



**Convention on the Rights
of Persons with Disabilities**

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**Consideration of reports submitted by
parties to the Convention under article 35**

List of issues in relation to the initial report of Armenia

Addendum

Replies of Armenia to the list of issues*

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A. Purpose and General obligations (Art. 1-4)

Reply to the issues raised in paragraph 1 of the list of issues (CRPD/C/ARM/Q/1)

1. Armenia can address the issue of ratification of the Optional Protocol to the Convention on the Rights of Persons with disabilities when legislation on equal opportunities for disabled persons will be fully developed and relevant measures implemented.

Reply to the issues raised in paragraph 2 of the list of issues

2. With the purpose of bringing the legislation of the Republic of Armenia in conformity with the provisions of the UN Convention on the Rights of Persons with Disabilities a number of legal acts were adopted aimed at protecting the rights of persons with disabilities, creating equal and accessible conditions for them.

3. In particular, the Draft Law of the Republic of Armenia “*On the protection of the rights of persons with disabilities and social inclusion thereof*” (hereinafter referred to as “*the Draft Law*”) was elaborated, which regulates legal relations pertaining to the definition of disability, social, medical and professional rehabilitation of persons with disabilities, ensuring accessible environment for persons with disabilities, and the minimum social, legal and economic guarantees necessary for their education, employment activities, health maintenance, as well as equal participation in public life together with everyone. Provisions and approaches in the Draft Law, regulating the field of disability, stem from the main principles of the Convention. It ensures legal grounds for the transition to a social model of defining disability.

4. The Protocol Decision of the Government of the Republic of Armenia No 1 “On approving the Concept Paper on introducing the comprehensive personality assessment model of defining disability based on the principles of International Classification of Functioning of the World Health Organisation (hereinafter referred to as “WHO ICF”) and the timetable of measures ensuring the implementation of the Concept Paper” approved on 9 January 2014, provides for revision of the standards for defining disability and introduction of a new model based on comprehensive needs and capacity assessment of a person. The mechanisms for defining the disability status will be aimed at promoting the rehabilitation potential and employment activities of a person, providing social services equivalent to the individual capacities and needs thereof, ensuring his or her full participation, activities and social inclusion in the society. The experimental application of the new model in respect of persons having applied for medical and social examination for the first time is expected to start from 2017. Individual rehabilitation programme of a person with disabilities shall play a key role in this process, where the medical, social and professional rehabilitation of a person shall be carried out in accordance therewith.

5. With the purpose of effective arrangement of measures aimed at the rehabilitation of persons with disabilities, strengthening the inter-sectoral cooperation and improving the targeting of services rendered to persons with disabilities, Decision of the Government of the Republic of Armenia No 1535-N “On approving the procedure for drawing up and implementing individual rehabilitation programmes for persons with disabilities” was approved on 24 December 2015.

6. With the purpose of ensuring the publicity and transparency of the medical and social examination, as well as raising the level of objectivity of decisions taken as a result thereof and raising the confidence therein, the procedures for participation of representatives of non-governmental organisations dealing with issues related to persons with disabilities, as well as those for involving, as a representative, the physicians in charge

or other medical specialists selected by the persons undergoing an examination in expert examinations conducted by medical and social examination commissions were enshrined by the decisions of the Government of the Republic of Armenia.

7. The Law of the Republic of Armenia “*On making supplements and amendments to the Law of the Republic of Armenia on general education*”, adopted on 1 December 2014, envisages a transition under the system of general education to common inclusive education. Pursuant to the provisions of the Law, the system of inclusive education shall be introduced in all general education schools of the Republic of Armenia and special schools will be reorganised into pedagogical and psychological assistance centres by 2025.

8. The Draft Law of the Republic of Armenia “*On making an amendment to the Law of the Republic of Armenia ‘On psychiatric aid’*” has also been elaborated. Relations pertaining to persons with mental disorders were comprehensively regulated by the Draft.

9. The Draft provides for mechanisms aimed at improving mental health maintenance of the population, protection of the rights of persons with mental disorders and clarifies the legal regulations of the processes of rendering psychiatric aid. In particular, the Draft Law enshrines the rights of persons with mental disorders irrespective of their whereabouts, established the procedure for carrying out forensic psychiatric examination by prescribing certain time limits for carrying out examinations, provided for forensic psychiatric examinations to be carried out in a commission-based format, prescribed certain time limits for issuing mandatory opinion by a doctor on the health condition of persons subjected to non-voluntary, as well as coercive treatment for the purpose of ensuring their legal protection, provided for mechanisms for the protection of information on the fact of applying to a clinical psychiatrist or psychiatric establishment by a person with mental disorders, on his or her health condition, information revealed during examination, diagnosis and treatment — constituting medical secrecy.

10. It should be noted that key issues related to persons with mental disorders are also included in the “*List of measures ensuring the implementation of the 2014-2019 Strategy on maintenance and improvement of mental health in the Republic of Armenia*”, approved by the Protocol Decision of the Government of the Republic of Armenia of 17 April 2014.

11. The Draft Protocol Decision of the Government of the Republic of Armenia “*On approving the 2017-2021 Complex Programme on Social Inclusion of Persons with Disabilities and List of Measures Ensuring the Implementation of the Programme*” was elaborated and submitted to the Government of the Republic of Armenia, which enshrines the strategy of the field of disability for the upcoming five years; main directions, target indicators and measures aimed at the social inclusion of persons with disabilities, as well as clear time limits for the implementation thereof. Moreover, under the Complex Programme, along with measures on adaptation of environment, those ensuring equality and exclusion of discrimination, clear measures were prescribed aimed at bringing the national legislation in conformity with the requirements of the UN Convention on the Rights of Persons with Disabilities, elaborating and implementing measures ensuring social inclusion of persons with disabilities in the development programmes of all fields, the time limit of implementation whereof was defined 2021.

Reply to the issues raised in paragraph 3 of the list of issues

12. The Draft Law of the Republic of Armenia “*On the protection of the rights of persons with disabilities and social inclusion thereof*” was considered and approved at the sitting of the Government of the Republic of Armenia of 3 November 2016 and submitted, in a prescribed manner, to the National Assembly of the Republic of Armenia on 11 November 2016.

13. Among other regulations, Chapter 7 of the Draft prescribes target directions ensuring accessible conditions and equal opportunities for the protection of the rights of persons with disabilities and social inclusion thereof, which generally stem from the provisions of the Convention. They are as follows:

- (1) accessibility/availability/;
- (2) medical aid and services;
- (3) education;
- (4) employment;
- (5) social protection and other social interests;
- (6) freedom of personal and family life;
- (7) culture;
- (8) arrangement of leisure and sport.

14. Provisions were prescribed for each direction in order to reach social inclusion. Moreover, these norms include both the legal framework and practical measures, including the elaboration of the requirements, standards and rules, universal design requirements and criteria ensuring the access of physical environment, elaboration of requirements, standards and rules ensuring the access of information and communication with the involvement of organisations engaged in key issues related to persons with disabilities.

Reply to the issues raised in paragraph 4 of the list of issues

15. The Ministry of Labour and Social Affairs of the Republic of Armenia closely cooperates with non-governmental organisations dealing with issues related to persons with disabilities. At the stage of elaboration of the legislation and strategies of the field of disability, the drafts are mandatorily submitted for the delivery of the opinion of non-governmental organisations dealing with issues related to persons with disabilities, or the representatives of non-governmental organisations are involved in the activities starting from the stage of elaboration.

16. Representatives of state administration bodies and non-governmental organisations dealing with issues related to persons with disabilities are involved, under the right to equal participation, in the composition of the National Commission of Persons with Disabilities, approved by the Decision of the Government of the Republic of Armenia No 98-N of 25 February 2008. Pursuant to this Decision, one of the functions of the Commission is as follows: “Considers the draft regulatory legal acts covering the relations in respect of ensuring equal rights and equal opportunities for persons with disabilities and renders an opinion thereon”.

17. Draft legal acts, strategies, annual programmes of the field of disability, problems related to persons with disabilities are discussed at the sittings of the Commission. Decisions are rendered, relevant assignments are issued, recommendations are submitted as a result of interactive discussions. The sittings are highlighted by the mass media.

Reply to the issues raised in paragraph 5 of the list of issues

18. The Draft Protocol Decision of the Government of the Republic of Armenia “*On approving The 2017-2021 Complex Programme on Social Inclusion of Persons with Disabilities and List of Measures Ensuring the Implementation of the Programme*” envisages organisation of programmes, measures, services aimed at social inclusion of persons with disabilities, as well as courses, trainings, conferences on the key issues concerning persons with disabilities and on reforms carried out, which are planned to be

implemented during 2017-2021 with a view of raising the awareness of the staff dealing with persons with disabilities on the rights enshrined by the Convention, the policy implemented in relevant field and key issues concerning persons with disabilities.

B. Specific rights

Equality and non-discrimination (art. 5)

Reply to the issues raised in paragraph 6 of the list of issues

19. The objective of the Law of the Republic of Armenia “*On ensuring equal rights and equal opportunities for women and men*” is to ensure gender equality in all fields of public life, provide legal protection to women and men from gender discrimination, assist the formation of civil society and establish democratic relations in the society.

20. The Law does not separate persons with disabilities from other social groups, nevertheless Article 6 of the Law prohibits any manifestation of direct and indirect gender discrimination in all fields of public life.

Reply to the issues raised in paragraph 7 of the list of issues

21. A separate law providing for elimination of discrimination on the grounds of disability yet has not been adopted in Armenia. Nevertheless provisions excluding discrimination are prescribed both by the Constitution of the Republic of Armenia, and the Draft Law of the Republic of Armenia “*On the protection of the rights of persons with disabilities and social inclusion thereof*” which was approved at the sitting of the Government of the Republic of Armenia on 3 November of the current year. Point 20 of Article 3 of the Draft Law provides for the definition of the concept of “discrimination” as follows: “discrimination means any distinction, exclusion or restriction on the ground of disability (including the rejection of providing reasonable adjustments) having its aim or result of displaying less favourable treatment in political, economic, social cultural or any other field or prohibiting or denying the recognition and/or exercise, on equal grounds with others, of any right prescribed by law, except where such distinction, exclusion or restriction is objectively justified by the legitimate objective pursued and the means applied to attain this objective are proportionate, appropriate and necessary”.

22. Pursuant to point 2 of Article 30 of the Law of the Republic of Armenia “*On the protection of the rights of persons with disabilities and social inclusion thereof*” “The State shall ensure the protection of fundamental rights and freedoms of persons with disabilities and assist in complete implementation thereof without any discrimination on the ground of disability, in compliance with the principles and norms of international law”.

Women with disabilities (art. 6)

Reply to the issues raised in paragraph 8 of the list of issues

23. The “*2011-2015 Strategic Action Plan to Combat Gender-Based Violence*” didn’t envisage specific measures to protect women and girls with disabilities from gender-based violence. However, such measures shall be taken into account in the next Strategic Action Plan, the elaboration activities whereof have been already launched.

Reply to the issues raised in paragraph 9 of the list of issues

24. The “2011-2015 Strategic Programme for Gender Policy”, adopted by the Protocol Decision of the Government of the Republic of Armenia No 19 of 20 May 2011, envisaged a number of measures aimed at combating gender-based discrimination. For that purpose, particularly cases of gender-based discrimination in labour market were examined, assessment of gender situation of women and men in the social and economic fields and identification of differences between their statuses was carried out. Further steps, aimed at overcoming gender-based inequality, decreasing the manifestations of gender-based discrimination, including those displayed towards persons with disabilities, shall be taken into account in the “2017-2021 Strategic Programme for Gender Policy”, the elaboration activities whereof have been already launched.

25. A number of measures in the fields of education and territorial administration under the above-mentioned 2011-2015 Strategy related to gender-based problems faced by persons with disabilities. Such measures are, for example, the identification of different needs of women and men and ensuring equal conditions, organisation of inclusive education in the process of setting up state reserve stocks and during allocation of humanitarian aid in post-disaster period.

Children with disabilities (art. 7)**Reply to the issues raised in paragraph 10 of the list of issues**

26. Over the past years, policy in the field of protection of the rights of children has been directed at ensuring the right of a child to live in family through deinstitutionalisation in establishments providing child care and protection, prevention of the access of children to these establishments, introduction of a network for alternative care services; particularly for the purpose of improving the quality and transparency of early intervention, rehabilitation, social protection and basic educational services for children with disabilities, including those in need of intensive care in order to prevent their seclusion at home, *Arabkir United Children’s Charity Foundation NGO* carries out within the delegated powers — through 18 employees of “Inclusive Kindergarten No 92” of Malatia Sebastia Administrative District of Yerevan — the intervention for children facing difficult life situations, including intervention for children aged up to 6 years with severe intellectual and physical disorders, particularly the development of self-service and communication skills, integration and improvement of life quality, alleviation of social and psychological problems of families having children with severe intellectual and physical disorders. The beneficiaries of the day-care centre founded by the organisation are 24 children with severe intellectual and physical disorders. The measure is implemented through co-financing by the Ministry of Labour and Social Affairs of the Republic of Armenia.

27. The purpose of the activities of “*Child and Family Assistance Centre*” *SNCO*, founded by the Decision of the Government of the Republic of Armenia No-831-N of 11 August 2016, is to prevent families with children, falling within the service area of the organisation, from facing difficult life situations and/or take them out of a difficult life situation through the provision of social and psychological services, social and pedagogical services as well as social and legal services, to arrange other measures aimed at the provision of social and psychological aid, legal consultation, educational and upbringing services, professional orientation to and social inclusion of children aged 3-18 who face difficult life situations, to provide therapy, occupational therapy (therapy with correctional trainings) through art.

28. The Concept Paper on Improvement of the Procedure for Placing Children Facing Difficult Life Situations Under Foster Care which defines also the types of foster families

(specialised, critical, holiday and general) was approved by the Protocol Decision of the sitting of the Government of the Republic of Armenia of 10 March 2016 aimed at increasing the effectiveness of the process of introduction of foster families, organising also the care of children with disabilities in foster families.

29. Since 2017, “*Prkutyun [Rescue]*” NGO with co-financing by the Ministry of Labour and Social Affairs of the Republic of Armenia has been providing social and rehabilitation services to adolescents and young people with intellectual disabilities, thus promoting the organisation of their daily routine and development of mental abilities, as well as self-sufficiency. The day-care centre is attended by 48-50 adolescents and young people with intellectual impairments, from various communities of Yerevan.

30. Since 2016, the Ministry of Labour and Social Affairs of the Republic of Armenia has also been co-financing “*Full Life*” NGO for the purpose of providing social and psychological assistance in the day-care centre to children and young people with disabilities of *Stepanavan* and *Tashir* regions of *Lori Marz*. The Centre provides services to over 160 beneficiaries from the towns of *Stepanavan* and *Tashir* and adjacent villages, 60 beneficiaries out of which — on average per month, permanently attend clubs operating within the Centre. The aim of the activities carried out in the Centre is to ensure the right of children and young people with disabilities to live in the community, transfer knowledge equivalent to their capacities, develop independent and autonomous living capacities, help them fulfil, to a maximum extent, the capacities, skills and possibilities.

31. The above-mentioned services prevent seclusion at home on the part of children with disabilities, strongly promote the development of their skills, improvement of the quality of basic educational services and their integration, to a possible extent, into social life.

Reply to the issues raised in paragraph 11 of the list of issues

32. Within the system of the Ministry of Labour and Social Affairs of the Republic of Armenia six 24-hour child care establishments for social protection of the population (orphanages) operate, three out of which are of general type and three — of special type (specialised):

33. The special establishments are designed for twenty-four hour care of children with strongly limited abilities, i.e. organic and functional disorders of the central nervous system, congenital and acquired physical and intellectual impairments.

34. Though the number of children under care in general establishments for social protection of the population continues to decrease, in specialised establishments it does not generally decrease due to continuous referral from medical establishments of newborns with health problems, as well as due to almost impossibility for children with disabilities to return to biological families, to be adopted or placed in a foster family. Over the past three years, 181 children, including 97 children with health problems, have been referred from maternity hospitals to orphanages.

35. In order to promote the process of securing the right of a child to live in a family, developing services of alternative care for children with disabilities and deinstitutionalisation in specialised orphanages and preventing the access to these establishments, it is necessary to create new centres, reinforce the system for the introduction of alternative services, which will ensure harmonious development of children with disabilities living in biological families and facing difficult life situations, provision of high-quality multidisciplinary services thereto and to their families, thus promoting the strengthening of the capacities of children, development of skills, full participation and integration in community life. As regards this process, a reorganisation of the 24-hour child care establishments (orphanages and boarding care establishments) of the system into social

centres is expected, which will provide multifunctional services to children with disabilities and the families thereof, giving an opportunity to prevent the access of children to 24-hour care establishments.

36. Attaching importance to the above-mentioned, the Government of the Republic of Armenia approved, upon the Protocol Decision No 18 of the sitting of 12 May 2016, the Concept Paper on Developing the System of Alternative Care Services for Children Facing Difficult Life Situations in the Republic of Armenia, which defines the main principles and directions for developing the system of alternative care services for children facing difficult life situations in the Republic of Armenia, as well as outlines the necessity of new types of services. “Yerevan Children’s Care and Protection Boarding Establishment No 2” SNCO has been reorganised into “Child and Family Assistance Centre” SNCO by the Decision of the Government of the Republic of Armenia No 831-N of 11 August 2016.

37. Within the system of the Ministry of Labour and Social Affairs of the Republic of Armenia Yerevan “Zatik” Child Assistance Centre, social care centres, “Child and Family Assistance Centre”, 4 centres of “Bridge of Hope” NGO in towns of *Dilijan*, *Ijevan*, *Berd* and *Noyemberyan* — co-financed by the State Budget of the Republic of Armenia, Arabkir United Children’s Charity Foundation NGO’s “Inclusive Kindergarten No 92” of *Malatia-Sebastia* Administrative District of Yerevan, as well as other day centres established by other international or non-governmental organisations within the framework of co-operation with the Ministry provide services to children with special needs, disabilities, social and psychological as well as other problems, particularly carry out early intervention for children facing difficult life situations, including children with severe intellectual and physical disorders, in particular — development of self-service and communication skills, integration and improvement of life quality, alleviation of social and psychological problems of families having children with severe intellectual and physical disorders.

Reply to the issues raised in paragraph 12 of the list of issues

38. (See paragraph 25)

Accessibility (art. 9)

Reply to the issues raised in paragraph 13 of the list of issues

39. The requirement for ensuring accessible physical environment, transport and information for persons with disabilities is enshrined in Chapter 5 of the Law of the Republic of Armenia “*On social protection of persons with disabilities*”.

40. Article 16 of the Law of the Republic of Armenia “*On urban development*” defines that norms ensuring accessibility of mobility for persons with disabilities and other norms must be mandatorily enshrined in regulatory and technical documents on urban development, which will serve as a ground for resolving issues related to expert examination in urban development, supervision over urban development activities, disputable issues. The above-mentioned arrangements included in regulatory and technical documents are mandatory for the entities of urban development activities.

41. In order to ensure the accessibility of mobility for persons with disabilities and other required norms, the document entitled Construction Specifications IV of the Republic of Armenia of 11 July 2006 (MSN 3.02-05-2003) on construction norms ensuring access of persons with disabilities to buildings and premises has been elaborated and is in effect.

42. Inspections in all the *marzpetarans* [regional governor’s offices] of the Republic of Armenia, as well as, where necessary, in a number of urban communities of marzes are carried out.

43. A number of activities are carried out in Yerevan and marzes of the Republic of Armenia aimed at ensuring accessibility of urban (physical) environment.
44. Ramps are being constructed, pavements and ramps are equipped with warning systems for persons with visual impairments.
45. For the purpose of ensuring accessibility of transport and road traffic, each year 5-10 buses are adapted by Yerevan Municipality. Free of charge parking lots for persons with mobility impairments are separated in paid parking places existing in Yerevan.

Situations of risk and humanitarian emergencies (art. 11)

Reply to the issues raised in paragraph 14 of the list of issues

46. A relevant “adp11sos” software package operating throughout the country both in urban and rural settlements has been set up within 911 service. Persons, including those with disabilities, who download this programme on their phone may receive, via messages, any warning announced with regard to emergency situations.
47. Meanwhile, measures aimed at the protection of the population and civil protection for persons with disabilities in emergency situations, including the introduction of special signals in the alarm system of emergency situations of the Republic of Armenia for persons with hearing and visual impairments, trainings aimed at raising the awareness of persons with disabilities, planning to ensure protection and increasing security are provided for by the Draft Protocol Decision of the Government of the Republic of Armenia *“On approving the 2017-2021 Complex Programme on Social Inclusion of Persons with Disabilities and List of Measures Ensuring the Implementation of the Programme”*.

Equal recognition before the law (art. 12)

Reply to the issues raised in paragraph 15 of the list of issues

48. The clarification of the grounds for declaring a person with mental and/or intellectual impairments as lacking active legal capacity and elaboration of differentiated criteria for assessing the lack of active legal capacity are provided for by point 70 of the Decision of the Government of the Republic of Armenia No 303-N of 27 February 2014 *“On approving the Action Plan stemming from the National Strategy for the Protection of Human Rights”*. The relevant recommendations submitted by the Committee within the scope of implementation of the above-mentioned point shall also be taken into consideration.

Reply to the issues raised in paragraph 16 of the list of issues

49. Article 7 of the Civil Procedure Code of the Republic of Armenia, entitled *“Language of proceedings”*, provides for norms merely related to the selection of the language — Armenian or, in case Armenian is incomprehensible language, a possibility to select another language where translation services of an interpreter are provided, however it does not contain any norm related to the cases where one of the parties acting in court has functional hearing or speech disorder.
50. The new Draft Civil Procedure Code, which offers to supplement the given Article and increase possibilities for persons with special needs that participate in the proceedings, has been elaborated by the Ministry of Justice of the Republic of Armenia and currently undergoes discussions. In particular, point 5 of Article 13 of the Draft defines: *“The possibility of getting familiarised with the materials of the case, exercising other rights*

provided for by this Code and bearing obligations — by means of a sign language interpreter — shall be ensured for persons with special needs in accordance with the provisions of this Article.”

51. Point 6 of Article 13 of the Draft defines the rights of persons with visual impairments that participate in the proceedings, by prescribing as follows: “6. *Access to judicial acts shall be ensured for blind and persons with low vision by means available thereto in accordance with provisions of this Article.*”

Access to justice (art. 13)

Reply to the issues raised in paragraph 17 of the list of issues

52. When making decisions with regard to persons with disabilities, especially persons with mental and intellectual disabilities, the necessity of assistance measures must be recognised by law.

53. According to the Civil Code of the Republic of Armenia, a person may be declared as having no active legal capacity, where as a result of mental disorder he or she is unable to realize the significance of his or her actions or control them. Within the scope of this legislative provision the term “mental disorder” comprises both mental and intellectual illnesses, including intellectual and/or mental disabilities.

54. The new Civil Procedure Code of the Republic of Armenia thoroughly regulates the rights of citizens declared as lacking active legal capacity. The Draft introduces more thoroughly the possibility of restoration of his or her former state of active legal capacity by a citizen having been declared as lacking active legal capacity. In particular, part 1 of Article 221 of the Code, entitled “*Declaring a citizen — declared as lacking active legal capacity — as having active legal capacity and lifting the restriction imposed on active legal capacity thereof*” envisages that:

“1. In the cases provided for by the Civil Code of the Republic of Armenia, the court shall, upon the application of the guardian, family member, administration of the psychiatric establishment or the citizen declared as having no active legal capacity, based on the opinion of the forensic psychiatric examination, deliver a civil judgment on declaring the citizen as having active legal capacity. Based on the final judicial act of the court, the guardianship imposed on the citizen shall be lifted.”.

55. Having regard to international experience, it is important to refer to the Recommendation No R(99)4 of the Committee of Ministers of the Council of Europe “On Principles Concerning the Legal Protection of Incapable Adults” adopted at the 660th session on 23 February 1999. Principle 13 of the Recommendation on the “Right to be heard in person” prescribes as follows: “The person concerned should have the right to be heard in person in any proceedings which could affect his or her legal capacity.” It may be assumed from the foregoing that the Code was drawn up in the light of the international experience applicable in the field of human rights. Thus, the problems of persons declared as having no active legal capacity have also been considered.

56. Adoption of the new Civil Procedure Code will add the list of measures aimed at promoting the right to a fair trial and full and equal access to justice for persons with disabilities.

57. Article 21 of the Draft Law of the Republic of Armenia “*On amending the Law of the Republic of Armenia ‘On psychiatric aid’*” defines the types of forensic psychiatric examination and the peculiarities of carrying out such examination and clearly sets out the

time limits for providing the opinion on forensic psychiatric examination and expert opinion that also secures the right of a person to fair trial.

Liberty and Security of Person (art. 14)

Reply to the issues raised in paragraph 18 of the list of issues

58. Point 6 of part 1 of Article 27 of the Constitution of the Republic of Armenia provides that everyone shall have the right to personal liberty. No one may be deprived of personal liberty otherwise than in the following cases and under the procedure prescribed by law for the purpose of preventing the spread of infectious diseases dangerous for the public, as well as the danger posed by persons suffering from mental disorder, alcohol addicts or drug addicts. With a view of preventing the danger posed by persons suffering from mental disorder, the Draft Law of the Republic of Armenia “*On amending the Law of the Republic of Armenia ‘On psychiatric aid’*” provides for involuntary hospitalisation or compulsory treatment which is carried out through civil procedure.

59. In addition to all mentioned above, the Draft also provides for compulsory treatment and supervision (carried out through criminal procedure). The mentioned two procedures are carried out only upon the decision of the court.

60. The Draft clearly sets out the grounds for involuntary hospitalisation and even more distinctively regulates this procedure by defining the extent of the psychiatric medical aid and medical service provided to the person suffering from mental disorder prior to the court decision. In particular, in case of involuntary hospitalisation or compulsory treatment, within 72 hours following the hospitalisation:

- (1) the person suffering from mental disorder shall be mandatorily examined by the psychiatric commission;
- (2) where the professional justification for involuntary hospitalisation is approved by the opinion of the psychiatric commission, the executive body of the psychiatric organisation shall, in case of non- receipt of the written consent of the person suffering from mental disorder to be provided with psychiatric treatment and medical service, apply to court for subjecting the person to involuntary inpatient treatment as prescribed by the Civil Procedure Code of the Republic of Armenia.

61. The Draft provides that prior to the entry into legal force of the civil judgment on subjecting to treatment by way of involuntary hospitalisation, only immediate and emergency psychiatric aid and service shall be provided, within the psychiatric organisation, to the person suffering from mental disorder without his or her consent.

62. The psychiatrist providing involuntary inpatient treatment shall, at least once a month, submit a written expert opinion on the condition of the person suffering from mental disorder to the psychiatric commission of the psychiatric organisation for the purpose of deciding on continuing or terminating the involuntary treatment of the person. The psychiatric commission shall, within five working days upon receiving the expert opinion, examine it and deliver an opinion on continuing or terminating the involuntary treatment. The duration of involuntary treatment may not exceed six months. Where after six months the grounds for involuntary treatment prescribed by Article 1 have not been eliminated on the part of the person suffering from mental disorder, at least fifteen working days prior to the expiry of the time period of six months the executive body of the psychiatric organisation shall lodge an application to the court on extending the time period of involuntary treatment. These requirements shall also extend to the cases of further extension of the period of involuntary treatment (Article 20).

63. The time limits of and procedure for carrying out the procedures of compulsory treatment and supervision have also been clearly defined. In particular, it has been provided that for the purpose of compulsory inpatient supervision and treatment the frequency of visits to the person suffering from mental disorder in the psychiatric organisation shall be determined by the psychiatrist not less than once a month based on the condition of the person suffering from mental disorder. The psychiatrist providing compulsory outpatient supervision or treatment or inpatient treatment shall, at least once in six months, submit a written expert opinion on the condition of the person suffering from mental disorder to the psychiatric commission of the psychiatric organisation for the purpose of deciding on continuing or altering or terminating the application of medical coercive measures against the person. Where the psychiatric commission delivers an opinion on altering or terminating the medical coercive measures, the executive body of the given psychiatric organisation shall, within ten working days, by attaching the opinion of the psychiatric commission, file a motion with the court on altering or terminating the medical coercive measures.

64. In case of altering or terminating the coercive measure, the executive body of the given psychiatric organisation shall, within a period of two days, notify in writing thereof the territorial division of the Police adjunct to the Government of the Republic of Armenia operating in the place of residence of the given person (Article 22).

65. The Draft sets out the rights of persons suffering from mental disorder (Article 5) whereas the Annex to the Draft sets out the procedures for the exercise of the rights of persons suffering from mental disorder who receive medical treatment and medical service in the psychiatric organisation.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Reply to the issues raised in paragraph 19 of the list of issues

66. The procedure referred to in this point is regulated by the Order of the Minister of Health of the Republic of Armenia No 2636-A of 23 August 2016 *“On repealing the Order of the Minister of Health No 691-A of 3 May 2010 and on approving the procedure for applying measures of physical restraint, measures of isolation and methods for calming down against persons suffering from mental disorder in organisations providing psychiatric medical treatment and medical service”*.

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

Reply to the issues raised in paragraph 20 of the list of issues

67. In December 2014, the Law of the Republic of Armenia *“On trafficking in human beings and identification of and assistance to the victims of exploitation”* was adopted due to which a number of new concepts came into application, including the concept of *“victim of special category”*. This relates to children and persons suffering from mental disorder. The Law guarantees the protection of these persons and ensures the mechanisms of their application through assistance and protection measures.

Living independently and being included in the community (art. 19)

Reply to the issues raised in paragraph 21 of the list of issues

68. The Government of the Republic of Armenia attaches importance to delivery, at day centres, of care and alternative social services to socially vulnerable groups, including persons with disabilities, thus promoting their social inclusion, to the arrangement of the issue of employment of their family members, as well as alleviation of the social burden on their families.

69. Year after year the Government of the Republic of Armenia expands the framework of assistance of the activities of such centres. State assistance is provided to “*Prkutyun [Rescue]*”, “*Bridge of Hope*”, “*Full life*” and “*Mission Armenia*” NGOs, and starting from 2017, state assistance will be provided to “*My way*” social rehabilitation day centre for the purpose of providing at day centres social and rehabilitation services, as well as other services aimed at promoting social inclusion, to persons with disabilities.

Reply to the issues raised in paragraph 22 of the list of issues

70. No information may be provided in respect of persons with disabilities suffering from mental and psychiatric impairments and having been transferred to the relevant community service centres from medical establishments in order to receive community services. Yet it should be noted that state and non-state organisations are operating in the Republic where these persons receive twenty-four-hour or day care and are provided with rehabilitation and other services. In particular, 450 persons suffering from mental and psychiatric impairments receive treatment in the neuropsychiatric residential care home in Vardenis. Treatment is delivered to 8 persons at Spitak mental health care home, to 120 persons at “*Dzorak*” Care Centre designed for persons with mental health problems and to 14 persons at “*Friends of Warm Hearth*” group care home. Services are provided to 30 persons (at the expense of State Budget) at the day centre attached to the neuropsychiatric residential care home in Vardenis, and services are provided to 50 persons (by way of co-financing) at the day centre of “*Prkutyun*” non-governmental organisation designed for persons with mental impairments.

71. In the mentioned organisations, persons with psychiatric and mental health problems receive food, primary medical aid and medical service, social and psychological aid, legal advice, services of providing prosthetic and orthopaedic and rehabilitation appliances and other services, as well as activities of organising leisure and occupational therapy are carried out therein.

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

Reply to the issues raised in paragraph 23 of the list of issues

72. Point 5 of Article 7 of the Law of the Republic of Armenia “*On freedom of information*” prescribes that “*information shall be published in a manner accessible to the public and also on the website of the information holder, if available*”, and Article 12 prescribes that “*In the field of ensuring freedom of information, the information holder shall be obliged to ensure, as prescribed by law, (1) the accessibility and publicity of information*”.

73. Article 2 of the Law of the Republic of Armenia “*On language*” prescribes that “*The teaching and upbringing of the deaf in the Republic of Armenia is carried out in the Armenian sign language*”.

74. Article 33 of the Draft Law of the Republic of Armenia “*On the protection of the rights of persons with disabilities and social inclusion thereof*” sets out a number of provisions for ensuring the accessibility of information:

75. Point 2. “*Sign language shall be regarded by the State as a means of communication and means of providing teaching and translation services. The Public Television and Radio Company and the private television companies operating in the Republic of Armenia that broadcast also children’s and/or news programmes on television shall be obliged to ensure in their programmes the accessibility of possible information for persons with disabilities suffering from hearing disorder, to broadcast, during the day airtime, at least one children’s and one news programme on television with sign language interpretation or with Armenian subtitles.*”

76. Point 3. “*For the persons with disabilities suffering from hearing disorder (including those having lost sight at an older age), the state shall guarantee the teaching of the Braille system and teaching based on the Braille system (where necessary, additional teaching) and shall ensure the use of large fonts.*”

Respect for privacy (art. 22)

Reply to the issues raised in paragraph 24 of the list of issues

77. In the Draft Law of the Republic of Armenia “*On amending the Law of the Republic of Armenia ‘On psychiatric aid’*” a whole chapter (Chapter 4) is devoted to the transfer of information on persons suffering from mental disorders, as well as to the requirements and objectives set for the maintenance of a database on these persons. In particular, having regard to the fact of applying to a psychiatrist or psychiatric institution by persons suffering from mental disorder, the importance of keeping the confidentiality of data constituting medical secrecy revealed as a result of examination, diagnosis and treatment of the health condition of the person the Draft sets out provisions pertaining to the protection of data constituting medical secrecy, the requirements of disclosing them to other persons, the objectives of maintaining the databases, the content thereof and the time period of storage of the data contained in the databases etc., by bringing them in line the Law of the Republic of Armenia “*On the protection of personal data*”.

78. It is provided that those processing data constituting medical secrecy are obliged to maintain the data constituting medical secrecy which they have become known of during the performance of their service or official duties. Furthermore, processing of data constituting medical secrecy in violation of law shall entail liability provided for by law.

Education (art. 24)

Reply to the issues raised in paragraph 25 of the list of issues

79. The Law of the Republic of Armenia “*On education*” enshrines that “*the education of children in need of special conditions for education may be provided upon the choice of parents both at common schools of general education and special schools through special programmes*”. This provision enshrined a policy to the effect that by ensuring special conditions for education of a child in need of special conditions for education his or her education must be ensured also at secondary schools jointly with his or her peers. This policy is based on the child-oriented pedagogy, which presupposes assessment of the personal needs of each child and encouragement of active participation of the child in the process of education; if necessary, an individual instruction plan is developed for the child. In the Republic of Armenia, the number of schools implementing inclusive education is

expanding year after year. This is evidenced by the following data: where, during the 2008-2009 academic year, 5 247 children studied at 34 special schools operating in the Republic, currently around 2 200 children study at 22 special schools operating therein. The downward trend in the enrolment of pupils in special schools means that the number of children enrolled in special schools has decreased by almost 60%, and children in need of special conditions for education have been referred to schools of general education, being enrolled in the system of inclusive education. During the 2015-2016 academic year, 4 706 children in need of special conditions for education have been studying at 203 schools of general education implementing inclusive education.

80. On 1 December 2014, the National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia “*On making supplements and amendments to the Law of the Republic of Armenia ‘On general education’*” (HO-200-N), which provides for a transition in the system of general education to universal inclusive education by 2025. Pursuant to the Law, inclusive education shall be deemed as ensuring the maximum participation in the educational process as well as the expected result prescribed by the state criterion for general education for each child, including those in need of special conditions for education, through ensuring necessary conditions and an adapted environment in line with the peculiarities of development.

81. A three-level system for addressing the educational needs of the child will be applied. As a result of implementation of the Law, children in need of special conditions for education shall receive pedagogical and psychological assistance at 3 levels: at schools of general education, territorial and republican pedagogical and psychological assistance centres.

82. By 1 August 2022:

(1) At least one special educational institution of general education operating in each marz of the Republic of Armenia, and at least four — in the city of Yerevan, shall be reorganised into territorial pedagogical and psychological assistance centres.

(2) Positions of assistant of a teacher will be introduced in state general education institutions of the Republic of Armenia.

(3) By 1 August 2025, the universal inclusive education system will be introduced, pursuant to the Action Plan and Timetable approved by the Government of the Republic of Armenia. The newly-formed system will provide an opportunity to organise the education and upbringing of children with special educational needs without separating the child from the family, by ensuring his or her comprehensive social development and integrating him or her into the educational institution of general education.

83. As a result of the policy implemented in the field concerned, the opportunities of receiving high quality education by children in need of special conditions for education are expected to be expanded, by creating an inclusive education system at all schools of general education.

84. Trainings of pedagogues are implemented aimed at the development of inclusive education, as well as transition to the universal inclusive education system by 2025. As of 2016, around 5 300 pedagogues have undergone training on “*Inclusive Education*”. Topics related to inclusive education have been included in the modules of competence evaluation/training courses, comprising 4 class hours, for teachers from the schools of general education.”.

Health (art. 25)

Reply to the issues raised in paragraph 26 of the list of issues

85. Within the scope of state-guaranteed free of charge medical aid and medical service, women with disabilities enjoy outpatient and inpatient obstetric medical aid under conditions equal to those prescribed for the citizens of the Republic of Armenia, which is defined by the Order of the Minister of Healthcare of the Republic of Armenia No 77-N of 28 November 2013 *“On approving the criterion for organising obstetrics and gynaecological medical aid and medical service provided in outpatient conditions within the scope of state-guaranteed free of charge medical aid and medical service”* and by the Order of the Minister of Healthcare of the Republic of Armenia No 80-N of 29 November 2013 *“On approving the criterion for organising obstetrics and gynaecological medical aid and medical service provided in inpatient conditions within the scope of state-guaranteed free of charge medical aid and medical service”*.

86. It is worth mentioning that inpatient gynaecological medical aid is provided to persons with disabilities free of charge, within the scope of state-guaranteed free of charge medical aid and medical service, which is prescribed by points 2-4 of Annex 1 to the Decision of the Government of the Republic of Armenia No 318-N of 4 March 2004, except for the types of medical aid and medical service provided through modern and expensive technologies and not included within the scope of state-guaranteed medical aid and medical service rendered free of charge and under privileged conditions, which are arranged upon the order of the Minister of Healthcare of the Republic of Armenia.

87. Within the scope of government-issued funding outpatient-polyclinic and inpatient medical aid is delivered, rehabilitation and health resort treatment is provided, unaffordable examinations are carried out and provision with medicine is ensured for children with disabilities. Within the scope of government-issued funding, provision of prosthetics and spinal assistants to children with disabilities is ensured.

Habilitation and rehabilitation (art. 26)

Reply to the issues raised in paragraph 27 of the list of issues

88. Medical, professional and social rehabilitation of persons with disabilities is carried out on the basis of the individual rehabilitation programme of the person with disabilities. Respective medical, professional and social rehabilitation measures included in the individual rehabilitation programme are organised and implemented by entities (bodies, organisations, institutions, persons) organising and implementing medical, professional and social rehabilitation provided for by Annex 1 to the Decision of the Government of the Republic of Armenia No 1035-N of 10 September 2015, in compliance with the requirements prescribed by laws of the Republic of Armenia and other legal acts.

89. Pursuant to the Decision of the Government of the Republic of Armenia No 318-N of 4 March 2004, persons with disabilities enjoy free of charge medical assistance and medical services under privileged conditions.

90. Pursuant to the Decision of the Government of the Republic of Armenia No 1717-N of 23 November 2006, the above-mentioned persons shall have the right to enjoy the privilege of obtaining medicine free of charge or under privileged conditions.

91. Pursuant to the Decision of the Government of the Republic of Armenia No 1035-N of 10 September 2015, they shall have the right to receive prosthetic and orthopaedic appliances, technical and other auxiliary means of rehabilitation (prostheses, orthoses, crutches, wheelchairs, walking assistance devices, hearing devices, sound-creating devices,

ocular prostheses and other appliances) in accordance with the individual rehabilitation programme.

92. Pursuant to the Decision of the Government of the Republic of Armenia No 20-N of 10 January 2013, hearing devices of European production shall be provided to children and persons with disabilities under the age of 30 through a certificate, and the provision of other rehabilitation appliances on the basis of certificates is expected to be expanded, which will give an opportunity to the person to receive appliances corresponding to his or her need.

93. Medical and social rehabilitation and mental health rehabilitation services are provided to persons with disabilities at “ArtMed” Medical Rehabilitation Center.

94. Starting from 2017, the new model of defining disability will be applied, on an experimental basis, to persons having first applied for expert examination, according to which targeted rehabilitation services will be provided based on the comprehensive assessment of the needs and capacities of the person.

Work and employment (art. 27)

Reply to the issues raised in paragraph 28 of the list of issues

95. The labour legislation of the Republic of Armenia prescribes norms and rules on ensuring the safety of employees and health maintenance, which refer to all employees, where the control and supervision over the observance thereof are exercised by the State Health Inspectorate of the Staff of the Ministry of Healthcare of the Republic of Armenia.

Adequate standard of living and social protection (art. 28)

Reply to the issues raised in paragraph 29 of the list of issues

96. No research has been conducted on the poverty rate among persons with disabilities.

Reply to the issues raised in paragraph 30 of the list of issues

97. Pursuant to the new Law of the Republic of Armenia “*On employment*”, the new model of employment policy has been introduced which includes programmes aimed at ensuring stable employment for persons exceptionally of active nature and for unemployed persons, including persons who are mostly non-competitive in the labour market. In particular, within the scope of the latest reforms in employment policy, all state programmes have been reinterpreted, and new active state employment programmes have been introduced. The issue of employment status of persons with disabilities has been settled; these persons may obtain the status of an unemployed person and engage in the following state programmes regulating employment:

1. Organisation of professional instruction for the unemployed persons and job seekers facing the risk of dismissal;
2. In case of job recruitment of persons who are non-competitive in the labour market — partial compensation of salary to the employer and provision of monetary aid to the person with disabilities for being provided with an accompanying person;
3. Provision of assistance to unemployed persons for gaining professional work experience under the acquired profession;
4. Provision of assistance to unemployed persons in finding employment elsewhere;

5. In case of job recruitment of persons who are non-competitive in the labour market — provision of lump-sum compensation to the employer, which includes the following 2 sub-programmes:

- lump-sum compensation to the employer for acquiring the necessary working abilities and capacities of persons who are non-competitive in the labour market,
- lump-sum compensation to the employer for adjustment of the workplace of persons with disabilities who are non-competitive in the labour market;

6. Provision of assistance for availing of services provided by a non-state job recruitment organisation;

7. Provision of monetary aid to persons who are non-competitive in the labour market, in order to visit employers;

8. Provision of assistance to small entrepreneurial activities of persons who are non-competitive in the labour market;

9. Provision of assistance to persons who are non-competitive in the labour market in order to engage in livestock farming (cattle breeding, sheep breeding, swine breeding, poultry-breeding) (implemented since 1 January 2016);

10. Provision of assistance to rural economy through promotion of seasonal employment;

11. Provision of unemployed persons with temporary employment through organisation of paid public works (implemented since 1 January 2016).

98. The Procedure for Family Indigence Assessment, approved by the Decision of the Government of the Republic of Armenia No 145-N of 30 January 2014 “*On ensuring the implementation of the Law of the Republic of Armenia ‘On state benefits’*”, prescribes the numerical values of indicators, as of the social group (its code) of each family member, used during family indigence assessment.

99. In particular, the numerical value of the social group of a person with first group of disability (D11) constitutes 48 points, that of a person with second group of disability (D22) — 39 points, that of a person with third group of disability (D33) — 28 points, that of a child with disabilities (D44) — 45 points, and that of the “absent” family member or a family member not falling under any social group — 17.

100. The family indigence assessment formula is the product of multiplication of numerical values and coefficients of indicators characterising family indigence:

$$P = P_{ave} \times K_{fam} \times K_s \times K_{hc} \times K_{veh} \times K_e \times K_{ip} \times K_{el} \times K_{in} \times K_{cust} \times K_{sec},$$

where, in particular, “P” is the point assessing family indigence, “P_{ave}” is the average of indigence points of all family members, the size of “K_{fam}” depends on the number of family members having no working capacity ($K_{fam} = 1,00 + 0,02 m$, where “m” is the number of family members having no working capacity).

101. It should be mentioned that family members having no working capacity are children or unemployed persons with first or second group of disability or having the right to pension.

102. Based on the above-mentioned, disability, as an indicator, influences the family indigence point (increases the point), by which the right to engage in any programme implemented through the system of family indigence assessment (family or social benefit, urgent aid, etc.) is determined.

C. Special obligations

Statistics and data collection (art. 31)

Reply to the issues raised in paragraph 31 of the list of issues

103. Starting from 2010, the data of the results of expert examination of persons having undergone expert examination by the territorial bodies and expert re-examination division of the Medical and Social Expert Examination Agency of the Republic of Armenia are entered on an on-line basis into “*Pyunik*” information system for keeping on records persons with disabilities.

104. The following data are entered into “*Pyunik*” information system:

1. Personal data of persons having undergone expert examination — fully;
2. Cases of Medical and Social Expert Examination under administrative proceedings — partially;
3. The individual rehabilitation programme — partially;
4. The referral on transferring a case of Medical and Social Expert Examination from the Commission — fully;
5. Administrative proceedings — associating the reason of death of a person with production maim, occupational diseases, the fact of being at front, undergoing military service and other circumstances — partially.

105. Currently, the process of digitalising the cases of Medical and Social Expert Examination of persons undergoing an expert examination is expected to be launched.

106. During 2013-2015, activities aimed at creation of electronic versions of Medical and Social Expert Examination cases of persons having undergone expert examination for the first time and those recognised as having disabilities, i.e. creation of an electronic case, were carried out within the framework of digitalisation of Medical and Social Expert Examination cases of persons having undergone expert examination and continuous improvement of the quality of services rendered to citizens. The electronic cases created within the framework of a contract are completely entered into the republican database of persons with disabilities.

National implementation and monitoring (art. 33)

Reply to the issues raised in paragraph 32 of the list of issues

107. Article 44 of the Draft Law of the Republic of Armenia “*On the protection of the rights of persons with disabilities and the social inclusion thereof*” prescribes prerequisites for creating monitoring mechanisms ensuring accessible conditions and equal opportunities for social inclusion of persons with disabilities, as well as for creating bodies conducting monitoring.

Reply to the issues raised in paragraph 33 of the list of issues

108. The state policy of the Republic of Armenia is aimed at the social inclusion of persons with disabilities, which stems from the UN Convention on the Rights of Persons with Disabilities and complies with the goals of “*2030 Agenda for Sustainable Development*”.