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"LOGOS" YOUTH
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Corruption Risks Reduction, Advocacy and Rights Protection of Children and their Parents in Gyumri Special Care Homes and Orphanages" Project

REPORT



The project was made possible to implement thanks to the financial support of "Armenian Young Lawyers Association" NGO and the European Union

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The project is co-funded by the European Union



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“Corruption Risks’ Reduction and Advocacy and Rights Protection of Children and their Parents of Gyumri Special Care Homes and Orphanages” project was implemented by LogoS Youth NGO in collaboration with Students' Legal Advice Legal Clinic NGO and Araks Center Charity NGO, within the framework of small grant provided by “Multi-Faceted Anti-Corruption Promotion” project, which is implemented by Armenian Young Lawyers Association NGO and Freedom of Information Center of Armenia. The total budget of the project was 1.883.050 AMD, 1.111.250 AMD from which was provided by the Armenian Young Lawyers Association NGO. The duration of the project was from the 1st of May 2015 till the 30th of September 2015.

The “Multi-Faceted Anti-Corruption Promotion” project is co-funded by the European Union and the OSCE.

The results of monitoring about advocacy and rights protection of children, their family members and institutions’ workers, as well as possible corruption risks among interrelations of families and institutions, implemented in Trchunyan Tun Orphanage-School, Children’s Care and Protection Boarding Institution №2 named After Fridtjof Nansen SNCO, Gyumri Children’s House SNCO, and Gyumri City’s Center for Children’s Social Care SNCO, situated in Shirak marz’s Gyumri city, are reflected in this report.

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1. INTRODUCTION

From May till September 2015, LogoS NGO implemented “Corruption Risks’ Reduction and Advocacy and Rights Protection of Children and their Parents of Gyumri Special Care Homes and Orphanages” project within the framework of small grant provided by “Multi-Faceted Anti-Corruption Promotion” project, which is implemented by the Armenian Young Lawyers Association NGO and Freedom of Information Center of Armenia by the financial support of the European Union. The project was implemented in collaboration with Students’ Legal Advice Legal Clinic NGO and Araks Center Charity NGO. The aim of the project was to promote the reduction of corruption risks, as well as creation and dissemination of children’s advocacy and rights protection of Gyumri special care homes and orphanages. Based on the principles of democracy, the state is committed to involve the public in procedures of children’s rights implementation and supervision.

In 1996, the RA adopted Law on Children’s Rights. The system of children’s protection is not fully established yet and has a serious lack of resources. Especially big attention is needed for children in difficult life situations. Evaluation of reasons for placing children in institutions often neglects the principle to take into account the interests of the child. The research of the United Nations Children’s Fund (UNICEF) shows that 80% of about 4000 children, sheltered in the RA’s 40 residential care institutions (orphanages, daycare centers, and special boarding schools), have at least one parent, and the main part of them has appeared in the institutions because of social problems. The research of the United Nations Children’s Fund shows that the Government spends on average \$ 4.000 for each child living in orphanages or special institutions, while in case of living in a foster family this expense will be reduced to \$ 2.500, and the Government would save \$ 1.8 million annually. The RA’s State Commission for Protection of Economic Competition checks found out that the waste of state funds is rather big in orphanages: some products were purchased about 200 percent higher from the market prices, and a considerable portion of amounts does not serve their purpose. This sphere has a need of full and continuous objective monitoring and review by local and international organizations, as well as government structures to identify the state and ensuring standards of advocacy and rights protection of children and institutions’ staff members, as well as possible corruption risks among children, their family members, and institutions.

2. MONITORING

Considering the above mentioned facts and based on the need and urgency for implementation of monitoring, the 10-member monitoring group, formed in the framework of “Corruption Risks’ Reduction and Advocacy and Rights Protection of Children and their Parents of Gyumri Special Care Homes and Orphanages” project (hereinafter, Project), carried out a monitoring.

Subject of Monitoring in the institutions:

- Children Right of Health Preservation;
- Children Right of Recognition Parents and Keeping in Touch with Family;
- Children Right of Protection from Violence;
- Children Right of Education and Development;
- Children Right of Personal Life’s Privacy;

Activities of Monitoring: The monitoring group performed a total of 16 monitoring visits to “Trchunyan Tun” Orphanage-School, “Children’s Care and Protection Boarding Institution №2 named After Fridtjof Nansen” SNCO, “Gyumri Children’s House” SNCO, and “Gyumri City’s Center for Children’s Social Care” SNCO, which are operating in Gyumri, to inspect the implementation of advocacy and rights’ protection of children and institutions’ workers, and to identify possible corruption.

During the monitoring, questionnaires, designed for the institutions’ children and staff, were filled. Representatives from “Araks Center” Charity NGO, “SLA” Legal Clinic NGO, “Akhuryan” YNGO, “Legato” YCNGO, operating in Shirak marz, as well as department of Family, Women and Children’s Rights Protection of the RA’s Shirak Marzpetaran, were included in the monitoring group. A total of 156 children and 91 administrative workers of institutions (directors, deputy directors, social workers, psychologists, teachers, mentors, nannies, and kitchen workers) were included in observations.

Monitoring with parents: The institutions’ children’s family members also filled questionnaires, and it was a tool to inspect relations between families and institutions, as well as possible corruption manifestations in institution-parent relations. Observations were carried out by visits to families and questionnaires among 40 beneficiary families.

3. GYUMRI CITY'S CENTER FOR CHILDREN'S SOCIAL CARE SNCO

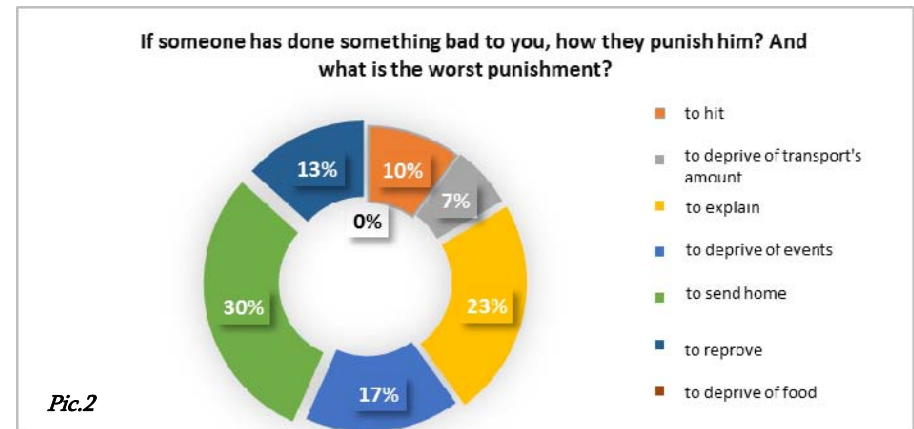
Monitoring group implemented a monitoring in Gyumri City's Center for Children's Social Care SNCO by following directions of monitoring's subject. Internal Regulation of institution, the RA's Constitution, the Law on Children's Rights of the RA, 05.08.2004 N1324-Ն and 09.11.2006 N 1735-Ն decisions of the RA's Government served as a basis for observations. A total of 100 children are registered in Gyumri City's Center for Children's Social Care SNCO. The Center services for 6-18 years old children and their families in difficult situation, contributing to the reduction of their problems. The Center's services include social-psychological, educational, health, rights and advocacy works, etc. 18 staff members of institution, 6-17 years old 51 children, who are in institution from 1 month till 5 years, and 10 family members of children were included in monitoring. As a result of completing the questionnaires, we received the following statistical image.

The first direction of monitoring is Children Right of Health Preservation. 74% of surveyed children testify that the sanitary hygienic conditions of the Center are in good state. The nurse every day carries out the hygienic inspection of institution's children, and they undergo medical examination in territorial polyclinics once in 6 months. Based on individual need, the nurse provides first aid, and children with special cases of health problems, after the initial exams, provided by the institution, would be routed to the appropriate examination and get treatment within the framework of state order. Medical card would be filled for each child.

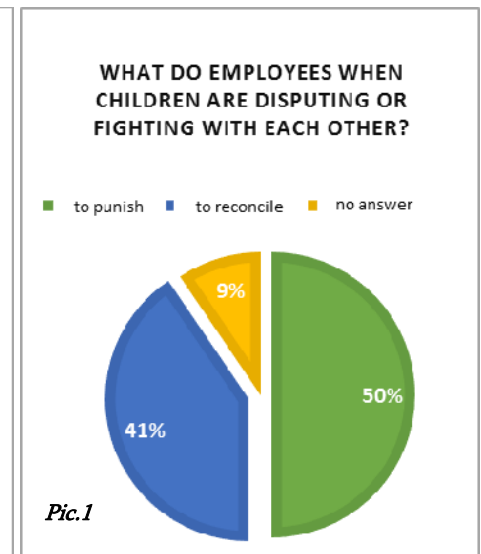
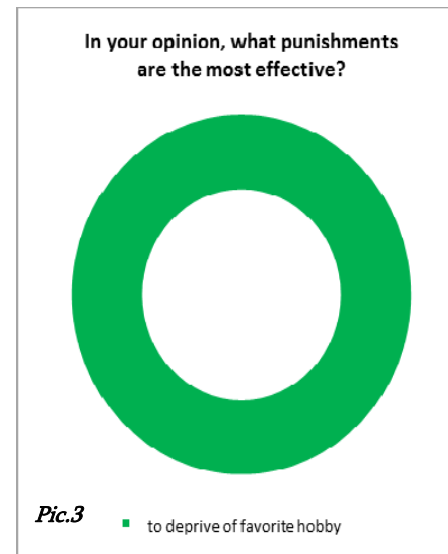
The article 9 of the RA's Law on Children's Rights defines Children Right of Protection from Violence. Each child has right to be protected from every type of violence (physical, psychological and other).

Despite of the fact that the RA's Law on Children's Rights and the Government's N1324-Ն decision don't define any type of punishment to chide children, but there are some types of punishment in these structures. The staff punish (50%) or reconcile (41%) children in the cases of tension, disputes, and disagreements (**Pic. 1**).

37 of Gyumri City's Center for Children's Social Care SNCO's children marked, that the staff sometimes uses the following methods of punishment towards them: to deprive of transport's amount, events, to hit, to send home (**Pic. 2**).



But all surveyed employees marked, that the frequently used punishment is to deprive him of favorite hobby (**Pic. 3**). In cases of disciplinary violations committed by children, staff members are conducting individual explanatory conversations, pedagogical-psychological work, analysis of interpersonal relations, and work with parent. The main part of children thinks that the attitude of staff towards them is good, and the relationships between children, too.

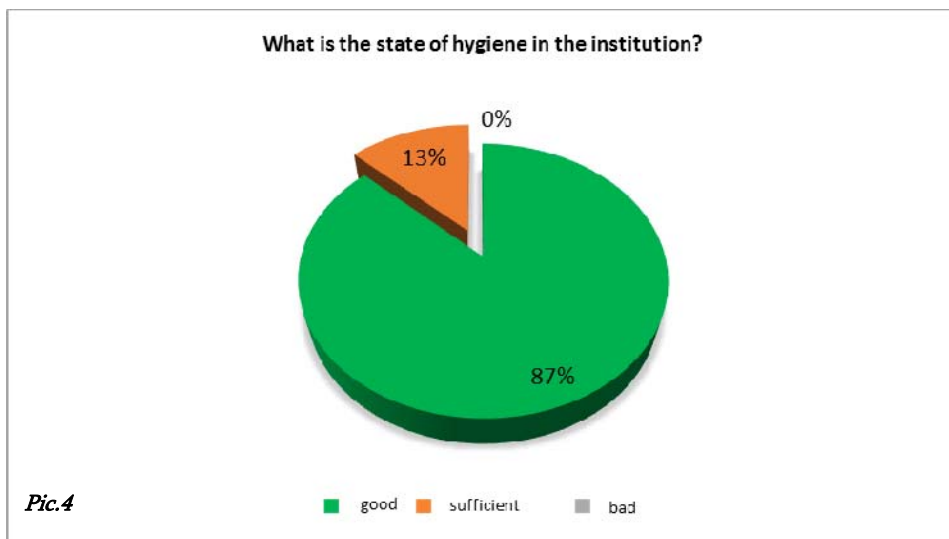


4. CHILDREN'S CARE AND PROTECTION BOARDING INSTITUTION Nº2 NAMED AFTER FRIDTJOF NANSEN SNCO

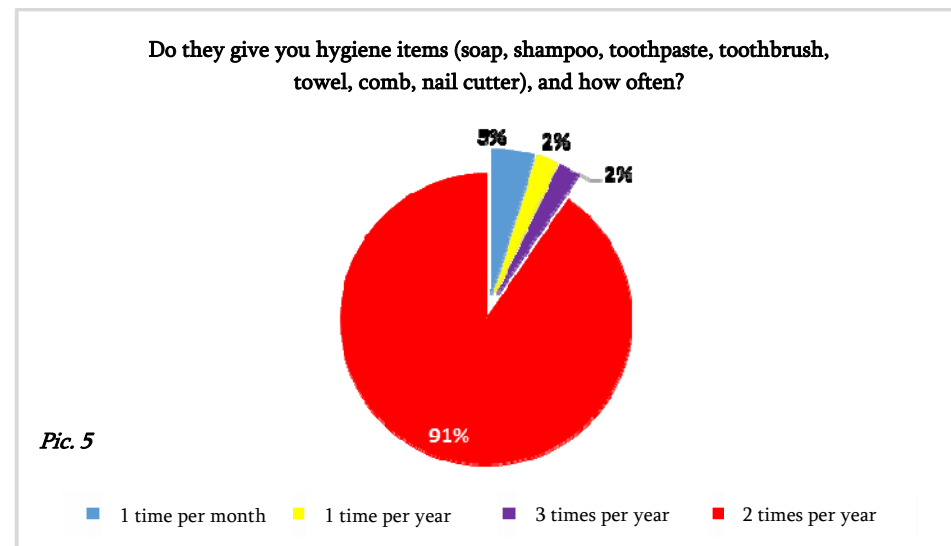
The next institution, where the study was done, is “Children’s Care and Protection Boarding Institution Nº2 named After Fridtjof Nansen” SNCO. The institution conducts care and upbringing, socio-psychological rehabilitation work, support of rights and legal interests’ protection, provision of food, clothing, and household items, organizing of trainings in general educational institutions, and medical aid for 6-18 years old children from socially disadvantaged families, registered in the system of families’ neediness assessment.

54 children, 20 staff members, and 10 family members of children were included in monitoring. The main part of surveyed children is in this institution for 2-10 years.

Queries about Children Right of Health Preservation show, that the institution is provided with the first medical service and medical devices. The majority of surveyed children undergo hygiene inspection by the nurse every day, and a medical examination, if it’s needed and necessary. 87% of children think that sanitary hygienic conditions of the structure are in good state (Pic. 4).



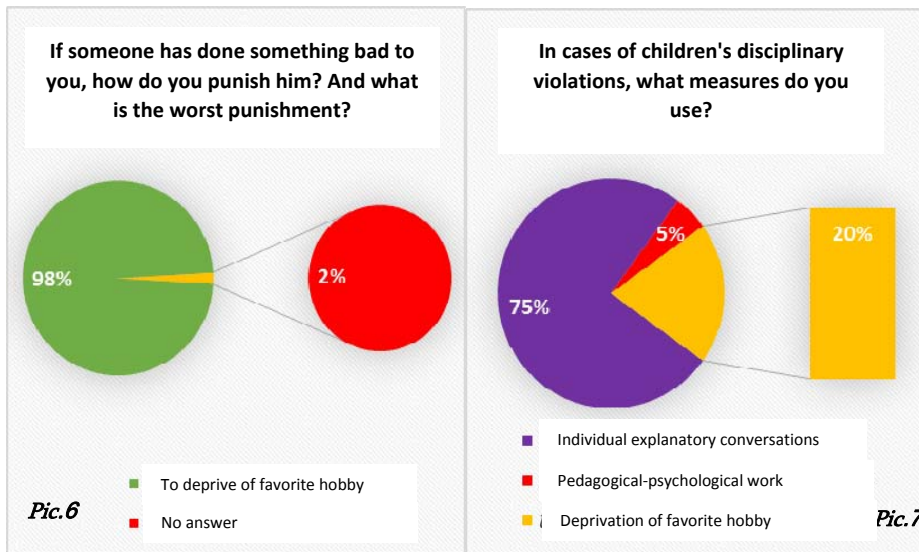
The question whether do they give hygiene items (soap, shampoo, toothpaste, toothbrush, towel, comb, nail cutter), and how often, 99% of surveyed children said that they get, and what about the frequency, 5% marked that they get 1 time per month, 2%- 1 time per year, 2%- 3 times per year, and 91%- 2 times per year (Pic. 5).



All surveyed children testified that relations between children and staff members are good. The staff is consistently working towards the creation of decent behavior, and relationships with other children are warm and friendly.

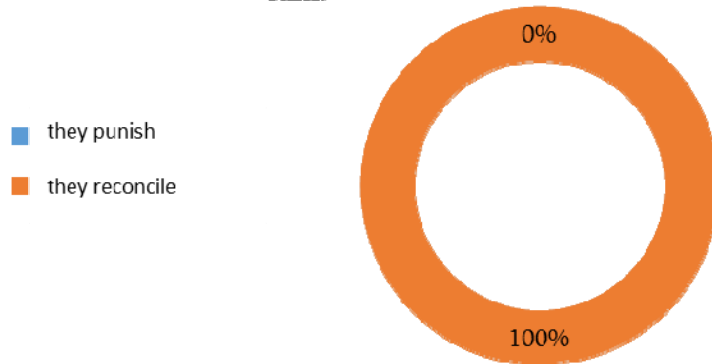
According to the N1324-У decision of the RA’s Government, appropriate pedagogical approach, methods, and technics shall be applied towards disobedient unruly child of orphanage/boarding, considering his age and level of development. It’s prohibited to use any type of punishment. 98% of filled questionnaires of children testify that the widespread punishment, temporary deprivation of favorite hobby, if necessary, is applied in the institution (Pic. 6).

Pedagogues said that types of punishments are not applied, but preference is given to the individual explanatory conversations (Pic. 7).



To the question, how the employees treat in cases of disputes, disagreements, as well as the violence between children, all of children said that they reconcile themselves (Pic.8).

What do employees do when children are disputing or fighting with each other.



Pic. 8

Children also marked, that if someone unfairly hurts them or do something bad, they complain to the institution's director, mentor, or psychologist, who punish those who are guilty, if necessary. 96% of surveyed employees were informed, that if a case of violence was exerted against a child, it will be clearly indicated in the special journal of protocol. And if the violence was exerted against a child in family, than the appropriate

specialists (lawyers, psychologists, social workers) are working with the family members and children. According to the N1324-У decision of the RA's Government, a special program of child's personal development will be carried out in orphanage/boarding, in which individual tutoring, homework, reading, active games, professional orientation, children's participation in economic activities, and participation in additional extracurricular groups are scheduled, according to the child's inclinations and interests, and can be organized in the orphanage and outside.

Children testified that in addition to the general compulsory education, they have the opportunity to attend musical, art, and sport schools outside of institution, and there are different groups in "Children's Care and Protection Boarding Institution №2 named After Fridtjof Nansen" institution, in which they are involved with love.

According to Article 23 of the RA's Constitution, everyone has the right to respect for his private and family life. To the question, whether the children receive e-mails, and, if so, to whom they are available, 74% of children answered that they do not get letters, and those, who receive (26%), answered that they are not available for anyone. This was also confirmed by the structure's employees. All children in the institution have their own lockers. They testified that no one can open it, and in special cases, only nanny or child's friends can open it, but only with his permission.

Analysis of the questionnaires showed that the structure's children frequently have visitors (parents, relatives, and friends), meetings pass in territory of institution, there is no time limit, but refuse to provide meeting is only in special cases, when the parent is deprived of parental rights, the visitor is drunk or child has not a wish to meet.

5. GYUMRI CHILDREN'S HOUSE SNCO

The institution carries out medical rehabilitation, socio-psychological work with disabled children of 1 day to 6 years old, provides protection of children's rights and interests, satisfaction of material and household claims, and education.

The main aim of the orphanage is providing constant care for disabled children with disabilities of central nervous system, organic and functional disorders, congenital and acquired physical disabilities. 120 children are being cared in Gyumri Children's House. Based on the problems of children, only 28 staff members of this institution participated in query.

65% of surveyed employees have more than 10 years of experience working with children and relevant higher education.

As a specialized orphanage for children with physical and mental development disorders, it is provided with psychological, preventive, medical, and rehabilitation services.

Employees confirm that medical examination and medical aid of disabled children in institution are carried out, considering documents submitted by them, and in the absence of documents or special cases they are necessarily guided for diagnosis. Medical service by diagnosis is provided in place of the institution by a doctor and nurse, free of charge. In cases of surgical intervention the child get the service within the framework of state order in the appropriate medical institution. Hygiene examinations of children are going through every day by the nurse, and institution's sanitary examination is also carried on the same frequency.

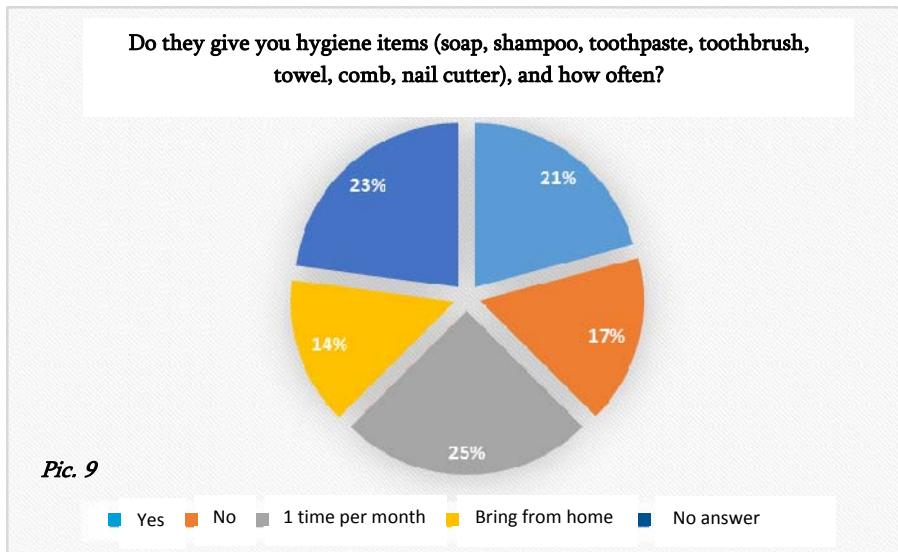
In cases of disciplinary violations committed by children, the preference is given to individual explanatory conversations and pedagogical psychological work. There is no any type of punishment, and the major reason is psychological and physical state of children. *According to the N1324-Ն decision of the RA's Government (Education and Upbringing)*, the orphanage provides children's education, as a rule, in general schools of community, and are recruiting in special secondary schools, if necessary, by the manner prescribed by legislation of the RA. There are only 0-6 years old children in Gyumri Children's House SNCO, and that is the reason for not organizing general education. Instead, children with appropriate ages have the opportunity to get preschool education. In the end, based on the child's problems, he's moved to the

inclusive/special school to continue education. The children are provided with a comprehensive and harmonious development in the institution through various activities (music, art therapy, swimming, painting, psychological), taking into account individual preferences, interests and abilities. 7 years old school age boy with locomotor problems is registered in the institution. The child's education is not provided in the institution, he does not attend a relevant secondary school, and continues to be a beneficiary of the institution.

6. TRCHUNYAN TUN ORPHANAGE-SCHOOL

Research was implemented in Trchunyan Tun orphanage-school, situated in Gyumri. It is not within the jurisdiction of any department of the RA, and does not receive any support from the state. Children's referral is made by the Ministry of Labor and Social Affairs of the RA. It is a private institution, funded by the sponsors, and has a board of trustees. Institution carries out provision of care and upbringing, socio-psychological rehabilitation work for 6-18 years old children from socially vulnerable families, support to the protection of their rights and interests, provides food, clothing and household items, organize education in general educational institutions, and medical aid. 20 employees and 51 beneficiary children participated in query here. 74% of surveyed children think, that sanitary hygienic conditions are in good state, and 10% marked, that the conditions satisfied them. Employees testified that sanitary hygienic examination is frequently conducted in the institution. The nurse every day carries out the hygienic inspection of institution's children.

The question whether do they give hygiene items (soap, shampoo, toothpaste, toothbrush, towel, comb, nail cutter), and how often, 21% of surveyed children said that they get, 17% said that they don't get, 14% bring from home, and what about the frequency, 25% marked that they get 1 time per month, and 23% didn't answer (Pic. 9).



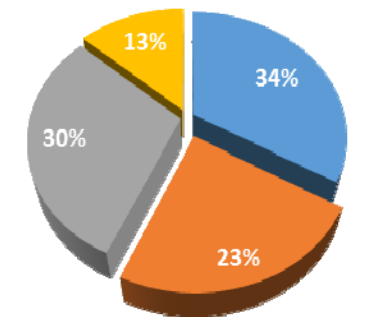
Orphanage is provided with necessary medicines and equipment for the first aid service. Medical examination is conducted by a nurse of the institution on free basis.

In the absence of child's medical documents, the child is directed to polyclinic, which is conducting methodological and advisory aid of the orphanage, where the child gets appropriate assistance free of charge.

Children fully use their right of education in the institution, because the institution provides them appropriate education in secondary school, operating within this structure.

34% of children under guardianship of Trchunyan Tun think, that the attitude of staff members towards them is good, 23% mark, that it's sufficient, and 30% mark, that the attitude towards them is negative (Pic. 10).

What is the attitude of the Institution's staff towards you?

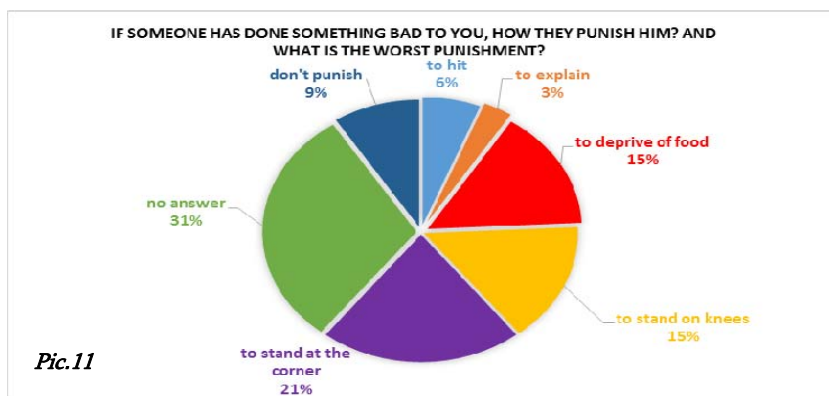


Pic. 10

■ good ■ sufficient ■ bad ■ no answer

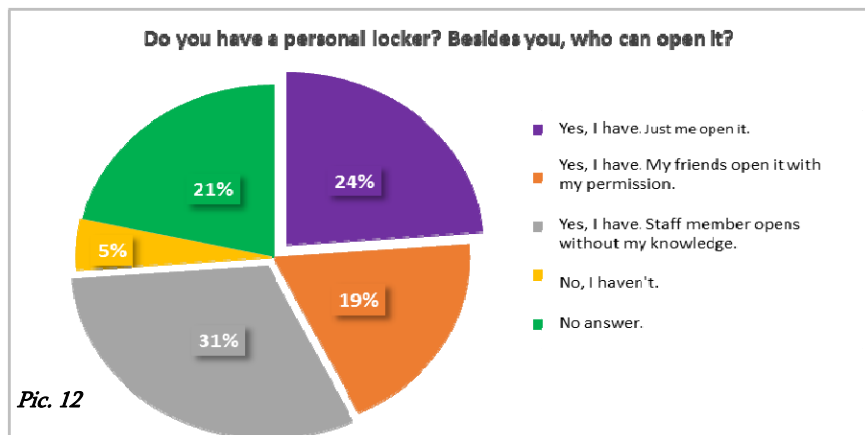
Relations with other children are warm, and there are no leaders. To the question, what measures are taking employees in case of disputes between children, more than the half of children (57%) answered that they punish, and others (43%) answered that they reconcile.

The answers of children allowed to find out, that some types of punishment are applied in cases of disciplinary violations in this institution, in particular to stand at the corner, standing on his knees, to hit, and deprived of food (Pic 11).



Pic.11

As the worst punishment, children marked the method of standing on knees on the floor of the institution or in the courtyard. It is noteworthy that the staff members' opinion is very different from the opinion of children. According to them, punishments are applied rarely and in exceptional cases, and mainly explanatory and correctional work is carried out with the kids. But nevertheless, if necessary, as a method of punishment, they deprive of food and favorite hobby. And in cases of violence in the orphanage, where would it be marked and recorded, no one of surveyed was informed. Many of employees are not also informed, what measures they must taking in cases of violence towards children in families. The Children Right of Personal Life's Privacy in the institution has the following statistical picture (Pic. 12).



Pic. 12

7. FAMILIES

Within the framework of the Project, the monitoring group implemented observations among the families of Trchunyan Tun Orphanage-School, Children's Care and Protection Boarding Institution №2 named After Fridtjof Nansen SNCO, Gyumri Children's House SNCO, and Gyumri City's Center for Children's Social Care SNCO institutions' children.

Observation was implemented through designed questionnaires and monitoring visits. Questionnaires were given to 40 family members (parent, guardian) of institutions' children to reveal relationship between families and institutions, the social situation of families, as well as institution-parent relations and possible corruption manifestations.

The main reason for placing children in institutions are difficult social conditions, as well as unemployment and disability of parent/guardian, and in the case of Children's House, mental and physical problems of beneficiary children.

The question whether did the parent ever pay to institution, 97% of parents of Gyumri City's Center for Children Social Care SNCO's children marked, that have not ever done any kind of payment, and 3% avoided to answer. One of the parents of this institution said, that their family is in difficult social conditions, the father of the child has got second-degree disability, and 9 years old child has got mental arrearage. In July 2015, she applied to the regional hospital for medical examination of the child's eyes. She paid 15.000 AMD to carry out the investigation, while the child previously received research and medical aid within the framework of the state order.

Questionnaires, filled by parents of Children's Care and Protection Boarding Institution №2 named After Fridtjof Nansen SNCO and Gyumri Children's House SNCO's children, testify that payment have not ever been done, and the institution did not ever charge any amount for visits, medical examination, medical aid, clothing, food, and stationaries.

14% of parents of Trchunyan Tun Orphanage-School's children said, that the institution doesn't provide hygienic supplies, and demand to families to buy necessary items.

8. FINAL PROVISIONS

The aim of the Report is to support the establishment and provision of children's advocacy and rights protection mechanisms in Trchunyan Tun Orphanage-School, Children's Care and Protection Boarding Institution №2 named After Fridtjof Nansen SNCO, Gyumri Children's House SNCO, and Gyumri City's Center for Children Social Care SNCO, as well as to identify and prevent possible corruption manifestations in family-institution relationship.

The children's **right of education and development** is provided in 3 of this institutions. Children get pre-school and school education inside the institutions, as well as in the other secondary schools. It's partly provided in Children's House SNCO. The 7 years old child with locomotor disabilities, who is under the care of institution, got pre-school education in the institution, but now he doesn't get secondary education in any special educational institution, and this structure doesn't provide his right of education.

The children's **right of health preservation** is provided in the observed institutions. Sanitary and hygienic inspection of children and the institution is implemented, children receive the first aid by the nurse free of charge. In the special cases (research, surgical operation), children get diagnosis and medical aid in relevant polyclinics and hospitals within the framework of the state order.

But the following deficiencies were found in the Children's Care and Protection Boarding Institution №2 named After Fridtjof Nansen SNCO and Trchunyan Tun Orphanage-School: Children's Care and Protection Boarding Institution №2 named After Fridtjof Nansen SNCO gives hygienic supplies to children twice per year, but in the case of Trchunyan Tun Orphanage-School the picture is different: 17% of children don't get hygienic supplies, and 14% bring from home, which is possible corruption manifestation. They give 1 shampoo and 1 toothpaste to 4 children in Trchunyan Tun Orphanage-School. Besides the fact that this is a manifestation of possible corruption, it also contributes to the emergence of conflicts between children and affect children's health.

The children's **right of personal life's privacy** is provided in 3 from 4 observed institutions, and there are some flaws in Trchunyan Tun. The structure prohibits to have personal phone. Children use the institution's phone only to liaise with parents and family members, and the telephone conversations are controlled by the secretary.

Children have got their personal lockers, but they are available for the staff, and a regular inspection is carried out without a permit of children by nannies.

The children's **right of protection from violence** is partly provided. The 38th point of the 14th criteria of the N1324-Ն decision of the RA's Government is violated in Trchunyan Tun Orphanage-School, Children's Care and Protection Boarding Institution №2 named After Fridtjof Nansen SNCO, and Gyumri City's Center for Children Social Care SNCO. It is: an appropriate pedagogical approach and methods shall be applied towards disobedient and unruly child given his age and stage of development. It's forbidden to apply any kind of punishment (including restrictions of food, recreation, personal hygiene conditions, meetings with parents not deprived of parental rights, legal representatives and relatives).

Punishments, carried out by observed structures, are instances of violence that impede the provision of children's personal development. Widely used punishments are: to deprive of hobby, to hit, to stand on knees (inside of the institution or in the garden), and to deprive of food. These are punishments, using of which is forbidden. Some children exposed to violence by their own family too.

The children's **right of recognition parents and keeping in touch with family** is fully provided by the all institutions.

9. PROPOSALS

Proposal 1. Taking into account The Convention on the Rights of the Child, The RA's Law on Children's Rights, and the N1324-ŭ decision of the RA's Government, we suggest to the Ministries of Education and Science, and Labor and Social Affaires to increase control in Trchunyan Tun Orphanage-School, Children's Care and Protection Boarding Institution №2 named After Fridtjof Nansen SNCO, Gyumri Children's House SNCO, and Gyumri City's Center for Children Social Care SNCO for eliminating current punishments and violence towards children in this institutions, as well as providing the right of education and personal development.

Proposal 2. Taking into account The Convention on the Rights of the Child, The RA's Law on Children's Rights, the N1324-ŭ decision of the RA's Government, as well as the results of observation, we suggest to the Ministries of Education and Science, and Labor and Social Affaires to take under control Trchunyan Tun Orphanage-School. It operates on charity basis, is not under the jurisdiction of any department and is outside of state control.

Proposal 3. Taking into account the fact, that punishment and violence are applied towards children in the institutions, which is forbidden by The Convention on the Rights of the Child (Article 19), The RA's Law on Children's Rights (Article 9), as well as the N1324-ŭ decision of the RA's Government (38th point of the 14th Criteria), we suggest to the Office of Human Rights Defender to keep the focus on the problem and take steps to protect children from violence in these structures.

Proposal 4. Based on the results of observation, we suggest to the Ministries of Education and Science, and Labor and Social Affaires to review the institutions' internal regulations, according to which the provision of hygienic items is carried out to the children of the institutions.