **ensuring progress in the area of protection of children's rights in Armenia means guaranteeing all the necessary prerequisites for children — on the basis of national values—to live in a family, to grow up in the climate of love and care, to be heard in relation to their needs and to have easily accessible opportunities for complaining in case of any infringement of their rights.**

Aimed at implementation of aforementioned objectives the efforts of the Human Rights Defender of the Republic of Armenia will be focused on establishing mechanisms necessary to ensure the protection of children in their basic social setting, including in general education and, particularly, in closed type of institutions. From the prospective of exercising effective protection of children's rights the information reported on infringements of children's rights and especially those reported by children themselves are of significant importance, which derives from the right of the children to be heard. Improving mechanisms for children's communication with the staff of the Human Rights Defender, for bringing forward questions and raising issues will contribute to the increased level of targeting, rapidity and effectiveness of actions carried out by the Human Rights Defender.

Thus, taking into consideration the practice of activities of the Human Rights Defender of the Republic of Armenia, the study of international best practice and needs assessment in the area of protection of children's rights the following steps should be taken:

- ✓ Direct, as well as indirect mechanisms for submitting complaints by children should be applied taking into account the Armenian peculiarities. Direct mechanisms include immediate fact finding activity, immediate acceptance of complaints and questions by the staff of the Human Rights Defender of the Republic of Armenia, including through making available an easily accessible, interactive window for children on the web page of the Human Rights Defender. Accepting applications concerning children through the web page

must be carried out taking into account the best international practice, as well as the design of the web page, easy communication, trust it inspires. In relationships with children slogans, images should be used facilitating communication with them, as well as specialists should be involved with qualities characteristic to the reliable person in their understanding.

- ✓ It is necessary to draw a special attention to ensuring and facilitating communication of children in closed type of institutions with the staff of the Human Rights Defender. Inspection visits of specialists of the staff of the Human Rights Defender will be constantly planned and made to closed type of institutions that are envisaged for children in cooperation with the representatives of the civil society engaged in this area.
- ✓ It is necessary to continue works targeted at dissemination of information with respect to the hot line of the staff of the Human Rights Defender of the Republic of Armenia making it a reliable tool for children, as well as persons and organizations protecting their rights in their communication with the Human Rights Defender.
- ✓ International best practice in the area of protection of children's rights can also, implicitly— i.e. through involvement of interested parties, active engagement of different NGOs and experts— contribute to further improvement of activities of the Human Right Defender. This specifically refers to the protection of rights of children in closed institutions for which the developed mechanism must unite efforts of both state bodies and civil society organizations.
- ✓ Aimed at increasing the level of effectiveness of the protection of children's rights the system of protection of children's rights must be improved based on experience of countries with track record in that area, as well as constantly carry out exchange of experience.
- ✓ It is necessary to continuously arrange familiarization visits of schoolchildren from Yerevan and, particularly, from marzes with the staff of the Human

Rights Defender, discuss matters that are most relevant to children during direct meetings with the Human Rights Defender and the relevant representatives of his staff, outline the current key issues, which will contribute to the expansion of fact finding activities in the area of protection of children's rights and resolution of the current issues.

- ✓ Violence and bullying practices by minors against each other are the consequences of negative impacts of the social setting surrounding the children (improper family upbringing, indifference and negligence of the school staff, negative influence of mass media) and require urgent solutions. At present, actions undertaken in that direction in the Republic of Armenia are not coordinated and are initiated mostly by separate NGOs. The mentioned issues and steps targeted at their resolution will be included in the list of priorities of activities of the Human Rights Defender.
- ✓ Establishment of the institution of the Human Rights Defender in the role of the "consultant" for children will extend the communication domain with children and apart from its direct function of rights protection, it will include also social and psychological consultancy and support taking due consideration of the children's and adolescents' age and sex specific psychological characteristics.