



**THE HUMAN RIGHTS DEFENDER OF THE REPUBLIC
OF ARMENIA**



**WRITTEN SUBMISSION OF THE HUMAN RIGHTS DEFENDER OF ARMENIA TO THE UN
COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES ON THE
IMPLEMENTATION OF THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH
DISABILITIES:**

FOR THE YEARS 2017-2025

CONTACT INFORMATION:

Ms. Anahit Manasyan, the Human Rights Defender of Armenia

international@ombuds.am

***Ms. Zhanna Hakobyan, the Head of Department for Provision of Convention Mandates of the Human Rights
Defender's Office***

zhanna.hakobyan@ombuds.am

Mr. Shant Abou Cham, the Deputy Head of the International Cooperation Department

sh_aboucham@ombuds.am

The Office of the Human Rights Defender of the Republic of Armenia

56a Pushkin str., Yerevan, Armenia,

Tel: (+37410) 53 88 42

www.ombuds.am

YEREVAN 2025

Introduction

The Human Rights Defender's Office of the Republic of Armenia (hereinafter "the Defender") is an Ombudsman and National Human Rights Institution with the highest "A" international status, functioning in accordance with Paris and International Principles. The Defender is an independent official who observes the maintenance of human rights and freedoms by public and local self-government bodies and officials, as well as, in cases prescribed by the law, by organizations operating in the field of public service. The Defender also facilitates the restoration of violated rights and freedoms.

The Defender also conducts the monitoring of the implementation of the provisions of the UN Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006, as well as the UN Convention on the Rights of the Child adopted on 20 November 1989, as well as carries out the prevention of violations of the rights of the persons with disabilities and child, and the protection thereof. The Human Rights Defender also monitors the implementation of the provisions of the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, adopted in 1984. Furthermore, based on the amendments of the Constitutional Law in 2022, the mandate of the Defender was expanded, covering the protection of whistle-blowers. According to the latest amendments, the Defender is authorized to consider complaints from whistle-blowers and affiliated persons regarding the violations of their rights not only by public bodies and officials but also by organizations.

This report was prepared within the framework of the Defender's monitoring mandate. The purpose of the report is to present the extent to which the Republic of Armenia has fulfilled and continues to implement the recommendations of the Committee on the Rights of Persons with Disabilities (hereinafter "the Committee") in its 2017 concluding observations. Therefore, the report covers the period from 2017 to January 2025.

The Human Rights Defender places great importance on ensuring the participation of persons with disabilities while exercising her monitoring powers.

For this purpose, by the Defender's Order No. 11-A of June 17, 2020, the Public Council on the Protection of the Rights of Persons with Disabilities was established adjunct to the Human Rights Defender (hereinafter referred to as the Council), which includes independent experts and representatives of experienced civil society organizations working in the field of protecting the rights of persons with disabilities, including persons with disabilities. The members of the Public Council are regularly involved in the process of implementing the monitoring powers of the Human Rights Defender.

This report has also been prepared with the participation of the members of the Public Council.

The Human Rights Defender highlights that a more comprehensive information on the situation of the protection of the human rights of persons with disabilities is included as a separate chapter in the annual reports of the Human Rights Defender.

1. General principles and obligations

In 2010, the Republic of Armenia ratified the UN Convention on the Rights of Persons with Disabilities (hereinafter referred to as the Convention), whereby it committed to guaranteeing equal opportunities and accessible conditions for the social inclusion and protection of the rights of persons with disabilities. In 2022, the Republic of Armenia ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

The laws “On the Rights of Persons with Disabilities” and “On the Assessment of a Person’s Functionality” were adopted, by which the Republic of Armenia has abandoned the medical approach to disability at the legislative level, moving to a human rights-based approach. In this regard, it is problematic that Article 86 of the Constitution is still formulated with the logic that one of the main goals of state policy is the prevention and treatment of disability.

The adoption of the laws was followed by the adoption of a number of sub-legislative normative legal acts. In 2023, the Government Decision "On Approving the Comprehensive Program for the Social Inclusion of Persons with Disabilities for 2023-2027 and the List of Measures Ensuring the Implementation of the Program" was also adopted.

The Human Rights Defender welcomes the country’s efforts to amend the regulatory framework for protection of the rights of people with disabilities. However, the Human Rights Defender emphasizes that from the perspective of guaranteeing the rights of persons with disabilities, there are numerous issues registered both at the legislative level and at the level of developing a comprehensive strategy and ensuring its implementation in practice.

These issues, inter alia, are related to ensuring deinstitutionalization, providing community-based services aimed at developing independent living skills for persons with disabilities, the process of identifying a person as a person with disabilities, providing targeted services and support measures based on the needs of each person based on assessment, ensuring the right of persons with disabilities to make decisions personally in matters concerning them, including reviewing legal regulations related to the institution of incapacity and introducing a supported decision-making mechanism, ensuring the rights to education, labor, health care, participation in political and public life, ensuring accessibility, raising public awareness on the rights of persons with disabilities and eliminating stereotypes, raising awareness of competent state bodies working with persons with disabilities about the rights of persons with disabilities, etc.

The Human Rights Defender also considers it problematic that although the Government Decision "On Approving the Comprehensive Program for the Social Inclusion of Persons with Disabilities for 2023-2027 and the List of Measures Ensuring the Implementation of the Program” provides for measures aimed at solving certain problems and expected results, it does not contain the target result of the measures and sufficient allocations provided for by the state budget. For example, for one of the most important measure, the “provision of independent living services”, only other sources not prohibited by law are indicated as a source of financing. This is a circumstance worthy of attention, at least taking into consideration the fact that the implementation of the expected results of these measures does not imply only a process of legislative amendments. Hence, by not allocating funding provided for by the state budget, the realization of the mentioned measures cannot be guaranteed.

The results of the Human Rights Defender's monitoring demonstrate that the National Commission for Persons with Disabilities, the aim of which is to support the provision of equal rights and equal

opportunities for persons with disabilities, needs to be expanded and provided with additional human, financial, and technical resources.

The issues related to assembling statistical data on persons with disabilities in accordance with international standards, compiling data into a unified system, and ensuring data exchange with competent authorities are also relevant.

Considering the above mentioned, it is necessary to:

- Improve the legislation, strategic documents and mechanisms for their practical application aimed at protecting the rights of persons with disabilities by implementing relevant amendments and introducing mechanisms to ensure deinstitutionalization, provide community-based services aimed at developing independent living skills of persons with disabilities, improving the process of recognizing a person as a person with a disability, providing targeted services and support measures based on the needs of each person as a result of assessment, ensuring the right of persons with disabilities to make decisions on matters concerning them, including through the review of legal regulations related to the institution of incapacity and the introduction of a supported decision-making mechanism, ensuring the rights to education, labor, health care, participation in political and public life, ensuring accessibility, raising public awareness of the rights of persons with disabilities and eliminating stereotypes, raising awareness on the rights of persons with disabilities among the competent state bodies working with persons with disabilities, and etc.,
 - implement the necessary measures to ensure the full and equal involvement of persons with disabilities in the process of decision-making and drafting of all disability-related legislation, policies, strategies and action plans,
 - allocate additional financial resources to implement the measures provided for in strategic documents,
 - enhance the capacity of the National Commission for Persons with Disabilities to ensure intersectoral coordination and implementation of disability-related actions in public policies,
 - implement measures to collect statistical data on persons with disabilities in accordance with international standards, add the collected data to the unified system and ensure data exchange with competent authorities.

2. Equality and non-discrimination

The Constitution of the Republic of Armenia prohibits discrimination based on disability. According to Article 29 of the Constitution, discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.

It should be registered, however, that the exclusion of discrimination cannot be limited to a mere declaratory prohibition of discrimination in legal acts, therefore it is necessary to provide for effective legislative mechanisms to prevent discrimination. Meanwhile, the current regulations do not provide for such effective mechanisms, and the draft law "On Ensuring Equality and Protection from Discrimination" has not yet been adopted.

The results of the monitoring conducted by the Human Rights Defender show that there are also numerous legislative regulations that contain manifestations of discrimination on the basis of disability. For example, according to Article 31 of the Civil Code of the Republic of Armenia, a citizen who, as a result of a mental health issues, cannot comprehend or direct his/her actions may be recognized by the court as legally incapacitated in accordance with the procedure established by the Civil Procedure Code of the Republic of Armenia, and legal guardianship is granted for the person. Transactions are concluded on behalf of a person recognized as incapacitated by his/her legal guardian. According to Article 296 of the Civil Code of Armenia, if a person is unable to sign with his/her own hand due to physical disabilities, illness or illiteracy, then another citizen may sign the transaction upon his/her request. The latter's signature must be authenticated by a notary or an official authorized to perform such a notarial act, indicating the reasons for which the party concluding the transaction was unable to sign it. According to Article 20(4) of the Law on the Rights of Persons with Disabilities, the duty bearer may refuse to provide reasonable accommodation, without causing discrimination on the basis of disability, if it justifies that it is not feasible (from a legal and (or) practical points of view), is not appropriate (the reasonable accommodation does not meet the purpose or is not necessary), is disproportionate in terms of the means used (time, cost, duration and impact) or creates an unnecessary burden. According to Government Decision No. 1265-Ն (August 11, 2022), an expense that exceeds 5% of the total expenses of a given workplace or educational institution is considered an unnecessary burden. According to Government Decision No. 685-Ն (May 30, 2019), physical disabilities and diseases that prevent appointment to the position of a judge are considered, for example, "blindness", "deafness", "mutism", "mental and behavioral disorders", etc. According to of Article 4, part 4 of the “Law on the Passport of a Citizen of the Republic of Armenia”, persons with first-degree disability or persons with severe functional limitations have the right to receive a passport based on an application from their representatives, according to Article 116 of the Family Code, the right to adopt belongs to an adult person who is registered as a prospective adopter in accordance with the procedure established by the Government of the Republic of Armenia, except individuals who have been recognized as incapacitated or with limited capacity by the court, etc.

There is a lack of publicly available information on cases of disability discrimination and their outcomes.

Considering the above mentioned, it is necessary to:

- Provide for effective legislative mechanisms to prevent discrimination, including by adopting the Law “On Ensuring Equality and Protection from Discrimination”, which will include the definition of discrimination on the basis of disability, effective mechanisms for holding persons who discriminate on the basis of disability accountable, etc.,
- implement activities aimed at amending legal regulations that discriminate on the basis of disability,
- make information about cases of disability-based discrimination and legal remedies, including on the sanctions imposed on perpetrators and redress for victims, in accessible formats, available.

3. Women with disabilities

The findings of the Human Rights Defender's monitoring activities indicate that, despite the measures undertaken by the state to ensure the protection of the rights of women with disabilities, numerous issues persist.

The monitoring findings reveal that strategic documents lack targeted and effective measures aimed at creating favorable conditions for the realization of the rights and freedoms of women with disabilities, ensuring their equal participation in public life, and promoting their effective social inclusion. For instance, there are no targeted community-based initiatives for women with disabilities aimed at deinstitutionalization, and measures to ensure their employment remain absent, among other issues.

The question of providing comprehensive support to women with disabilities who have experienced violence and to the members of their family also remains pressing due to the insufficient accessibility and availability of shelter services.

The monitoring findings further indicate that women with disabilities often face discrimination when exercising their right to health. The identified issues primarily pertain to ensuring the accessibility and availability of medical services, including reproductive and sexual health services, the preparedness of medical staff, the accessibility of information provided, and other related concerns.

Considering the above mentioned, it is necessary to:

- Include in strategic documents targeted and effective measures aimed at creating favorable conditions for the realization of the rights and freedoms of women with disabilities, ensuring their equal participation in public life, and promoting effective social inclusion, and ensure their implementation,
- develop and implement targeted community-based measures for women with disabilities aimed at deinstitutionalization, involving non-governmental organizations that work on protecting the rights of women with disabilities,
- increase the number of shelters and ensure the accessibility and availability of shelter services for women with disabilities and their family members,
- take measures to ensure the non-discriminatory realization of the right to health for women with disabilities, including the accessibility and availability of medical services, reproductive and sexual health services, the preparedness of medical staff, and the accessibility of information provided, among other related measures.

4.Children with Disabilities

The number of children with disabilities receiving care in specialized institutions is increasing due to the challenges of reintegrating them into their biological families, foster care, and adoption. The process of transferring children with disabilities to institutions and providing care in these settings continues. Although the state is implementing measures to improve the institution of foster care, the issues in this field are still numerous and of a systemic nature.

The issue of ensuring further care for persons with disabilities in children's homes after they turn 18 remains unresolved. In most cases, this care is organized within the children's home due to the lack of alternative solutions.

Monitoring visits reveal systemic issues in institutions where children with disabilities continue to receive care. These include inadequate space, insufficient conditions to meet children's personal needs independently, poor sanitary and hygienic standards, and the absence of mechanisms to identify, prevent, and respond to cases of violence against children, etc.

It is concerning that, at times, parents prefer to have their child with a disability cared for in an institution. This choice often results from a lack of necessary skills, limited access to medical, social, psychological, and community-based services in their area of residence, or the absence of independent living centers.

Despite measures taken by the state, issues persist in ensuring the right to education for children with disabilities. Specifically, some children with disabilities continue to receive education in segregated settings. Moreover, society, including parents of children receiving education in these institutions, often considers segregated education more appropriate than attending general educational institutions on equal terms with others. This perception is partly due to the inadequacy of the structures implemented by the state in this field. A particularly troubling issue is the continued identification of cases where children are excluded from compulsory education due to their disability, etc.

Accessibility remains a systemic issue, including access to educational institutions, transportation, and an adequate supply of educational materials.

Issues have also been recorded in the field of protection of children's personal data. For example, there have been cases where children with disabilities were filmed and the videos were published not taking into consideration the best interest of the child.

Considering the above mentioned, it is necessary to:

- Implement measures to accelerate the process of deinstitutionalization, including by implementing measures aimed at improving the foster care system, aligning it with international standards, and providing the necessary support to the biological families of children,
- develop and adopt comprehensive regulations based on the logic of international documents to guarantee children's rights to care and protection, including the right to conditions necessary for life, development, health preservation, protection from violence, and full physical, mental, and spiritual development during the care process,
- implement measures to improve the mechanisms for ensuring practical inclusion in the field of education,
- ensure the accessibility of all educational institutions and physical environments, including buildings and facilities, especially newly constructed and reconstructed infrastructures, as well as transportation systems,
- take urgent measures to provide reasonable accommodations for children with disabilities, ensuring the realization of each child's right to education through an individualized approach,
- ensure access to information and communication in educational institutions by incorporating sufficient and high-quality materials, textbooks, and equipment,
- take measures to ensure that education fosters the full development of the personalities, talents, and creative abilities of persons with disabilities, as well as their intellectual, physical, and communication capacities,

- implement measures aimed at protecting children's personal data, raise the level of awareness of the guardians of children with disabilities regarding the protection of children's personal data.

5.Awareness raising

The results of the monitoring by the Human Rights Defender demonstrate that stereotypes and prejudices related to persons with disabilities exist in almost all areas of life, and there is a lack of awareness regarding the rights of persons with disabilities, both in society and among those who work directly with persons with disabilities, as well as among the persons with disabilities themselves. There is a need for the continuous improvement of the capacities and skills of specialists working with persons with disabilities.

Considering the above mentioned, it is necessary to:

- Adopt a strategy aimed at eliminating stereotypes and prejudices related to persons with disabilities, and increasing the level of awareness about the rights of persons with disabilities, and the continuous enhancement of the capacities and skills of specialists.

6.Accessibility

The obligation of the Republic of Armenia to ensure accessibility is enshrined in a number of international documents and domestic legislation, while the Defender's monitoring activities indicate that there are a number of systemic issues related to ensuring the accessibility of both the physical environment and information and communication, including information and communication technologies and systems.

As a result of the ongoing monitoring by the Human Rights Defender, issues have been recorded regarding legislative regulations on ensuring the accessibility of the physical environment, including problems related to the accessibility of newly constructed and renovated buildings and structures, as well as residential areas, vehicles, bus stops, and others owned or used by persons with disabilities.

The Human Rights Defender particularly considers it problematic that issues related to the compliance with accessibility standards for newly constructed and reconstructed buildings continue to be recorded. Moreover, such violations have been registered at various stages of the construction and reconstruction of buildings and structures.

The results of the continuous monitoring conducted by the Human Rights Defender indicate that there are numerous reasons for not ensuring the principle of accessibility in the process of building and reconstructing buildings and structures. These include inadequate supervisory procedures, such as the lack of effective mechanisms for annulling permits issued for projects that violate accessibility standards by the competent authority, insufficient professional knowledge and human resources of the entities involved in urban planning regarding accessibility standards, and so on.

The Human Rights Defender has also recorded issues in the process of fulfilling the obligation to ensure the accessibility norms through the reconstruction of existing buildings and structures. A problematic aspect is that the phased reconstruction processes for all buildings and structures in the Republic of Armenia are not yet fully planned and systematized. The list of a number of important objects that should be equipped with special design solutions does not include buildings allocated to ministries, territorial centers of the

Unified Social Service, the regional governors' offices, municipal administrations, sports, cultural, and entertainment venues, penitentiary institutions, the Court of Cassation, Courts of Appeal, First Instance Courts, and so on. It is problematic that the building allocated to the Human Rights Defender's Office has issues related to accessibility for persons with disabilities. Fully solving the issues related to accessibility in the current building is not possible. In connection with this issue, there is a Government decision to allocate a newly reconstructed building, made accessible for persons with disabilities, to the Human Rights Defender's Office.

One important component of physical accessibility is ensuring the availability of transportation. However, as a result of the Defender's continuous monitoring, several issues have been identified regarding the provision of transportation accessibility, some of which relate to insufficient legislative regulations. For example, it is problematic that an analysis of the regulations outlined in the Law on Automobile Transport and Government Decision No. 1994-N of December 3, 2020, reveals that the requirement for regular routes between inter-provincial, intra-provincial, and multi-settlement communities is only to ensure that at least 10% of the buses on these routes are accessible or adapted. Such a regulation allows the purchase of buses that are not accessible, which is unacceptable. Additionally, the Defender has also noted that the provision of accessibility is often limited to ensuring conditions for individuals with mobility difficulties. However, accessibility should be ensured for all persons with disabilities.

Ensuring the accessibility of transportation is also of great importance in terms of the drivers' awareness of the rights of persons with disabilities. However, the Defender's ongoing monitoring indicates that public transport drivers are often unaware of the rights of passengers with disabilities and lack the skills to communicate with them.

As a result of the ongoing monitoring by the Human Rights Defender, issues have been identified related to legislative regulations and the implementation of these regulations regarding the accessibility of information and communication, including information and communication technologies and systems, which have affected all areas of life of persons with disabilities.

From the perspective of ensuring the accessibility of information and communication for persons with disabilities, providing accessible digital services is of significant importance. However, studies conducted by the Office of the Human Rights Defender show that there is still no clear framework in place for achieving this goal.

This is evidenced by the fact that websites of significant importance, such as the Unified Website for Publication of Legal Acts' Drafts (www.e-draft.am), the Armenian Legal Information System (www.arlis.am), the Judicial Information System (www.datalex.am), and others, are still not accessible to persons with disabilities.

The Defender also emphasizes the importance of ensuring the accessibility of the official website of the Human Rights Defender, in connection with which work has been initiated and is currently being carried out to update the website.

The Human Rights Defender has also noted the need to ensure the accessibility of services provided by banks, the health condition of persons with disabilities, the diagnosis of diseases, the medical assistance and services provided (or to be provided), including the selection, application process, and outcomes of treatment methods, as well as the provision of information regarding the associated risks in an accessible manner. Additionally, it emphasizes the establishment of effective systems for providing necessary and accurate information to consumers with disabilities about the producer (performer, seller), their working

hours, and the products (works, services) offered, as well as addressing issues related to ensuring the accessibility of television broadcasts, and others.

The fact that an educational program aimed at training sign language specialists has not yet been implemented is problematic.

Considering the above mentioned, it is necessary to:

- Implement effective procedures aimed at ensuring accessibility in the construction and reconstruction processes of buildings and structures, including control mechanisms,
- integrate subject-specific programs and implement continuous training for specialists, focused on ensuring accessibility within educational programs in educational institutions and compliance with universal design requirements,
- develop and implement measures that will outline the reconstruction of public and industrial buildings and structures as a final result, specifying financial sources and necessary financial resources, along with procedures for continuous monitoring of the works to be carried out,
- take concrete steps to ensure the accessibility of the physical environment in the provinces of the Republic of Armenia,
- implement legislative changes aimed at ensuring the accessibility of all types of transportation for persons with disabilities on regular routes between intra-community, inter-provincial and intra-provincial settlements, guaranteeing the availability of transport for persons with disabilities,
- provide training for drivers of regular route transports, focused on improving communication skills with persons with disabilities,
- implement effective structures to ensure the accessibility and relevance of digital services, including websites, for people with disabilities,
- take measures to ensure the accessibility of banking services, providing accessible information on the health conditions of persons with disabilities, the diagnosis of diseases, medical assistance and services provided (or to be provided), including the selection, application process, and outcomes of treatment methods and associated risks, as well as ensure the transfer of necessary and accurate information regarding the producer (performer, seller), their working hours, and the products (works, services) they provide. Also, ensure the accessibility of all television broadcasts,
- Implement an educational program aimed at training sign language specialists.

7.Situations of risk and humanitarian emergencies

The results of the Human Rights Defender's monitoring indicate that there is a need for improvement, both at the legislative level and in practice, regarding mechanisms for the protection and security of persons with disabilities in situations of risk and humanitarian emergencies.

For instance, there is a need to ensure the accessibility of shelters for persons with disabilities, ensure accessible communication in emergency situations, raise awareness among persons with disabilities, develop skills for quick orientation during emergencies, and ensure safe evacuation, among other requirements.

The need for such measures was specifically evident during the large-scale and coordinated attack launched by the Azerbaijani armed forces on the sovereign territory of the Republic of Armenia on

September 12-13, 2022. This attack targeted peaceful residents in areas such as Kapan, Goris, Karashen, Verishen, Khnatsakh, Kornidzor, Khoznavar, Ishkhanasar, Chakaten, Nerkin Hand, Tsav, Davit Bek, Artanish, Srashen, Jermuk, Vardenis, Sotk, Norabak, Kut, Geghamasar, and other border communities in Gegharkunik, Vayots Dzor, and Syunik provinces. According to information registered by the Human Rights Defender's Office, persons¹ with disabilities were displaced from several villages in the Gegharkunik province, including Kut and Sotk, from several villages in Syunik region including Nerkin Hand, Chakaten, Davit Bek and from several communities in Vayots Dzor province, including Jermuk and Gndevaz, as a result of the Azerbaijani military actions. The need to improve measures aimed at ensuring the protection of the rights of persons with disabilities was also highlighted after the aggressive actions of the Azerbaijani armed forces against Nagorno-Karabakh, which began on September 19, 2023, and led to the forced displacement of, among others, 6,520 persons² with disabilities from Nagorno-Karabakh.

Considering the above mentioned, it is necessary to:

- Implement measures to improve mechanisms for the protection and security of persons with disabilities in situations of risk and humanitarian emergencies, including ensuring the accessibility of shelters for persons with disabilities, ensuring accessible communication in emergencies, raising awareness among persons with disabilities, developing skills for quick orientation during emergencies, and ensuring safe evacuation.

8. Equal recognition before the law, access to justice, liberty and security of the person

The results of the Human Rights Defender's monitoring demonstrate that there are issues related to the equal recognition of persons with disabilities before the law, ensuring access to justice, the provision of mental health assistance and services based on the informed consent of persons with mental health issues, ensuring that persons are not involuntarily kept in psychiatric institutions, and other related concerns.

For example, the legal regulations concerning incapacitated persons have not yet been revised, and a decision-making support mechanism has not been implemented. It is deeply concerning that there are legal provisions that obstruct the exercise of the right to a fair trial for persons who have been declared incapacitated. For instance, according to Article 4, Parts 6 and 7, of the Administrative Procedure Code of Armenia, the rights and freedoms of minors which have not reached the age of fourteen years and also persons recognized as incapacitated are represented in court by their legal representatives – the parent, the guardian and other persons having such right under the law. The court may grant a minor or an incapacitated person the right to be heard during the case. However, this regulation is not mandatory and gives the court discretionary authority to ensure the right of the incapacitated person to be heard, etc.

Another concern is that the results of the Human Rights Defender's monitoring indicate that obtaining informed consent from persons with mental health issues in psychiatric institutions is largely a mere formality. For instance, during monitoring visits to psychiatric institutions, persons with mental health issues have reported signing certain documents upon admission or during their stay, without being familiar with their content or understanding the meaning of the documents and their potential legal consequences.

¹ The information is available at <https://ombuds.am/images/files/88015d8ec9e48d869bd8b706233613dd.pdf>

² The information is available at <https://ombuds.am/images/files/c21b3daa983465bea149c85cf9f2cec3.pdf>

This is also evidenced by the questions asked by persons with mental health issues to the Defender's representatives, which were related to their rights and the mechanisms for their realization.

It is also concerning that there are legislative regulations allowing persons to be involuntarily held in psychiatric institutions for extended periods, pending the court's review and resolution of the case regarding their involuntary hospitalization, etc.

Although the Ministry of Justice circulated a draft law in 2024 aimed at improving the legal framework for incapacitated persons and several other areas, the proposed regulations do not establish reliable conditions for ensuring the protection of the rights of persons with disabilities, including the implementation of decision-making support mechanisms and access to a fair trial.

Considering the above mentioned, it is necessary to:

- To implement measures to ensure the implementation of decision-making mechanisms that support persons with disabilities, while excluding the practice of making decisions on their behalf,
- to implement measures to eliminate legislative provisions that serve as an obstacle for persons declared incapacitated in exercising their right to a fair trial,
- to implement measures to prevent the involuntary detention of persons in psychiatric institutions in ways that do not align with international standards.

9. Freedom from torture and cruel, inhuman or degrading treatment or punishment, freedom from exploitation, violence and abuse

The Human Rights Defender, while conducting continuous monitoring of the implementation of the provisions of the UN Convention on the Rights of Persons with Disabilities, as well as exercising the powers defined by the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment's Optional Protocol regarding the national preventive mechanism, has registered a number of issues regarding behavior towards persons with disabilities in institutions, and the establishment of effective mechanisms for detecting, preventing, and responding to any form of violence.

For example, a case was registered of periodic and prolonged use of physical restraint measures that are not prescribed by law against a ward in a psychiatric institution. Criminal proceeding has been initiated in connection with this incident. A case has also been registered of the use of physical violence by staff members of the institution against children with disabilities receiving care at the mentioned institution, and criminal proceedings has also been initiated in this regard.

The fact that the results of the monitoring demonstrate that, in most cases, effective mechanisms for detecting, preventing, and responding to violence against persons with disabilities are not implemented in institutions, is concerning. It is concerning that the lack of skills among the staff in psychiatric and social protection institutions for working with persons with disabilities can itself lead to various forms of ill-treatment, which is unacceptable and requires urgent solutions.

Considering the above mentioned, it is necessary to:

- Implement measures to eliminate any form of violence and ill-treatment towards persons with disabilities in psychiatric and social protection institutions,
- implement effective mechanisms for detecting, preventing, and responding to violence against persons with disabilities in all psychiatric and social protection institutions,
- implement measures to enhance the knowledge and skills of the staff working with persons with disabilities in psychiatric and social protection institutions.

10. Living independently and being included in the community

The Human Rights Defender registers that many persons with disabilities in the Republic of Armenia continue to receive care in 24-hour social protection institutions. Moreover, the process of transferring the care of persons with disabilities to institutional settings is continuous. Taking into consideration the importance of living in a family environment to ensure the healthy physical and mental development of children, and specifically of children with disabilities, the number of children with disabilities in institutions is particularly concerning.

The monitoring conducted by the Human Rights Defender has registered cases where, due to financial difficulties and the lack of skills to organize the care of a child with disabilities, family members have preferred to entrust the care of their children to institutions. The Human Rights Defender considers this unacceptable, and particularly emphasizes the need for the establishment and implementation of clear procedures for providing targeted services to family members of persons with disabilities, including the provision of adequate financial support.

As an alternative to institutions, the state has created a legal framework for the establishment and operation of small community homes. However, it should be underlined that although small care homes are designed to accommodate 8-16 people, and are designed to be as similar as possible to a family environment, they also have characteristics typical of institutionalization.

The results of the Human Rights Defender's monitoring indicate that there are no effective mechanisms in place to provide community-based services that meet the real needs of persons with disabilities throughout the entire territory of Armenia, aimed at developing independent living skills, whenever necessary.

The Human Rights Defender also considers problematic the fact that, according to the document developed as a result of the assessment of the functionality, individual service plans may include necessary medical, rehabilitation, educational, professional, and social services and measures to promote the full and effective participation of persons with disabilities in all areas of public life and to ensure the realization of the right to live independently. However, the implementation of these services and measures is not foreseen to be funded by the state budget of the Republic of Armenia.

During the process of providing assistive devices, a number of issues have been recorded. These issues primarily relate to the quality of assistive devices, repairs, the lack of necessary assistive devices for the person with disabilities through legal entities or individual entrepreneurs contracted by the ministry, insufficient information about the quality of assistive devices and their usage features, and so on.

Highlighting the state's efforts to establish the institution of personal assistant services, the Human Rights Defender records that there are a number of systemic issues in this field as well. These include, among others, issues related to the financing of the personal assistant institution, the criteria for personal assistants,

the scope of persons with disabilities who are eligible to use personal assistant services, the challenges of monitoring the services provided by personal assistants, and so on.

Considering the above mentioned, it is necessary to:

- Exclude the establishment of new institutions in the process of implementing de-institutionalization policies that would contain elements of institutionalization and provide grounds for segregating persons with disabilities from society,
 - initiate and implement preventive measures to prevent persons with disabilities from entering institutions for the protection of the population,
 - ensure the establishment and implementation of clear procedures for providing targeted services to family members of persons with disabilities,
 - establish a framework that will allow the provision of community-based services aimed at developing independent living skills for persons with disabilities throughout the territory of Armenia. When implementing these services, they should be designed in a way that makes them accessible to all persons with disabilities and meets their individual needs,
 - develop and implement a strategy in which de-institutionalization is identified as an outcome, and state allocations are directed towards the implementation of specific measures intended for this purpose,
 - ensure that persons with disabilities have access to all services and measures necessary for exercising their right to live independently, through funding from the state budget for the implementation of individual service plans,
 - take practical measures to ensure the informed and unhindered acquisition, repair, and proper awareness of the features of quality assistive devices that meet the needs of persons with disabilities,
 - take practical measures, including implementing legislative changes, aimed at establishing the personal assistant institution in accordance with international standards.

11. Education

The issues related to ensuring the accessibility of buildings in educational institutions, including kindergartens, general education schools, institutions implementing initial vocational (craft) and secondary vocational educational programs, and higher education institutions, remain relevant. This also applies to buildings that are being designed or renovated.

The inaccessibility of the transportation system is a practical obstacle to the realization of the right to education, especially in communities and settlements which lack educational institutions, and children are forced to travel to schools or kindergartens located in other communities to be able to exercise their right to education.

Issues have also been registered regarding the guaranteeing of accessibility to information and communication in educational institutions. In this regard, it is important to conduct trainings for sign language specialists and, when necessary, ensure their involvement in the educational process.

The results of the Human Rights Defender's monitoring also demonstrate that issues related to the right to education continue to be relevant for persons with visual impairments. The Defender has registered that not all educational materials are printed in Braille, and in certain cases, the quantity of the printed

textbooks in Braille are insufficient. Cases have been registered where children were unable to understand the material since the printed textbooks were old. The limited availability of printed textbooks is also problematic, as children have had to use the textbooks in turn, sometimes being deprived of the opportunity to use them at all.

The Human Rights Defender's monitoring has demonstrated that the approaches to the education of persons with disabilities are often not designed to the individual characteristics, developmental capacities, and the formation of knowledge, skills, attitudes, and values corresponding to the persons's maximum potential. There is the need for professionals to promote the learning process equally for each person, ensure the inclusion and active participation of learners with special educational needs, apply the right assessment methodology, as well as improve relevant skills in building relationships with the learners and their parents.

According to the domestic legislation of Armenia, one of the functions of teaching assistants is to assist teachers in the planning and implementation of students' education and upbringing in accordance with state and subject standards and programs of general education, to assist students with special educational needs in achieving the goals set by the individual learning plan, to assist in lesson planning, to align the lesson with the principles of universal learning design, to assist in the process of preparing the necessary educational materials for the lessons. However, the private interviews which were held with the teaching assistants reveal that they perceive their main function to be the monitoring of children with special educational needs, and assist the teachers in guaranteeing the uninterrupted and smooth conduct of the lesson with the other children. There is the need for speech therapists, deaf education specialists, visual impairment educators, and occupational therapists due to the lack of professional resources in the provinces of Armenia.

Taking into consideration the fact that the state is committed to guaranteeing access to general higher education, vocational education, adult education, and lifelong learning for persons with disabilities without discrimination and on an equal basis with others, it should be highlighted that there is still a need to implement systemic amendments in this sphere, both in legislative and practical levels.

Considering the above mentioned, it is necessary to:

- Implement measures to ensure the accessibility of all educational institutions, educational materials, and information provided to persons with any type of disability in all provinces of Armenia,
- implement measures to involve specialists, in necessary numbers and qualifications, in the educational process and to implement continuous trainings,
- implement effective measures, both at the legislative and practical levels, to ensure access to general higher education, vocational education, adult learning and lifelong learning for persons with disabilities without discrimination and on an equal basis with others, and inclusive education during all stages of life.

12. Health

The results of the monitoring conducted by the Human Rights Defender indicate that there are several systemic issues in terms of the realization of the right to health care. For example, the issue of ensuring physical accessibility to medical institutions continues to remain relevant. The results of the monitoring conducted by the Defender indicate that medical institutions, in general, do not have procedures

in place to provide medical information in an accessible format to persons with disabilities (for example, Braille). Accessible, alternative, and easy-to-read information (Easy Read format) is not provided for people with intellectual disabilities.

Issues related to awareness about the right of persons with disabilities to access medication, as well as concerns regarding its availability, quality, and effectiveness have been registered.

Considering the above mentioned, it is necessary to:

- Take effective measures to ensure physical, informational, and communication accessibility in medical institutions,
- implement measures aimed at raising awareness about the procedure for providing medical assistance and services, including the procedure for obtaining medications,
- introduce mechanisms to ensure the provision of unpaid higher-quality medicines to persons with disabilities is, eliminating the need to purchase them with their own funds,
- ensure access to quality medical services in all regions of the Republic of Armenia.

13. Work and employment

The results of the monitoring conducted by the Human Rights Defender demonstrates that there are a number of systemic issues regarding the guaranteeing the labor rights of persons with disabilities. The issues are related to ensuring oversight over the observance of the prohibition of discrimination on the basis of disability, promoting employment, self-employment, entrepreneurship of persons with disabilities.

Considering the above mentioned, it is necessary to:

- Improve the mechanisms for monitoring the prohibition of discrimination based on disability, including by developing the capacities of the responsible sectoral body and activities on the creation and implementation of clear tools for identifying cases of disability-based discrimination,
- improve the efforts aimed at promoting employment, self-employment, and entrepreneurship for persons with disabilities.

14. Participation in political and public life

The results of the Human Rights Defender's monitoring indicate that there are a number of systemic issues regarding the provision of the right of persons with disabilities to participate in political and public life. These issues primarily concern the accessibility of election precincts, the accessibility of information and communication related to elections, conducting public discussions of draft legal acts in formats accessible to persons with disabilities, and so on.

For example, in the Republic of Armenia, public discussions of draft legal acts are, as a rule, implemented by publishing them on the unified website for publishing draft legal acts, which is managed by the Ministry of Justice. However, within the framework of monitoring the Human Rights Defender, it has been registered that the unified website for publishing draft legal acts, the e-draft.am, is not accessible to

persons with disabilities. Thus, it is problematic to conduct public discussion of draft legal acts only through which are not accessible to persons with disabilities.

A problematic issue is that, according to the Part 4 of the Article 48 of the Constitution, a person who has been recognized as incapacitated by the decision of the court which has entered into legal force, do not have the right to elect or be elected or participate in a referendum.

Considering the above mentioned, it is necessary to:

- Take measures to ensure the accessibility of all elections and public discussions for persons with disabilities,
- take measures to reform the institution of incapacity in order to guarantee the realization of the right to vote on an equal basis for all.

15. Participation in cultural life, recreation, leisure and sport

The Human Rights Defender welcomes the ratification by the state of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. At the same time, the Defender finds it concerning that there is a low level of awareness regarding the Treaty.

Issues have been recorded regarding the participation of persons with disabilities in cultural and sports activities on an equal basis with others. Cultural and sports events and institutions are often not accessible and available to persons with disabilities. It is also concerning that the programs currently being implemented by the state in the cultural sector for persons with disabilities face issues related to insufficient accessibility, lack of modernization, and incompatibility with contemporary systems.

Considering the above mentioned, it is necessary to:

- Take measures to raise awareness about the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled,
- take measures to ensure the participation of persons with disabilities in cultural and sports life on an equal basis with others.

16. National implementation and monitoring

The Human Rights Defender, as an independent official, monitors the implementation of the provisions of the UN Convention on the Rights of Persons with Disabilities (CRPD) adopted on 13 December 2006, as well as carries out prevention of violations of the rights of the persons with disabilities and the protection thereof.

The Human Rights Defender places great importance on ensuring the participation of persons with disabilities while exercising her monitoring powers.

For this purpose, by the Defender's Order No. 11-A of June 17, 2020, the Public Council on the Protection of the Rights of Persons with Disabilities was established adjunct to the Human Rights Defender (hereinafter referred to as the Council), which includes independent experts and representatives of experienced civil society organizations working in the field of protecting the rights of persons with disabilities, including persons with disabilities. The members of the Public Council are regularly involved in the process of implementing the monitoring powers of the Human Rights Defender. For example, before presenting a written opinion on draft normative legal acts related to the rights of persons with disabilities, the Defender invites a meeting of the Council, listens to the proposals and observations of the Council members regarding the provisions of the draft, summarizes them, and presents her opinion, taking into account, among other things, international standards and the mentioned proposals and observations.

The Human Rights Defender also emphasizes the importance of involving persons with disabilities in monitoring visits. For this purpose, in visits that can be carried out with persons with disabilities, the Human Rights Defender involves persons with disabilities as well, and so on.

The Public Council on the Protection of Children's Rights also operates alongside the Human Rights Defender. The Council also includes children with disabilities, who actively support the Human Rights Defender's monitoring activities, identifying existing problems in the field, implementing awareness-raising activities, the preparation of reports, etc. For example, the children in the Council have developed and submitted an independent alternative report to the UN Committee on the Rights of the Child regarding the state's implementation of the provisions of the UN Convention on the Rights of the Child. In 2024, five children from the Council, one of whom has a disability, participated in the initial session of the UN Committee on the Rights of the Child in Geneva as part of the delegation led by the Ombudsman. Two representatives of the Human Rights Defender, one of whom has a disability, also participated in the European Network of Ombudspersons for Children (ENOC) forum organized by the European Network of Young Advisors (ENYA) in Bratislava, and more.

The Human Rights Defender carries out continuous monitoring of the implementation of the provisions of the UN Convention on the Rights of Persons with Disabilities through a specialized subdivision – the Unit for the Protection of the Rights of Persons with Disabilities of the Department for Provision of Convention Mandates.

In this context, it is important to note that there remains a need to increase the technical, human, and financial resources of the Unit.

Considering the above mentioned, it is necessary to:

- Allocate larger financial resources to ensure the increase of technical, human, and financial resources for the Unit for the Protection of the Rights of Persons with Disabilities of the Department for Provision of Convention Mandates of the Human Rights Defender's Office.