



**AMERICAN UNIVERSITY OF  
ARMENIA**

ՀԱՅԱՍՏԱՆԻ ԱՄԵՐԻԿԵԱՆ ՀԱՄԱԼՍԱՐԱՆ

**LL.M. Program**

ԻՐԱՎԱԳԻՏՈՒԹՅԱՆ ՄԱԳԻՍՏՐՈՍԻ ԾՐԱԳԻՐ

**TITLE**

**The role of the Republic of Armenia in ensuring the right of the child to a family  
Whether the transformation of child care and protection institutions in the Republic of  
Armenia ensures the proper exercise of the right of the child to a family**

**STUDENT'S NAME**

**MARINE AVAGYAN**

**SUPERVISOR'S NAME**

**PROF. ARMAN ZRVANDYAN**

**NUMBER OF WORDS**

**11944**

**YEREVAN**

**2020**

**TABLE OF CONTENTS**

<b>LIST OF ABBREVIATIONS</b>	<b>2</b>
<b>INTRODUCTION</b>	<b>3</b>
<b>CHAPTER 1: The right of the child to a family</b>	<b>7</b>
<b>CHAPTER 2: Guardianship, foster care and adoption as types of family-based alternative care for children</b>	<b>12</b>
<b>CHAPTER 3: Transformation of child care and protection institutions in Armenia as a part of the deinstitutionalization process</b>	<b>18</b>
<b>CHAPTER 4: International best practice of deinstitutionalization process</b>	<b>27</b>
<b>CONCLUSION</b>	<b>30</b>
<b>BIBLIOGRAPHY</b>	<b>33</b>

## **LIST OF ABBREVIATIONS**

CRC	United Nations Convention on the Rights of the Child
CRPD	United Nations Convention on the Rights of Persons with Disabilities
DRC	Declaration of the Rights of the Child
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)
ECtHR	European Court of Human Rights
ICCPR	International Covenant on the Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
RA	Republic of Armenia
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNICEF	United Nations Children's Fund

## INTRODUCTION

*“The legacy I want to leave is a child-care system that says that no kid is going to be left alone or left unsafe”.*

*Marian Wright Edelman*

*The founder and president emerita of the Children’s Defense Fund*

The right of the child to a family is one of the essential rights of each child protected by the international treaties. According to the Preamble of the CRC<sup>1</sup> *“the 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 community”*. It is also stated in the Preamble of the CRC 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”*.

It is noteworthy to mention that the CRC is the most widely ratified convention in the world<sup>2</sup>, which has united the States to ensure the comprehensive protection of the rights of all children in the world. The Republic of Armenia ratified the CRC in 1992<sup>3</sup>, and it entered into force for the Republic of Armenia in 1993<sup>4</sup>, by which the State expressed its willingness to make the protection of the rights of the child a priority.

By ratifying the CRC, the Republic of Armenia has recognized the family as the best place for the child to grow up. The State has also taken the responsibility to ensure the right of the

---

<sup>1</sup> See United Nations Convention on the Rights of the Child, Nov. 20, 1989, available at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (last visited May 12, 2020).

<sup>2</sup> See <https://www.unicef.org/child-rights-convention/what-is-the-convention> (last visited May 12, 2020).

<sup>3</sup> See <https://www.unicef.org/armenia/en/convention-rights-child> (last visited May 12, 2020).

<sup>4</sup> See <https://indicators.ohchr.org/> (last visited May 12, 2020).

child to a family. Nevertheless, there is an exception from the right of the child to a family according to the Article 9 (1) of the CRC, where it is stated that *"States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child"*.

Accordingly, the CRC ensures the right of the child to a family until the exercise of the mentioned right is not contrary to the best interests of the child. In particular, there may be some situations when it will not be in the best interests of the child to live with his or her family. In such situations, the State must intervene and ensure alternative care for the child. At the same time, the State shall take steps for the possible reunification of the child with his or her family.

There are many conditions under which parents might find themselves unable or unwilling to take care of their children, and that is when the State intervention is required and needed. For example, one of the main reasons why children are separated from their families in Armenia is the instable and poor financial conditions of the families. Another major issue is the fact that many children are being left by their parents and placed in institutions for having a disability. Of course, there are also cases when it is not in the best interests of the child to live with his or her family. Such situations can result from a number of conditions including health issues, household violence, substance abuse and so on. Furthermore, children may be separated from their families as a result of the death of their parents. Accordingly, there are various reasons why some children cannot grow up in their biological families and need alternative care ensured by the State. Moreover, in such situations, the preference should always be given to the family-based types of alternative care (guardianship, foster care, adoption).

It is stipulated in the Paragraphs 1 and 2 of Article 20 of the CRC that *"a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. States Parties shall in accordance with their national laws ensure alternative care for such a child"*. Hence, in the situations described above the Republic of Armenia has the responsibility to ensure alternative care for the children. As it is known, there are various types of alternative care, but during many years the placement of children in child care institutions has been the prevailing one in the Republic of Armenia. The other widely spread type of alternative care in Armenia has been the adoption, especially intercountry adoption of the Armenian children.

Historically, the placement of children in child care and protection institutions is not a new issue for the Armenians (for example, taking into consideration the Armenian Genocide, the World War II and their consequences). There have also been some other historical events (earthquake, war and their consequences) that caused the Armenians to face a lot of problems while ensuring the right of the child to a family. Moreover, the issue of placement of children in child care and protection institutions is still actual in Armenia.

This Paper aims to provide a comprehensive analysis of the right of the child to a family in the context of the best interests of the child and the deinstitutionalization process aimed to ensure the exercise of the mentioned right. The research is concentrated on the role of the Republic of Armenia in ensuring the right of the child to a family, the State's obligations in that context as well as the main issues arising during the implementation of the deinstitutionalization process. The main issue to discuss in the Paper is whether the transformation of child care and protection institutions in Armenia ensures the proper exercise of the right of the child to a family. Corresponding international and national legal regulations, statistics, and international best practice in the mentioned context are discussed in this Paper.

Nowadays, the Republic of Armenia has undertaken the implementation of the deinstitutionalization process as a way to ensure the right of the child to a family. Specifically, that is stipulated in the Strategic Program for the Protection of Child's Rights in the Republic of Armenia for 2017-2021 (hereinafter referred to as "Strategic Program for 2017-2021") and in the Timetable of events for the implementation of the Strategic Program<sup>5</sup>. The main aim of the deinstitutionalization process is to return the children from the 24-hour child care and protection institutions to a family- and community-based care, as well as to transform the institutions into day care centers and other child care services. As a result of the deinstitutionalization process, the governmental financial resources shall be directed to support the families instead of funding the institutions. During the last few years some 24-hour child care and protection institutions have been transformed into day care centers and services, some of them have been liquidated and some are in the process of liquidation or transformation. Moreover, foster families as a type of family-based alternative care for children are widely developing in Armenia. This is also a part

---

<sup>5</sup> See Strategic Program for the Protection of Child's Rights in the Republic of Armenia for 2017-2021 and Timetable of events for the implementation of the Strategic Program approved according to the appendixes N 1 and N 2 of the RA Government protocol decision N 30 dated July 13, 2017, available at <https://www.arlis.am/DocumentView.aspx?DocID=114901> (last visited May 12, 2020).

of the deinstitutionalization process, which is aimed to ensure the right of all children to grow up in a family environment.

On October 31, 2019 the RA Government adopted the decision N1507-N<sup>6</sup> by which the Government made one more step towards the implementation of the deinstitutionalization process. In particular, as a consequence of the decision mentioned above, Dilijan's and Byureghavan's children's care and protection night care institutions, Gyumi's children's care and protection N1 institution and Vanadzor's orphanage have been liquidated. Most of the children from that child care and protection institutions have returned to their biological families, the other ones have been provided with alternative care. Regarding the liquidation of Gyumri's children's care and protection N2 institution after Fridtjof Nansen, the decision will enter into force on June 25, 2020. This exception has been made to ensure the temporary care of those children from night care institutions who cannot return to their biological families or be provided with family-based alternative care yet.

The main issue is the fact that the views regarding the decision mentioned above and the deinstitutionalization process at all differed a lot in the Republic of Armenia. Even though Armenia has started taking steps for the implementation of the deinstitutionalization process earlier, the decisions made by the RA Government in 2019 regarding the transformation of child care and protection institutions resulted in many contradictory public discussions in society about the need and importance of the mentioned process<sup>7</sup>. Specifically, some people claimed that the transformation of child care and protection institutions is quite risky and is not in the best interests of those children who cannot return to their biological families. Other people claimed that it is risky for some children to return to their biological families too. The others claimed that

---

<sup>6</sup> See RA Government decision N 1507-N dated October 31, 2019, available at <https://www.arlis.am/DocumentView.aspx?DocID=135844> (last visited May 12, 2020).

<sup>7</sup> See <https://www.azatutyun.am/a/30246666.html> (last visited May 12, 2020), <https://factor.am/180101.html> (last visited May 12, 2020), <https://hetq.am/hy/article/108945> (last visited May 12, 2020), [https://arminfo.info/full\\_news.php?id=46525&lang=1](https://arminfo.info/full_news.php?id=46525&lang=1) (last visited May 12, 2020), <https://ombuds.am/am/site/ViewNews/923> (last visited May 12, 2020), <https://hraparak.am/post/7c88b20980ba936102322d75c7614ac0> (last visited May 12, 2020), <https://armeniasputnik.am/society/20190829/20207244/Gisherotikum-te-paymanneric-zurk-tany-vortegh-e-yerexan-aveli-apahov.html> (last visited May 12, 2020), <https://epress.am/2019/10/23/%D5%A3%D5%AB%D5%B7%D5%A5%D6%80%D6%85%D5%A9%D5%AB%D5%AF-%D5%BA%D5%A1%D5%B0%D5%A5%D5%AC%D5%B8%D6%82-%D6%83%D5%B8%D5%AD%D5%A1%D6%80%D5%A5%D5%B6-%D5%B6%D5%A1%D5%AD%D5%A1%D6%80%D5%A1%D6%80%D5%B8%D6%82.html> (last visited May 12, 2020), <https://armeniasputnik.am/society/20190916/20418140/molorutyune-te-gisherotiky-miayn-qnelu-texe-gevorg-petrosyan.html> (last visited May 12, 2020).

all children must grow up in a family environment, and the State has the responsibility to ensure that.

Of course, the deinstitutionalization process contains some risks and can cause some serious problems. On the other hand, it is a positive step to ensure the exercise of the right of all children to a family. Accordingly, this process shall be implemented step by step, and proper control on it is necessary. That is why this is an issue to analyze thoroughly and discuss widely. However, the main principle is that the institutionalization of children should always be considered as a measure of last resort. The family-type environment should always be encouraged for the growth of the child.

## **CHAPTER 1: The right of the child to a family**

The family has always been considered as the natural environment and the best place for the growth of each child. The right of the child to a family is one of the essential and most widely accepted rights of the child, which is ensured by the international treaties. It is stipulated in the Principle 6 of the DRC that *“the child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable<sup>8</sup>”*. Moreover, the family’s role as the natural and fundamental group unit of society, as well as the State’s and society’s obligation to protect it are recognized by a lot of well-known

---

<sup>8</sup> See Declaration of the Rights of the Child, G.A. res. 1386 (XIV), 14 U.N. GAOR Supp. (No. 16) at 19, U.N. Doc. A/4354 (1959), available at <http://www.cirp.org/library/ethics/UN-declaration/> (last visited May 12, 2020).



international documents such as the UDHR (Article 16 (3))<sup>9</sup>, the ICCPR (Article 23 (1))<sup>10</sup>, the ICESCR (Article 10 (1))<sup>11</sup> and, of course, the CRC.

The main CRC regulations regarding the right of the child to a family have already been shortly discussed in the Introduction of this Paper but there are also other CRC regulations that should also be mentioned. In particular, according to Article 3 of the CRC *“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. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures”*. The child’s right to know and be cared for by his or her parents, as far as possible, is stipulated in Article 7 (1) of the CRC. It is noteworthy to mention that the Committee on the Rights of the Child (hereinafter referred to as “CRC Committee”) consisting of eighteen independent experts monitors the implementation of the CRC and its Optional Protocols by its State Parties<sup>12</sup>.

In its General Comment No. 14<sup>13</sup> the CRC Committee has made statements regarding the preservation of family environment in the context of the best interests of the child. In particular, the CRC Committee has noted that it is indispensable to assess and determine the best interests of a child in cases of the potential separation of that child from his or her parents (Articles 9,18 and 20 of CRC). The CRC Committee has underscored that according to the Preamble of the CRC the family is the fundamental unit of society and the natural environment for the growth and well-being of its members, particularly children. The right of the child to family life is protected under Article 16 of the CRC. Specifically, according to that article no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or

---

<sup>9</sup> See Universal Declaration of Human Rights, G. A. res. 217 A of 10 December 1948, available at <https://www.un.org/en/universal-declaration-human-rights/> (last visited May 12, 2020).

<sup>10</sup> See International Covenant on the Civil and Political Rights, G. A. res. 2200A (XXI) of 16 December 1966, available at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (last visited May 12, 2020).

<sup>11</sup> See International Covenant on Economic, Social and Cultural Rights, G. A. res. 2200A (XXI) of 16 December 1966, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx> (last visited May 12, 2020).

<sup>12</sup> See <https://www.ohchr.org/en/hrbodies/crc/pages/crcindex.aspx> (last visited May 12, 2020).

<sup>13</sup> See Committee on the Rights of the Children, General comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), May 29, 2013, available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsqIkirKQZLK2M58RF%2f5F0vEA XPu5AtSWvliDPBvwUDNUfn%2fyTqF7YxZy%2bkauw11KCljiE%2bul1sW0TSbyFK1MxqSP2oMIMyVrOBPKcB3Yl%2fMB> (last visited May 12, 2020).

correspondence, nor to unlawful attacks on his or her honor and reputation. It is also stipulated in the article mentioned above that the child has the right to the protection of the law against such interference or attacks.

The CRC committee has mentioned that the term “family” must include not only biological but also, for example, adoptive or foster parents. In other words, a broader significance **should be given** to the term “family”. Prevention of family separation and family preservation are essential components of the child protection system. These components are based on the right provided for in Article 9 (1) of the CRC which considers the child’s separation from his or her parents against their will only in cases when such separation is necessary for the best interests of the child. Moreover, in case of separation on the ground mentioned above the child has the right to maintain personal relations and direct contact with both parents on a regular basis. The only exception from this right is when it is contrary to the best interests of the child, so in each case the best interests of the child should be taken into account. In this context, the term “parents” also includes any person holding custody rights, legal or customary primary caregivers, foster parents and persons with whom the child has a strong personal relationship.

In other words, separation from parents should be considered only as a measure of last resort and it should not take place if it is possible to protect the child by less intrusive measures. One of the widely-spread issues that the State shall work on is that no economic reason should be a justification for separation of a child from his or her family<sup>14</sup>. The Guidelines for the Alternative Care of Children stipulates that children should not be placed in alternative care without corresponding necessity. In cases when children are provided with alternative care it is significant to ensure that such care is delivered under proper conditions corresponding to the best interests of the child. In particular, *“financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care (...) but should be seen as a signal for the need to provide appropriate support to the family”<sup>15</sup>*.

Meanwhile, the child should not be separated from his or her parents on the ground of having a disability. As an exception, the separation may be considered in cases when there are risks connected with the child’s safety and the possibility of abandonment or neglect of the child

---

<sup>14</sup> Id.

<sup>15</sup> See United Nations General Assembly, Guidelines for the Alternative Care of Children, A/RES/64/142, February 24, 2010, Paragraph 15, available at [https://www.unicef.org/protection/alternative\\_care\\_Guidelines-English.pdf](https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf) (last visited May 12, 2020).

and the proper assistance for the preservation of the family is not effective to exclude that risk. In case of the child's separation from his or her family, it is essential to have a guarantee from the State that the separation is a consequence of an assessment of that child and his or her family by a multidisciplinary team consisting of appropriate and qualified specialists, which is a subject to a proper judicial review according to the Article 9 of the CRC in the context of the best interests of the children. Nevertheless, even in case when the separation is necessary, the responsible authorities should ensure that the child deprived of his or her family maintains the relations with his or her parents, siblings and other relatives unless that contradicts the best interests of the child. In cases described above when deciding the length of visits and contact between the child and his or her family members the responsible authorities should take into consideration the child's relationship and psychological, emotional connection with each member of the family. Preservation of the ties between family members and the child should be understood in a broader sense. Specifically, it should include extended family, for example, grandparents, uncles and aunts too<sup>16</sup>.

Reflecting the CRC standards, the Article 7 (2) of the CRPD<sup>17</sup> sets out that *"in all actions concerning children with disabilities, the best interests of the child shall be a primary consideration"*. Article 23 of the CRPD places clear obligations on States to protect the right of children with disabilities to family life. Moreover, according to Paragraph 4 of Article 23 *"in no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents"*. In the General Comment No. 5, the UN Committee on the Rights of Persons with Disabilities<sup>18</sup> (hereinafter referred to as "CRPD Committee") unequivocally states that *"for children, the core of the right to be included in the community entails a right to grow up in a family"*. Afterwards, the CRPD Committee goes on to explain that *"large or small group homes are especially dangerous for children, for whom there is no substitute for the need to grow up with a family. "Family-like" institutions are still institutions and are no substitute for care by*

---

<sup>16</sup> See

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6OkG1d%2fPPRiCAqhKb7yhsqlkirKOZLK2M58RF%2f5F0vEAXPu5AtSWvliDPBvwUDNUfn%2fyTqF7YxZy%2bkauw11KClJiE%2bul1sW0TSbyFK1MxqSP2oMIMyVrOBPKcB3Y1%2fMB> (last visited May 12, 2020).

<sup>17</sup> See United Nations Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, available at <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> (last visited May 12, 2020).

<sup>18</sup> See Committee on the Rights of Persons with Disabilities, General comment No. 5 on living independently and being included in the community, October 27, 2017, available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6OkG1d%2fPPRiCAqhKb7yhsnbHatvuFkZ%2bt93Y3D%2baa2q6qfzOy0vc9Qie3KjjeH3GA0srJgyP8IRbCjW%2fiSqmYQHwGkfikC7stLHM9Yx54L8veT5tSkEU6ZD3ZYxFwEgh> (last visited May 12, 2020).

*a family*" (16(c)). For the Republic of Armenia, the CRPD entered into force in 2010<sup>19</sup>. The CRPD provisions mentioned above are specifically important for the Republic of Armenia, since many children in Armenia are being left by their parents on the basis of having a disability.

Additionally, it is stipulated in Article 8 (1) of the ECHR<sup>20</sup> that "everyone has the right to respect for his private and family life, his home and his correspondence". It is noteworthy to mention that in the judgement of *Gluhakovic v. Croatia* case the ECtHR has noted that the mutual enjoyment by parent and child of each other's company constitutes a fundamental element of "family life" within the meaning of Article 8 of the ECHR<sup>21</sup>. Furthermore, in relation to the State's obligation to implement positive measures, the ECtHR has held that Article 8 of the ECHR includes for parents a right that steps be taken to reunite them with their children and an obligation on the national authorities to facilitate such reunions<sup>22</sup>. Therefore, the State has an obligation to implement positive measures for the reunification of the parents with their children. Meanwhile, the national authorities have an obligation to facilitate such reunions of the families. The deinstitutionalization process is aimed to ensure the implementation of the State's mentioned obligation and each child's right to a family. Moreover, the deinstitutionalization process is directed to reform the State's alternative care system, which primarily aims at decreasing reliance on institutional care with a complementary increase in family- and community-based care and services, preventing separation of children from their parents by providing adequate support to children, families and communities, preparing the process of leaving care, ensuring social inclusion for children who are leaving the institutions and their smooth transition towards

---

<sup>19</sup> See [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=_en) (last visited May 12, 2020).

<sup>20</sup> See Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, November 4, 1950, available at [https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf) (last visited May 12, 2020).

<sup>21</sup> See Case of *Gluhakovic v. Croatia* (Application No. 21188/09), European Court of Human Rights, § 54, April 12, 2011, available at <http://echr.ketse.com/doc/21188.09-en-20110412/view/> (last visited May 12, 2020). See also Case of *Monory v. Romania and Hungary* (Application No. 71099/01), European Court of Human Rights, § 70, April 5, 2005, available at <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-68713%22%7D> (last visited May 12, 2020) and Case of *Fușcă v. Romania* (Application No. 34630/07), European Court of Human Rights, § 32, July 13, 2010, available at <https://sip.lex.pl/orzeczenia-i-pisma-urzedowe/orzeczenia-sadow/34630-07-fusca-v-rumunia-wyrok-europejskiego-trybunalu-520678232> (last visited May 12, 2020).

<sup>22</sup> See Case of *Iglesias Gil and A.U.I. v. Spain* (Application No. 56673/00), European Court of Human Rights, § 49, April 29, 2003, available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-61069%22%7D> (last visited May 12, 2020). See also Case of *Gluhakovic v. Croatia*, cited above, § 56, Case of *Nuutinen v. Finland* (Application No. 32842/96), European Court of Human Rights, § 127, June 27, 2000, available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58736%22%7D> (last visited May 12, 2020) and Case of *Olsson v. Sweden* (Application No. 2), European Court of Human Rights, § 90, November 27, 1992, available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57788%22%7D> (last visited May 12, 2020).

independent living<sup>23</sup>. Therefore, corresponding steps should be taken by the State and competent authorities to ensure the proper implementation of the deinstitutionalization process.

---

<sup>23</sup> See Eurochild, Deinstitutionalization and Quality Alternative Care for Children in Europe, 2014, page 6, available at [https://www.openingdoors.eu/wp-content/uploads/2014/11/DI\\_Lessons\\_Learned\\_web\\_use.pdf](https://www.openingdoors.eu/wp-content/uploads/2014/11/DI_Lessons_Learned_web_use.pdf) (last visited May 12, 2020).

## **CHAPTER 2: Guardianship, foster care and adoption as types of family-based alternative care for children**

The UN Guidelines for the Alternative Care of Children clearly speaks in favor of the deinstitutionalization process and individualized care for children, stipulating that “*where large residential care facilities (institutions) remain, alternatives should be developed in the context of an overall deinstitutionalization strategy, with precise goals and objectives, which will allow for their progressive elimination. To this end, States should establish care standards to ensure the quality and conditions that are conducive to the child’s development, such as individualized and small-group care, and should evaluate existing facilities against these standards*<sup>24</sup>”. Article 20 of the CRC is applicable for those children who are temporarily or permanently unable to live with their families as a result of specific circumstances such as the death of the parents, abandonment and so on or when the State has decided that the separation is needed for ensuring the best interests of children. In such cases children should be under special protection and assistance of the State. That is why the State has a specific and essential role when a child is separated from his or her family under the circumstances described in Article 20 of the CRC. It is stipulated in the Article mentioned above that “*States Parties shall in accordance with their national laws ensure alternative care for such a child*”. Therefore, it is the State’s responsibility to ensure alternative care for the children separated from their biological family under the circumstances described and regulated by the international documents and national legislation.

Moreover, as it has already been mentioned, the State should concentrate on ensuring a family-based alternative care for the child and consider the child’s placement in child care institutions as a measure of last resort. Even though the CRC considers the child’s placement in child care institutions as one of the types of alternative care, there is a hierarchy of preference to be taken into account when deciding the type of alternative care for the child. In particular, when the child’s separation from his or her parents is in the best interests of that child, the State should firstly search for a possible opportunity to place the child in his or her wider family, before seeking alternatives<sup>25</sup>. It is stated in the Articles 3 and 4 of the Declaration on Social and Legal

---

<sup>24</sup> See United Nations General Assembly, Guidelines for the Alternative Care of Children, A/RES/64/142, February 24, 2010, Paragraph 23, available at [https://www.unicef.org/protection/alternative\\_care\\_Guidelines-English.pdf](https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf) (last visited May 12, 2020).

<sup>25</sup> See Rachel Hodgkin and Peter Newell, United Nations Children’s Fund, Implementation Handbook for the Convention on the Rights of the Child, fully revised third edition, September 2007, p. 278, available at [https://www.unicef.org/publications/files/Implementation\\_Handbook\\_for\\_the\\_Convention\\_on\\_the\\_Rights\\_of\\_the\\_Child.pdf](https://www.unicef.org/publications/files/Implementation_Handbook_for_the_Convention_on_the_Rights_of_the_Child.pdf) (last visited May 12, 2020).

Principles relating to the Protection and Welfare of Children, with special reference to Foster Placement and Adoption Nationally and Internationally<sup>26</sup> that “*the first priority for a child is to be cared for by his or her own parents*” and “*when care by the child’s own parents is unavailable or inappropriate, care by relatives of the child’s parents, by another substitute – foster or adoptive – family or, if necessary, by an appropriate institution should be considered*”. From this the following hierarchy of preference of possible alternative care options can be suggested: family relatives of the child, including older siblings, foster care, adoption and then placement of the child in child care institution. Such approach is stated in the comments by the CRC Committee, where the States are encouraged to place children in child care institutions only as a last resort and considering the best interests of the child<sup>27</sup>.

Another important issue to consider when deciding the appropriate type of the alternative care for a child is the individual approach for each case. The CRC Committee has emphasized the principle of individualization in cases concerning the children separated from their parents. In particular, it has mentioned that each child is unique and the placement of the child into out-of-home care should always be considered on a case by case basis. There is no one specific solution which fits all situations and can be used under all circumstances. The individualization of solutions supposes that the actual situation of the child (his or her personal, family and social situation) should be taken into consideration. By doing so there would be better chances to assess the child’s long-term development in the context of the best interests of that child<sup>28</sup>. It can be concluded that the preference should be given to the family-based alternative care for children such as the guardianship, foster care and adoption. Let us discuss each of them shortly and observe the main differences between them.

Guardianship is a judicially created relationship between a child and a responsible adult in which the guardian assumes many of the rights and responsibilities that customarily would reside with the child’s parents. Usually, the guardian is a relative of the child or a close family friend.

---

<sup>26</sup> See Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with special reference to Foster Placement and Adoption Nationally and Internationally, G. A. res. 41/85 of 3 December 1986, available at <https://www.cidh.oas.org/Ninez/pdf%20files/Declaration%20on%20Social%20and%20Legal%20Principles%20relating%20to%20the%20Protection%20and%20Welfare%20of%20Children.pdf> (last visited May 12, 2020).

<sup>27</sup> See Rachel Hodgkin and Peter Newell, United Nations Children’s Fund, Implementation Handbook for the Convention on the Rights of the Child, p. 282, available at [https://www.unicef.org/publications/files/Implementation\\_Handbook\\_for\\_the\\_Convention\\_on\\_the\\_Rights\\_of\\_the\\_Child.pdf](https://www.unicef.org/publications/files/Implementation_Handbook_for_the_Convention_on_the_Rights_of_the_Child.pdf) (last visited May 12, 2020).

<sup>28</sup> See Committee on the Rights of the Child, Report on the fortieth session, September 2005, CRC/C/153, para. 667, available at <https://www.refworld.org/docid/45c30b780.html> (last visited May 12, 2020).

The court may appoint a guardian for a minor, for example, when the parent is unable or unwilling to provide appropriate care for the child, parental rights have been terminated or the parent has died. The court may also appoint a relative or other kin as a permanent guardian when that person has been caring for the child as a foster parent. Moreover, permanent guardianship with a relative caregiver can provide a permanent home for a child when efforts to reunite that child with his or her family have been unsuccessful and permanency through adoption is either not possible or not appropriate<sup>29</sup>. Therefore, guardianship can be considered as quite preferable family-based alternative care for a child when there is a strong bond between the child and the guardian, the child does not want to be adopted, it is in the best interests of the child to continue the legal relationship with his or her biological family or the caregiver is willing to take care of the child but is unable or unwilling to adopt that child.

Guardianship, as opposed to foster care, is a more permanent solution. It is usually preferred over foster care since the child is able to maintain relationship with extended family in a familiar and safe environment. The guardian has the same parental rights and obligations regarding the child's care, protection and education. Contrary to adoption, in case of guardianship the child also maintains the legal relationship with his or her biological parents. Nevertheless, as long as legal guardianship is in effect, the rights of the biological parents are secondary and subject to limitations. Additionally, the guardianship arrangement may be temporary or permanent depending on the circumstances of a specific case and the approach of the biological parents. They may request that a guardianship order be vacated and the child be returned to their care. If reunification with the parents is not possible, the legal guardian may adopt the child<sup>30</sup>.

In case of foster care the children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family that has been selected, qualified, approved and supervised for providing such care<sup>31</sup>. So, the potential foster parents should firstly pass a legally regulated process prior to becoming foster parents. Consequently, a special attention should be given to the selection, qualification and approval process of the foster parents whom the family-based care of the child should be entrusted.

---

<sup>29</sup> See Child Welfare Information Gateway, Kinship guardianship as a permanency option, Washington, DC: U.S. Department of Health and Human Services, Children's Bureau, 2019, available at <https://www.childwelfare.gov/pubPDFs/kinshipguardianship.pdf> (last visited May 12, 2020).

<sup>30</sup> See <https://shererlaw.com/difference-foster-care-guardianship> (last visited May 12, 2020).

<sup>31</sup> See United Nations General Assembly, Guidelines for the Alternative Care of Children, A/RES/64/142, February 24, 2010, Paragraph 29, available at [https://www.unicef.org/protection/alternative\\_care\\_Guidelines-English.pdf](https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf) (last visited May 12, 2020).



Another noteworthy process should be the individual assessment of each child's needs and preparation of the child to leave the institution and be placed in a foster care. For that reason, a lot of preparatory work should be done by the competent authority and specialists.

The competent authority or agency should devise a system, and should train concerned staff accordingly, to assess and match the needs of the child with the abilities and resources of potential foster parents and to prepare all concerned for the placement<sup>32</sup>. Moreover, after the child is placed in a foster care, an essential role should have the legally regulated and proper supervision by the competent authorities. Special preparation, support and counselling services for foster parents should be developed and made available to them at regular intervals, before, during and after the placement of the child in a foster care<sup>33</sup>. It is important to ensure that before, during and after the child's placement in a foster family, the potential foster parents and foster parents are being trained on a regular basis. For that reason, the competent authority should regularly organize mandatory trainings, seminars and discussions for potential foster parents and foster parents.

There are various types of foster care depending on diverse situations. For example, there may be emergency foster care, temporary foster care, long-term foster care, specialized foster care and so on<sup>34</sup>. In parallel with the deinstitutionalization process foster care is being developed in Armenia. Nevertheless, there are only a few specialized foster families in Armenia, which is a consequence of the lack of trained and qualified potential foster parents for a specialized foster care of children. As it is known, there are many children with disabilities in child care institutions, since having a disability is one of the main reasons why children are being left by their parents and placed in institutions. For example, as of April 2018, 448 out of 620 children residing in the state-run orphanages in Armenia have disabilities<sup>35</sup>. Children with disabilities have always been the most vulnerable ones in institutions, since as the practice shows, such children are usually not being adopted or being adopted by foreigners and taken far from their homeland. That is why a special attention should be given to the development of the specialized foster care in Armenia to ensure the primary opportunity for children with disability to be provided with a family-based alternative care in their homeland. That could be implemented by

---

<sup>32</sup> Id., paragraph 118.

<sup>33</sup> Id., paragraph 120.

<sup>34</sup> See Eurochild, *Deinstitutionalization and Quality Alternative Care for Children in Europe*, 2014, page 6, available at [https://www.openingdoors.eu/wp-content/uploads/2014/11/DI\\_Lessons\\_Learned\\_web\\_use.pdf](https://www.openingdoors.eu/wp-content/uploads/2014/11/DI_Lessons_Learned_web_use.pdf) (last visited May 12, 2020).

<sup>35</sup> See <https://www.unicef.org/armenia/en/what-we-do/child-protection> (last visited May 12, 2020).

regularly organizing mandatory trainings and seminars directed to the qualification and preparation of the potential specialized foster parents who should take care of children with disabilities.

Now about the adoption. Adoption is the formal, permanent transfer of parental rights to a family other than a child's own and the formal assumption by that family of all parenting duties for the child<sup>36</sup>. Overall, there are three types of adoption. A domestic (in-country, national) adoption is an adoption that involves adoptive parents and a child of the same nationality and the same country of residence. An intercountry adoption is seen as one that involves a change in the child's habitual country of residence, whatever the nationality of the adopting parents. An international adoption applies to an adoption that involves parents of a nationality other than that of the child, whether or not they reside and continue to reside in the child's habitual country of residence<sup>37</sup>.

As it has been mentioned above, there is a widely spread practice of intercountry adoption of the Armenian children with disabilities. That practice is due to the fact that in Armenia most of the people refuse to adopt a child with a disability. Additionally, the practice and study of the legal regulations regarding intercountry adoptions in Armenia has shown that no proper and comprehensive further supervision is present in recent decades over the children who have been adopted and taken to other countries. Of course, this is a serious issue that needs to be discussed separately and deeply.

However, it is noteworthy to mention that Armenia has ratified the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption<sup>38</sup> (hereinafter referred to as "Hague Convention"). It stipulates the main regulations and principles regarding the intercountry adoption and clarifies the obligations of the States. According to the Hague Convention *"each State should take, as a matter of priority, appropriate measures to enable the child to remain in the care of his or her family of origin"* as well as *"intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin"*. Even though Armenia has taken the obligations stipulated in the

---

<sup>36</sup> See United Nations Children's Fund (UNICEF), *At Home or in a Home? Formal Care and Adoption of Children in Eastern Europe and Central Asia*, 2010, page 52, available at <https://www.unicef.org/protection/Web-Unicef-rapport-home-20110623v2.pdf> (last visited May 12, 2020).

<sup>37</sup> See United Nations Children's Fund (UNICEF), *IRC Innocenti Digest, Intercountry adoption*, page 2, available at <https://www.unicef-irc.org/publications/pdf/digest4e.pdf> (last visited May 12, 2020).

<sup>38</sup> See Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, May 29, 1993, available at <https://www.hcch.net/en/instruments/conventions/full-text/?cid=69> (last visited May 12, 2020).

Hague Convention, there are still many issues regarding the transparency, proper regulation and supervision of the intercountry adoptions. Moreover, the mentioned issues are typical not only for intercountry adoptions but also for other types of adoptions in Armenia.

Consequently, the reform of the adoption system by the competent authorities should be an integral part of broader child care system reforms to ensure that adoption is used only when no other possibility to maintain the child with the biological family is available. In particular, it is widely agreed that three principles should guide decisions regarding the long-term alternative care for children when the need for such care has been demonstrated. Firstly, the family-based solutions are generally preferable to institutional placements. Then, permanent solutions are generally preferable to inherently temporary ones and national (domestic) solutions are generally preferable to those involving another country<sup>39</sup>.

---

<sup>39</sup> See United Nations Children's Fund (UNICEF), *At Home or in a Home? Formal Care and Adoption of Children in Eastern Europe and Central Asia*, 2010, page 48, available at <https://www.unicef.org/protection/Web-Unicef-rapport-home-20110623v2.pdf> (last visited May 12, 2020).

### **CHAPTER 3: Transformation of child care and protection institutions in Armenia as a part of the deinstitutionalization process**

As it has already been mentioned, the Republic of Armenia has taken an obligation to ensure the right of the child to a family by ratifying the CRC. The mentioned right is considered a priority in the Strategic Program for 2017-2021. Nowadays the Government of the Republic of Armenia is taking measures to ensure the children's care within their biological families. In cases when the return of a child to his or her biological family is impossible or is not in the best interests of the child, the State is taking measures to ensure a family-based alternative care for that child. The Republic of Armenia also takes steps to ensure that institutionalization of children is only considered as a measure of last resort.

For the purpose mentioned above, steps are being taken by the RA Government to implement the deinstitutionalization process. That process is aimed to liquidate or transform 24-hour child care and protection institutions in Armenia and create day care centers, local pedagogical-psychological support centers and so on instead. As a result, children from child care and protection institutions will have an opportunity to return to their families and live in a family- and community-based environment. At the same time, the Government will direct its financial resources to support the families instead of funding the child care and protection institutions.

The international and national practice regarding the child care and protection institutions has shown that such institutions do not ensure appropriate conditions for the proper and healthy development of children. Children, especially the ones with disabilities, are more vulnerable, dependent and isolated from society in child care and protection institutions. According to UNICEF Armenia, *“decades of independent research in different countries have undeniably demonstrated negative effect of residential care on children, harming their development and opportunities in life. The world average ratio of children in residential care per 100,000 child population is 120, in Eastern Europe and Central Asia Region it is 666 and in Armenia it is above 400, with around 3,000 children living in state-run residential care institutions, while the number of children in privately run institutions is not clear<sup>40</sup>”*. Additionally, children's care in 24-hour child care institutions puts a heavy financial burden on public state budgets. In particular, the annual cost of supporting this system in Armenia is \$16.6 million. The average

---

<sup>40</sup> See <https://www.unicef.org/armenia/en/what-we-do/child-protection> (last visited May 12, 2020).

cost of keeping a child in child care and protection institutions is \$3,800 annually. On the other hand, the maximum amount of support for a child in foster care is \$2,800 per year. As for the family benefit per child, it amounts to around \$500 annually<sup>41</sup>. Consequently, the encouragement of family- and community-based care is more beneficial for children and public finances.

Many fundamental rights of children are usually being violated in child care and protection institutions. Moreover, not all cases of the violations are being investigated properly and disclosed. Even though the child care institutions may have specialized and qualified staff and be well-equipped, they can never replace the family environment for children. Therefore, family environment is the best place for children to live and grow up.

Practical examples regarding the violence of children's rights in child care and protection institutions can be found in the annual reports of the Human Rights Defender of the Republic of Armenia. For example, according to the Annual report on the activities of the Human Rights Defender of the Republic of Armenia in 2018, at least three girls and nearly all boys from the Republican Special Educational Complex N 2, carried out various works both inside and outside of the educational complex area. The children have told that they usually carried out work in the places near their educational complex by the invitations from different individuals. The children have also mentioned that one of the workers of the educational complex transmitted the information about the work to them. After receiving that information, the children left the educational complex and went to the workplace. They were included in various types of work such as gardening, construction, freight and so on. After finishing their work and getting their payment the children returned to the educational complex and gave half of their payment to the worker who had informed them about the work or to the other workers of the educational complex. Such approach of the workers of child care and protection institution is unacceptable<sup>42</sup>.

The living conditions of children in child care and protection institutions in Armenia are also usually not corresponding to the international standards and national legislative regulations. For example, only 1 child care and protection institution (Yerevan's Special school N 17) from 10 ones that the representatives of the Human Rights Defender's Office have visited during 2018, had customized conditions for the special needs of children with mobility impairments<sup>43</sup>.

---

<sup>41</sup> Id.

<sup>42</sup> See 2018 Annual Report on the activities of the Human Rights Defender of the Republic of Armenia and the situation of protection of human rights and fundamental freedoms, page 637, available at <https://ombuds.am/images/files/8f03a4f279d0491fd510fca443f8f269.pdf> (last visited May 12, 2020).

<sup>43</sup> Id., page 624.

Additionally, the children's bed linens were dirty, quite outdated and some of the blankets were patchy in the Republican Special Educational Complex N 2. It is noteworthy that during the visit it became obvious that there were bed linens in good condition in the warehouse of the educational complex<sup>44</sup>. The mentioned facts are only a few examples of many others which claim that no child care and protection institution can ever replace the family environment for the children. Moreover, such institutions have a negative effect on the proper and healthy development of the children. In child care and protection institutions children's fundamental rights are being violated the most.

The parents right and obligation to take care of the upbringing, education, health, comprehensive and harmonious development of their children is stipulated in Article 36 (1) of the Constitution of the Republic of Armenia (hereinafter referred to as "Constitution")<sup>45</sup>. It is stipulated in the Article 37 (2) of the Constitution *"in matters concerning the child, primary attention must be given to the interests of the child"*. According to the Article 37 (3) of the Constitution, 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. Moreover, the obligation of the State to ensure the care and protection of children left without parental care is stipulated by the Article 37 (4) of the Constitution.

According to the Article 8 of the Law of the Republic of Armenia on the Rights of the Child<sup>46</sup> *"the parents or other legal representatives of the child bear the main responsibility for providing appropriate living conditions for the development of the child. In case of the parents' or other legal representatives' inability or impossibility to provide appropriate living conditions for the child, the State provides corresponding assistance"*. Additionally, the child's right to live in a family is stipulated in the Article 12 of the Law of the Republic of Armenia on the Rights of the Child. In particular, it is stated that *"each child has the right to know and live together with his or her parents, except in cases established by the legislation of the Republic of Armenia, when the separation of a child from his or her parents or parent is deemed necessary for the interests of the child by the decision of the court. The State and its relevant authorities promote*

---

<sup>44</sup> Id., page 628.

<sup>45</sup> See Constitution of the Republic of Armenia with the amendments introduced through the referendum of December 6, 2015, available at <https://www.president.am/en/constitution-2015> (last visited May 12, 2020).

<sup>46</sup> See RA Law on the Rights of the Child, adopted on May 29, 1996, available at <https://www.arlis.am/DocumentView.aspx?docID=69115> (last visited May 12, 2020).

*family reunification*". It is also stipulated in the Article 41 (2) of the Family Code of the Republic of Armenia<sup>47</sup> that *"each child has the right to live and be reared in a family (as much as that is possible), know his or her parents, be cared by them, live with them, except for the cases when it is contrary to his or her interests"*. As it can be seen, the RA Family Code considers only one exception from the right of the child to a family. The exception is when the living of the child with his or her family is not in the interests of that child. Accordingly, the child's separation from his or her family should always be considered only in cases when specific circumstances are present for that.

In this context, the deinstitutionalization process and the steps taken by the Republic of Armenia to ensure the children's return to their biological families or at least their care in family-based alternative care can be considered as the implementation of the State's responsibility to promote family reunification. It is noteworthy to mention that in the mentioned articles of the Constitution, Law on the Rights of the Child and Family Code of the Republic of Armenia, the term "interests of child" is used instead of "best interests of child" as it is stipulated in the CRC. Even though in practice the term "interests of child" is used in the context of "best interests of child" as it is mentioned in the CRC, it would be better that the proper term such as "best interests of child" be stipulated in all legislative acts of the Republic of Armenia, since legally the meaning of that two terms is quite different.

Based on the analysis of the corresponding legal norms, the Cassation Court of the Republic of Armenia in one of its landmark decisions<sup>48</sup> has expressed a legal position that each child has the right to live and be reared in a family since birth. For the proper implementation of the children's mentioned right and the parents' right and obligation to take care of their children the parents have the priority to rear their children over all the other persons. By another landmark decision<sup>49</sup>, the Cassation Court of the Republic of Armenia has also expressed a legal position that the Republic of Armenia, in the process of exercising and protecting the rights of the child, is obliged to act only in the best interests of the child and provide the child with the necessary care for his or her well-being. Of course, as a result of deinstitutionalization, there are

---

<sup>47</sup> See Family Code of the Republic of Armenia, adopted on November 9, 2004, available at <https://www.arlis.am/DocumentView.aspx?docid=138955> (last visited May 12, 2020).

<sup>48</sup> See RA Cassation Court Decision about the Civil Case ԵԱ.ԴԴ/1513/02/08, available at <https://www.arlis.am/DocumentView.aspx?DocID=68305> (last visited May 12, 2020).

<sup>49</sup> See RA Cassation Court Decision about the Civil Case ԵԱ.ԳԴ/1095/02/08, available at <https://www.arlis.am/DocumentView.aspx?docid=56784> (last visited May 12, 2020).

some children for whom it is impossible or not in their best interests to return to their biological families. That is when the Republic of Armenia shall ensure family-based alternative care for that children. Placement of the children in other child care institutions should always be considered as a measure of last resort and is not encouraged.

The Government of the Republic of Armenia has an essential role and obligation to ensure children's right to a family. Moreover, the State has both positive and negative constitutional obligations regarding this matter. The State's main constitutional obligations relating the matters concerning the child have already been discussed above. Nevertheless, it is also noteworthy to mention that according to the Article 16 of the RA Constitution *“family - being the natural and basic unit of the society, the basis for the preservation and reproduction of the population, as well as motherhood and childhood - shall be under special protection and care of the State”*. This includes both positive and negative obligation of the State to protect the family, motherhood and childhood.

Additionally, it is stipulated in the Article 31 (1) of the RA Constitution that *“everyone shall have the right to inviolability of his or her private and family life, honor and good reputation”*. The mentioned constitutional provision stipulates the State's negative obligation to ensure the inviolability of everyone's private and family life. The scope of the State's positive obligation regarding ensuring a person's private and family life is mentioned in the Article 31 (2), according to which *“the right to inviolability of private and family life may be restricted only by law, for the purpose of state security, economic welfare of the country, preventing or disclosing crimes, protecting public order, health and morals or the basic rights and freedoms of others”*. Therefore, in the above mentioned cases the State has the right and obligation to intervene with the private and family life of a person.

The steps taken by the State to ensure the right of the child to a family can be seen from the legislative changes and State's policy of recent years. In particular, Armenia has taken on an obligation to ensure the children's right to a family and correspond its national legislation according to the CRC. The State's policy to ensure each child's right to a family has been included and considered a priority in the Strategic Program for the Protection of Child's Rights in the Republic of Armenia for 2013-2016<sup>50</sup> as well as in the Strategic Program for 2017-2021. In recent years, mostly in 2019, Armenia has taken measures to ensure the return of children

---

<sup>50</sup> See RA Government decision N 1694-N dated December 27, 2012, available at <https://www.arlis.am/DocumentView.aspx?docid=94050> (last visited May 12, 2020).



from child care and protection institutions to their biological families or, in cases when that is impossible, the placement of such children to a family-based alternative care. The main steps taken by the RA Government recently to ensure the implementation of the deinstitutionalization policy and children's right to a family are presented below:

- By the RA Government decision N 650-L dated May 16, 2019, the Government approved the Action Plan for 2019-2023, which highlighted the importance of implementation of measures for realization of the right of the children to live in a family, including children with disabilities, and the expansion of the alternative community-based services network<sup>51</sup>.

- By the draft decision of the RA Government on adoption of “The comprehensive plan for the implementation of the right of the child to a family and harmonious development of 2019-2023<sup>52</sup>”, the deinstitutionalization of child care and protection institutions, including non-state institutions and specialized child care institutions has been considered a priority.

- In accordance with “The action plan and timetable for the introduction of a comprehensive inclusive education system” approved by the RA Government protocol decision N 6 dated February 18, 2016<sup>53</sup>, Gyumri's special school N 3 for mentally retarded children and Artik's special school N 1 have been renamed to Shirak's and Artik's local pedagogical-psychological support centers respectively<sup>54</sup>.

- According to the RA Government decision N 974-A dated July 25, 2019<sup>55</sup>, Yerevan's Special school N 2 for mentally retarded children, Special school N 6, Special educational complex for children with severe speech disorders and Special school N 12 have been renamed to Yerevan's local pedagogical-psychological support centers N 1, N 2, N 3 and N 4 respectively.

---

<sup>51</sup> See RA Government decision N 650-L dated May 16, 2019, available at <https://www.arlis.am/DocumentView.aspx?DocID=131287> (last visited May 12, 2020).

<sup>52</sup> See <https://www.e-draft.am/projects/2149/about> (last visited May 12, 2020).

<sup>53</sup> See RA Government protocol decision N 6 dated February 18, 2016, available at <https://www.arlis.am/DocumentView.aspx?DocID=103910> (last visited May 12, 2020).

<sup>54</sup> See RA Government decision N 1058-N dated October 13, 2016, available at <https://www.arlis.am/DocumentView.aspx?docid=126671> (last visited May 12, 2020).

<sup>55</sup> See RA Government decision N 974-A dated July 25, 2019, available at <https://www.arlis.am/DocumentView.aspx?DocID=132977> (last visited May 12, 2020).

- According to the RA Government decision N 1099-A dated August 29, 2019<sup>56</sup>, Ashtarak's Special School N 1 has been renamed to Ashtarak's local pedagogical-psychological support center.

- As it has already been mentioned, by the RA Government decision N 1507-N dated October 31, 2019<sup>57</sup>, Dilijan's and Byureghavan's children's care and protection night care institutions, Gyumi's children's care and protection N1 institution and Vanadzor's orphanage have been liquidated. At the same time, the decision regarding the liquidation of Gyumri's children's care and protection N2 institution after Fridtjof Nansen, will enter into force on June 25, 2020. This exception has been made for the proper implementation of the deinstitutionalization process by ensuring temporary care for those children who cannot return to their biological families or be provided with family-based alternative care yet. It is noteworthy that most of the children from that child care and protection institutions have returned to their biological families, the other ones have been provided with alternative care.

- The Government of the Republic of Armenia has also adopted decisions which are aimed to comprehensively regulate the family-based and community-based alternative care types in Armenia. In particular, on June 13, 2019, the RA Government has adopted decision N 751-N<sup>58</sup> by which the process and main regulations regarding the foster care and foster families have been stipulated.

- Additionally, the decree of the content of the preparatory trainings program for the persons who want to adopt a child, the requirements for it, the authority responsible for determining the content of the program, the procedure for organizing and conducting the program has been approved by the RA Government decision N 630-N dated May 23, 2019<sup>59</sup>.

- It is stipulated in the Annual report on the activities of the Human Rights Defender of the Republic of Armenia in 2019 that the RA Ministry of Labor and Social Affairs plans to establish

---

<sup>56</sup> See RA Government decision N 1099-A dated August 29, 2019, available at <https://www.arlis.am/DocumentView.aspx?DocID=133733> (last visited May 12, 2020).

<sup>57</sup> See RA Government decision N 1507-N dated October 31, 2019, available at <https://www.arlis.am/DocumentView.aspx?DocID=135844> (last visited May 12, 2020).

<sup>58</sup> See RA Government decision N 751-N dated June 13, 2019, available at <https://www.arlis.am/DocumentView.aspx?docid=131790> (last visited May 12, 2020).

<sup>59</sup> See RA Government decision N 630-N dated May 23, 2019, available at <https://www.arlis.am/DocumentView.aspx?docid=131046> (last visited May 12, 2020).

day care centers in about 30 large residencies, which will provide services to about 3800 children, including children with disabilities<sup>60</sup>.

- Overall, according to the RA Ministry of Labor and Social Affairs, about 230 children from child care institutions returned to their biological families in 2019. 210 out of 230 children returned to their families as a result of the liquidation of the institutions<sup>61</sup>.

However, opinions regarding the appropriateness of the deinstitutionalization process are still controversial. The issue regarding the contrary opinions among the society is mainly due to the fact that the competent state authorities have not initially carried out proper awareness campaigns to inform the public about the purpose and necessity of the deinstitutionalization process. Of course, the deinstitutionalization process is a positive and essential step towards realization of the State's obligation to ensure the child's right to a family. By proper planning and organization, it can ensure the implementation of that right for many children from child care and protection institutions. On the other hand, the process is also full of risky situations. It is essential that appropriate measures be taken by the competent authorities to prevent the possible risky situations in the process of deinstitutionalization and after that.

The CRC committee in the Paragraph 29 of its Concluding observations on the combined third and fourth periodic reports of Armenia (hereinafter referred to as “Concluding observations”)<sup>62</sup>, has found it concerning that child protection in Armenia at the local level is usually carried out by volunteers without appropriate qualifications and training. The Committee has also expressed its concerns that *“due to economic hardships and inability to cover the costs associated with schooling or the basic needs of children, some families are forced to enroll their children in boarding schools and children's homes”*. Considering the mentioned concerns, the CRC committee in the Paragraph 30 of the Concluding Observations has recommended that Armenia took measures to involve professionals in child protection process at the local level with proper experience of working with children and also ensure appropriate trainings for the

---

<sup>60</sup> See 2019 Annual Report on the activities of the Human Rights Defender of the Republic of Armenia and the situation of protection of human rights and fundamental freedoms, page 680, available at <https://ombuds.am/images/files/3e307b6cedc8a68a7a0b677955e77cb2.pdf> (last visited May 12, 2020).

<sup>61</sup> Id., page 679.

<sup>62</sup> See Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of Armenia, adopted by the Committee on the Rights of the Child at its sixty-third session (27 May-14 June, 2013), 8 July, 2013, available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhss81IekIDkCEOp5ObmiMKNyjXgYjBn4OPpmKOYuTRq%2fHzT43YQgm11GBKxjsYdsTMzcbjXyywlhwVqOdWRb3V%2bnSUprm2uePWw055hgWeQ2p> (last visited May 12, 2020).

volunteers to make their work better. It has further recommended Armenia to strengthen its support to vulnerable families living in extreme poverty through systematic, long-term policies and programs to ensure access to social services and sustainable income opportunities. The CRC committee has also recommended the State party to prohibit placement of children in care institutions for only financial reasons and use it only as a measure of last resort.

Further, the CRC committee in the Paragraph 31 of the Concluding observations has stated that it is concerned that alternative family-based care and community-based care systems for children deprived of family environment are insufficient. There are only few foster families in Armenia. Additionally, the CRC committee expressed its concerns regarding the fact that there is an increasing number of children from vulnerable families who have at least one parent alive, but are being placed in institutional care. Moreover, according to the CRC committee, there are no safeguards and procedures for ensuring that institutional care is genuinely used as a measure of last resort. The State's assistance to children who leave child care institutions has remained insufficient too. These are the main issues that the Republic of Armenia shall concentrate on in deinstitutionalization process and develop corresponding policy to solve and exclude them.

For the proper implementation of the deinstitutionalization process, the CRC committee in Paragraph 32 of the Concluding observations has recommended Armenia to ensure sufficient alternative family- and community-based care options for children deprived of family environment, increase support to vulnerable families with universal and targeted services by strengthening their parenting skills and including them in social assistance programs. The CRC committee has also recommended the State to ensure that child's placement in institutional care is used only as a measure of last resort and that adequate safeguards and best interests of the child criteria are used for determining whether a child should be placed in institutional care. The CRC committee has also noted the importance to provide maximum support to the children who leave care institutions in finding study and/or work opportunities and provide them with adequate accommodation.

The above-mentioned recommendations given by the CRC committee shall be put in the ground of deinstitutionalization process and appropriate steps shall be taken by the State to implement that recommendations.



## CHAPTER 4: International best practice of deinstitutionalization process

The process of deinstitutionalization is not a new one in the world, but the States' approach regarding this process is not always the same. Such differentiated approach is a consequence of the national thinking, traditions, legal system, laws and regulations of each country. Nevertheless, as it has already been discussed in this Paper, the international treaties and other essential documents regarding children's rights stipulate the importance of the right of children to a family and the States' obligation to ensure its implementation. The CRC, the CRPD and the ECHR provide the framework for the deinstitutionalization process. Nowadays many States' national policy is aimed to ensure the right of the children to a family by the deinstitutionalization process and active steps are being taken by the States for its realization. The States which are taking steps to transfer children's care from institutions to the family and community, first of all have to ensure that each child's rights are respected.

Now let us discuss a few examples of the States which have the best practice of the deinstitutionalization process. For example, in the Republic of Belarus, prior to the deinstitutionalization process, special services to replace the residential special schools have been developed. The Ministry of Education of the Republic of Belarus introduced inclusive education by including a special curriculum and specially trained teaching assistants to support children with intellectual disabilities and autism to learn alongside their peers in local schools. Afterwards, the admissions to residential special schools fell and the government decided to deinstitutionalize. This process met with considerable resistance, but one of the institutions directors pro-actively managed the closure of her own institution, and resistance to change from the personnel was minimal. They developed community-based support services, which reunited more than half the children from institutions with their families. Other children were placed in foster care or small group homes. All children were integrated into mainstream schools to be educated. Moreover, most institution personnel were retrained and redeployed in the new services<sup>63</sup>.

In the Republic of Bulgaria there has been a good practice of the cooperation between the Government, nongovernmental organizations, donors and experts for the realization of the

---

<sup>63</sup> See The Regional Office for Europe of the World Health Organization, Transfer care from institutions to the community, EUR/51298/17/PP/3, November 8, 2010, page 9, available at [http://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0008/126566/e94426.pdf](http://www.euro.who.int/__data/assets/pdf_file/0008/126566/e94426.pdf) (last visited May 12, 2020).

deinstitutionalization process. In 2010 the Government of the Republic of Bulgaria developed a 15-year national action plan for comprehensive deinstitutionalization of services for children and families. The Government decided to prioritize the most vulnerable children and begin the reform by developing services needed to replace institutions for children with severe disabilities. The Government, with support from experts, developed an assessment tool and involved local social workers, child care institution personnel and professionals from NGOs in assessing the needs of 2000 children with disabilities. The planned new services in the Republic of Bulgaria are based on these assessments<sup>64</sup>.

In Romania prior to the deinstitutionalization process the children with intellectual disabilities have been prepared to move from an institution. Specifically, in 2001, one county in Romania decided to close an institution for 250 children and young adults with severe intellectual disabilities. Staffing levels in that institution were inadequate, since often one member of staff looked after 20 or more children. Children rarely left the institution and were unfamiliar with the world outside. The local authorities had few qualified personnel to prepare all the children for their new placements, so they worked with a local NGO to develop preparation programs for each child. The professionals working with the children used play, special communication methods, photographs and actual experience to understand the changes that were happening. The institution personnel learned alternative methods to help children with behavioral difficulties, reducing the use of physical restraint. When the children moved to their new homes, the vast majority demonstrated little or no disturbed behavior. They settled into their new environments quickly and rapid improvements were noted in their health, development, behavior and independence skills<sup>65</sup>.

Modern social work good practice in Romania suggests that social services should be integrated with health services in order to prevent harm, abuse and neglect of children. Where these services can be coordinated with social service provision at the local level, the efficacy of intervention is obviously increased<sup>66</sup>. Romania also has a good practice in recruiting, supporting and financing specialist foster parents. Foster care is essential to reduce reliance on residential institutions. In many countries, there is a belief that people will not foster children with

---

<sup>64</sup> Id., page 9.

<sup>65</sup> Id., page 10.

<sup>66</sup> See Georgette Mulheir, De-institutionalization of children's services in Romania: A good practice guide, August 2004, page 163, available at <https://www.hopeandhomes.org/wp-content/uploads/2016/12/Deinstitutionalisation-of-Childrens-Services-in-Romania-2004.pdf> (last visited May 12, 2020).

intellectual disabilities. Despite this, there are excellent examples of specialist foster care. In one Romanian county, the director of social services developed a specialist foster care service to facilitate the closure of a local institution for children with severe disabilities. The director believed that such foster parents should receive a higher salary than mainstream foster parents. At that time, there was no provision in the law on foster care for this expenditure, but the director persuaded the county council to prioritize specialist foster care and to provide additional funds from the local budget. Within two years, the county had managed to place more than 100 children with moderate to severe intellectual disabilities in local, long-term specialist foster families. Improvements in children's health, development and behavior were dramatic. Although the local authority provided additional funding to foster parents, the cost per child of placement in foster care was still considerably cheaper than the institution<sup>67</sup>.

---

<sup>67</sup> See The Regional Office for Europe of the World Health Organization, Transfer care from institutions to the community, EUR/51298/17/PP/3, November 8, 2010, page 11, available at [http://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0008/126566/e94426.pdf](http://www.euro.who.int/__data/assets/pdf_file/0008/126566/e94426.pdf) (last visited May 12, 2020).



## CONCLUSION

As it has already been discussed, the main reason for the contradictory opinions and discussions regarding the deinstitutionalization process in Armenia has been the absence of initial and continuous proper awareness campaigns by the competent authorities. The public should have been informed about the aim and necessity of the deinstitutionalization process. In particular, deinstitutionalization process should not only be considered as just moving children out of institutions. It is a comprehensive process which includes also the initial planning of the liquidation or transformation of residential institutions, initial assessment of the needs of each child, establishment of diverse child care services, promotion and development of family- and community-based alternative care and so on. Of course, the prior aim of the deinstitutionalization process is the implementation of the right of the child to a family and State's obligation to ensure it.

For children, the core of the right to be included in the community entails the right to grow up in a family environment. The Republic of Armenia has a primary constitutional obligation to ensure the right of children to a family. The Republic of Armenia has also taken the mentioned obligation by ratifying the CRC and also other international treaties discussed in this Paper. Consequently, the interconnection of the deinstitutionalization process, the right of the child to a family and the State's obligation to ensure the implementation of that right is obvious. In particular, the deinstitutionalization process can be considered as a measure directed to the implementation of the State's obligation to ensure the right of the child to a family. The State also has an obligation to reunite parents with their children as well as the national authorities have an obligation to facilitate such reunions. So, in this context, the deinstitutionalization process is a measure directed to the implementation of the State's mentioned obligation too. Moreover, the deinstitutionalization process is directed to reform the State's alternative care system, which primarily aims at decreasing reliance on institutional care with a complementary increase in family and community-based care and services.

Of course, the deinstitutionalization process is a positive and essential step towards the realization of the State's obligation to ensure the child's right to a family. In case of proper planning and organization, it can ensure the implementation of the mentioned right for many children from child care and protection institutions. On the other hand, the process is also full of risky situations. Therefore, appropriate measures should be taken by the competent authorities to

prevent them during the deinstitutionalization process and afterwards. The suggestions and recommendations regarding the discussed issue are the following:

- Raise public awareness about the essential principles and goals of the deinstitutionalization process.
- Promote and improve family- and community based alternative care for the corresponding children,
- Based on the assessment of the needs of children, ensure that each child is provided with appropriate social and psychological support at local level.
- Take measures to increase the number of qualified foster parents by regularly organizing mandatory trainings, seminars and discussions for potential foster parents and foster parents.
- A special attention should be given to the development of the specialized foster care. It is essential to ensure the organization of mandatory regular trainings of the potential specialized foster parents.
- Strengthen the proper and comprehensively regulated supervision over all types of alternative care.
- Develop comprehensive supervision procedures over the children who have left the institutions as a result of the deinstitutionalization process. It is noteworthy to ensure that such children have the opportunity to implement their right to education and access to the necessary health care services.
- Strengthen the gate-keeping of the system by ensuring that no child enters the child care institutions for only financial reasons or having a disability. Moreover, regular and individual review of the case of each child by the competent authority should be ensured. In any case, primary attention should be given to the best interests of children.
- Strengthen the role of monitoring and evaluation in deinstitutionalization process and afterwards.
- Strengthening safeguards against abuse in adoption processes: Reforms are needed to improve the procedure for adoption. The Hague Convention on Intercountry Adoption provides important standards for the necessary safeguards which need to be in place.
- Social services need to be continuously developed for parents and children to enable them to overcome short-term difficulties in parenting. This can be done by providing a range of specific family and child support services. These are services which should be tailored to the

specific needs of families and children and may include for example day care, homebased care, psycho-social support, counselling, legal aid and short-term protected shelter.

- Take measures to ensure the preparation of the child to leave the institution.
- Separation from parents and institutionalization of children should always be considered as a measure of last resort and it should not take place if it is possible to protect the child by less intrusive measures.
- Strengthen the State's support to vulnerable families living in extreme poverty through systematic, long-term policies and programs to ensure access to social services and sustainable income opportunities.
- Consider children's placement in child care institutions only as a measure of last resort.
- The family-type environment should always be encouraged for the growth of the child.
- Consider the placement of a child into institutional care on a case by case basis.
- Take measures for the implementation of the corresponding reforms of the regulations regarding the adoption, especially intercountry adoption, to ensure that adoption is used only when no other possibility to maintain the child with the biological family is available.

Thereby, it can be concluded that role of the Republic of Armenia has an essential role and constitutional obligation to ensure the right of each child to a family. The deinstitutionalization process in Armenia is directed to the implementation of the State's mentioned obligation. Consequently, the transformation of child care and protection institutions in Armenia, if planned and organized properly, can ensure the proper exercise of the right of the child to a family.

## BIBLIOGRAPHY

### *Legal Sources*

1. Constitution of the Republic of Armenia of July 5, 1995, with the amendments introduced through the referendum of December 6, 2015, <https://www.arlis.am/DocumentView.aspx?docid=108723>.
2. Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, November 4, 1950, [https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf).
3. Declaration of the Rights of the Child, G.A. res. 1386 (XIV), 14 U.N. GAOR Supp. (No. 16) at 19, U.N. Doc. A/4354 (1959), <http://www.cirp.org/library/ethics/UN-declaration/>.
4. Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with special reference to Foster Placement and Adoption Nationally and Internationally, G. A. res. 41/85 of 3 December 1986, <https://www.cidh.oas.org/Ninez/pdf%20files/Declaration%20on%20Social%20and%20Legal%20Principles%20relating%20to%20the%20Protection%20and%20Welfare%20of%20Children.pdf>.
5. Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, May 29, 1993, <https://www.hcch.net/en/instruments/conventions/full-text/?cid=69>.
6. International Covenant on the Civil and Political Rights, G. A. res. 2200A (XXI) of 16 December 1966, available at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
7. International Covenant on Economic, Social and Cultural Rights, G. A. res. 2200A (XXI) of 16 December 1966, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.
8. United Nations Convention on the Rights of the Child, Nov. 20, 1989, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

9. United Nations Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.
10. Universal Declaration of Human Rights, G. A. res. 217 A of 10 December 1948, <https://www.un.org/en/universal-declaration-human-rights/>.
11. Family Code of the Republic of Armenia, November 9, 2004, <https://www.arlis.am/DocumentView.aspx?docid=119102>.
12. RA Law on the Rights of the Child, May 29, 1996, <https://www.arlis.am/DocumentView.aspx?docid=120909>.
13. RA Government decision N1507-N dated October 31, 2019, <https://www.arlis.am/documentView.aspx?docid=135844>.
14. RA Government decision N 1694-N dated December 27, 2012, <https://www.arlis.am/DocumentView.aspx?docid=94050>.
15. RA Government decision N 650-L dated May 16, 2019, <https://www.arlis.am/DocumentView.aspx?DocID=131287>.
16. RA Government decision N 1058-N dated October 13, 2016, <https://www.arlis.am/DocumentView.aspx?docid=126671>.
17. RA Government decision N 974-A dated July 25, 2019, <https://www.arlis.am/DocumentView.aspx?DocID=132977>.
18. RA Government decision N 1099-A dated August 29, 2019, <https://www.arlis.am/DocumentView.aspx?DocID=133733>.
19. RA Government decision N 751-N dated June 13, 2019, <https://www.arlis.am/DocumentView.aspx?docid=131790>.
20. RA Government decision N 630-N dated May 23, 2019, <https://www.arlis.am/DocumentView.aspx?docid=131046>.
21. RA Government protocol decision N 6 dated February 18, 2016, <https://www.arlis.am/DocumentView.aspx?DocID=103910>.
22. RA Government protocol decision N 30 dated July 13, 2017, <https://www.arlis.am/DocumentView.aspx?DocID=114901>.

*Judicial Acts*

23. Case of Gluhakovic v. Croatia (Application No. 21188/09), European Court of Human Rights, April 12, 2011, <http://echr.ketse.com/doc/21188.09-en-20110412/view/>.
24. Case of Monory v. Romania and Hungary (Application No. 71099/01), European Court of Human Rights, April 5, 2005, [https://hudoc.echr.coe.int/fre#%22itemid%22:\[%22001-68713%22\]}](https://hudoc.echr.coe.int/fre#%22itemid%22:[%22001-68713%22]}).
25. Case of Fușcă v. Romania (Application No. 34630/07), European Court of Human Rights, July 13, 2010, <https://sip.lex.pl/orzeczenia-i-pisma-urzedowe/orzeczenia-sadow/34630-07-fusca-v-rumunia-wyrok-europejskiego-trybunalu-520678232>.
26. Case of Iglesias Gil and A.U.I. v. Spain (Application No. 56673/00), European Court of Human Rights, April 29, 2003, [https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-61069%22\]}](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-61069%22]}).
27. Case of Nuutinen v. Finland (Application No. 32842/96), European Court of Human Rights, June 27, 2000, [https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-58736%22\]}](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-58736%22]}).
28. Case of Olsson v. Sweden (Application No. 2), European Court of Human Rights, November 27, 1992, [https://hudoc.echr.coe.int/eng#%22itemid%22:\[%22001-57788%22\]}](https://hudoc.echr.coe.int/eng#%22itemid%22:[%22001-57788%22]}).
29. RA Cassation Court Decision about the Civil Case бУ.Г.Г/1513/02/08, <https://www.arlis.am/DocumentView.aspx?DocID=68305>.
30. RA Cassation Court Decision about the Civil Case бУ.Ф.Г/1095/02/08, <https://www.arlis.am/DocumentView.aspx?docid=56784>.

*Articles and books*

31. Better Care Network and UNICEF, Making Decisions for the Better Care of Children: The Role of Gatekeeping in Strengthening Family-Based Care and Reforming Alternative Care Systems, 2015, <https://bettercarenetwork.org/sites/default/files/Making%20Decisions%20for%20the%20Better%20Care%20of%20Children.pdf>.

32. Child Welfare Information Gateway, Kinship guardianship as a permanency option, Washington, DC: U.S. Department of Health and Human Services, Children's Bureau, 2019, <https://www.childwelfare.gov/pubPDFs/kinshipguardianship.pdf>.
33. Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of Armenia, adopted by the Committee on the Rights of the Child at its sixty-third session (27 May-14 June, 2013), 8 July, 2013, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhss81IekIDkCEOp5QbmiMKNyjXgYjBn4OPpmKOYuTRq%2fHzT43YOgm11GBKxjsYdsTMzcbjXyywlhwVqOdWRb3V%2bnSUpm2uePWw055hgWeO2p>.
34. Committee on the Rights of the Child, General comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), May 29, 2013, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhqIkirKQZLK2M58RF%2f5F0vEAXPu5AtSWvliDPBvwUDNUfn%2fyTqF7YxZy%2bkauw11KCIJiE%2buI1sW0TSbyFK1MxqSP2oMIMyVrOBPKcB3Y1%2fMB>.
35. Committee on the Rights of Persons with Disabilities, General comment No. 5 on living independently and being included in the community, October 27, 2017, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnbHatvuFkZ%2bt93Y3D%2baa2q6qfzOy0vc9Qie3KjjeH3GA0srJgyP8IRbCjW%2fiSqmYQHwGkfikC7stLHM9Yx54L8veT5tSkEU6ZD3ZYxFwEgh>.
36. Committee on the Rights of the Child, Report on the fortieth session, September 2005, CRC/C/153, <https://www.refworld.org/docid/45c30b780.html>.
37. Elizabeth Oswald and Bill Forbes, World Vision, Because we care, 2009, <https://resourcecentre.savethechildren.net/sites/default/files/documents/5996.pdf>.
38. Eurochild, Children in alternative care, National Surveys (2<sup>nd</sup> ed.), 2010, [https://www.eurochild.org/fileadmin/public/05\\_Library/Thematic\\_priorities/06\\_Children\\_in\\_Alternative\\_Care/Eurochild/Eurochild\\_Publication\\_-\\_Children\\_in\\_Alternative\\_Care\\_-\\_2nd\\_Edition\\_January2010.pdf](https://www.eurochild.org/fileadmin/public/05_Library/Thematic_priorities/06_Children_in_Alternative_Care/Eurochild/Eurochild_Publication_-_Children_in_Alternative_Care_-_2nd_Edition_January2010.pdf).
39. Eurochild, Deinstitutionalization and Quality Alternative Care for Children in Europe, 2014, [https://www.openingdoors.eu/wp-content/uploads/2014/11/DI\\_Lessons\\_Learned\\_web\\_us\\_e.pdf](https://www.openingdoors.eu/wp-content/uploads/2014/11/DI_Lessons_Learned_web_us_e.pdf).

40. European Union Agency for Fundamental Rights and Council of Europe, Handbook on European law relating to the rights of the child, 2015, [https://www.echr.coe.int/Documents/Handbook\\_rights\\_child\\_ENG.pdf](https://www.echr.coe.int/Documents/Handbook_rights_child_ENG.pdf).
41. Georgette Mulheir, De-institutionalization of children's services in Romania: A good practice guide, August 2004, <https://www.hopeandhomes.org/wp-content/uploads/2016/12/Deinstitutionalisation-of-Childrens-Services-in-Romania-2004.pdf>.
42. Rachel Hodgkin and Peter Newell, United Nations Children's Fund (UNICEF), Implementation handbook for the Convention on the Rights of the Child, fully revised third edition, September 2007, [https://www.unicef.org/publications/files/Implementation\\_Handbook\\_for\\_the\\_Convention\\_on\\_the\\_Rights\\_of\\_the\\_Child.pdf](https://www.unicef.org/publications/files/Implementation_Handbook_for_the_Convention_on_the_Rights_of_the_Child.pdf).
43. The Inter-American Commission on Human Rights, The Right of Girls and Boys to a Family. Alternative Care. Ending Institutionalization in the Americas, October 17, 2013, <https://www.oas.org/en/iachr/children/docs/pdf/Report-Right-to-family.pdf>.
44. The Regional Office for Europe of the World Health Organization, Transfer care from institutions to the community, EUR/51298/17/PP/3, November 8, 2010, [http://www.euro.who.int/\\_data/assets/pdf\\_file/0008/126566/e94426.pdf](http://www.euro.who.int/_data/assets/pdf_file/0008/126566/e94426.pdf).
45. United Nations Children's Fund (UNICEF) Armenia, Towards Alternative Child Care Services in Armenia: Costing Residential Care Institutions and Community Based Services, July 2010, [https://www.un.am/up/library/Child%20Care%20Services%20in%20RA%20and%20CB%20Services\\_eng.pdf](https://www.un.am/up/library/Child%20Care%20Services%20in%20RA%20and%20CB%20Services_eng.pdf).
46. United Nations Children's Fund (UNICEF), At Home or in a Home? Formal Care and Adoption of Children in Eastern Europe and Central Asia, 2010, <https://www.unicef.org/protection/Web-Unicef-rapport-home-20110623v2.pdf>.
47. United Nations Children's Fund (UNICEF), IRC Innocenti Digest, Intercountry adoption, <https://www.unicef-irc.org/publications/pdf/digest4e.pdf>.
48. United Nations General Assembly, A/RES/64/142, Guidelines for the Alternative Care of Children, United Nations, Geneva, February 24, 2010, [https://www.unicef.org/protection/alternative\\_care\\_Guidelines-English.pdf](https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf).



49. 2018 Annual Report on the activities of the Human Rights Defender of the Republic of Armenia and the situation of protection of human rights and fundamental freedoms, <https://ombuds.am/images/files/8f03a4f279d0491fd510fca443f8f269.pdf>.
50. 2019 Annual Report on the activities of the Human Rights Defender of the Republic of Armenia and the situation of protection of human rights and fundamental freedoms, <https://ombuds.am/images/files/3e307b6cedc8a68a7a0b677955e77cb2.pdf>.

*Electronic Sources*

51. <https://armeniasputnik.am/society/20190829/20207244/Gisherotikum-te-paymanneric-zu-rk-tany-vortegh-e-yerexan-aveli-apahov.html>.
52. <https://armeniasputnik.am/society/20190916/20418140/molorutyune-te-gisherotiky-miay-n-qnelu-texe-gevorg-petrosyan.html>.
53. [https://arminfo.info/full\\_news.php?id=46525&lang=1](https://arminfo.info/full_news.php?id=46525&lang=1).
54. <https://www.azatutyun.am/a/30246666.html>.
55. <https://www.e-draft.am/projects/2149/about>.
56. <https://epress.am/2019/10/23/%D5%A3%D5%AB%D5%B7%D5%A5%D6%80%D6%85%D5%A9%D5%AB%D5%AF-%D5%BA%D5%A1%D5%B0%D5%A5%D5%AC%D5%B8%D6%82-%D6%83%D5%B8%D5%AD%D5%A1%D6%80%D5%A5%D5%B6-%D5%B6%D5%A1%D5%AD%D5%A1%D6%80%D5%A1%D6%80%D5%B8%D6%82.html>.
57. <https://factor.am/180101.html>.
58. <https://hetq.am/hy/article/108945>.
59. <https://hraparak.am/post/7c88b20980ba936102322d75c7614ac0>.
60. <https://indicators.ohchr.org/>.
61. <https://ombuds.am/am/site/ViewNews/923>.
62. <https://shererlaw.com/difference-foster-care-guardianship>.
63. [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=en).
64. <https://www.ohchr.org/en/hrbodies/crc/pages/crcindex.aspx>.
65. <https://www.unicef.org/armenia/en/convention-rights-child>.
66. <https://www.unicef.org/armenia/en/what-we-do/child-protection>.

67. <https://www.unicef.org/child-rights-convention/what-is-the-convention>.