

Children's right to identity in Armenia

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1 Creation of identity

Birth registration:

- Applications for birth registration may be submitted to the Civil Status Acts Registration Agency of the Ministry of Justice through medical institutions or service centres, free of charge. In accordance with Article 16 of the Law on Civil Status Acts, a written application for the registration of the birth of a child must be submitted no later than within one year from the date of birth of the child. Along with the application for the birth of a child, a document confirming the birth of the child must be presented, as well as documents certifying the identity of the parent(s) or the identity of the applicant and confirming the authority of the latter, documents considered the basis for entering information about the father in the record of the act of birth of a child.¹ In cases of births that take place outside of a medical institution and without medical assistance, the applicant shall submit the identification of the mother of the child; a DNA decision on being the biological mother of the child; documentation confirming the age and gender of the child issued by a medical organisation or guardianship and curatorship body in the place of residence of the child.²
- The birth certificate, which is issued by the Agency or the medical institution, contains the following information: (a) first name, patronymic, last name of the child, and by mutual consent of the parents, also nationality, place and date of birth; (b) first name, patronymic, last name and nationality of parents; (c) date of recording and number of the birth certificate; (d) place of state registration of birth (name of the civil registry office); (e) date of issue of the birth certificate (Art. 23 of the Law of Republic of Armenia about Civil Status Acts).³
- It is worth mentioning, however, that some births in the Yezidi and Kurdish communities – which practice home births – are not registered⁴ or registered with delay according to a local contact.

Abandonment:

- A person who finds a child must report this within 48 hours to the police or guardianship and trusteeship authority of the place where the child was found. Police authorities, guardianship and trusteeship authorities, educational and medical organisations, social protection organisations or other similar organisations are obliged, no later than seven days after the discovery of a child, to declare the registration of the found or abandoned child. It must submit a document on the discovery of a child, issued by the police or guardianship and trusteeship authority, indicating the date, place and circumstances of the discovery of the child; a document confirming the age and gender of the child, issued by a medical organisation. Information about the first name, patronymic and last name of the found (abandoned) child is entered into the record of the act of his birth at the direction of the body or organisation. Information about the first name, patronymic and last name of the found (abandoned) child is entered into the record of the act of his birth at the direction of the body or organisation.

Information about his or her parents is not included in the birth certificate of a found (abandoned) child (Art. 16 of the Law of Republic of Armenia about Civil Status Acts).⁵

- In practice, however, it appears that prevention of separation is not adequately supported through timely and effective assistance to families. 'Better material support to families should be accompanied with counseling, professional social work, health and education services, access to rehabilitation and parenting support'. In this context, some recent efforts mentioned by UNICEF include alternative community-based family support services were made accessible to vulnerable children and their families (capacity building of the social workforce e.g. social workers and case managers, financial and human resources reallocated from residential to community based care).⁶

Nationality and statelessness:

- Legal reforms to the country's Citizenship Law in 2015 constituted an important step forward as Armenian nationality was made available to all children born on Armenian territory, who would otherwise be stateless.⁷ It also included other measures aimed at preventing child statelessness.⁸
- In case of an unaccompanied and separated child, the processing of asylum application shall be temporarily suspended by the Migration Service until a representative/guardian is appointed. If the child is placed in care, a staff of the care facility will be considered the representative of the child. With the consent of the child, the Migration Service will take measures to search for the parents of the child for family unification purpose.⁹

Humanitarian situation in Nagorno-Karabakh:

- During the last week of September 2023, over 100,000 ethnic Armenians fled from the the from the non-recognized state Artsakh (Nagorno-Karabakh region of Azerbaijan) and arrived in Armenia. As of 19 October 2023, there were 30,000 child refugees. The Government of Armenia had registered 88 new births from refugee households, of which 45 in Yerevan and 43 in other regions.¹⁰
- According to Save the Children, it appears children and their families, who fled the conflict in Nagorno-Karabakh to Armenia, are in need of shelter, food, clothing, hygiene supplies and psychological first aid. Many parents are saying they are scared to stay close to the border, and once they arrive at the reception centres, they request to be relocated as far as possible from the Azerbaijan-Armenia border.¹¹
- The International Committee of the Red Cross's top priorities during this period is to ensure the protection of people leaving and those who choose to stay (only a few families, mainly elderly with mobility problems, according to a local contact); including by assisting the population with maintaining and restoring contact between separated family members as telecommunication services are disrupted, resulting in difficulties to contact loved ones.¹²



Potential considerations:

- *What is being undertaken to ensure that all children are registered promptly, including in those communities where homebirths are more common and where children are still not registered early?*
- *What measures and mechanisms are being implemented to support families and to prevent child abandonment?*
- *CHIP welcomes the legal reforms aimed at preventing child statelessness, how have these been implemented in recent years in relation to children migrating with and without their parents and/or relatives?*
- *How is the identity, including the identification documents, nationality and family relations, of children fleeing the Nagorno-Karabakh conflict being safeguarded, as the latter have a right to apply for the Armenian citizenship since all of them are ethnic Armenians or may already have had Armenian passports?*

2 Modification of identity

Alternative care:

- According to UNICEF, the world average ratio of children in residential care per 100,000 child population is 120, whilst 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. It explains that 'in Armenia, most of children end up in orphanages and other residential institutions not due to absence of biological parents, but due to their disability or poverty, and other vulnerabilities that make it difficult for their families to care for them' and in 2018, 'out of 620 children residing in the state-run orphanages, 448 ha[d] disabilities'. One step forward in addressing this has been the establishment of an enabling legal and regulatory framework to support the child-care reform (adoption of the amendments to the Family Code, around 30 Government decrees, reflection of key priorities in strategic documents – including the National Strategy for Protection of Child Rights for 2017-2021; Human Rights Action Plan for 2017-2019; Government Programme for 2017-2022, etc.). In addition, the family substitution service system has been strengthened (diversification of types of foster care, 4-fold increase in funding for foster care, more than 50 new foster families selected and trained) and public support to placing children in residential care has been reduced, although not sufficiently.¹³
- The latter as well as reports by other organisations confirm that there remains a high level of unnecessary separation of children from their families, on grounds of poverty and disability, which could otherwise be prevented; the reasons for family separation may unnecessarily impact and modify children's family relations on the long term as they often remain in alternative care for years, with limited efforts aimed at family reintegration.¹⁴

Adoption:

- The adoption of a child by foreign citizens is allowed only in the case of impossibility of an adoption by the child's relatives or a family of citizens permanently living on the territory.¹⁵ The most recent official statistics reflect a limited number of adoptions, including five intercountry adoptions (to the USA and Switzerland) and 18 domestic adoptions in the year 2021; these numbers contrast considerably with the numbers of over a decade ago (100 intercountry adoptions and 72 domestic adoptions in 2008).¹⁶

- One issue relating to the identity and family relations of children during the adoption process has been that, according to the Armenian Central Authority and in accordance with the Family Code of the Republic of Armenia, a birth parent can seek restoration of their parental rights at any point during the adoption process until an adoption decision is finalised in court. If the adoption is finalised, a birth parent may exercise their right to appeal the decision within a 30-day period. However, the judge can, at their discretion, apply an exception to waive the 30-day appeal process to expedite the final adoption decision in the best interests of a child. If the birth parent's rights are restored while the adoption process is still ongoing, prospective adopters also have 30 days to appeal the court's decision.¹⁷
- An adoption is registered at the Civil Status Acts Registration Agency on the basis of a Court judgement and a statement of information on the registration of the act of birth or state certificate of birth of the child, amongst other documents. It is worth mentioning that the application for registration of the adoption includes information on the child's name, father's name, surname, place and date of birth prior to and after the adoption, as well as the place, date and number of registration of the act of birth of the child.¹⁸

Surrogacy:

- In accordance with Article 16 of the Law of Republic of Armenia about Civil Status Acts, if the child's birth registration is requested by the parents who, in accordance with the procedure established by law, have used assisted reproductive technologies (artificial conception or artificial insemination and by implanting an embryo into another woman or carrying a fetus by another woman (surrogate mother) and have a mutual notarised agreement), then along with the document confirming the birth of the child, a copy of the agreement must be submitted confirming the consent of the woman who gave birth to the child to register the specified spouses as the child's parents.¹⁹ It appears that a DNA decision is also requested.²⁰
- As for the information that will be entered on the birth certificate, it appears that, in accordance with Article 17 of the Law of Republic of Armenia about Civil Status Acts, married persons who have the written consent of a woman to give birth to a child using methods of artificial conception or embryo implantation are entered in the state birth registration book as the parents of a child born using these methods.²¹

Potential considerations:

- *What measures and mechanisms are being implemented to support families and to prevent unnecessary family separation and to promote the maintenance of family relations and the potential family reintegration during the child's placement in care?*
- *What is being undertaken to continue promoting domestic adoption for children, for whom this is the best option? How is the child's legal and family relation given due certainty during the adoption proceedings?*
- *How is the adopted child's identity, including his or her family background, duly preserved and any modification carefully registered?*
- *How is the practice of surrogacy duly regulated in law to ensure that the practice does not amount to a sale of children, with sufficient control of intermediaries and financial aspects?*
- *Is the surrogate's name included in the child's birth certificate or in the records that make up the birth registration application? How are the child's genetic, gestational and biological origins duly preserved in the anonymous resort to ARTs and in surrogacy arrangements?*



3

Falsification of identity

Adoption:

- In recent years, there have been several reports of illegal adoption schemes, with mothers claiming that their children were taken from them.²² Indeed, 'at a government meeting (...), Ararat Mirzoyan (then the deputy prime minister), said that there appeared to be a "mafia" involving Armenian maternity hospitals selling babies abroad and that the Justice Ministry was looking into the issue'.²³ On 14 November 2019, 'the National Security Service (NSS) issued a statement, according to which illegal adoption transactions by foreigners were carried out in Armenia in 2016-2018'.²⁴ The Armenian police also issued a statement on earlier illegal adoption cases.²⁵ In particular, it was stated that back in 2009 some officials used a written statement by a parent to refuse custody and allow the adoption of a child in an orphanage. Yet, the parent explained that she had never sign[ed] such a statement nor any document to give up the child. The officers of the General Police Department of Combat against Organised Crime, through the Interpol National Central Bureau in the Republic of Armenia, had actively cooperated with the law enforcement agencies of a number of foreign countries.²⁶
- In November 2019, Armenia's National Security Service (NSS) also reported that it had launched a criminal investigation into numerous cases of foreigners illegally adopting Armenian children between 2016 and 2018. Data provided by the Ministry of Labor and Social Affairs and the National Statistical Committee (NSC) on children adopted from Armenia over the past ten years did not match, with the biggest difference in statistics is observed in 2010 and 2011.²⁷ According to the NSS, between 2016 and 2018 a number of young women – apparently especially vulnerable ones, including poor and uneducated women – were coerced into carrying out their pregnancies to term against their will and then forced to give up the babies. In other cases, medical workers fabricated or exaggerated a newborn's illness and pressured mothers to give them up. The infants were alleged to have been taken to state-run orphanages, where senior employees arranged illegal adoptions of the babies by foreigners, for the most part Italians²⁸. It appears that the latter is still under investigation at this point in time, and has therefore not been confirmed yet.
- See further information on the investigations below, under 'Restoration of identity'.

Child marriage:

- The legal minimum age for marriage has been raised to 18 for both men and women. However, it is possible for someone aged 16 or 17 to marry, if they have permission from their parents or legal guardian.²⁹ Indeed, exceptions allow individuals to bypass this provision based on cultural, ethnic, and other grounds.³⁰ This is the result of demands expressed by some groups: 'a person may also marry at the age of 17 if his or her parents, adopters or legal guardians agree. A person may also marry at the age of 16 if his or her parents, adopters or legal guardians agree, and the spouse is at least 18 years old. The second part of the Article [10] was added later after Yezidis residing in Armenia held protests. Their daughters get married at an earlier age. Rates of child marriage are much higher among the Yezidi minority than among the general population in Armenia; in addition, rates of unregistered marriages are also very high in these communities'.³¹

- Indeed, according to a survey by the Armenian Ministry of Health, 5% of girls in Armenia are married before the age of 18.³² Statistical information in Armenia is very limited as many child marriages are not officially registered. Sometimes religious weddings (harsaniq) take place and are then officially registered once a girl reaches the legal age for marriage.³³ Child marriage predominantly occurs within the Yezidi community or in marzes (regions), where minority ethnic groups live. Within the Yezidi community, it is common for girls to marry between the ages of 13-14 and for boys between the ages of 17-20. Often, marriages are arranged by parents.³⁴
- During Armenia's 2016 review under CEDAW, the CEDAW Committee expressed concerns about child marriage among Yezidi and Molokan communities, significant school dropout rates among girls from these communities and a lack of data on the correlation between this and child marriage. During its 2015 Universal Periodic Review, Armenia agreed to examine recommendations to enforce the minimum age of marriage set out in law and to develop awareness-raising programmes on the negative impact of child marriage.³⁵
- The main drivers of child marriage in Armenia appear to include:
 - *Ethnicity*: According to UNFPA, child marriage is more common among minority ethnic groups, particularly the Yezidis. Some Yezidi girls who marry after the age of 14 are reportedly considered "late and not worthy of respect".³⁶
 - *Poverty*: Lack of education and economic opportunities in rural areas following the country's independence have been found to drive child marriage in Armenia.³⁷
 - *Family honour*: Some young couples, who fall in love, are pressured to marry in order to avoid scandals associated with pre-marital sex.³⁸
 - *Adolescent pregnancy*: Traditionally, Yezidi families are large and girls are expected to marry young to have as many children as possible.³⁹
 - *Gender inequality*: According to a 2021 UNICEF report, Armenia has one of the highest rates of gender-biased sex selection in the world. In 2018, 424 girls went missing.⁴⁰
- The Ministry of Health and medical organizations of the Republic of Armenia continuously carry out educational activities in the communities to prevent early marriages of girls.⁴¹

Potential considerations:

- *What mechanisms are being implemented and what procedural safeguards are being developed to prevent any event of illegal adoption in the country in line with international standards on adoption, including the 1993 Convention on Intercountry Adoption, which Armenia is a Contracting Party to?*
- *As child marriage remains a common practice in the country, in particular in certain regions and amongst some communities, in particular the Yezidi, who continue to practice early marriage and even forced marriage, what measures are being taken to put an end to this practice in line with the 2013 legal reforms in the country aimed at raising the minimum age of marriage to 18 years and in compliance with international standards?*



4

Preservation of identity and access to origins

Adoption:

- According to information provided by the government of Armenia to the Hague Conference on Private International Law over a decade ago, information about the child's origins are kept by the official bodies involved in adoption proceedings;⁴² this was confirmed recently as the government mentioned that information about a person's adoption is centralised and maintained in a public facility, i.e. Ministry of Labour and Social Affairs, whilst information about intercountry adoptions is also centralised at the Ministry of Justice. However, information about the child's origins and information on the adoptee may be stored in a decentralised way at different competent bodies, such as the Central Authority (Ministry of Justice), the Ministry of Labour and Social Affairs, orphanages (as each orphanage retains information only about the specific child who has been registered at that orphanage), the Civil Status Acts Registration Agency, the Courts.⁴³ It is worth mentioning that the information preserved by the Civil Acts Registration Agency (Ministry of Justice) is preserved in perpetuity.⁴⁴
- Whilst information about the child's origins is provided to the adoptive parents by the accredited adoption body or Central Authority of the receiving State, Armenia initiated amendments to the Family Code, which stipulated that the information can be provided to an adult adoptee about his or her adoption (i.e. the date of adoption, the fact on the adoption and by which body). The Family Code now stipulates the disclosure of information about the adoption only – i.e. no information about the biological parent – to the adoptee, once he or she has reached the age of 18 years. The information about the biological parent(s) will be provided to the adult adoptee who has reached the age of 18 only in cases where the biological parent(s) has given his or her prior consent about disclosing information about himself or herself. It is worth mentioning that, if the adoptive parent wants to find information about the biological parent(s) of the adoptive child, the name and surname are provided. The information about the address and work place are not provided, taking into consideration the fact they revoked their rights on their child. This is performed taking into consideration the privacy and other rights of biological parents.⁴⁵
- The Central Adoption Authority may help the adoptee in obtaining information if authorised by law. Indeed, there is a section within the Central Authority (Ministry of Justice) that deals with the centralised storage of information about adoptions and should there be any need, it can submit relevant request to different bodies to obtain information, but does not appear to offer any psychosocial support to adoptees. There are no statistics recorded or kept about searches of origins so far, as the provision of information to adoptees is a comparatively new practice in the Republic of Armenia after the amendments to the Family Code. The government mentions only two requests, but the information was not provided due to the lack of the prior consent from the biological parents.⁴⁶

Potential consideration:

- *Whilst recent legal reforms represent a step forward in allowing adoptees to access information about the circumstances of their adoption, what additional steps is the country considering to fully ensure the right to identity of adoptees, including information about their biological family and psychosocial support when accessing information and/or searching for their origins?*

5

Restoration of identity

Adoption:

- Since 2019, cases of potential illegal adoptions were raised (see 'Falsification of identity' above).
- In relation to the latter, the government recognised that 'numerous cases of illegal adoption of children by foreigners [were] detected', as reflected in its statement of 14 November 2019.⁴⁷
- When recognising these, the Armenian government launched a investigation into numerous adoptions that may have been the result of babies illegally taken from hospitals and orphanages; mothers came forward to say they were deceived into giving up their children as part of an organized crime scheme operating for decades.⁴⁸ In this context, the Armenian Central Authority cooperated with the Armenian police to check the validity of the revocation of the right by the biological parents, and also provided the documents of the adoptive parents to run background checks using different networks.⁴⁹
- Whilst the focus of the latter was on the cases that occurred in 2016-2018, the Investigative Committee of the Republic of Armenia explained that several criminal cases had been initiated in recent years on illegal adoptions. 'Starting from November 29, 2005, money has been transferred from foreign adoption companies accredited in a foreign country, from their employees, as well as from those who directly applied for adoption to the person performing the functions of the representative of the mentioned companies in Armenia. From 2005 to 2019, more than 1.800,000 Euros and 26,000 USD were transferred through the adoption process of at least 114 children who are Armenian citizens. A press release was issued earlier by the committee about this.'⁵⁰

Potential consideration:

- *CHIP welcomes the country's efforts to recognise and address past practices of potential illegal adoptions; what have been the outcomes of the investigations and what measures have been put in place to prevent other similar events occurring?*

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