



Written Submission on the Status of Institutionalization of Individuals with Disabilities in Armenia

Date: 08.10.2023

The Disability Rights Agenda (DRA) and the European Disability Forum (EDF) present this joint statement to the European External Action Service (EEAS). This is in preparation of EEAS annual European Neighbourhood Policy (ENP) report. We want to highlight the **use of institutions in Armenia**, which is against the UN Convention on the Rights of Persons with Disabilities (CRPD). Both the EU and Armenia have ratified the CRPD.

Overview

Armenia has five government-run orphanages, two located in Yerevan and one each in the provinces of Ararat, Gegharkunik, and Shirak. These orphanages house 590 children, predominantly aged 10-18, many of whom had disabilities.¹ Additionally, there are private orphanages that do not undergo regular oversight or data collection by the government.

Furthermore, the country has four state-managed institutions for the elderly and those with intellectual and psychosocial disabilities. Three of these are in Yerevan and one in Gegharkunik. Two institutions catered to the elderly and the other two were specialized institutions. These institutions serve 993 individuals, including 504 women. Among these, 73 residents were under the age of 30.² The largest institution in the country is located in Vardenis, Gegharkunik, accommodating 450 individuals with intellectual and psychosocial disabilities.³ There are newly formed care centers for the elderly and persons with care needs that have not been officially certificated, as this sector remains under-regulated.

¹ Armenia's Statistical Committee. (2023). Social Situation in RA for 2022: Orphanage Activity. http://armstat.am/file/article/soc_sit_2022_en_15.pdf

² Armenia's Statistical Committee. (2023). Social Situation in RA for 2022: Activity of Caretaking Institutions for Elderly and Disabled People. http://armstat.am/file/article/soc_sit_2022_en_17.pdf

³ National Human Rights Institute. (2021, November 25). Overload, expired medical supplies, lack of medications, and severe shortage of psychiatrists etc.: Serious problems registered in Vardenis Neuropsychological Social-Care Home. https://www.ombuds.am/en_us/site/ViewNews/2021

Armenia also operates seven state-managed psychiatric hospitals.⁴ There are hospitals where individuals may reside for extended periods, such as at the Sevan Mental Health Center in Gegharkunik. This prolonged stay is often due to a shortage of alternative housing. Additionally, there are facilities grappling with a housing shortage for patients who no longer require constant medical care but have nowhere else to go, such as the hospital dedicated to tuberculosis care.

The refugees from Nagorno-Karabakh

In September 2023, following the arrival of more than 100,000 refugees from Nagorno-Karabakh, there was a 22% increase in the institutionalization of individuals with disabilities and the elderly in adult care facilities, with an additional 220 persons placed in such institutions. The government has not shared detailed information regarding these institutionalized refugees with disabilities with the Disability Rights Agenda, contrary to legal requirements.

As of October 19th, 67 refugees were receiving psychiatric services in state mental health centers, 22 of whom were women. 25 of these individuals were transferred from the sole psychiatric hospital in Nagorno-Karabakh. Only 46 of those admitted to psychiatric hospitals had proper documentation. The Disability Rights Agenda documented that patients were admitted without the necessary medical documentation, presenting challenges for doctors in administering treatment. This was primarily because many did not have any medical records, including diagnoses, which they were unable to take with them while fleeing Nagorno-Karabakh.

The challenge of insufficient community services that heightens the risk of institutionalization for individuals with disabilities, particularly refugees, was underscored in an open letter from the European Disability Forum. Issued on October 18, 2023, the letter called on the international community, including the UNHCR and the EU, as well as the governments of Armenia and Azerbaijan, for attention and action.⁵

The lack of community-based services, discrimination and violence

The circumstances within all institutions are of concern. In 2023, a monitoring group composed of Civil Society Organizations, including the Disability Rights Agenda, reported incidents of violence against children by staff members and also between children in one center. The report sheds light on physical, sexual, and psychological violence that perpetuates discrimination and disproportionately impacts children with disabilities. The government has not adequately addressed these issues, and the

⁴ Observation Group in Psychiatric Centers. (2021). The State of Control and Prevention of Somatic Diseases: RA Psychiatric Institutions Under the Conditions of COVID-19 (Part 2). Available in Armenian. http://hcav.am/wp-content/uploads/2021/10/somatic_report_final_arm.pdf

⁵ European Disability Forum. (2023, October 18). Nagorno-Karabakh: Protection and safety of persons with disabilities. Open letter to the international community – including the United Nations High Commissioner for Refugees (UNHCR) and the European Union – and to the governments of Armenia and Azerbaijan. <https://www.edf-feqh.org/publications/nagorno-karabakh-protection-and-safety-of-persons-with-disabilities/>

National Human Rights Institution, alongside the monitoring group, continues to advocate and document new instances of violence.⁶

Some care institutions fail to provide the requisite specialized care, with reports indicating neglect of elderly persons with disabilities.⁷

In 2023, an incident of torture involving a young boy with a rare self-harming condition occurred in an adult institution, where he was restrained with chains by staff members. Additionally, law enforcement revealed that the director exploited residents for economic gain, prompting a criminal investigation. Despite this, the Ministry of Labour and Social Affairs has not taken sufficient action to prevent such torture or to address the specifics of this case.⁸

Upon reaching adulthood at 18, individuals with disabilities sometimes remain in orphanages. There are cases where adults with disabilities have lived in these orphanages for years. Another path for them could be transfer to specialized institutions designed for people with psychosocial and intellectual disabilities.

Individuals with disabilities seeking to exit orphanages have not received support for community integration. In 2019, the government had been issuing certificates for apartment purchases to former and current adult orphanage residents. However, in 2021, a government decree excluded many special orphanage graduates from the "Providing housing to the graduates of the orphanage of the Republic of Armenia" program, particularly those "who do not have the ability to provide self-care," thus denying them the right to receive an apartment purchase certificate. This exclusion was deemed discriminatory by organizations representing persons with disabilities, but the government didn't amend the decision despite their joint statement.⁹

As of June 2023, the Armenian government has initiated a financial aid program that allocates 100,000 Armenian Dram for housing rent to individuals who, upon turning 18, have left institutional care since January 1, 2023¹⁰. This assistance is available to all such graduates, but does not extend to specialized support for those with disabilities, nor does it facilitate their application process for the scheme. Moreover, Armenia lacks home adaptation support services, which are crucial in preventing institutionalization.

⁶ EVN Report. (2023, July 12). Human Rights Protection in Residential Institutions. <https://evnreport.com/law-society/human-rights-protection-in-residential-institutions/>

⁷ Factor. (2023, October 16). "As in hell". The man living in urine and dirt insists that they don't bathe in the boarding house. Video in Armenian. <https://factor.am/700855.html>

⁸ Jam News. (2023, February 21). Torture and exploitation at a psychiatric care center in Armenia. <https://www.jam-news.net/torture-at-vardenis-care-center>

⁹ Disability Rights Agenda and other NGOs. (2021, November 15). Joint Statement on Disability-based Discrimination against Orphanage Graduates. <http://dra.am/news/joint-statement-on-discrimination-against-graduates>

¹⁰ RA Government. (2023, June 22). Decree N 1007-N. Available in Armenian <https://www.arlis.am/DocumentView.aspx?DocID=179434>

Home care services remain limited, and in 2023, the number of individuals receiving such services was reduced by the government. Persons with disabilities lack individualized plans for transitioning into community settings, and non-governmental organizations do not have the necessary resources to support these moves.

Legal framework

The government passed a decree in 2022 to regulate personal assistance services, set to take effect in 2024¹¹; however, it does not specifically address the needs of persons with disabilities in institutions. Furthermore, this decree breaches the Convention on the Rights of Persons with Disabilities, as it fails to fully respect the autonomy of individuals' decisions¹². Despite a new draft of the personal assistance service regulation being released in October 2023, it still falls short of complying with the standards set by the CRPD.¹³

A draft for transforming care services was put forward in 2020¹⁴, but the government did not adopt it. Elements of this draft were later integrated into the 2023–2027 Complex Program for the Social Inclusion of Persons with Disabilities¹⁵. However, this program does not thoroughly tackle the issue of deinstitutionalization. Additionally, the government has not established a timeline for the closure of institutions and the creation of community-based services, as required by the CRPD, resulting in a considerable deficiency in the policy framework concerning the rights and care of persons with disabilities.

Recommendations

In light of the concerning situation in Armenia, we strongly urge the European External Action Service (EEAS) to consider the following recommendations for inclusion in their annual European Neighbourhood Policy (ENP) report:

1. It is imperative that the EEAS addresses the violations of the Convention on the Rights of Persons with Disabilities (CRPD) in Armenia, especially regarding Article 11 on situations of risk and humanitarian emergencies. In the report,

¹¹RA Government. (2022, August 11). Decree N 1264-N on Approving the Procedure for Providing Personal Assistance Service. Available in Armenian. <https://www.arlis.am/DocumentView.aspx?DocID=167256>

¹² Hovsepyan, M. (2022, August 12). New Personal Assistance Service or "Sorry, It Worked as Usual". Medialab. Available in Armenian. <https://www.medialab.am/232584>

¹³ Unified Website for Publication of Legal Acts' Drafts. (2023, October 17). Draft Decree of the RA Government "On Amending and Supplementing Decree No 1264-N of August 11, 2022". Available in Armenian. <https://www.e-draft.am/en/projects/6365/about>

¹⁴ Unified Website for Publication of Legal Acts' Drafts. (2020, March 17). Draft Decree of the RA Government "On Approving the 2020–2024 Program of Measures for the Transformation of Care Services for Persons with Disabilities and the Schedule for the Implementation of the Program". Available in Armenian. <https://www.e-draft.am/en/projects/2366>

¹⁵RA Government. (2023, June 8). Decree N 943-L "On Approving the 2023–2027 Complex Program on Social Inclusion of Persons with Disabilities and the Action Plan of its implementation". Available in Armenian. <https://www.arlis.am/DocumentView.aspx?DocID=178901>

please emphasize the urgent need to address institutionalization and the lack of community-based services for persons with disabilities. Stress the importance of establishing a clear timeline for the closure of institutions and the development of community-based services, with specific attention to supporting individuals with disabilities, including refugees.

2. In the report, bring attention to the pressing issue of preventing and addressing incidents of violence, neglect, and exploitation within care institutions in Armenia. Advocate for closer collaboration between the Armenian government and civil society organizations, particularly organizations representing persons with disabilities, to ensure transparency and accountability within the social protection system.
3. Highlight in the report the existence of discriminatory policies and regulations, such as the exclusion of certain orphanage graduates from housing programs based on their perceived ability to provide self-care. Emphasize that every individual has the right to live independently in the community, and it is the government's responsibility to support and safeguard their autonomy and inclusion in decision-making processes.

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