

## THE LAW OF THE REPUBLIC OF ARMENIA ON THE CHILD'S RIGHTS

Adopted by the National  
Assembly on May 29, 1996

The present law, basing on the Constitution of the Republic of Armenia and the United Nation's Convention "On the Child's Rights", defines the rights of the child, the responsibilities of the government and corresponding bodies, enterprises, institutions, organizations and citizens in protecting the Child's Rights.

### CHAPTER 1

#### GENERAL PRINCIPLES

##### **Article 1.** The Domain of the Law

The present Law applies to all individuals in the Republic of Armenia under the age of 18.

##### **Article 2.** The Legislation on the Child's Rights

The rights of the child are defined in the Republic of Armenia by the Constitution of the Republic of Armenia, the International Agreements of the Republic of Armenia, the present Law and other legal enactments of the Republic of Armenia. In case the International Agreements of the Republic of Armenia describe norms for regulating the Child's Rights other than those stipulated in the present Law, those of the International Agreement arc to be implemented.

##### **Article 3.** The Bodies Protecting the Child's Rights

The protection of the Child's Rights is carried out by the authorized corresponding state bodies.

The government through its corresponding bodies cooperates with the associations of citizens, non governmental organizations and private individuals advocating the protection of the Child's Rights.

##### **Article 4.** The Equality of Rights of the Children

The children have equal rights, regardless of their and their parents' or other legal representatives' (foster parents, adopters or trustees) nationality, race, sex, language, religion, social origin, proprietary or other situation, education, place of habitude, the circumstances of the child's birth, health conditions or any other stipulation.

## CHAPTER 2

### THE MAIN RIGHTS OF THE CHILD AND THEIR GUARANTEES

#### **Article 5.** The Child's Right to Live

Each child has the right to live.

The State and its corresponding bodies are creating the necessary conditions for the child to live and grow.

#### **Article 6.** The Child's Right for a Name and Citizenship.

Each child from the moment of its birth has the right for the name and citizenship.

The fact of the child's birth in accordance with the order defined by the law is to be registered by the corresponding body maintaining the roster of the civil statement acts.

The child acquires citizenship and loses citizenship in accordance with the order defined by the Law of the Republic of Armenia "On the citizenship in the Republic of Armenia".

#### **Article 7.** The Child's Right for Health Protection

Each child has the right for health protection and strengthening. The corresponding state bodies provide the opportunity of the child to benefit free of charge from the health care services, and accomplish state target programs directed at the protection of the child's health.

#### **Article 8.** The Child's Right to have Appropriate Living Conditions

Each child has the right for appropriate living conditions necessary for its comprehensive physical, mental and spiritual growth.

The main responsibility for providing appropriate living conditions to the child is shared by the parents or other legal representatives of the child.

In case of inability of the parents or other legal representatives of the child or impossibility to provide appropriate living conditions the state is to provide corresponding assistance.

#### **Article 9.** The Child's Right to be Protected Against Violence

Each child has a right to be protected from any type of (physical, spiritual, etc.) violence.

Any person, including the parents and the legal representatives of the child are forbidden to exercise any violence against the child or any punishment humiliating its dignity, or other similar attitude.

In case of violation of the Child's Rights and legal interests the infringer is called to responsibility in accordance with the order stipulated by the legislation of the Republic of Armenia.

The state and its corresponding bodies provide protection to the child from any violation, exploitation, inveigling in criminal activities including the use, production or trade of drugs, beggary, prostitution, gambling, and other violations of the Child's Rights and legal interests.

#### **Article 10.** The Child's Right for Freedom of Thought, Conscience and Belief

Each child has the right for freedom of thought, conscience and belief. The viewpoints, beliefs and opinions of the child are to be correspondingly respected in accordance with its age and maturity.

The right of freedom of religion and expression of principles can be restricted only by the law, provided this is required for the state or public safety, protection of the public order, protection of the child's health, and maintenance of the moral integrity or the protection of the main rights and freedoms of other individuals. It is forbidden to give accession to children of age under 16 to any religious organization without the permission of the parent or other legal representative.

#### **Article 11.** The Child's Right for Education

Each child has the right to get education and to select an educational establishment either independently or by the consent of the parent or other legal representative.

The state corresponding bodies are to create appropriate conditions for the expression of the individuality, the development of the talent, mental and physical abilities of the child, by establishing secondary and vocational schools, sportive, technical and cultural creative children's and teenage centers, etc.

The state corresponding bodies are working out and implementing corresponding programs targeted at identifying and organizing the training and education of talented children.

The secondary education in the state educational establishments is free of charge. Each child is entitled to gain the right for free of charge higher and other professional education in the state higher educational establishments on competitive basis.

The corresponding state bodies are providing the necessary information and access to educational materials for the child's education and professional training.

#### **Article 12.** The Child's Right to Live in a Family

Each child has the right to recognize its parents and to reside together with them, with the exception of those cases stipulated in the legislation of the Republic of Armenia, when by the Court order the separation of the child from the parent or parents is considered to be prerequisite for the sake of the child's interests.

The state and its corresponding bodies are supporting the reconstitution of the families,

#### **Article 13.** The Protection of the Child's Rights in the Family

The care and breeding of the child is mainly accomplished in the family and the responsibility for this lays upon the parents or other legal representatives, as well as the correspondingly authorized state bodies. They create necessary conditions for the child's comprehensive growth, breeding, education, health protection, preparation to individual life in the family and the community.

For supporting the comprehensive care and breeding in the family the state and its corresponding bodies are providing assistance for bettering the living conditions, encouraging the activities of psychological, pedagogical counseling services assisting the families.

#### **Article 14.** The Protection of the Child's Rights and Legal Interests by Parents

The protection of the Child's Rights and its legal interests is one of the main responsibilities of its parents or other legal representatives.

In case of infringement by the child of the legislation of the Republic of Armenia the parents or other legal representatives are bearing responsibility in accordance with the order stipulated by the Civil Code of the Republic of Armenia.

**Article 15.** The Child's Right not to reside with the Parents (parent)

The child that is not residing together with the parents (parent) has the right of preserving the personal regular relationship and the direct connections with them (him/her) with the exception of cases stipulated by the legislation of the Republic of Armenia on marriage and family relations.

**Article 16.** The Child's Right for a Space of Residence

The child that is a member of the family of an owner or lessee of a space of residence has the right to reside in the space of residence occupied by that owner or lessee, regardless of its place of habitude.

The child deprived from both parents has the right to get space of residence by order of priority in accordance with the legislation of the Republic of Armenia.

**Article 17.** The Child's Right to Receive Heritage

Each child (including the adopted) in case of the death of the parent, as well as in case of the recognition of the death of the parent by the court order, regardless of its place of habitude, has the right to receive heritage in accordance with the order stipulated by the legislation of the Republic of Armenia,

**Article 18.** The Child's Right to have Access to Cultural Values

Each child has the right to have access to the history of its nation, traditions and spiritual values and the global culture.

Each child has the right of freedom for fictional, scientific, technical creativity, right to participate in the cultural life and the right to express its skills, talents and interests.

With the purpose of developing the creative skills of the child the state encourages the release of films and video films, TV programs, newspapers, magazines and publication of books for children, provides access to them.

The public dissemination of information and literature promoting violence and advocating cruelty, humiliating human dignity, making negative impact on the child and encouraging criminal activity is prosecuted by the law.

**Article 19.** The Child's Right for Labor

Each child has the right for acquiring profession in accordance with its age, physical abilities and health conditions, as well as to perform labor activity not prohibited by the law.

A labor contract can be made with a child of age 16 and in exceptional cases of age 15,

The child has the right for privileged conditions of labor which are defined by the legislation of the Republic of Armenia.

Involving a child in trade of alcoholic beverages and cigarettes, their production and use is forbidden, as well as the performance of such labor which can be harmful for the child's health, physical and mental growth, can hinder the achievement of education.

**Article 20.** The Child's Right for Rest and Leisure

Each child has the right for rest and leisure, the right to freely participate in games and events corresponding to its age.

The state corresponding bodies are encouraging the organization of the child's rest and leisure through creating institutions targeting extracurricular, teenage, cultural, sportive, rest and health strengthening initiatives.

The actions of enterprises, institutions, organizations directed at cutting the material logistic base for organizing the child's rest and leisure are to be corroborated by the bodies of local self-governance.

**Article 21.** The Child's Right for Accession to Unions and Associations

Each child has the right of accession to public associations, including non-governmental, juvenile organizations and participation in peaceful meetings.

**Article 22.** The Child's Right for Protection of Honor and Dignity

Each child has the right for honor and dignity.

No child can ever be subject to violation of its rights for honor and dignity or illicit intervention while exercising its personal rights for family life, privacy of the written and telephone communication and sanctity of home.

The relationships between a child and the faculty in educational establishments are to be built on the basis of mutual respect.

Any person that has violated the right of the child for honor and dignity, including the parents or other legal representatives, as well as other individuals dealing with the education and breeding of the child are responsible for this violation by the order stipulated by the legislation of the Republic of Armenia.

**Article 23.** The Safety Provision of the Child

The safety of the child is guaranteed by the state of the Republic of Armenia. The illicit relocation of the child (including to other states), kidnapping, trafficking is to be prosecuted by the legislation of the Republic of Armenia.

### **CHAPTER 3**

#### **THE PROTECTION OF THE CHILD'S RIGHTS IN UNFAVORABLE CONDITIONS AND EXTREME EMERGENCY SITUATIONS**

**Article 24.** The Protection of the Child's Right Deprived of Parental Care

The child deprived from the parental care has the right to be protected, cared, educated and assisted by the state and its corresponding bodies. The state and its corresponding bodies are to provide the care and education for these children either through adoption or through situating them in corresponding child care institutions. While

choosing the form of the care they should take into account the provision of succession of the child's breeding, its native language, age, sex, etc. The order of adopting a child is stipulated by the legislation of the Republic of Armenia. Based on the child's and its legal representative's interests, the state and its corresponding bodies perform the assessment of the living and health conditions of the child in private in accordance with the order stipulated by the Government of the Republic of Armenia.

After reaching the age of 16 the child has the right to live independently provided appropriate living conditions, material aid and certain conditions have been created for him by the state and its corresponding bodies.

#### **Article 25.** The Care and Education of the Child in Orphanages and Boarding Schools

In case it is impossible to organize the care and education of a child deprived of parental care in another family, the state and its corresponding bodies are placing the child either in an orphanage or a boarding school. The child deprived of parental care has to have a personal account to which a personal pension is transferred in accordance with the legislation of the Republic of Armenia. With the purpose of comprehensive growth and development of the child's physical, mental and spiritual abilities, and to prepare it to an independent life, the orphanages and the boarding schools are to create conditions close to those of in a family. The protection of the rights of a child deprived of parents staying under the care of the state, providing it with space of residence, social security, employment are the responsibilities of the managements of these institutions and municipality regional departments (marzpetarans)

#### **Article 26.** The Rights of Disabled, Physically or Mentally Defective Children

The state and its corresponding bodies guarantee to a disabled, physically or mentally defective child free of charge professional, psychological and pathological care and assistance, opportunity to gain professional education in accordance with its abilities and to be employed, social rehabilitation, full comprehensive life, promotes the strengthening of its self confidence, facilitating its participation in public life. These children upon wish can study in secondary schools. The state and its corresponding bodies create for them orphanages and boarding schools, are realizing social economical initiative targeted at decreasing the number of disabled children through their health rehabilitation, organize production and procurement of technical equipment necessary for the life of the disabled children.

#### **Article 27.** The Child's Right for Social Security

The disabled child or the child deprived of the bread-winner parent has the right for receiving pension, the order of assignment and payment of which is stipulated by the Government of the Republic of Armenia.

#### **Article 28.** The Child's Right who has Appeared in Emergency Situation

The state is to provide free of charge assistance to a child that has appeared in emergency situation to provide it with urgent and free of charge aid, means for evacuating it from the dangerous zone, promote the reunion with the family and the necessary medical care and services. The state and its corresponding bodies are providing the social security of the child that has appeared in the emergency situation, and taking care of its main necessities.

#### **Article 29.** The Prohibition of Participation of a Child in Military Operations

It is prohibited to involve children in military operations, armed conflicts, as well as propagating the war and violence among children, creation of children's military unions. The participation of a child younger than 15 in military operations is prohibited. In the course of armed conflict the state and its corresponding bodies are providing a specific protection of the child.

#### **Article 30.** The Rights of a Refugee Child

The refugee child deprived of private property and place of residence in the result of military operations and other conflicts has the right for protecting its interest. The state and its corresponding bodies are initiating arrangements for searching the parents or relatives of the child, provide it with material, healthcare and other assistance, in case of necessity place the child in preventive medical boarding school or other institutions.

#### **Article 31.** The Protection of the Child's Right while Prosecuting the Latter

The child has the right for personal inviolability, which is protected by the law. The child should not to be arrested, searched or incarcerated otherwise than it is defined by the law. The fact of arresting or incarcerating a child is to be immediately informed to the parents or other legal representatives. Each child convicted to imprisonment has the right for appellation against the imprisonment verdict in accordance with the order stipulated by the law.

There is no death penalty for crimes committed by individuals of age under 18.

It is forbidden to keep the child incarcerated together with the adults. In cases defined by the legislation of the Republic of Armenia, the presence of the attorney (psychologist, pedagogue) at the preliminary investigation, prior to trial and post trial investigation is compulsory. The child must not testify against its parents or close relatives. It is forbidden to exercise violence, threat and other illicit action against the child for the purpose of forcing it to testify or pledge guilty.

#### **Article 32.** The Protection of the Child's Right and Special Rehabilitation Institutions.

The child can be placed in a special rehabilitation institution only by the decision of the court in presence of the local self-governance bodies. The child placed in a special rehabilitation or medical preventive institutions has the right for respectful attitude, health care, corresponding educational and professional training, right for meeting with the parents, or other legal representatives and relatives and other individuals, as well as the right for written communication. The task of the special rehabilitation institution is to rehabilitate and reeducate the child.

### **CHAPTER 4**

#### **ENDING LAUSES**

#### **Article 33.** Responsibility for Infringing the Law.

The individuals, as well as state bodies, enterprises, institutions, organizations are bearing responsibility by the order stipulated by the legislation of the Republic of Armenia for infringing the present law.

**Article 34.** The Law Entering into Force.

The present law enters into force from the moment of its publication. May 31, 1996