**Submission of the Human Rights Defender of Armenia to the UN Committee on the Rights of Persons with Disabilities on the Implementation of the UN Convention on the Rights of Persons with Disabilities**

The Human Rights Defender of Armenia (HRD) is an independent official that advocates for human rights and serves as a government watchdog. It not only provides guardianship of fundamental rights and freedoms of people, but also protects the latter against infringements. It also actively contributes to the improvement of the national regulatory framework. The functions of the Human Rights Defender are regulated by the RA Constitutional Law on the Human Rights Defender.

Following the 2015 Constitutional Amendments, the mandate of the HRD was expanded as to cover also human rights issues in the private sector. In line with the Constitutional Amendments, a new Constitutional Law on HRD was adopted on 16 December 2016. With this law the role and the engagement of the Human Rights Defender in the process of improving the regulatory framework has been enhanced, as the law envisages that HRD has its permanent representative at the National Assembly.

The Office of Human Rights Defender of the Republic of Armenia complies with the requirements and standards of the National Human Rights Institution. Since 2006 it has been accredited with A status by the National Institute of the United Nations, which indicates full compliance with the Paris Principles. It is widely recognized in the relevant international community, and is a member of several prominent international organizations, including the International Ombudsman Institute, the European Ombudsman Institute, the International Coordinating Committee for National Human Rights Institutions, and the European Network of National Human Rights Institutions.

The Human Rights Defender is guided by the rights-based approach in protecting and promoting human rights and freedoms. It strives to enhance its efforts towards increasing the efficiency of human rights protection mechanisms. In this regard, the protection of the rights of persons with disabilities is under the special attention of the Human Rights Defender.

In 2018, the legal mandate of monitoring the implementation of the provisions of the UN Convention on the Rights of Persons with Disabilities (Convention or CRPD) was granted to the Human Rights Defender through the Constitutional Law on HRD. This mandate aims to ensure the effective protection of the rights of persons with disabilities by an independent body. In this regard, the establishment of the specialized Unit for the Protection of the Rights of Persons with Disabilities in the Human Rights Defender’s Office in 2019 was a significant step towards a systematic promotion and protection of the rights of people with disabilities in the country in line with the CPRD. Within the scope of the stated constitutional and conventional mandate, both monitoring visits to relevant institutions and individual applications are being conducted and analyzed in the context of the implementation of the state’s international commitments.

The Human Rights Defender is also the National Preventive Mechanism established by the Optional Protocol on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the Republic of Armenia. Under its constitutional and conventional mandate HRD is also responsible for the monitoring of the implementation of the UN Convention on the Rights of the Child, adopted on 20 November 1989.

**Contact Information:**

**Dr. Arman Tatoyan**

Human Rights Defender of Armenia

tatoyan@ombuds.am

**Introduction**

1. The following alternative report is elaborated and submitted by the Human Rights Defender within its constitutional and conventional mandate in accordance with the requirements and recommendations made by UN Committee on the Rights of Persons with Disabilities.
2. The main objective of the report is to provide clear and objective information on the implementation of UN Convention on the Rights of Persons with Disabilities by Armenia.
3. The report is based on the results of the Human Rights Defender ’s monitoring visits and analysis of individual complaints submitted to Human Rights Defender. It focuses on expressing evidence-informed opinions of the HRD on national implementation of the Convention and provides relevant recommendations. In addition, the report includes findings, as well as recommendations of the HRD on improving the national regulatory framework, relevant policies, practices and systems on fighting disability discrimination, on exanimating complaints about disability discrimination submitted by individuals and groups.
4. Finally, the report provides information on the relevant issues on protection of the rights and freedoms of persons with disabilities in the Republic of Armenia by making reference to the specific articles of the Convention.

**Information on specific articles of the Convention**

**Article 1, 2, 3, 4. General principles and obligations**

1. On 22 September 2010, the Republic of Armenia ratified the United Nations Convention on the Rights of Persons with Disabilities, thereby undertaking obligations to safeguard and protect the rights of persons with disabilities. The Optional Protocol to the UN Convention on the Rights of Persons with Disabilities is yet to be ratified, and towards this end the RA Government sent it to the RA Constitutional Court to determine its compliance with the RA Constitution in July, 2020[[1]](#footnote-1). Later, on 29 January 2021, the Government of the Republic of Armenia withdrew the draft law “On Ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities” from the National Assembly arguing that it will it be possible to meet its obligations under the Convention fully only following the adoption of a number of draft laws[[2]](#footnote-2).
2. The Human Rights Defender welcomes the country’s efforts to amend the regulatory framework for protection of the rights of people with disabilities. In this regard, HRD highlighted his concerns regarding the legislation for many years stating that it does not fully promote the realization of the rights of people with disabilities and makes them vulnerable to discrimination. Considering that the approach embodied in the Law “On Social Protection of Disabled People” does not conform to the internationally accepted principles of social inclusion of persons with disabilities as it is mostly targeting the medical approach, the RA has been drafted a new draft law on the protection of the rights of persons with disabilities several times since 2013[[3]](#footnote-3). In this regard, the HRD welcomes that the new draft law “On Protection of the Rights of Persons with Disabilities” was adopted in 2021 by the National Assembly[[4]](#footnote-4).
3. In order to improve both the relevant legislation and the practice, to raise awareness of the people with disabilities of their rights and to transform the prevalent practice of negative stereotyping and derogatory attitudes towards people with disabilities, the Human Rights Defender finds it important for the duty bearers to guarantee the respect for inherent dignity and individual autonomy of the people with disabilities, including the freedom to make one’s own choices; the independence of persons with disabilities and their full and effective participation and inclusion in society; as well as the respect for the evolving capacities of children with disabilities and their right to preserve their identities. In both his public statements and official reports, the Human Rights Defender consistently emphasizes the need for increasing the effectiveness and efficiency of the relevant policies and programs, as well as targeted actions of the national government and local self-governments aimed at establishing an environment of equal opportunities and rights and at executing the right of the people with disabilities to live independently, to be fully included in their communities and to fully participate in decision-making processes[[5]](#footnote-5).

**Article 5. Equality and non-discrimination**

1. Equality of people with disabilities and non-discrimination are guaranteed by the Constitution of the Republic of Armenia, which stipulates that “Discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, ideology, political or other views, membership to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited” (Article 14.1 of the Constitution of the Republic of Armenia).
2. The acting RA Law on “Social Protection of the Disabled in the Republic of Armenia” was adopted in 1993, and the approaches to disability and protection of the rights of the people with disabilities underling this law do not meet the current international standards and relevant best practices. The law embraces predominantly the medical model of disability, and does not adhere to the principles of the social model, which is in accordance with international best practices. The Human Rights Defender has been highlighting the issue in his annual reports since 2018.
3. Due to the predominantly medical model of disability in Armenia, which has been applied in relevant practices for decades, people with disabilities have not been considered as full-fledged subjects of law, and their right to live independently has been largely neglected and even forfeited. Therefore, realization of their rights was mostly associated with social assistance (for example, benefits and charitable assistance). Such practice led to a situation where people with disabilities have been isolated from the society, discriminated against and deprived of the opportunity to exercise their rights on their own.
4. The analysis of the complaints addressed to the Human Rights Defender, the monitoring conducted within the stated constitutional and conventional mandate of the Human Rights Defender[[6]](#footnote-6), as well as the discussions with the representatives of the national government and local self-governments have revealed that there are many prevalent negative stereotypes about people with disabilities, and the systemic nature of the issue is still worrisome. The HRD is especially concerned that the issue of negative stereotyping is still relevant among the representatives of state bodies. These stereotypes and discriminatory practices are manifested in various areas, ranging from the limited use of respectful disability language to display of discriminatory attitudes[[7]](#footnote-7). In this regard, the HRD initiated number of awareness raising and social campaigns to promote the right of people with disabilities, as well as to fight against the stereotypes. E.g. in 2019 HRD initiated a social campaign “Change the World:” promoting the young pupils to share their ideas about their friends and inclusive education[[8]](#footnote-8)**.**
5. The disability terminology used in the draft legal acts submitted to the Human Rights Defender for the legal opinion is a highlight of the mentioned challenge, as it often reflects disrespectful language in reference to the rights of people with disabilities, including their dignity. For example, terms such as “disabled”, “visually disabled”, “suffering from a serious illness” continue to be used in these drafts, which is a reflection of deeply rooted stereotypes about people with disabilities. Such terminology still remains in use in the acting legal acts as well[[9]](#footnote-9). Meanwhile, both in the public discourse and legal acts the use of respectful disability language should be a means towards contributing to the transformation of the negative stereotypes about people with disabilities. For instance, common expressions such as "inferior or incapacitated", "autistic", "Down", "dwarf", "mentally disabled", "wheelchaired", "deaf", should be replaced with "person with disability", "person with autism", "person with down syndrome", "short", "person with intellectual disability", "person moving a wheelchair", "hearing impairment", "sign language communicator" respectively.
6. Moreover, there are still educational institutions in the Republic of Armenia, which have the wording “mental retardation” in their official names, for instance “Yerevan Special School No. 11 for Children with Mental Retardation”. The issue is consistently raised by the Human Rights Defender in his annual reports and public statements, noting that such framings of public institutions carry the risk of discrimination and stigmatization of children. In practice such stigmatization at early stages of one’s life, which is formed through an association with a specialized institution, accompanies the child in their future life and jeopardizes their chances of getting equal opportunities and treatment at further stages of their lives.
7. HRD also highlights that though amendments to the draft law “On the Rights of Persons with Disabilities” provide a comprehensive definition of “discrimination”, the various types of discrimination, such as direct, indirect and victimization, are still not defined, which significantly hinders discriminated persons with disabilities to fully realize their rights.

**Recommendations**

* **Develop and/or revise targeted policies at national, regional and local levels to address challenges within the relevant practices;**
* **Revise the acting regulatory framework in line with the internationally acclaimed respectful disability language;**
* **Enhance the capacities of the duty bearers through relevant training on the rights of people with disabilities;**
* **Elaborate a strategic communication plan on addressing the challenges of protection of the rights of people with disabilities at the national level and relevant communication strategies for all levels of duty bearers;**
* **Ensure participation of people with disabilities in the decision-making processes, specifically in regard to their rights;**
* **Ratify the Optional Protocol to Convention on the Rights of Persons with Disabilities.**

**Article 6. Women with disabilities**

1. Despite the fact that Armenia is a State party to the CRPD, discrimination against women with disabilities remains a serious issue because of their double vulnerability based on their gender and disability. Accordingly, the issues of women and girls with disabilities should be studied in depth, and bespoke measures should be taken to enable them to exercise their rights.
2. Women with disabilities are vulnerable in terms of economic independence as well. Not only do they find it difficult to find work, but they also very often do not have access to designated financial benefits. For instance, they do not receive their pensions and benefits personally, and cannot manage those themselves. Instead, it is mostly provided to and managed by their family members. Moreover, women with disabilities have little participation in decision-making processes that affect various aspects of their lives.
3. Women with disabilities are especially discriminated and vulnerable while exercising their reproductive health rights. In this regard, the Convention stipulates that Parties shall take all necessary measures to ensure that persons with disabilities have full access to health services, taking into account gender specificities. Meanwhile, in 2019, reproductive services in Armenia continued to be inaccessible to women with disabilities, as health services, necessary equipment, information materials and physical environment are not fully accessible and/or available to them.
4. Moreover, the Reproductive Health Improvement Strategy and Action Plan 2016-2020 does not include any measures towards improving the reproductive health of women with disabilities.
5. The Human Rights Defender has been raising these issues regularly through the HRD Annual Reports.

**Recommendations**

* **Enhance the evidence base on the policies and practices of protection of the rights of women with disabilities;**
* **Mainstream protection of the rights of women with disabilities in all relevant policies and regulatory frameworks;**
* **Elaborate and deliver a long-term capacity building program for healthcare practitioners on the code of conduct in providing services to women with disabilities;**
* **Enhance accountability of providers of services to women with disabilities.**

**Article 7. Children with disabilities**

1. Organizing the care of children with disabilities in the family environment and promoting the practice of their adoption, remain the two most challenging issues to address. These children are more vulnerable in the context of adoption by foreign citizens, due to the non-unified procedures, the excessively bureaucratic requirements to organise the adoption and the post-adoption monitoring conducted by the state which mostly does not assure the best interest of children with disabilities.
2. The Human Rights Defender has highlighted his concern about these issue in his annual reports, as well as in various discussions with relevant stakeholders for many years.
3. HRD welcomes the ongoing de-institutionalization reforms. However, considering the fact that the majority of children in the institutions in Armenia are children with some form of disability, the Human Rights Defender is concerned by the limited, or even in some cases and areas by total absence of community services designated to address the special needs of these children, as well as to facilitate their inclusion in community. In parallel with the de-institutionalization reform, the State should also carry out social support programs for families of children with disabilities; and implement projects aimed at introducing and enhancing community-based multi-sectoral services for children with disabilities.
4. Furthermore, many children with disabilities whose needs are not properly and timely assessed often end up in state-run institutions, including special schools, or do not receive proper education because of the lack of specialized social workers in the communities.
5. Thus, the social benefits for children with disabilities are insufficient to meet the needs of the children and their caregivers. Child poverty is still an acute problem in Armenia. According to the Statistical Committee of the Republic of Armenia, in 2018 around 24.6% (age 0-19) of the Armenian population among them 7.7% were extremely poor[[10]](#footnote-10). The risk of poverty for families with a child with disability is even higher. Thus, children with disabilities tend to face an intersectional form of discrimination based on their disability and poverty.

**Recommendations**

* **Ensure availability and accessibility of a variety of community services before de-institutionalization;**
* **Provide sustainable care services for the children with disabilities, especially with mental disability simultaneously with the de-institutionalization process;**
* **Mainstream measures for reducing child poverty in community, regional and national policies and programs;**
* **Reconsider the system of family/social benefits in the light of the child’s best interest;**
* **Introduce concrete mechanisms promoting adoption of children with disabilities;**
* **Introduce unified pre- and post-adoption supervision mechanisms and methodologies, including for consulates of Armenia in receiving countries, in line with the child’s best interest and international commitments of Armenia.**

**Article 8. Awareness-raising**

1. The Human Rights Defender ’s annual monitoring indicates a low level of awareness on the rights and needs of people with disabilities both in the society and among the people with disabilities themselves. Among other challenges, the low level of awareness often results in isolation of people with disabilities, and consequently they often do not seek protection of their rights.
2. In this regard, the Human Rights Defender also initiates awareness raising campaigns, public events, press conferences, discussions and targeted seminars aimed at increasing the awareness on rights of people with disabilities and transforming prevalent negative stereotypes in the society. As part of the awareness-raising activities, the Human Rights Defender has also elaborated and published informative videos and guides[[11]](#footnote-11) on various rights of people with disabilities.
3. The Human Rights Defender welcomed the RA Government’s new approach to inclusiveness, which specifically focused on universal inclusion, and within the general policy and relevant actions he specifically emphasized the importance of the process of reorganization of child care institutions, and the right of a child with disabilities to receive education in public schools on an equal basis with others. In 2019, the HRD launched a nation-wide awareness campaign to promote inclusive education with the immediate participation of people with disabilities. Thus, as part of the awareness-raising activities, the Human Rights Defender elaborated and published a series of videos aimed at promoting inclusive education, where children with or without special educational needs present their ideas about inclusive education[[12]](#footnote-12).
4. The HRD published also a set of other awareness raising materials focusing on actual obstacles that people with disabilities face in their everyday life, such as challenges of self-realization of their rights, lack of equal opportunities for people with disabilities, as well as environmental barriers for inclusion in the society. Moreover, in 2019 trainings were organized for journalists focusing on various aspects of media coverage of topics concerning children with disabilities.
5. In 2019, for the first time in Armenia, a special Armenian system for websites was created, that gives an opportunity to people with disabilities to use the official website of the Human Rights Defender through voice control. Special regulations for people with visual impairments are also available.
In addition, a special mobile application has been launched for both iOS and Android operating systems. Using those applications people with disabilities will be able to get acquainted with the activities of the Human Rights Defender, and receive relevant awareness materials[[13]](#footnote-13).

**Article 9. Accessibility**

1. Ensuring accessible environment for persons with disabilities derives from the requirements of both the Convention and the applicable law. Thus, according to the Convention, all barriers and obstacles to accessibility of buildings, roads, outdoor and indoor facilities, including schools, housing, medical facilities and workplaces shall be removed.
2. Hence, the HRD consistently promulgates that the accessibility of the environment not only assures the realization of liberty of movement of persons with disabilities, but it is also one of the key guarantees for implementation of all their rights, including inclusion in the community and participation in political and public life.
3. In this regard, the HRD is concerned that the accessibility of the physical environment for people with disabilities in urban and especially in rural areas still remains unresolved. In many cases, even if the building ramp meets the requirements of construction rules and norms, there are obstacles for movement within the building. The Human Rights Defender constantly focuses on this issue in his public speeches and annual reports.
4. The Human Rights Defender is specifically concerned by the fact that the needs of people with disabilities are not always being considered while making renovations in the existing state and community government buildings. The Human Rights Defender continues receiving group or individual complaints from people with disabilities in this regard.
5. According to the results of the HRD’s monitoring, the majority of underpasses and overpasses in the capital, as well as in the regions of Armenia, are not adapted to needs of people with disabilities. Moreover, according to the information provided by the Municipality of Yerevan, in 2019 no measures were taken to ensure the safe movement of persons with disabilities in the underpasses and overpasses in the city of Yerevan. Only a limited number of activities aimed at ensuring the accessibility of the physical environment are carried out in the “Kentron” administrative district (center) of Yerevan, whereas in other districts physical accessibility is practically absent.
6. It should be noted that although the number of such crossings is increasing yearly, people with disabilities are still unable to use them due to the lack of necessary elevators or special facilities.
7. In Armenia, numerous cultural institutions are still not accessible for persons with disabilities: even if entry/exit is accessible at some sites, their free movement within the buildings is either restricted or is impossible. Moreover, several cinemas, concert halls, theaters and other cultural institutions generally lack special areas for persons using mobility devices.
8. Another issue is inaccessible public transportation for people with disabilities. Despite limited efforts by duty bearers, the accessibility to public transportation for people with disabilities remains unresolved. At the same time, it has to be that a few measures have been undertaken in Yerevan, according to the development plans of the city. However, this process should not be limited only to the capital. Inter-community and intra-community transportation is mostly not accessible for people with disabilities.
9. The Human Rights Defender is also concerned by the disrespectful and degrading treatment of people with disabilities by drivers. In 2019 and 2020, there were cases when the driver refused to deliver the service to a person with a disability and due to such an attitude, the latter was not able to use the transportation. Taking into account this issue, the Human Rights Defender proposed to raise awareness among transport service providers, including drivers, about the rights of people with disabilities and their equal opportunities. This recommendation was included in the 2020 Annual Program for Social Inclusion of Persons with Disabilities.
10. Another related issue is the non-accessibility of public transportation stops and stations for people with disabilities. In 2019, no steps were taken to install special tiles or to make other types of adjustments for people with visual disabilities in public transport stops in the regions of the Republic of Armenia, despite the fact that a number of bus stops in the regions had been improved. Only during the reconstruction of 12 streets and 2 squares in Gyumri, the second largest city of Armenia, special tiles have been installed or other adjustments were made in bus stops for people with visual disabilities. This is confirmed also by the data of the RA Ministry of Territorial Administration and Infrastructure. In the capital Yerevan, no special tiles were used or other adjustments were made for people with visual disabilities despite the fact that 287 bus stops were partially renovated.
11. In 2019, the issue of accessibility to the Karen Demirchyan Yerevan Subway remained unresolved. Although the entrances to the subway are equipped with ramps, a person with a disability (with a musculoskeletal system or vision problems) cannot use them, due to the inappropriate and non-accessible facilities. According to the Yerevan Municipality, no work was done in 2019 to make the subway accessible for people with disabilities.
12. Media contents is also largely inaccessible to persons with disabilities (hearing impairment, full and partial). In accordance with Article 5.1 of the RA Law “On Television and Radio”, Public Television and Radio Company and other private companies operating in Armenia, which broadcast programs for children or/and news programs, are required to ensure access to information for people with hearing impairments, as well as to provide in the daily airtime at least one program for children or/and news program in sign language or Armenian subtitles. However, a number of citizens, NGOs and experts note, that contrary to the law, access to information for people with hearing impairments is very limited. The issue has been presented to the duty bearers, but has not yet been resolved. As a result, persons with hearing impairments use mainly internet as a source of information, where there is a greater chance of accessing information.
13. The HRD has emphasized that the issue of accessibility to physical environments and to information for people with disabilities is one of the priority issues in Armenia.

**Recommendations**

* **Revise construction rules and norms to duly accommodate to the needs of persons with visual and hearing impairments;**
* **Ensure compliance, monitoring and oversight mechanisms in construction and renovation of key infrastructures;**
* **Ensure accessibility of courts, administrative bodies, hospitals, health centres, libraries, schools and all other public institutions to persons with disabilities;**
* **Apply accessibility principles in the policies and practices of public service provision, specifically, public transportation, healthcare, public information and communication platforms, and ensure oversight mechanisms.**

**Article 12, 13, 14. equal recognition before the law, access to justice, liberty and security**

1. The Human Rights Defender is concerned by the fact that the draft law “On the Rights of Persons with Disabilities” is still not adopted. The adoption of the stated draft law is essential also for effective realization of the rights of persons with disability to access to justice, liberty, security and other rights defined by the draft law.
2. In line with the requirements stated under the CRPD, the Human Rights Defender applied to the Constitutional Court of the Republic of Armenia, requesting to examine the constitutionality of numerous regulations on the physical, mental and other rights of children or disabled adults in several laws[[14]](#footnote-14). Specifically, according to the HRD, the legislation does not urge to consider the opinion of the disabled adults on medical interventions or treatment issues. As a result, their rights to be heard and to give informed consent are violated in practice. Based on the Human Rights Defender ’s application, the stated legislative regulations on not taking into account the opinion of the children or disabled adults on their treatment was declared unconstitutional by the decision of the Constitutional Court No. CCD-1504 as of January 30, 2020.
3. Part 3 of Article 37 of the Civil Code of Armenia stipulates that a guardian or curator shall be appointed with the latter’s consent. Thus, it has to be stated that the acting law recognizes as an unequivocal fact that a person’s representative should be guided solely by that person’s interests and by the principle of the primacy of rights. In this regard, the Human Rights Defender is concerned by the practice that the opinion of people with mental disabilities is not always taken into account while adopting decisions affecting their life or actions.
4. In addition, it has to be stated that the legislation mainly refers to the obligation to consider the will of the ward only when appointing a guardian or trustee and not while resigning from his/her appointed guardian.

**Recommendations**

* **Ensure right of people with mental disabilities to be heard in practice.**
* **Introduce effective mechanism to assure the access to justice by the people with mental disabilities.**

**Article 15, 16. Freedom from torture or cruel, inhuman or degrading treatment or punishment, freedom from exploitation, violence and abuse**

1. The National Preventative Mechanism, in cooperation with the Unit for the Protection of Rights of People with Disabilities of HRD, conducts monitoring visits to different institutions where persons with disabilities are held/deprived of their liberty, including mental houses/mental care centers, special schools.
2. Cases of violence, mainly psychological and in some cases also physical, were discovered through interviews with people with disabilities in a number of care institutions in Armenia. In majority of these cases violence, punishment and negligence were used against people with disabilities as a means of controlling the actions or decisions of the person. In this regard, the Human Rights Defender especially highlights the lack of effective and independent reporting mechanisms in cases of violence or abuse.
3. Overcrowding in the mental care centers of the Republic of Armenia is one of the major challenges in this area. The required minimum residence and personal area is not always provided to a person living in a care center. This is a particularly concerning issue, considering the fact that it may lead to an unfavorable health environment for people with disabilities and may increase the risk of human rights violation.
4. Especially in the wards of the psychiatric facilities, where persons with special care needs are kept, the number of the middle and junior medical personnel is insufficient. Cases have been recorded when male supervisor-technicians are on duty in women’s wards, which in some cases may be viewed as a degrading treatment. There have also been situations, when a female technician was engaged in men’s wards, which can cause real difficulties in cases when it is necessary to ensure the safety of the patients and to apply restraint measures in the ward.

**Recommendations**

* **Introduce functional mechanisms for decreasing the cases of violence (physical and mental) in care centers and special schools;**
* **Elaborate and apply universal protocols for the medical personnel for providing mental care and rehabilitation in order to prevent excessive use of restraint measures in the mental care centers;**
* **Replace the institutionalized care with community-based services and effective rehabilitation practices;**
* **Raise awareness in order to eliminate any discriminatory behaviour against people with mental disabilities.**

**Article 21. Freedom of expression and opinion, and access to information**

1. The freedom of expression and opinion, and access to information is guaranteed by the Constitution of Republic of Armenia, which stipulates that “Everyone shall have the right to freely express his or her opinion. This right shall include freedom to hold own opinion, as well as to seek, receive and disseminate information and ideas through any media, without the interference of state or local self-government bodies and regardless of state frontiers.”
2. The above-mentioned guarantees, specified also in the Convention on the Rights of Persons with Disabilities, are stated in Article 16 of RA Law on “Social Protection of the Disabled in the Republic of Armenia”.
3. Despite the highlighted legislative provisions, the HRD has recorded a number of cases informing of various obstacles for implementation of the right of people with disabilities to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.
4. In this regard, the Human Rights Defender highlights that assuring those rights are essential for people with disabilities to make their own decisions, raise awareness of their rights and opportunities, and integrate in the society effectively. Proper awareness is not only a guarantee for the realization of a person’s right to information, but also a necessary precondition for realization of other human rights, such as the rights to work, education and health.
5. Therefore, it is extremely important that, for example, price tags, job advertisements, booklets containing health information and websites are accessible to people with disabilities. In this regard, legal reforms are required in the field, such as the revision of RA Law on “Protection of Rights of Consumers”, which does determine special provisions on the realization of right of people with disabilities to access to information.
6. RA Law “On medical aid and population services” stipulates that everyone has the right to receive information about their health condition, research results, diagnosis, treatment methods, risks, possible options for medical intervention, consequences and treatment results. However, it does not contain effective mechanisms for access to information for people with disabilities.
7. HRD is concerned that a very small number of broadcasted TV programs provides access to information for people with disabilities. According to the acting legislation at least one program for children and one news program per day shall be broadcast using sign language or subtitles. However, according to the results of HRD survey in 2019, the Television and Radio Commission had not studied the issue at all. This means breaching the respective law, as the control and monitoring mechanisms of the activities of TV and radio companies are defined by the RA Law on “Television and Radio”.
8. The Human Rights Defender has also highlighted the issue of access to legal regulations by people with disabilities. The website [www.e-draft.am](http://www.e-draft.am) (joint website for draft legal acts) and [www.arlis.am](http://www.arlis.am) (Legal information system of Armenia) is not accessible for people with disabilities: this creates additional obstacles for legal awareness of the rights, opportunities and social integration of people with disabilities.
9. In this regard, it should be noted that the Human Rights Defender emphasizes the effective exercise of the right of persons with disabilities to access information in an accessible way. Accordingly, in 2019, the official website of the Human Rights Defender was re-launched, and through special software solutions, it was adapted to the needs of people with disabilities. Also, the HRD has also the practice of oral complaints, which provides the opportunity to submit a complaint to the Human Rights Defender for people who cannot write complaints on their own.

**Recommendations**

* **Revise legal acts, such as RA Law on “Protection of Consumers’ Rights”, the RA law on “Freedom of Information”, the RA Law on “Medical Care and Service to the Population”, and the RA Law on “Television and Radio” in order to introduce effective mechanisms for ensuring the access to information for people with disabilities in a timely and accessible manner without an additional financial burden;**
* **Ratify the Council of Europe Convention on Access to Official Documents signed on 24th of June, 2020.**

**Article 24. Education**

1. The Human Rights Defender’s annual monitoring points to evidence that one of the major issues in the realization of the right of education is the inaccessibility of public transport, educational institutions, as well as educational materials and programs. In particular, there are no elevators; the doors are heavy and difficult to push; often there are no handles on the doors; the entrances to the buildings have thresholds; no adjusted and comfortable bathrooms are available for students with disabilities. The buildings are not adjusted for people having hearing, visual or mental impairments, or for those with other disabilities (for example, there are no colour markings). Another major challenge is the lack or insufficiency of relevant textbooks in public schools, especially Braille alphabet textbooks and speaking textbooks. As a result, for many children with disabilities there is a high risk of dropping out from education.
2. According to the acting legal regulations, the universal inclusive education is part of the public policy on education, and the introduction of the principle and the subsequent reform has to be completed by 2025. However, the Human Rights Defender is rather concerned by the fact that the actions to ensure effective mechanisms for inclusive education are so far largely ineffective and, in most cases, ensure only formal compliance with the legal requirements.
3. The acting legislation on inclusive education stipulates that each child with a disability is entitled to an individual learning plan, which is to be developed by a multidisciplinary support group at school, comprised of a teacher assistant, special pedagogue, psychologist, social pedagogue and nurse. Meanwhile, the responsibility for developing the child’s individual learning plan in practice is carried out by teachers. In this regard, the examination of several complaints submitted to the Human Rights Defender, as well as the results of the Human Rights Defender’s annual monitoring, show that the required multidisciplinary teams at schools and especially in rural schools, do not have the necessary professionals. Specifically, in a number of schools there are no psychologists and speech therapists. In addition, insufficient number of teacher assistants makes provision of inclusive education rather challenging in a practical sense. This often leads to children with disabilities either being left behind or subjected to bullying[[15]](#footnote-15).

**Recommendations**

* **Introduce quality assurance mechanisms for ensuring the effectiveness of pre-service teacher education and teacher training in respect to the rights of children with disabilities;**
* **Scale up actions to improve accessibility of educational institutions in all urban and rural communities;**
* **Ensure availability of Braille and speaking textbooks, updated according to the current educational programs in all schools.**

**Article 25. Health**

1. According to Article 85 of the Constitution of the Republic of Armenia, “everyone shall, in accordance with law, have the right to health care. The list of free basic medical services and the procedure for providing it are defined by the legislation.” However, the monitoring conducted also in 2019 by the Human Rights Defender shows that the stated constitutional provision is not ensured in practice, as the list of free basic medical services and the procedure for providing is by government decisions and ministerial orders, rather than law. The first are legal acts of lower legal force and may lead to contradicting practices, risking violation of human rights and making the healthcare system unpredictable for the people with disabilities. In this regard, according to the RA Ministry of Health, in 2019, necessary steps are being taken to bring the legislation regulating the field in line with the requirements of the RA Constitution.
2. It is also defined under the Law of the Republic of Armenia on “Medical Care and Service to the Population”[[16]](#footnote-16). According to Article 5 of this law, when applying for medical care, as well as receiving medical care, everyone has the right to be treated with respect by medical care providers. Pursuant to Article 19 (1) (e) of the above-mentioned law, those providing medical care are obliged to ensure a caring and respectful attitude towards patients.
3. In this regard, the Human Rights Defender specifically highlights that the prohibition of discrimination is one of the key components of the right of health care. However, a number of complaints were submitted to the Human Rights Defender regarding insulting, disrespectful, contemptuous and, negligent treatment of people with disabilities by medical staff in medical institutions.
4. It should be noted that in such cases, people are actually deprived of the protection of their rights, since their complaints are not always recorded by the health institutions, or even if they are, the information provided by the complainants is not always considered while examining complaints by authorities.
5. Hence, the analysis of the acting legal regulations shows that there are no clear, effective practical mechanisms to ensure the fulfilment of the above-mentioned obligations of the state.
6. According to the Ministry of Health of the Republic of Armenia, several relevant complaints were sent to medical centers in Yerevan and the regions. Specific actions were taken to solve the issued problems in order to exclude the possibility of their recurrence in the future. In some cases, the directors of medical facilities issued verbal warnings and applied disciplinary sanctions to the medical staff.
7. However, the HRD’s monitoring shows that the above-mentioned practice is not always effective and objective, and most of the time is nominal.

**Recommendations**

* **Introduce effective mechanisms for full realization of the right to healthcare for persons with disabilities, including access to health facilities, medical services and medical equipment;**
* **Elaborate and implement capacity building activities employing the rights-based approach for medical staff, specifically targeting their code of conduct and communication while providing services to people with disabilities.**

**Article 27. Work and employment**

1. The Convention stipulates that States shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, inter alia to promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as to provide assistance in finding, obtaining, maintaining and returning to employment.
2. Despite the programs implemented by the state aimed at promoting the employment of persons with disabilities, their unemployment rate remains high in Armenia. According to the RA Ministry of Labour and Social Affairs, in 2019, 13 employment programs were implemented, which included 7290 unemployed people and only 425 of them were people with disabilities. 13,513 unemployed people found jobs through the mediation of the State Employment Agency and only 2% or 275 of them were people with disabilities. 149 out of 275 people were employed through state employment programs[[17]](#footnote-17).
3. In order to eliminate disability-based discrimination in the labour market, as of 1 January, 2016, there was a requirement for mandatory provision of jobs to persons with disabilities in government agencies with more than 100 employees (quotas), ensured by the decision of the RA Government N 1308 “On Approval of the Procedure for Deduction by the Organization in Case of Failure to Fulfil the Quota Requirement” as of 19 November 19, 2014. However, according to the decision N 909-N of the Government of the Republic of Armenia as of 16 August, 2018, the latter was declared invalid.
4. Another key issue is the employment of parents of children with disabilities, as the general analysis of the complaints addressed to the HRD shows. In particular, in a number of complaints addressed to the Human Rights Defender, the parents refer to the fact that the RA labour legislation does not provide sufficient legal guarantees for parents caring for a child with a disability. This significantly complicates the process of organizing child care, as a result of which in some cases parents are compelled to quit their jobs.
5. Hence, the Defender has raised the above-mentioned issues in his opinion on the draft decision of the Government of the Republic of Armenia “On Approving the Employment Strategy of the Republic of Armenia for 2019-2023”.
6. The Human Rights Defender is concerned that employment of people with disabilities has remained an unresolved issue due to the lack of relevant bespoke programs, as well as environmental barriers and existing stereotypes.

**Recommendations**

* **Promote employment opportunities for persons with disabilities both in private and public sectors;**
* **Scale up the effective programs for the employment of persons with disabilities;**
* **Review the quota approach and raise the effectiveness of such an approach inter alia, by introducing an effective Monitoring and Evaluation system;**
* **Provide employment support to parents of children with disabilities.**

**Article 29. Participation in political and public life**

1. The Human Rights Defender highlights that the issue of participation of people with disabilities in political and public life still remains one of the challenges for a democratic country. There is no sufficiently accessible environment in the RA for the full realization of political rights of persons with disabilities. The monitoring and examination of the legislation and the relevant practices by the Human Rights Defender shows that:
* Elections are not sufficiently accessible for persons with disabilities, yet this is the main instrument of democracy. Accessible polling stations during the elections are practically absent. The Human Rights Defender highlights that the accessibility of the polling station shall include also the condition of ramps at the poll entrance, sufficient door width, availability of handrails, convenience of voting booths, availability of brail bullets, as well as other adaptive facilities and technologies, which may guarantee full examination of rights of people with disabilities.
* Accessibility of political campaigns remains a key challenge due to the lack of effective mechanisms and safeguards.
1. The Human Rights Defender specifically highlights that inaccessibility of political campaigning is especially concerning for people with visual and hearing disabilities and persons with intellectual disabilities during their participation in the elections. This is manifested in absence of Braille formats, subtitles, captions, lack of audio versions, lack of sign language translators, as well as inaccessibility of texts for people with learning disabilities, which violate the principle of independent formation of political positions of persons with disabilities. Campaigning is also inaccessible for persons with physical disabilities, as the rallies are generally held in inaccessible and crowded environments.

**Recommendations**

* **Provide access to polling stations, ensure unrestricted mobility in the stations and access to relevant information, in order for persons with disabilities to participate in the political life and to fully exercise their right to vote;**
* **Introduce legal mechanisms to engage persons with disabilities in electoral committees.**

**Article 30. Participation in cultural life, recreation, leisure and sport**

1. The Human Rights Defender’s annual monitoring shows that cultural and leisure buildings mostly remain inaccessible to visitors with disabilities, as well as to performers with disabilities. Moreover, though there are pioneering efforts to engage people with disabilities in art performances, such as “Paros” chamber choir, comprised mostly of performers on wheelchair, and the inclusive contemporary dance performance “We” by MIHR Theatre, which has been on stage since 2017, there are very few art groups in Armenia (theater, painting, song, dance and other art groups) involving people with disabilities.
2. Moreover, there are no adjusted areas and facilities for people with hearing and visual impairments in most of cinemas, theatres and other cultural facilities.
3. Though certain steps have been taken to address the above-mentioned issues[[18]](#footnote-18), the Human Rights Defender is concerned with the lack of opportunities for participation of people with disabilities in cultural and sport life.
4. According to the RA Minister of Culture Order No. 368-A as of July 6, 2017, privileges of free visits to the permanent exhibitions in museums are granted to people with disabilities, specifically to Group 1 (with escort), Groups 2 and 3 (without escort). However, the accompanying person is not guaranteed a free pass, which practically impedes realisation of this privilege by people with disabilities.
5. Despite the international commitments of Armenia under the CRPD, the annual monitoring by the Human Rights Defender, as well as the data provided by non-governmental organizations, show that there are no ramps, locker rooms, and adjusted bathrooms in sports facilities for people with disabilities.
6. It should be noted that certain kinds of sports, such as swimming, are beneficial for people with specific types of disabilities. However, swimming facilities are not accessible to people with disabilities, including children. In some cases, parents even had to pay twice to teach their child with a disability to swim.

**Recommendations**

* **Make the required adjustments to cultural and sports facilities in order to make those accessible to persons with disabilities.**

**Article 33. National implementation and monitoring**

1. The Human Rights Defender is entitled to monitoring the national implementation of provisions of the UN Convention “On the Rights of Persons with Disabilities”, as well as prevention of violations of the rights of persons with disabilities and their protection thereof, according to Article 2, part 4 of the RA Constitutional Law “On the Human Rights Defender”, Article 2, part 4. Article 33 of the Convention.
2. In accordance with the stated Article 30.1 of the above-mentioned law, the Human Rights Defender is the independent body in protection of the rights of persons with disabilities and is authorized to:

• conduct monitoring of compliance of the legislation with provisions of the UN Convention “On the Rights of Persons with Disabilities”;

• carry out regular, as well as ad hoc unimpeded visits to institutions where persons with disabilities stay. The Defender shall not be obliged to notify about the time and purpose of the visit in advance;

• present ad hoc public reports related to the rights of persons with disabilities;

• present recommendations to the competent bodies in relation to the improvement of legal acts related to the rights of persons with disabilities or the drafts thereof or practice;

• carry out other powers prescribed by this law.

1. In this regard, in 2019 a Unit for the Protection of the Rights of Persons with Disabilities was established in the Human Rights Defender’s Office. It assists the Human Rights Defender in protection of the rights and freedoms of persons with disabilities violated by the state and local authorities and officials on the basis of individual complaints, monitoring visits, as well as the implementation of functions of monitoring (carried out by the Human Rights Defender) of the provisions of the UN Convention “On the Rights of Persons with Disabilities”. The staff of the Unit includes three legal experts, a doctor and a psychologist), all of whom are involved in study of complaints and monitoring.
2. The Unit is operating based on Human Rights Defender’s decisions and orders. It has elaborated a relevant strategy and action plan to ensure more effective protection and promotion of the rights of people with disabilities.
3. Guided by the principles of the Convention, the Human Rights Defender, in the implementation of his activities, has consistently co-operated with the relevant state bodies, non-governmental organizations, media, and other representatives of civil society carrying out activities related to protection of the rights of persons with disabilities, in order to support the formation and strengthening of the enabling environment of equal opportunities and rights.
4. Working jointly with the civil society is regarded as key to the effectiveness of protection and restoration of the rights of people with disabilities. To enhance this cooperation, a Pubic Council under the Human Rights Defender was established in 2020, composed of 17 NGO representatives and individual experts.
5. The Human Rights Defender and the staff regularly hold working meetings with representatives of state bodies, the media, non-governmental organizations and international organizations involved in the protection of the rights of persons with disabilities. Moreover, the discussions are organized not only in Yerevan, but also in the regions. During the meetings, the issues of persons with disabilities and possible directions of cooperation aimed at solving the existing problems in the field are discussed.

**Recommendations**

* **Enhance capacities of HRD for the CRPD monitoring by increasing the budget of the HRD to recruit additional specialists.**
1. The RA decision 938-A adopted on the 11th of June, 2020 on the draft law on ratification of the Optional protocol <https://www.arlis.am/DocumentView.aspx?docID=143399>. [↑](#footnote-ref-1)
2. Announcement of the Helsinki Citizens' Assembly Vanadzor Office, available at <https://hcav.am/kamyntir/>. [↑](#footnote-ref-2)
3. Annual report on the activities of the Human Rights Defender of the Republic of Armenia, and the state of protection of human rights and freedoms during 2020, section 16, available in Armenian at

<https://www.ombuds.am/images/files/883f55af65e3c33553139031c7ac0ce6.pdf>. [↑](#footnote-ref-3)
4. <http://www.parliament.am/news.php?cat_id=2&NewsID=14345&year=2021&month=5&day=4&lang=eng>. [↑](#footnote-ref-4)
5. Annual report on the activities of the Human Rights Defender of the Republic of Armenia, and the state of protection of human rights and freedoms during 2020, section 16, available in Armenian at

<https://www.ombuds.am/images/files/883f55af65e3c33553139031c7ac0ce6.pdf>. [↑](#footnote-ref-5)
6. Legal grounds are stated in the preamble of the present report on page 1. [↑](#footnote-ref-6)
7. Annual report on the activities of the Human Rights Defender of the Republic of Armenia, and the state of protection of human rights and freedoms during 2020, section 16, available in Armenian at

<https://www.ombuds.am/images/files/883f55af65e3c33553139031c7ac0ce6.pdf>. [↑](#footnote-ref-7)
8. The video story about the campaign is available at <https://www.ombuds.am/en_us/site/VideoGalleryView/312>. [↑](#footnote-ref-8)
9. Annual report on the activities of the Human Rights Defender of the Republic of Armenia, and the state of protection of human rights and freedoms during 2020, section 16, available in Armenian at

<https://www.ombuds.am/images/files/883f55af65e3c33553139031c7ac0ce6.pdf>. [↑](#footnote-ref-9)
10. ‘‘Social Snapshot and Poverty in Armenia-2018’' <https://armstat.am/file/article/poverty_2019_e_2.pdf>. [↑](#footnote-ref-10)
11. <https://youtu.be/WFduR_Q3P2U>, <https://www.ombuds.am/am/site/ViewNews/794>. [↑](#footnote-ref-11)
12. HRD awareness raising videos are available at <https://www.ombuds.am/am/site/ViewNews/488> <https://www.ombuds.am/am/site/VideoGalleryView/276> and <https://www.ombuds.am/am/site/VideoGalleryView/312>. [↑](#footnote-ref-12)
13. HRD awareness raising materials available at <https://youtu.be/oIs17ub5E3M>. [↑](#footnote-ref-13)
14. Part 3 of article 7, parts 3 and 4 of article 8, part 2 of article 17, part 1 point 4 of article 19.3 of the RA Law on Medical Care and Services for the Population.

Part 10 of article 6, parts 1 and 2 of article 9, articles 15 and 16, parts 2, 3 and 4 of article 19, part 1 of article 22 and Paragraph 2 of Clause 4 of Section 6 of the Annex to the RA Law on Psychiatric Care.

Part 2 of Article 32 of the RA Law on the Rights of the Child. [↑](#footnote-ref-14)
15. Article 3, part 1 of RA Law on General Education, point 7 of the order N 370-N of the Minister of Education and Science of the Republic of Armenia of April 13, 2017 on approving the procedure for providing pedagogical-psychological support services for the organization of education. [↑](#footnote-ref-15)
16. In particular, according to Article 4 of the mentioned law “Everyone, regardless of nationality, race, sex, language, religion, age, health status, political or other views, social origin, property or other status, has the right to receive medical care in the Republic of Armenia “. [↑](#footnote-ref-16)
17. [Annual report on the activities of The Human Rights Defender in 2019, page 736](https://www.ombuds.am/images/files/77966ae217133c07bc23feebea606ad8.pdf) is available at <https://www.ombuds.am/images/files/15b2661f76d10eb07746d7d4d4dec84f.pdf>. [↑](#footnote-ref-17)
18. According to the RA Ministry of Education, Science, Culture and Sports, in 2019 the elevator of "History Museum of Armenia" SNCO was restored and re-operated. [↑](#footnote-ref-18)