**Proposed List of Issues in relation to the initial report of Armenia**

DPO Submission

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Introduction

The Proposed List of Issues has been developed by the Armenian DPO Community in relation to the Armenian Initial Report of State Party submitted to the UN Committee on the Rights of Persons with Disabilities in 2012. The process of the preparation of this document was initiated by the International Disability Alliance (IDA).

To ensure that the preparation process was maximally inclusive and the Armenian DPO community was represented to the fullest, all possible efforts have been made to contact, consult and involve relevant organizations of various sizes, priority areas, spheres of work and geographic coverage, as well as individual experts (including persons with disabilities).

An overall number of 25 organizations and experts, including representatives of the two umbrella organizations in Armenia (Armenian Network of Independent Living and the National Disability Advocacy Coalition) were involved in the development of this document. Special measures were undertaken to ensure the meaningful participation of experts/DPO members with disabilities, including through organization of a roundtable discussion with IDA experts in an accessible location and provision of necessary accomodation and resources to all participants.

The Proposed List of Issues aims to provide the Committee with up to date information regarding the implementation of the Convention in Armenia and highlight the priority issues and challenges currently faced by the community of persons with disabilities in Armenia. Where possible, DPOs' evaluation of the situation is supplemented with empirical data, however, due to lack of effective processes and methodologies of data collection and dissemination at the state level, the information provided by DPOs is largely based on practical experience and communication with persons with disabilities.

1. Purpose and General Obligations (Articles 1-4)

**General Obligations (Article 4)**

To bring the Armenian legislation in line with the provisions of the Convention, the draft law “On the protection of the rights of persons with disabilities and social inclusion thereof in the Republic of Armenia” has been developed. However, the timeline of the adoption of the law is currently unclear.

The process of the development of the draft was participatory to an extent: select NGOs were involved in the process through consultation. However, no measures were undertaken to ensure the meaningful involvement in the process of the entire DPO community, including DPOs operating in the regions and rural areas.

Furthermore, no specific support and reasonable accommodation was available to ensure the participation of persons with disabilities, especially children with disabilities, persons with disabilities living in rural areas, refugees, persons with intellectual disabilities, persons with psychosocial disabilities, deafblind persons and persons in need of high level of support in the development of the draft and relevant consultation processes.

Similar approach (lack of effective involvement and specific support) is utilized during all decision-making processes regarding development and implementation of legislative measures, state strategies, policies, action-plans, etc. in Armenia.

The overall Armenian legal framework remains based on medical model with the exception of the Law on Mainstream Education. No comprehensive measures aimed at revising laws in accordance with the Convention have been implemented after its ratification in 2010. Existing laws and regulations contain discriminatory approaches against persons with disabilities.

***Suggested Questions***

1. Please inform the Committee about specific measures implemented towards reviewing domestic legislation and policies/strategies/action-plans with the purpose of bringing them in line with the Convention. Please specify which pieces of domestic legislation and policies have been reviewed with this purpose and what changes/amendments have been introduced as a result. Please provide a timeline of adoption of all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention.
2. Please inform the Committee about actions taken by the state on increasing awareness on the Convention on the Rights of Persons with Disabilities and on the Optional Protocol to the CRPD. Please inform whether the Convention is available to the public in accessible versions (sign language, Braille, plain language and other formats). When does the State party plan to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities?
3. Please provide examples of specific consultation mechanisms, instruments, resources and reasonable accommodation (e.g. monetary support, sign language interpretation, personal assistance, reimbursement for extra expenditures, etc.) currently available at local, regional and national levels that enable persons with disabilities and their organizations to participate in the discussion, development and implementation of domestic policies and legislation. Please elaborate on the specific measures undertaken to ensure the participation of women, children and older persons with disabilities, persons with disabilities living in rural areas, refugees, persons with intellectual disabilities, persons with psychosocial disabilities, deafblind persons and persons in need of high level of support. In particular, have the needs and rights of persons with disabilities been taken into account during the discussions of the new RA Electoral Code and the RA Code on Administrative offences?
4. Please inform the Committee about how will persons with disabilities and organizations of persons with disabilities be engaged in the promotion, formulation and evaluation of programs toward the achievement of the Sustainable Development Goals be carried out at the national level?
5. Specific Rights (Articles 5-30)

Equality and non-discrimination (Article 5)

Discrimination on the grounds of disability remains a foremost issue in the Armenian society and a key challenge for persons with disabilities living in Armenia. While no empirical information on the number and types of discrimination against persons with disabilities is available due to lack of appropriate data collection processes and methodologies at the state level, various surveys and anecdotal information provided by Armenian DPOs, as well as media reports, show that persons with disabilities are discriminated against in all spheres of life (employment, education, health, etc.,). Due to prevalent stereotypical attitudes, stigma, negative perceptions and general lack of awareness, persons with disabilities remain marginalized. Especially vulnerable are women, children and older persons with disabilities, persons with disabilities living in rural areas, refugees, persons with intellectual disabilities, persons with psychosocial disabilities, deafblind persons, LGBT+ persons, persons living with HIV/AIDS and persons in need of high level of support, who face multiple discrimination. While the 2006-2015 Strategy of Social Protection of Persons with Disabilities recognizes the need for “greater attention” towards women and children with disabilities, the terms “multiple discrimination” or “intersectional discrimination” are not used in this or any other strategic document, as well as the Initial Report of the State Party to Committee on the Rights of Persons with Disabilities, signifying the lack of understanding of intersectional and multiple discrimination at the state level.

While legal norms prohibiting discrimination on certain grounds (including disability) are included in the RA Constitution and a number of legislative acts, no comprehensive anti-discrimination legislation providing effective legal protection (including legal remedies, dissuasive sanctions, redress for victims, etc.) is in place in Armenia. In 2015 the Armenian government accepted the UPR recommendations related to the need for a law on discrimination, in response to which the Ministry of Justice started the process of preparing the new law on discrimination. Again, no effective measures were undertaken and no support was provided to ensure the meaningful involvement of persons with disabilities and their organizations across Armenia in the relevant decision-making processes.

***Suggested Questions***

1. Please inform the Committee about the timeline of adopting effective and comprehensive anti-discrimination legislation in compliance with the provisions of the Convention. How will this legislation define and address intersectional and multiple discrimination faced by women, children, older persons, refugees, national minorities, LGBT+ persons and persons living with HIV/AIDS? Will the denial of reasonable accommodation be recognized as a form of discrimination against persons with disabilities?
2. Please provide detailed statistical information regarding documented cases of discrimination on the grounds of disability disaggregated by sectors (employment, education, etc.) in which discrimination was alleged to have occurred, as well as the sex, age, type of disability and place of residence of persons against whom discrimination was alleged to have occurred. Please provide statistical data on the outcomes of these cases and describe the procedures/mechanisms of collecting such statistics. Please include information on cases of discrimination in residential care institutions and against persons under guardianship/custodianship.
3. Please describe the legal remedies and sanctions that are currently in place to ensure the prohibition of disability-based discrimination.Please describe the available legal measures of protection against multiple and intersectional discrimination, including effective remedies such as proportionate dissuasive sanctions for perpetrators and redress for victims.
4. Please inform the Committee about the competence and coverage of bodies (National Commission for Persons with Disabilities and the position of an Advocate for persons with disabilities, which was opened since 2011 within the Staff to the Human Rights Defender[[1]](#footnote-1)) designated in Armenia to address discrimination, including discrimination on the grounds of disability. Do these bodies have competence in all spheres and administrative levels, including private and public sectors?

Women with disabilities (Article 6)

According to national research carried out by Agate center for women with special needs NGO in 2015, women with disabilities in Armenia face discrimination in all sectors of the society, both private and public. The existing law on Social Protection of Person with disabilities and the new draft law lack regulation and necessary implementation mechanisms, due to which the country fails to implement its obligations under Article 6. Women with disabilities are subject to prevalent multiple and intersectional discrimination on the grounds of gender and disability, which is not addressed by domestic legislation and relevant regulations.

Women with disabilities receive unequal treatment within the public, private, non-profit and business sector despite the same needs of accessibility, service and equal treatment as men with disabilities. Despite the fact that women with disabilities are recognized as a group that is particularly vulnerable to violence, no women with disabilities are represented in the National Commission for Disability Rights and the Commission to End Gender Based Violence.

***Suggested Questions***

1. Please inform the Committee about any programs, policies and legislation designed to protect women and girls (especially women and girls with psychosocial and intellectual disabilities) with disabilities from intersectional discrimination and violence and to support them in education, employment and other areas of life, particularly programs, policies and legislation designed to facilitate access to sexual and reproductive health services and maternal and child health centers in rural and remote areas. Please provide comprehensive information on cases of violence against women and girls with and without disabilities.
2. Please describe how disability will be mainstreamed in the different acts on the protection of the rights of women and girls, such as the Gender Policy Strategic Action Plan (2016-2020) and Gender Policy Concept Paper and Strategic Action Plan to Combat Gender-based violence (2016-2020). Additionally, please describe how gender-related issues are mainstreamed in the 2016-2025 National Strategy on Social Protection of Persons with Disabilities and the new draft Law “On the protection of the rights of persons with disabilities and social inclusion thereof in the Republic of Armenia”. Please provide information about the involvement of women with disabilities and their organizations in the development, implementation and monitoring of these policies/laws/action-plans.
3. Please inform the Committee about any measures undertaken by the State party towards implementing a twin-track approach to women and girls with disabilities and systematically collecting data disaggregated not only by gender but also by disability?

Children with disabilities (Article 7)

***Suggested Questions***

1. Please describe how disability is mainstreamed in the RA Strategy on the Protection of Children’s Rights 2013-2016. Please inform the Committee about the involvement of persons with disabilities (including children with disabilities) and their organizations in the development and implementation of the Strategy.
2. Please describe the support and opportunities available to children with disabilities to express their opinions and exercise their right to be heard, including through age-appropriate consultations, during development of laws and policies?
3. Please inform the Committee about specific steps undertaken since 2013 to address the concern of the Committee on the Rights of the Child that "despite the increasing trend in inclusive education, a large number of children with disabilities who live in care institutions and rural areas, do not receive formal education".
4. Please inform the Committee about the measures undertaken to reduce poverty and absolute poverty among children with disabilities (52,1%) and their families and protect their right to an adequate standard of living?
5. Please indicate the steps taken to prohibit and criminalize corporal punishment of children, including children with disabilities, in all settings, including in their families, special institutions and residential care.

Awareness-raising (Article 8)

Programs aimed at awareness-raising are mostly designed and implemented by DPOs and other human rights organizations (including international organizations), occasionally with some state support. No systematic awareness-raising measures are implemented by the state and no resources are available within the state budget to design, implement and monitor effective large-scale awareness-raising activities in collaboration with DPOs and persons with disabilities.

Media coverage of disability issues is largely based on stereotypes, stigma and negative perceptions of persons with disabilities and mainly perpetuates discriminatory attitudes towards persons with disabilities. The 2015 Monitoring of Online Media implemented by Unison NGO found that 60% of online media reports (including online TV) published during May 2014 - August 2015 were of discriminatory nature, with negative terminology and stereotypical portrayal identified as key issues.[[2]](#footnote-2)

Majority of government websites and other online platforms of public importance are not in line with standards of web accessibility for persons with disabilities. Only a small number of TV programs (less than 10%) include sign-language interpretation.

In the courses “Human Rights” and “Gender Issues” organized for public servants mentioned in the State Report, the fundamental issues of people with disabilities are not introduced and those with disabilities could not attend the courses. The “History of Armenian church” and “Sociology” textbooks in public schools show the disability from the angle of medical-charity which only increases the idea of stereotypes and stigmas in children.

***Suggested Questions***

1. Please inform the Committee about specific awareness-raising campaigns and strategies adopted and implemented by the State party to promote the human rights model of disability in the mass media and to address stereotypes of and stigma associated with persons with disabilities based on history, culture, attitudes and structures in the community, especially in rural areas. How are persons with disabilities and their organizations involved in planning and implementation of such campaigns and strategies?
2. Please provide information on planned or ongoing state programs aimed at promoting positive perceptions towards persons with disabilities, fostering an attitude of respect for the rights of persons with disabilities in all children from an early age. Please explain how people with disabilities and their rights are presented and analyzed in the "Social Science", “Literature” and "Church History" textbooks?
3. Please inform the Committee about any measures undertaken to provide systematic training, education and awareness-raising to public authorities on the human rights model of disability and their obligations to implement the CRPD. How are persons with disabilities and their organizations involved in planning and implementation of such measures?

Accessibility (Article 9)

Lack of accessibility of the physical environment, transportation, information and communications technologies and systems remains a key hindrance to the inclusion of persons with disabilities in the Armenian society. Despite the fact accessibility norms and standards in line with the Convention are provisioned in the Armenian legislation, no mechanisms and measures aimed at implementation of these standards in practice are currently available. The Code on Administrative Offences, which regulates administrative offences in the spheres of urban development, housing and community services, does not provide any compliance and sanction mechanisms in cases of non-compliance with accessibility standards stipulated by the law. Additionally, no accessibility monitoring mechanisms are at place at the state level.

While there are 20 wheelchair-accessible buses in Yerevan, no accessible public transportation is available in the 10 regions of Armenia. Decisions No 762 and 819 decision adopted by Armenian Government state that only routes with 10 or more buses are required to comply with accessibility standards, while the transportation reoutes in the regions, especially in rural areas, are comprised of less than 5 buses.

***Suggested Questions***

1. Please inform the Committee whether an accessibility plan (including a legal timeline) covering all aspects of accessibility (including the physical environment, transportation, information and communications technologies and systems) is in place to eliminate all existing barriers within a reasonable time frame in both urban and rural zones across the country? If so, does this plan have adequate budget allocation and intermediate benchmarks to allow for the monitoring of progress? Please describe measures undertaken to improve accessibility of public transportation in areas outside Yerevan.
2. Please describe monitoring, compliance and sanction mechanisms currently in place to ensure that persons with disabilities have access to the physical environment, public transportation, information and communications, as well as other facilities and services available to the public. What kind of remedies are provided by the law for persons with disabilities to invoke their rights concerning inaccessibility?
3. Please provide details of measures taken to improve the access for all persons with disabilities to information and communications technologies and systems. In particular, please inform on measures aimed at ensuring accessibility for persons with intellectual and psychosocial disabilities (e.g. easy-to-read format and pictograms).

Right to life (Article 10)

No information on life expectancy, suicide rate or child mortality among people with disabilities in Armenia is currently available and no plans on collecting such data are in place at the state level.

According to World Bank data, poverty in Armenia totaled 30% in 2014, with 70,000 persons documented as extremely poor being[[3]](#footnote-3). While the link between disability and poverty is well recognized, no empirical information on the poverty rate among persons with disabilities is made available by the state. However, according to the 2008 Survey on Child Poverty in Armenia, “children with disabilities are the poorest among the poor” and “Children are more likely to be poor, everything else held equal, if they have a disability or live with a disabled child”.

No information on the number of deaths due to poverty among persons with disabilities in available. The number of death rate of the people with disabilities in penitentiaries or other closed facilities is not available to the public.

***Suggested Questions***

1. Please inform the Committee about measures adopted and implemented in Armenia to increase the life expectancy, decrease infant and child mortality, combat disease, and provide adequate food and other basic survival needs for people with disabilities. Please attach statistics for each point.
2. Please explain the circumstances under which deaths in the institutions of persons with disabilities are investigated, as well as the steps taken to ensure an effective investigation.

Situations of risk and humanitarian emergencies (Article 11)

No plans or mechanisms aimed at protecting persons with disabilities during emergency situations are available. Domestic legislation regulating disasters or risk reduction does not provide any norms or responsibilities concerning persons with disabilities. Laws on “Legal regime during emergency situations” (2012) and “Population protection during emergency situations” (1998) and the Decision on “On conferment of civilians’ evacuation from hazardous area” hardly mentions persons with disabilities.

Due to the conflict between Armenia and Azerbaijan, occasional shootings occur at the north-western part of the country which borders the Republic of Azerbaijan. The Armenian government does not take any targeted measures aimed at protection of persons with disabilities in these areas.

***Suggested Questions***

1. Please provide information on measures taken to review and amend the Law of the Republic of Armenia “On the protection of the population during emergency situations”, and indicate whether the inclusion of the concept of comprehensive and disability-inclusive disaster risk reduction has been considered.
2. Please indicate how the information on distribution of persons with disabilities as of territories is collected, what kind of information it includes and how it is used?
3. Please provide information about the humanitarian emergency response for persons with disabilities in conflict areas in north-western Armenia. Please indicate whether information relating to emergency situations and humanitarian risks is transmitted in formats accessible to all persons with disabilities.Please also indicate what measures have been taken to make the emergency call number (911) accessible to all persons with disabilities, especially those who are deaf or hard of hearing.

Equal recognition before the law (Article 12)

The legislation of Armenia, the Civil Code, provides a possibility of declaration persons with psycho-social disabilities legally incapable. Deprivation of legal capacity affects civil, political, economic and social rights of persons with psycho-social disabilities: right to personal and family life, right to liberty and security, access to justice, right to health, right to living independently and being involved in the community, right to work, property rights.

Аfter the April 2015 ruling of the Constitutional Court, persons deprived of legal capacity gained the right to apply to the court to seek restoration of their legal capacity.

The deprivation of legal capacity makes persons with psychosocial disabilities fully dependent on the will of their guardian. Although the institute of “guardianship” is perceived to be “protective” in nature, in many instances the conflict of interests between the guardian and the person concerned is not examined either by the court (while declaring person legally incapable) and the Guardianship and Tutorship bodies (while appointing the guardian and overseeing the activities of the guardian) which might lead to human rights abuses of persons under guardianship to go unrevealed and unpunished.

There is no official statistical data on the number of persons deprived of legal capacity in Armenia.

***Suggested Questions***

1. Please provide information (including a timeline) concerning legislative and policy measures aimed at eradicating substituted decision making schemes, such as guardianship, and establishing supported decision making systems in full conformity with Article 12. Please provide information on provision of support measures, including training for relevant stakeholders to ensure the transition to supported decision making.
2. Please inform the Committee about steps undertaken to revise the Armenian version of the text of the CRPD Article 12 to bring it in accordance with CRPD wording to ensure the legal subjectivity of any person with disability under the law.
3. Please provide information on compulsory trainings and educational courses for judges and judiciary personnel, civil servants, medical experts, members of the Guardianship and Tutorship Body and other stakeholders on the human rights approach to persons with psychosocial disabilities.
4. Please provide data on the number of persons with disabilities placed under court-appointed custodianship disaggregated by sex, age, type of disability and place of residence. Please provide information about the available safeguards against abuse against persons with disabilities under guardianship/custodianship.
5. Please provide information on the number of persons with disabilities, (disaggregated by age and gender), who have been declared legally incapable. Please also provide information on the number of persons with disabilities whose legal capacity has been restored after the 2015 ruling of the Constitutional Court allowing for restoration of legal capacity.

Access to justice (Article 13)

RA legislation lacks sufficient safeguards to ensure the right to fair trial of persons with disabilities, including persons with psychosocial and intellectual disabilities. Persons with disabilities are not properly informed on the opportunities and mechanisms for the protection of their rights, the Criminal Procedure Code lacks sufficient regulations providing safe and full participation of vulnerable persons in criminal proceeding, including procedural accomodation during procedures for giving evidence in court proceedings.

The Courts physical accessability is also a metter of concern. According to the 2014 Monitoring implemented by Unison NGO, majority of of Courts, as well as Administrative and Notary buildings are inaccessible for persons with disabilities[[4]](#footnote-4). Legal and judicial informational systems are not accessible for blind people or people with poor sight, which is a challenge both for legal specialists with disabilities and regular citizens.

Conditions in penitentiary institutions of Armenia are not fit for people with disabilities restricting their free movement, including going for a walk or to the canteen. Penitentiary bathrooms are not adjusted to their needs, not all the cells have toilets and bathrooms.

***Suggested Questions***

1. Please inform the Committee whether any amendments have been made to domestic legislation to ensure effective access to justice for persons with disabilities on an equal basis with others. Please provide information on measures to address accessibility to the justice system, including physical access, legal aid and sign-language interpreters in courtrooms, as well as to ensure procedural accommodations. Please also provide information on measures to ensure that legal services (including attorney services) are accessible and affordable for persons with disabilities.
2. Please provide information on the accessibility of all judicial facilities, including police stations, court buildings and prisons, and indicate whether there are mechanisms to ensure effective communication for persons with disabilities who are subject to judicial proceedings.
3. Please provide details of the availability of reasonable accommodation during the legal processes to ensure the full participation of all persons with disabilities in the justice system in various roles (e.g. as victims, perpetrators, witnesses),including physical access, legal aid and sign-language interpreters in courtrooms, as well as to ensure procedural accommodations**.**
4. Please provide detailed information concerning the training of judiciary personnel as well as law enforcement staff on the rights of persons with disabilities and the provisions of the CRPD. How are persons with disabilities and their organizations involved in planning and implementation of such training? Is disability training compulsory for judiciary personnel as well as law enforcement staff?

Liberty and security of the person (Article 14)

No sufficient community-based services are available in Armenia; therefore, the issue of unnecessary and arbitrary deprivation of liberty of persons with psychosocial disabilities is quite important. Also, there are no sufficient safeguards of ensuring human rights of persons with disabilities during deprivation of their liberty as in most of the cases they are not provided effective legal assistance; decision of institutionalization is made by guardians, or persons are being convinced or forced to give consent to institutionalized treatment.

A Helsinki Citizen’s Assembly-Vanadzor office study of five state-run psychiatric hospitals based on over 300 interviews with medical staff and patients found that some people with actual or perceived psychosocial disabilities are confined in institutions without their informed consent[[5]](#footnote-5).

***Suggested Questions***

1. Please inform the Committee of the number of persons with disabilities, disaggregated by sex, age and type of disability currently institutionalized in Armenia
2. Please indicate whether domestic legislation allows for institutionalization or deprivation of liberty of persons on the basis of impairment without their informed consent.

Freedom from exploitation, violence and abuse (art. 16)

There are no specific legal or policy provisions aimed at preventing violence against persons with disabilities. At the same time, the government does not have statistics on persons with disabilities who have been subjected to violence (para 130 of the State report), which is an important matter of concern. The State report states that persons with disabilities have equal opportunities to be engaged in the rehabilitation programs together with all other persons subjected to violence. However, as long as the law on Domestic Violence is not adopted in Armenia, there are no effective and sufficient mechanisms for prevention of violence in families. There are no effective rehabilitation mechanisms for both victims of violence and perpetrators and there are no state-run shelters for victims of violence. Consequently, there are no sufficient mechanisms to provide victims with support services and remedies accessible and available to persons with disabilities.

Institutionalization of mental health care in its turn brings challenges of ill treatment and abuse in closed institutions. The lack of a specialized public monitoring group at the institutions providing care and treatment services also leads to the inefficiency of the protection of the right of the persons with mental disability to be free from torture and abuse.

***Suggested Questions***

1. Please explain why there is no data on persons with disabilities who have been subjected to violence, including disaggregated data by type, age, gender, disability, ethnicity etc., and why “it is difficult to figure out the number of persons with disabilities among the victims of violence” (CRPD/C/ARM/1, para. 128).
2. Please provide information on legislative measures adopted to support persons with disabilities, including their families, in recognizing, preventing and reporting instances of exploitation, violence and abuse. Please also provide information on the steps taken to protect persons with disabilities against exploitation, violence and abuse, in particular persons with intellectual and/or psychosocial disabilities, especially in psychiatric institutions and hospitals.
3. Please provide additional information on disability hate crime and the criteria for data collection and case registration by the Police departments**.**
4. Please inform the Committee about any measures taken to ensure that persons with disabilities who have been victims of violence and exploitation have access to effective recovery, rehabilitation and social reintegration services and opportunities. How it is ensured that "persons with disabilities have equal opportunities to be engaged in the rehabilitation programs together with all other persons subjected to violence[[6]](#footnote-6)"? How many shelters offering temporary protection to victims of violence are accessible, how many hotlines are accessible to people with disabilities?

Liberty of movement and nationality (Article 18)

According to changes in RA laws “On identification cards” and “On passports of RA citizens”, after January 1, 2014, in order to get a passport photo, one has to have their photo taken at the passport office at the time of applying for a passport/identification card. The law does not envisage measures aimed ensuring suitable conditions for persons with disabilities in the passport offices. According to media reports, persons with disabilities who cannot leave the house have to invite the officials from passport offices to their house at their expense and have their photo taken and passport received. This procedure, however, can last up to 1-3 months, since according to RA police official sources there are only 12 mobile groups. To go out of RA borders one needs a biometric passport, the cost of which is more than a person’s highest allowance is. According to official sources, only 48 passport offices in the wholly country have ramps, most of the offices do not meet the accessibility needs of people with disabilities.

***Suggested Questions***

1. Are procedures and passport and visa facilities accessible, affordable and easy to understand and use to people with disabilities? Please indicate what measures the Government of Armenia has undertaken to ensure that all persons with disabilities hold identity cards in time.

Living independently and being included in the community (Article 19)

The overall approach to disability issues in Armenia continues to be based on the medical model of disability which views the person as an object of care and charity and addresses the issue on a purely medical and rehabilitative level with the goal to make them as “normal” and “healthy” as possible. In November 2013 the Government of Armenia adopted the Concept note for introducing disability assessment based on the bio-psycho- social model of disability suggested by WHO International Classification of Functioning, Disability and Health which was adopted as a State Standard in 2014. The major concern is for those children and adults with disabilities, who continue to live in institutions without any hope for independant living in the commmunities. The situation is caused by the lack of clear vision of the Government on the future of instiutions for people with disabilities and strategy of inclusive community based services as a mechanizm for prevention people from institutionalization and human rights viloation.

***Suggested Questions***

1. Please provide data on the number of persons with disabilities leaving and entering residential institutions in the past five years. Please state the average length of time that persons with intellectual and psychosocial disabilities spend residing in such institutions.
2. Is the right of people with disabilities to live independently and be included in the community recognized in domestic legislation? What guarantees, resources and programs are available to facilitate their full enjoyment of this right, with choices equal to others? Are there any services/other forms of support for persons with disabilities who wish to leave residential institutions and live independently in the community?
3. Please provide information about national plans or strategies (including timelines and budgetary allocations) aimed at transition from institutional care to community-based services and development of community-based services aimed at enabling persons with disabilities to live and participate in the community on equal basis with others. Please provide details on the budget spent on institutionalized residential services as opposed to community-based living. Additionally, please inform the Committee about the involvement of persons with disabilities and their organizations in the development and implementation of such plans and strategies.

Personal mobility (Article 20)

According to the 31st article of RA Law on Social Protection of Persons with Disabilities, “persons with disabilities have the right to order or repair for free any kind of special prosthesis shoes or any other prosthetics (except teeth prosthesis made out of expensive metal) at the expense of RA’s budget.” Although there have been 48,840 prosthesis and orthopedic services delivered in 2010-2012 and repairing services were delivered to 34,430 people, most of them include indoors wheelchairs, hearing aids and other prosthesis orthopedic devices that are not customized or based on one’s personal needs. The government doesn’t have a plan to acquire essential assistive devices that will contribute to personal mobility. The number of assistive devices provided by the government is strictly limited. There is a constant problem with suitability and accessibility of wheelchairs. In this process, there is no individual approach regarding individual needs. Essential devices such as white canes or electric wheelchairs are not provided either. Also, the government does not stimulate the production or import of assistive devices. The absence of supporting devices results in people with disabilities not leaving their houses for a very long time period.

***Suggested Questions***

1. Please provide information on efforts taken to facilitate the personal mobility of persons with disabilities, including the use of assistive technologies (including high tech) and devices, human and animal assistance at an affordable cost.
2. Please provide comprehensive information on the availability of appropriate assistive devices. For example, does the state provide white canes for persons who are blind.
3. Please indicate when the Government of Armenia will estimate the needs for assistive technologies, and adopt relevant legislation, policy and strategy. When does the Government of Armenia plan to increase awareness and understanding about assistive technologies and train personnel positions to effectively develop and implement all aspects of a system for the provision of assistive technologies?

Freedom of expression and opinion, and access to information (Article 21)

According to Armenian legislation, TV channels are obliged to air at least one children’s show and one news program per day with sign language or with Armenian subtitles. This requirement is not met and only three channels broadcast news in sign language.

The accessibility of websites is not defined by legislation and steps have to be taken towards this issue. The Armenian legislation does not provide any measures towards ensuring accessibility of information and communications.

People with disabilities are not given information and communication technologies that will ensure their right to express their opinion. The government publishes only Braille structured literature, which is given to the Armenian association of the Blind and to a special school, however schools that hold inclusive education that have students with visual impairment do not get this kind of literature. Accessible literature made with other structure, or the process concerning this, is not open to public.

***Suggested Questions***

1. Please provide information on the availability of mass media to persons with disabilities in accessible and usable formats, such as Braille, sign language and easy read. Please provide information on the percentage of TV programs with sign-language interpretation and subtitles.
2. Please inform the Committee whether there is a legal obligation for government agencies and service providers to ensure that all information and communication is accessible formats (e.g. Braille, easy read, pictograms, e-books, etc.) Please inform the Committee whether there is a legal requirement for governmental websites and websites of publicly available services in Armenia to be accessible to all persons with disabilities?
3. Please inform the Committee as to whether any legal regulation of Armenian Sign Language has been adopted recognizing it as an official language. What measures has the State party adopted to train and officially certify sign language interpreters?

Respect for home and the family (Article 23)

According to the RA Government decision N517-N (May 5, 2005), persons with disabilities cannot adopt a child or become the guardian of the child. Parents of newborns with disabilities are often urged to give the child up for adoption. Government officials do not value the representation of psychologists in maternity wards and other healthcare institutions. As a result of all of this, 70% of about 800 children residing in orphanages have disabilities. After reaching adulthood, majority of them are moved to special institutions or remain in the orphanage. The state programs aimed at providing them with apartments are not sufficient to solve these issues.

***Suggested Questions***

1. Please indicate the steps taken to repeal legislation that restricts guardianship, wardship, trusteeship and adoption of children on the basis of disability.
2. Please explain what steps the State party is taking to provide adequate support to families of children and adults with disabilities who require a high degree of support (including psychological support in the maternity hospitals) and ensure that parents with disabilities receive the support they need to meet their parental responsibilities.
3. Please provide information on psychological support, social services and other types of support and services provided to persons with disabilities and their families by the State. Please include statistical information about the number, age and gender of persons with disabilities who have received such services during the recent years. Please also provide information on the involvement of persons with disabilities and their organizations in the design and provision of such services.

Education (Article 24)

The development of inclusive education in the system of mainstream education has been launched in Armenia since 2005. In 2014 the National Assembly adopted the revised law on mainstream education of Armenia which entered into force in January 2015. It declares that the Republic of Armenia proclaims universal/total inclusive education as a guarantee for exercising the right to education for every child. The Inclusive education policy aims at ensuring accessibility of education, equal participation opportunity and quality guarantee for every child. The law also provisions the transition of special schools into region-based pedagogical-psychological support centers for inclusive mainstream schools. 2022 is the deadline for this transition. According to the law, children with special educational needs will receive pedagogical and psychological support through their local mainstream schools, which should receive funding to bring in teacher assistants and specialist teachers. Schools will also be also supported by experts from region-based pedagogical-psychological support centers who will visit their schools, work with children and advice or train teachers. These support centers will register children with special educational needs to secure additional funding down to school level for their support. At national level, a coordination centre will be set up to oversee support centers and provide training. According to the Government plan, all mainstream schools in Armenia will become inclusive by 2025.

However, despite these developments, the mainstream education system, including the schools currently classified as “inclusive” does not fully meet the needs of children with disabilities. The physical accessibility of inclusive schools is very often limited to a single ramp leading to the first floor of the building, while the remaining floors, as well as other facilities such as libraries, recreational areas, administrative offices, etc. remain inaccessible (due to lack of elevators). Furthermore, no wheelchair-accessible bathrooms are available at the majority of either mainstream or inclusive schools. It is clear that full accessibility is not a precondition for a school to be recognized as “inclusive”.

Despite the recorded developments at the level of secondary education, the preschool education level, tertiary education (pre, medium and higher) and lifelong learning levels continue to be non-inclusive for people with disabilities. The situation is hardened by lack of access to physical environment of educational settings as well as by lack of information and communication, assistive systems, support services and reasonable accommodation in educational environments. According to 2014 Survey implemented by Unison NGO found that 96% of Higher Education Institutions are inaccessible for students with disabilities[[7]](#footnote-7).

***Suggested Questions***

1. Please inform the Committee about specific steps undertaken since 2013 to address the concern of the Committee on the Rights of the Child that "despite the increasing trend in inclusive education, a large number of children with disabilities who live in care institutions and rural areas, do not receive formal education". Please also provide statistics on the number of children with disabilities, disaggregated by sex, age and disability, who are currently excluded from the inclusive education system in each region of Armenia.
2. Please describe the standards of inclusive education in Armenia: what are the standards the school/program must comply with in order to be considered inclusive? Please describe the indicators used to monitor the quality of education and inclusion of students with disabilities in inclusive schools.
3. Please provide information on the number of schools in each region that are fully accessible (including accessibility of all classrooms and auxiliary rooms and facilities, information and communication technologies, availability of accessible elevators on all floors, accessible bathrooms, etc.) for children with disabilities?
4. Please provide data on the number of deaf children whose requests for sign language interpreters in inclusive schools have been met. Please also provide data on the number of deafblind children whose accessibility needs have been met in inclusive schools.
5. Please inform the Committee whether the State party includes compulsory training in inclusive education for all teaching and administrative staff and other professionals before they take up their duties and during the course of their employment.Please provide information on the number of hours that inclusive education professionals (teacher assistants, specialist teachers, etc.) work every week.
6. Are there concrete plans and measurable timetables for equal opportunities to life-long learning for persons with disabilities, including at higher education levels and in vocational education. Is there a strategy for ensuring that there is a focus on enabling persons with disabilities to access professional education and career opportunities? What are the concrete actions for giving access to children with disabilities to preschool education system?

Health (Article 25)

Even though the Armenian legislation establishes the eligibility of people with disabilities for free medical aid, in almost all healthcare institutions disabled patients and their families have to pay additional amounts for quality service and proper treatment. People with disabilities do not have access to primary health care, particularly in rural communities and small towns. The discrimination against people with disabilities in the healthcare sector is due to the emotional, physical and behavioral barriers, insufficient training of medical staff, as well as gaps in regulations. The state does not execute necessary steps to include persons with disabilities in HIV/AIDS prevention programs. There is no strategy for protecting persons with disabilities during epidemics.

According to 2010 Monitoring implemented by Unison NGO, only 17% of medical institutions/healthcare facilites in Yerevan are accessible for persons with disabilities. While no similar research has been implemented in the regions, it is reasonable to presume that the accessibility situation is comparable or even worse in the regions.

***Suggested Questions***

1. Please inform the Committee on any plans to improve the accessibility of medical institutions/healthcare facilities across Armenia. Please also provide information on relevant timelines and budgetary allocations.
2. Please provide comprehensive information on measures taken to ensure that sexual and reproductive health services are accessible to persons with disabilities, especially women and girls with disabilities. Please also provide comprehensive information on the accessibility of the health institutions.
3. Please provide information on the measures taken to provide HIV/AIDS, H1N1, sexual and reproductive health education and information to children and adults with disabilities in accessible formats available including in rural areas.
4. Please provide information on any measures undertaken to raise the awareness of the employees of medical institution about the ethics of communicating with people with disabilities and providing them gender-sensitive, free or affordable and accessible services?
5. Please provide information on the measures taken to ensure that effective palliative care is accessible to persons with disabilities, including those living in institutions and rural areas.

Work and employment (Article 27)

According to official data as per January 2015, 91%[[8]](#footnote-8) of persons with disabilities were unemployed in Armenia, while the unemployment rate among the general workforce was 18.5%[[9]](#footnote-9). No information regarding the unemployment rate among persons with psychosocial and intellectual disabilities is available.

Recognizing the need for fostering employment among persons with disabilities, a number of state employment programs were developed and implemented during the recent years (comprehensive details are provided in the State Report). However, all successful employment programs (salary compensation, workplace adaptation and vocational training) implemented by State Employment Service Agency (SESA) for persons with disabilities were unexpectedly suspended in January 2014. This was the result of change of definition of the term “uncompetitive groups” in the new RA Law on Employment adopted in 2013. Before adoption of the new legislation, persons with disabilities were automatically considered “uncompetitive” and were eligible to benefit from the above-mentioned SESA programs. According to the new law, however, whether or not a person is “uncompetitive” will be decided based on a number of criteria. This created additional undue hardships (additional documentation and lengthy bureaucratic processes) both for job-seekers with disabilities and potential employers, thus discouraging their participation in the state programs and ultimately leading to the failure of such programs. Additionally, the period of salary compensation has been reduced from 2 years to 6 months. The changes in the state programs were made without consultation with either DPOs or persons with disabilities.

An employment quota requiring employers with 100 and more employees to hire a certain proportion of persons with disabilities in their staff has been introduced for state (3% quota, starting from January 2015) and private employers (1% quota, starting from January 2016).

***Suggested Questions***

1. Please indicate how many persons with disabilities have been employed as a result of the establishment of the quota system to enhance their employment. Please also provide statistics, disaggregated by gender, age, type of impairment and region.
2. Please inform the Committee about specific actions undertaken by the Government to ensure employment of women with disabilities. Please provide comprehensive statistics on the employment of women and men with disabilities. Please also provide statistics on the employment of persons with psychosocial and intellectual disabilities and any specific actions aimed at fostering employment among these groups.
3. Please provide updated information on the result of the overall review of the system of state employment support for persons with disabilities. What was the effect of the changes in the State Employment programs? Please describe the involvement of persons with disabilities and their organizations in the planning and implementation of this review.
4. Please inform the Committee about measures undertaken in RA aimed at developing and implementing professional education for youth and adults with Autism aged 14 and older.
5. Please inform the Committee about measures undertaken in RA to ensure employment for youth and adults with Autism aged 14 and older. Please elaborate on the measures aimed at developing a resource base and workplaces for persons with Autism.

Participation in political and public life (Article 29)

The RA Government decision on determining a list of physical issues and diseases classified as handicaps for appointment to the pedagogical and administrative duties of a judge, prosecutor and civil servant in prosecution staff includes blindness, deafness, hearing loss, issues of the central nervous system, epilepsy and other limitations as handicaps.

Participation of persons with disabilities in political and public life is largely limited due to inaccessibility of decision-making structures and non-inclusiveness of political processes and policies. One important sphere of political life that persons with disabilities are systematically excluded from are the Electoral processes. Due to inaccessible voting locations and lack of relevant information (guides, press releases, campaign-related information, etc.) in accessible formats, voters with disabilities don't have access to Electoral processes on equal basis with others.

According to 2013 Monitoring of Presidential Elections implemented by Unison NGO, only 6% of polling stations in Yerevan were accessible for persons with disabilities. Compared to a similar survey implemented in 2003, a mere 4% improvement in accessibility was achieved[[10]](#footnote-10).

***Suggested Questions***

1. Please provide information on the measures taken to promote the participation of persons with disabilities in political processes. Please indicate the proportion of the current representation of the persons with disabilities in the National Assembly.
2. Please provide information on what kind of measures have been undertaken, including temporary special measures, to raise women’s (including women with psychosocial and intellectual disabilities, representative of other minority groups, rural women with disabilities) number at the decision making level in the public and private sectors?
3. Are the voting procedures, facilities and materials are appropriate, accessible and easy to understand for people with intellectual disabilities?
4. Are reasonable accommodations available to assist voters with disabilities in voting on their own and in secret in polling stations?
5. Please provide information on measures envisioned to revise the Electoral Code and to eliminate discriminatory provisions that restrict the right of persons with disabilities to vote, including those “declared by a court judgment as lacking active legal capacity”.

Participation in cultural life, recreation, leisure and sport (Article 30)

Cultural institutions are largely inaccessible for persons with disabilities. Even though many of them are newly constructed or subjected to major renovations, they remain inaccessible. Children’s cultural centers are not accessible to children with disabilities. In rural communities children with disabilities are excluded from cultural and sport events due to prevalent inaccessibility. The state does not initiate camp programs to organize leisure for children with disabilities with others. There are no easily accessible gyms, swimming pools, and other opportunities for persons with disabilities to engage in sports.

Persons with intellectual disabilities are not provided with vouchers for recreation camps unless they have other disabilities (in addition to intellectual disabilities). Additionally, there are no resorts/vacation homes accessible for persons with intellectual disabilities.

The participation of persons with disabilities in cultural, recreational and sports activities is fostered by DPOs through various art workshops, performance groups, cultural and sports events, etc. However, such activities are not systematically implemented or supported by the state and are subject to availability of funds raised by DPOs.

***Suggested Questions***

1. Please indicate whether legislation establishes the obligation for libraries, museums, cinemas, theatres, stadiums, tourism services and other recreational centres, including cultural materials and content, to be accessible to persons with disabilities. How many cultural facilities have been made accessible to all persons with disabilities after the ratification of the CRPD?
2. Please inform on mechanisms in place to ensure equal rights and opportunities for children with disabilities to participate in cultural and sports activities, as well as leisure and recreational opportunities, especially in regions and rural areas.
3. Please inform the Committee about any plans or strategies (including a timeline and budgetary allocations) aimed at fostering the participation of persons with disabilities in cultural life, recreation, leisure and sport by ensuring accessibility of relevant facilities and development and implementation of relevant programs. Please also provide information on consultation with and involvement of persons with disabilities and their organizations in the development and implementation of such plans and strategies.
4. Specific Obligations

Statistics and data collection (Article 31)

The ineffectiveness of data collection processes and methodologies utilized by the state to compile and communicate disability-related information is a key impediment to the fulfilment of the obligations of the State party under the Convention. The lack of up to date, reliable and detailed information is also a hindrance for DPOs and other organizations developing and implementing programs targeted at persons with disabilities. While some information (e.g. the number of persons with disabilities registered in the official registry) is updated on a regular basis, other key information is not gathered or made available. For example, while the official unemployment rate among persons with disabilities is 91%, no information is provided as to the unemployment rate of women, persons with intellectual and psychosocial disabilities, persons living in rural areas, youth with disabilities, etc.

***Suggested Questions***

1. Please provide information on measures, plans and timetables to improve the collection and dissemination of data at the national, regional and/or local levels, systematically disaggregated by disability, gender, age, geographic location and nationality on the situation of all persons with disabilities across all areas in order to enable the State party to fulfil its obligations under the Convention.
2. Please provide information on any planned or implemented reforms of the statistical data collection process and methodologies aimed at bringing these processes and methodologies in line with the provisions of the Convention. Please provide a timeline.

National implementation and monitoring (Article 33)

The state party doesn’t take productive measures to ensure implementatrion and monitoring of the convention. The Government has established a National Disability Commission (NDC) affiliated to the minister of labor and social issues. At same time the NDC has established its representations in 12 regions. However out of these 12 only to regional commissions invite meetings 3 times per year. In the actions directed to ensure the equal rights and opportunities for people with disabilities very limited number of disability organizations are involved and these organizations do not represent different groups of disability.

The organizations functioning outside the capital city are mainly left out from the development processes of various laws or strategies. This is mostly due to inaccessibility of information and communication. The state doesn’t ensure reasonable accommodations and opportunities for people with disabilities that could facilitate their active participation in the development, implementation and monitoring of state policies.

***Suggested Questions***

1. Please provide information on the budget for the state focal point and coordination mechanism, and how the participation of organizations of persons with disabilities in implementing and monitoring the Convention is ensured.
2. Please provide information on any consultation undertaken with persons with disabilities and their organizations during the process of designating the Human Rights Defender of the Republic of Armenia as the responsible body for monitoring on the implementation of provisions of the CRPD.
3. Are there special bodies in RA Ministries, besides the RA Ministry of Labour and Social Affairs, responsible for the implementation of the Convention in the frameworks of each ministry.
4. Please inform the Committee about the specific achievements of the National Disability Commission in the field of National Implementation and Monitoring of the Convention during its many years of operations.

1. Armenia State Party report to the Committee on the Rights of Persons with Disabilities, 2013 [↑](#footnote-ref-1)
2. Report on Online Media Monitoring, Unison NGO, 2015, retrieved from http://unison.am/upload/publications/unison\_monitoring\_report2015.pdf [↑](#footnote-ref-2)
3. Social Snapshot and Poverty in Armenia - Main Outcomes of 2014 Household Integrated Living Conditions Survey, World Bank

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4. Report on Accessibility of Courts, Administrative and Notary Buildings and Cultural Institutions, Unison NGO, 2014 [↑](#footnote-ref-4)
5. World Report 2015: Armenia – Human Rights Watch, retrieved from https://www.hrw.org/world-report/2015/country-chapters/armenia [↑](#footnote-ref-5)
6. [↑](#footnote-ref-6)
7. Survey on the Accessibility and Inclusiveness of Higher Education Institutions for Persons with Disabilities in Armenia, 2014 [↑](#footnote-ref-7)
8. Retrieved from http://disabilityarmenia.am/am/10/free.html [↑](#footnote-ref-8)
9. National Statistical Service of the Republic of Armenia, http://www.armstat.am/en/?id=08010&nid=126 [↑](#footnote-ref-9)
10. Report on Monitoring and Observation of Presidential Elections, Unison NGO, 2013 [↑](#footnote-ref-10)