

## **International Disability Alliance (IDA)**

Member Organisations:

Disabled Peoples' International, Down Syndrome International, Inclusion International,  
International Federation of Hard of Hearing People,  
World Blind Union, World Federation of the Deaf,  
World Federation of the DeafBlind,  
World Network of Users and Survivors of Psychiatry,  
Arab Organization of Disabled People, European Disability Forum,  
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con  
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

---

### **Suggestions for disability-relevant recommendations Human Rights Committee, 105th Session (9 - 27 July 2012)**

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the State Report and List of Issues and replies submitted to the Human Rights Committee, as well as Concluding Observations of other treaty bodies (see Annex below).

#### **ARMENIA**

Armenia ratified the Convention on the Rights of Persons with Disabilities on 22 September 2010.

#### **IDA suggested Recommendations :**

- Take steps to ratify the Optional Protocol of the Convention on the Rights of Persons with Disabilities.

Articles 3 and 7

- Address the heightened risk for women and children with disabilities of becoming victims of domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and children with disabilities. (see CEDAW Committee Concluding Observations in Annex below, para 23)

Articles 7 and 9

- Take steps to remove children with disabilities from institutions and to develop community based services and support to ensure that families can care for their children at home. Equally, adopt measures to ensure that adults with disabilities can benefit from community based services and live in the community. (See CRC Committee Concluding Observations in Annex below, paras 43, 44)

Articles 2, 7, 10 and 26

- Adopt measures to ensure that all health care and services provided to children and adults with disabilities, including all mental health care and services, are based on the free and informed consent of the individual concerned, and that involuntary treatment and confinement are not permitted by law. Ensure that reproductive health services are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that all non-consensual treatment, including that for

which consent is given by a third party, is not permitted by law.

#### Article 14

- Ensure the effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations and support, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, in accordance with Article 13 of the CRPD.

#### Article 16

- Reform the law in accordance with Article 16, ICCPR and Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) to guarantee the equal recognition before the law of persons with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify any person from exercising his or her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned. (See also report of Special Rapporteur on Torture, 28 July 2008, A/63/175, paras 73 and 44)

#### Articles 25 & 26

- Repeal restrictions in the Constitution (Article 30) and the Electoral Code 2011 (Article 2(3)) which state that a citizen declared to be incompetent and deprived of their legal capacity shall not be entitled to vote and to be elected which is contrary to the latest international standards on political participation (This is confirmed in OHCHR thematic study on participation in political and public life by persons with disabilities which explicitly states that there is no reasonable restriction nor exclusion permitted regarding the right to political participation of persons with disabilities, [A/HRC/19/36](#), 21 December 2011 para 45).

#### [State report](#)

##### **Selected disability references in the state report:**

155. In this case, Article 14.1 of the Constitution shall have direct application, according to which everyone shall be equal before the law, and discrimination on the grounds of gender, race, colour, ethnic or social origin, language, religion, genetic features, outlook, political or other views, membership to a national minority, property status, birth, **disability**, age or other circumstances of a personal or social nature shall be prohibited.

227. The provision laid down by Article 7 of the Covenant that **no one shall be subjected without his free consent to medical or scientific experimentation**, has been incorporated into the Constitution of the Republic of Armenia and a number of other legal acts. In particular, Article 17 of the Constitution of the Republic of Armenia directly prohibits subjecting a person to scientific, medical and other experimentation without his or her consent. This is of utmost importance taking into account that the mentioned prohibition, being laid down in the Constitution of the country as a norm of supreme legal force, may not be amended or bypassed through another legal act, except for the Constitution itself.

228. Such a prohibition is also laid down in Article 6 of the Law of the Republic of Armenia "On psychiatric treatment", which sets out the **rights of persons with mental disorders**. In particular, according to the mentioned Article, **persons with mental disorders have a right to give consent to and refuse therapeutic methods** and agents at any stage where such are applied for scientific or experimental purposes, and are accompanied with photo and video recording and film shooting. Under Article 127 of the Criminal Code of the Republic of

Armenia, criminal liability is imposed for subjecting a person to medical or scientific experimentation without free expression of his or her will, as well as without informed and properly formulated consent. Such acts are punishable by a fine in the amount of 200-fold to 400-fold of the minimum salary, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

229. Pursuant to Article 6 of the Penitentiary Code of the Republic of Armenia, the execution of a sentence, as well as imposition of **compulsory medical measures** combined with execution of the sentence, must not be accompanied by physical violence against a person, as well as such actions, which may lead to socio-psychological degradation of the person. No person deprived of liberty upon a judgment may be subjected to torture or other cruel, inhuman or degrading treatment or punishment. No circumstance may serve as a ground for justifying torture or other cruel, inhuman or degrading treatment or punishment.

345. Discrimination concerning the rights, freedoms and duties based on gender, race, color, ethnic or social origin, genetic features, language, religion, outlook, political and other views, belonging to a national minority, property status, birth, **disability**, age, or other circumstances of personal or social nature, shall be prohibited.

#### **Article 26**

608. As already stated, Article 14.1 of the Constitution prescribes equality of all before the law and proscribes discrimination on the grounds of gender, race, color, ethnic or social origin, genetic peculiarities, language, religion, outlook, political and other opinions, belonging to a national minority, property status, birth, **disability**, age or other personal or social circumstances.

#### [List of Issues](#)

30. Please explain how any measures disqualifying persons with disabilities from voting, including those persons found to be incompetent by court ruling, are consistent with the Covenant.

#### [Reply to list of issues](#)

30. Relevant steps are taken for the purpose of ensuring that people with disabilities vote during elections. For this purpose, it is planned to build ramps that will allow people to enter polling stations with their wheelchairs without hindrance. Members of organisations concerned with issues of the disabled, together with members of local election committees, will participate in the research process, and will familiarize themselves with the requirements of the new Electoral Code. Voters with visual impairment will also receive special attention, and a relevant manual has already been developed, which will be published in the Braille alphabet. Besides, in the near future an audio version of the new Electoral Code will be published and provided to those NGOs, which are concerned with issues of people with visual impairment and will provide it to them.

## **ANNEX- Disability references in treaty body Concluding Observations with respect to Armenia**

### **CEDAW Committee Concluding Observations, [CEDAW/C/ARM/CO/4/REV.1, 2009](#)**

23. The Committee urges the State party to give priority attention to eliminating all forms of violence against women, in particular domestic violence, and to adopt comprehensive measures to address it in accordance with the Committee's general recommendation No. 19. The Committee requests that the State party enact, without delay, legislation specifically addressing domestic violence against women. Such legislation should ensure that violence against women and girls constitutes a criminal offence and a civil wrong; that perpetrators are prosecuted and adequately punished; and that women and girls who are victims of violence have access to immediate means of redress and protection, including protection orders and availability of a sufficient number of adequate shelters and in all regions, in particular addressing the needs of rural women, **women with disabilities**, refugees and minority women. The Committee further recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, ensuring that they are sensitized to all forms of violence against women, in particular domestic violence, and can provide adequate support to victims. It also recommends further public awareness-raising and zero-tolerance campaigns in regard to violence against women.

36. The Committee notes the lack of information and statistics about vulnerable groups of women, particularly rural women, single mothers, **women with disabilities**, refugees and women belonging to ethnic and religious minorities who often suffer from multiple forms of discrimination, especially in regard to access to employment, health care, education and social benefits. The Committee also notes with concern the State party's maintenance of allegedly gender-neutral programmes in such areas as refugees or people with disabilities, which in fact do not meet the specific needs of women with disabilities or women refugees.

37. The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of **vulnerable groups of women** in all areas covered by the Convention, and information on specific programmes and achievements. The Committee calls upon the State party to adopt gender specific policies and programmes that would cater to the specific needs of vulnerable groups of women.

### **CRC Committee Concluding Observations, [CRC/C/15/ADD.225, 2004](#)**

43. The Committee remains concerned at the prevailing poor situation of children with disabilities, who are often institutionalized. Furthermore, while noting the measures taken to enable children with disabilities to receive instruction within regular schools, the Committee regrets that access by children with disabilities to mainstream and special education remains limited.

44. Reiterating its previous recommendations, and in light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), the Committee encourages the State party to make greater efforts to implement alternatives to the institutionalization of children with disabilities, including community-based rehabilitation programmes. The Committee also encourages the State party to strengthen ongoing efforts to integrate children with disabilities into mainstream education. The Committee also reiterates its recommendation that awareness-raising campaigns focusing on prevention, inclusive education, family care and the promotion of the rights of children with disabilities be undertaken, and that adequate training be made available to persons working with these

IDA recommendations on Armenia

children.