

The Right of a Child to Live in a Family Environment

Introduction

Despite official de-institutionalization policies, the number of children living and cared for in residential institutions in Armenia has not seen any significant decrease in recent years. While some of these children are without parental care, many of them have at least one parent but are simply from so-called “socially vulnerable families” (i.e. families in an adverse situation or economic hardship).

The 2013-2016 Child Rights Protection Strategy of the Republic of Armenia and its Action Plan highlight the need to increase the efficiency of the de-institutionalization policy, clarify adoption mechanisms and strengthen foster care system or foster care as an alternative care form. Progress in this direction has been limited, however.

Children in MLSA Institutional Care			
	Boys	Girls	Total
Child Care and Protection Institutions (boarding schools) ⁽⁷⁾	370	312	682
Orphanages of general type ⁽³⁾	112	111	223
Specialized orphanages ⁽³⁾	285	241	526
Total	767	664	1431

Source: *Rapid Assessment Report, November 2014.* ¹

Save the Children in Armenia is focused on campaigning for - and supporting the government in - developing and implementing stronger policies for family strengthening and family-based alternatives to care. By investing in foster care as a viable alternative to institutions, and ensuring that decisions regarding alternative care of children are guided first and foremost by the best interest of the child, Armenia can significantly improve the lives and future prospects of these children.

Overview of Social Exclusion

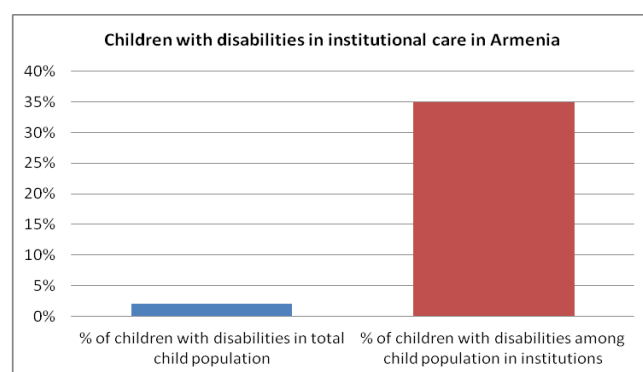
According to UNICEF (According to SOS Children’s Villages International, see reference), nearly 4,000 children are permanently living in residential institutions in Armenia². 1,431 children (54% are boys, 46% are girls) remain hosted (are placed) in orphanages or boarding schools run under the Ministry of Labor and Social Affairs of the RA (MLSA); another 2,100 children receive

care/education in some 23 so-called special residential schools for children with various disabilities and behavioral issues, run by the Ministry of Education and Science (MES) of the RA or the Ministry of Territorial Administration and Development of the RA (MTA)³.

The causes and barriers leading to the exclusion of these children, including through their institutionalization, are manifold.

Too often, families who feel they cannot adequately care for their children, either because of the disability of the child or due to the family’s economic hardship, resort to placing their children in child care and protection institutions. In the child care and protection institutions run by MLSA alone, at least 25% (362 out of 1,431 children) have some form of mental or physical disability; 62% of them are girls⁴.

The percentage of disabled children among those in institutional care is likely higher, however, if we consider that over 35% of children in MLSA’s residential care institutions are in the so-called specialized orphanages, which are intended for children without parental care who have “special needs”⁵. Compared to the ratio of children with disabilities in the total population of children in Armenia (around 2%⁶), it is safe to assume that children with disabilities are 17 times more likely to be placed in residential care (i.e. boarding schools or orphanages).



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The 2014 Rapid Assessment of children living in MLSA-run institutions found that 37% of children in institutions have both parents. Only 17% of the children living in MLSA's child care and protection institutions are actual orphans; the rest (almost 80%) end up in institutions due to social-economic hardships and are commonly referred to as "social orphans"⁷.

Child care and protection Institutions are still used more widely than other forms of alternative care, and residential care remains the main alternative care form. The very small number of children placed in foster care, as compared to the number of children still in institutional care, attests to this fact. Currently, there are 25 children placed in foster families. The low prevalence of foster care in Armenia has also been acknowledged by the UN Committee on the Rights of Child⁸.

Once placed in institutions, **these children face inadequate care and further exclusion**⁹. Research worldwide has largely demonstrated the inadequacy of institutional care and its harmful effects on children's psychosocial development. Evidence also shows that such children, often already marginalized by poverty or stigmatization, risk becoming further excluded from society, as they grow up separated from their families and communities. In the worst cases, inadequate or unsafe care standards expose them to neglect, violence and abuse. The existence of violence within the child care institutions of Armenia was examined extensively in 2012⁹, and while efforts have since been made to address it, the issue remains of serious concern even today. After leaving institutional care, young adults may then struggle to reintegrate into their communities and face high rates of homelessness, unemployment, chronic poverty, criminality, and unstable parenting patterns, establishing a vicious circle of poverty and social exclusion¹⁰.

Policy spotlight: investing in foster care as a viable alternative to residential institutions

The Government of Armenia is committed to reforming the childcare system in the country. Legal and policy reforms taken place in recent years have aimed to provide alternatives to residential care by increasing the types and numbers of family-based alternative care as well as cutting the number of residential care services for children.

The updated 2013-2016 Child Rights Protection National Strategy and the Action Plan reflect these child care reform efforts¹¹. There is a legal basis for alternative care in Armenia, and the Family Code of the RA and the Law on the Rights of the Child of the RA both emphasize that family-based care, such as adoption, kinship care and foster care, should be the preferred choice and that institutional care be a last resort. Even so, **progress toward de-**

institutionalization has been slow and marred with challenges¹¹.

Part of the reason for this is that **the system of family-based alternative care, including foster care, is not sufficiently developed, regulated**. There is a lack of mechanisms and measures to ensure that family-based care options are the first choice, and that institutional care only a last resort. While conditions for placing children in residential care have been tightened, a lot still depends on the recommendations provided by the *Guardianship and Trusteeship Committees*, who in reality lack professional competencies and qualifications to make such recommendations. GTCs and other decision-makers do not appear to understand or apply the concept of the "best interest of the child" in line with international standards. Draft legal recommendations were developed and proposed by Save the Children Armenia in 2015, with the view of strengthening foster care system in Armenia in line with the UN Guidelines on Alternative Care of Children. The legislative package is currently under review by the Government¹².

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The child protection system, in practice, continues to favor placement in institutions over family-based alternative care⁸. Child care and protection Institutions are still used more widely than other forms of alternative care, and residential care remains the main alternative care form. The very small number of children placed in foster care, as compared to the number of children still in institutional care, attests to this fact. Currently, there are no more than 25 children placed in foster families. The low prevalence of foster care in Armenia has also been acknowledged by the UN Committee on the Rights of Child⁸.

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Financial resources allocated to family-based alternative care are insufficient for the system to work effectively¹³. Studies conducted in Armenia in 2008 and 2010 have demonstrated how foster care is a much cheaper and efficient solution than residential care, and that the transition (i.e. placement of children in foster families) would not necessarily create an additional burden on the state budget¹⁴. By contrast, the budget for MLSI's eight-night care institutions in 2014 amounted to USD \$2,066,000 (AMD 1,001,000,000)¹⁶, and MLSI subsidies for its 6 orphanages amounted to around USD \$4,205,000 (AMD 2,037,113,500)¹⁷. 72% of the money allocated for the orphanages was for staff remuneration costs (for professional and support staff), yet on average, less than 30% of the staff of these institutions are professional staff⁸.

The importance of family-based alternative care over institutional care is insufficiently understood by the public, and even by professionals. The public does not seem to be very receptive to family-based alternative care, and institutions are still considered the norm and the first, even preferred, alternative.

There are also very few **communities based family support and strengthening social services for vulnerable families**. Children with disabilities are the most vulnerable, with a poverty rate of 54% among families of children with disabilities compared to the average poverty rate of 38%. Poverty, including child poverty, remains a big challenge in Armenia.

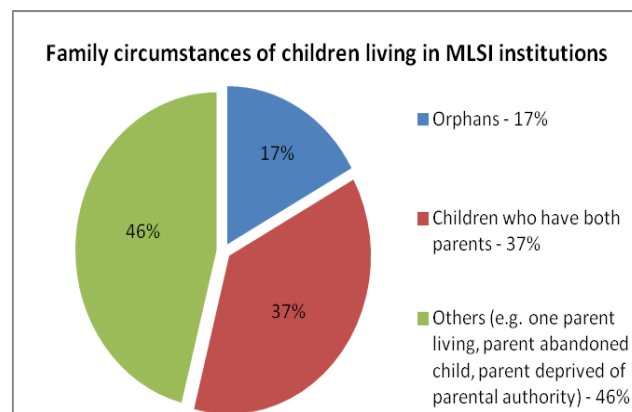
Thus, in the absence of support services in their communities, families who face economic hardship or who cannot care for their children with special needs, often resort to sending them to state institutions.

Policy recommendations and anticipated outcomes:

- Those community-based family support/social services for vulnerable families are developed, as a preventative measure, to help reduce the number of children at risk of losing parental care or needing alternative care, as well as to assist biological families in reuniting with their children and reduce the risk of future institutionalization. Special attention is given to outreach to extremely poor families and families with children with disabilities.
- The state allocates a larger budget for family support/social services for vulnerable families, including for families with disabled children.
- An increased awareness and understanding by the public and professionals of the importance of family-based alternative care, and why it is a preferable solution to institutionalization of children without parental care.
- Those other barriers to resorting to foster care instead of institutional care are identified so that family-type care

options are always prioritized.

- That public awareness and understanding of foster care is increased, so that suitable foster families can be identified, recruited and supported in providing family-based care to institutional care. Increased awareness about children in their communities needing support, the aim of foster care and the types of foster care programs available will lead to people signing up as foster parents.
- The proposed legislative changes to the Family Code are adopted for a more comprehensive alternative, including the foster care system.
- The state allocates a larger budget for foster care and related support services.
- That government and service providers are assisted to ensure delivery of foster care in compliance with minimum international standards.
- Social workers and case managers are better prepared to adequately support foster care providers, provide oversight and monitor children placed in alternative care.
- Foster care providers receive the support and services they need to provide safe quality care for their foster children.
- That no child below 3 years of age is placed in institutional care.
- Children remain in out-of-home care only for a minimum necessary period before a permanent solution is found.
- Barriers to reintegration are addressed so that children are adequately supported in the process of reintegrating from alternative care to their families.



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References

1. These generally correspond to the figures published online by MLSI, according to which around 1,470 children were cared for in these institutions in 2014: 720 in the 6 orphanages (mankatun), and some 750 in the night care (kisherotig) institutions.
 2. In 2013, there were 3,850, and it is assumed that the number for 2014 has not changed significantly. In 2010, there were 5,093 children in institutional care, of which 4,723 were in public institutions. There were 2,667 disabled children in public institutional care. There 23 children in foster care and 52 in guardianship care. See: TransMONEE database for 2012 also cited in "A Snapshot of Alternative Care Arrangements in Armenia", SOS Children's Villages International, 2012.
 3. Child Rights Situation in Armenia - 2015, p34, citing the Report of the monitoring of special education institutions (2013), p. 8 (which refers to institutions under MES and MTA). According to MES data for 2011-12, there were 2,649 children in 27 special education institutions: see http://www.edu.am/DownloadFile/5668arm-2011-2012_hanrakrtutiun.pdf available on MOE's website <http://www.edu.am/index.php?menu1=321&arch=0>.
 4. Rapid Assessment of Residential Child Care Institutions under the Ministry of Labor and Social Issues of the Republic of Armenia, Report prepared by Marina Galstyan, Yerevan, Nov. 2014 (hereafter Rapid Assessment 2014).
 5. Out of 1,431 children in MLSI institutions, 526 (or 500, according to MLSI's website) are hosted in the specialized orphanages, which are intended for those children without parental care who also have special needs (see Rapid Assessment 2014 & MLSI website).
 6. "Children registered with disabilities form around 1% of the total child population of Armenia. Given that the international expected benchmark disability rate is 2.5%, there are likely to be around 12,000 children with disabilities whose disability is not certified for various reasons [...]": see "It's about inclusion - Access to Education, Health, and Social Protection Services for Children with Disabilities in Armenia", UNICEF 2012.
 7. MLSI presentation of annual monitoring results for 2015.
 8. UN Committee on the Rights of Child, Concluding Observations on Armenia, 2013.
 9. Results issued in 2012, of the "Unite for Children, Save Futures" project by Save the Children – Armenia. See also: "Child Rights in Child Care and Special Education Institutions: Systemic Study", Human Rights Defender of the Republic of Armenia, report dated 27 March 2015.
 10. Deinstitutionalisation and Quality Alternative Care for Children in Europe: Lessons Learned and Way Forward (Working Paper), September 2014, available at: http://www.openingdoors.eu/wp-content/uploads/2014/11/DI_Lessons_Learned_web_use.pdf. See also: E. Munro, M. Stein (eds.), and Young People's Transitions from Care to Adulthood, International Research and Practice, Jessica Kingsley, 2008.
 11. UNICEF Annual Report, 2014
 12. SC Armenia has been involved in supporting the Government to review policy and legislation related to family strengthening and alternative care, with the view of developing a full foster care model and comprehensive foster care policies. A package of proposed legislative changes and additions to Armenia's Family Code, including a set of specific provisions on foster care, were developed and submitted to the Ministry of Justice and the MLSI. These proposed changes have been positively received by the Government, and currently under review.
 13. Elena Andreeva, Evaluation of Alternative Child Care Services in Armenia. UNICEF Armenia, October 2008 (manuscript), cited in Elena Andreeva, Towards Alternative Child Care Services in Armenia: Costing Residential Care Institutions and Community Based Services, UNICEF Armenia, July 2010.
 14. Elena Andreeva, Towards Alternative Child Care Services in Armenia: Costing Residential Care Institutions and Community Based Services, UNICEF Armenia, July 2010.
 15. Approximately 110,000AMD per month, per foster family.
 16. Assessment of the state of institutionalization of children in Armenia, presentation by Peter Evans.
 17. Organizational-legal and Financial-economic Analyses of Residential Child Care Institutions Under the Ministry of Labour and Social Issues of the Republic of Armenia, Yerevan, 2014(hereafter "Report on Financial Analysis of Institutions, 2014").
 18. Report on Financial Analysis of Institutions, 2014, supra.
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