

To the UN Committee on Economic, Social and Cultural Rights (CESCR)
Parallel Report from a group of NGOs from Armenia

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Right to an Adequate Standard of Living, Including the Right to Property (Art. 2, 4 and 11)

Expropriation of property in the name of “supreme public interest”

1. The Law on Expropriation of Property for the Purpose of Ensuring the Supreme Public Interest sets a very broad framework for defining eminent domain. As such, the notion “supreme public interests” are continuously misused by the Government for unjustified alienation of citizens’ property, commonly without due and timely compensation,¹ and its reallocation to private business projects,

¹ Chamber judgement in the case of *Osmanyany and Amiraghyan v. Armenia* (application no. 71306/11) the European Court of Human Rights, <https://hudoc.echr.coe.int/app/conversion/docx/?library=ECHR&id=001-186669&filename=CASE%20OF%20OSMANYAN%20AND%20AMIRAGHYAN%20v.%20ARMENIA.docx&logEvent=False>.

such as mining and private construction, usually run by disreputable individuals or companies having links to high-ranking officials or registered in offshore zones or involved in corruption.

2. Decisions on eminent domain frequently take place in violation of legal norms, at the discretion of the Government as a sole decision maker. Moreover, there have been no cases when the Armenian courts have ruled in favour of the owners of the property and/or put in question the decisions of Government institutions, except for the decision of the Constitutional court that attempted to clarify the vague definition of ‘supreme public interest’.

3. According to the Law on Expropriation of Property for the Purpose of Ensuring Supreme Public Interest, the state does not provide guarantees for the protection of the rights of its citizens whose property is alienated for ‘supreme public interest’. While the Government is the decision maker, the contracts on the transfer of property are signed between the former and new owners, and the Government does not bear any responsibility.

4. Currently, there are hundreds of homeless victims of ‘state needs’ who have been deceived by companies that have promised replacement apartments, which have not been constructed on time, or sold single units to multiple owners, or have simply declared bankruptcy to forgo other contractual obligations.

5. The victims have oftentimes emphasised also the provision of the Law on Expropriation of Property for the Purpose of Ensuring the Supreme Public Interest, according to which the public interest cannot be considered supreme, if the realisation of the goal of expropriation does not begin within 7 years after the Government's decision on recognizing the supreme public interest comes into force.² In this sense, in the majority of the cases of violation, the Government extended its decision on the supreme public interest of a specific area after 7 years, since construction was not either started or finished within 7 years.³ While the extension and expropriation of the property might have deemed fair if granted to different entrepreneurs and not the ones who had not performed their obligations within the allocated period, the decisions of the Government on extension de facto and de jure are not well-grounded and raise multiple issues by violating the right of adequate housing of the owners and damaging the cultural heritage as well.

6. Representatives of the construction companies exert various forms of psychological pressure against the residents thus forcing them to sign contracts and be evicted from their homes. Residents who signed the contracts have sounded the alarm that no compensation has been received so far despite being fixed in the contracts.

7. Owners, representatives of the communities as well as the concerned NGOs did not have an opportunity to participate in the formation of the Government’s decision on “supreme public interest”, so there are series of statements, protests as well as court applications to dispute relevant decisions and actions of new owners.

Recommendations:

² Law on Expropriation of Property for the Purpose of Ensuring the Supreme Public Interest, 27 November 2023, Article 4.

³ See the few examples of such cases: <https://hetq.am/hy/article/156327>, <https://hetq.am/hy/article/113224> and the Government decision on extension of the decision on acknowledging as supreme public interest.

- Revise the RA Law "On Expropriation of Property for the Needs of Society and the State". In particular:
 - a) establish clear and objective criteria for recognizing private property as an exclusive public interest;
 - b) provide requirements and grounds for decision-making, including assessing the exclusivity of the public interest, participation of owners in the early stages of the process, as well as representatives of the wider public;
 - c) ensure due diligence and transparency of previous activities of acquirers of property to be expropriated in the name of overriding public interest.
 - d) ensure the publicity of information on the financial guarantees submitted by the acquirers to the state;
 - e) guarantee the state's involvement as a party and assumption of responsibility in order to ensure the proper fulfilment of the obligations of the acquirers and to protect the rights of citizens.

Cultural rights (Articles 2, 4 and 15)

Destruction of historical-cultural center in Yerevan

8. The properties expropriated under the pretext of “supreme public interest” in many cases contain cultural monuments within their territory. Hence the demolition and construction work carried out in such locations cause damages to the cultural heritage. One of the examples of such controversial expropriation is the 33th District in the city centre of Yerevan, also known as “Firdusi”, (hereinafter referred to as “The District”) - one of the last surviving historical areas of Yerevan.
9. Destruction of the historical layers of Firdus district and the heritage of the city showcase the lack of due communication with the concerned public⁴ for the decision on “supreme public interest” and preservation of cultural heritage. Further instances of disregard of cultural property within the scope of construction works and harm caused have been visible not only in the city centre of the capital,⁵ but also in other locations in Yerevan.

Destruction of cultural monuments on Mount Hatis in Kotayk province

10. Another initiative supported by the Government that risks destruction of the cultural heritage is allocation of Mount Hatis for private construction, as a renowned foundation of a local oligarch acquired from the local municipality plots of land on the mountain with the right of ownership and

⁴ Yerevan Heritage Protection Committee condemns the removal of a unique brick monument in Firdus district, 5 June 2023, <https://www.aravot.am/2023/06/05/1345586/>.

⁵ Government decision 1528-N on the areas enclosed by Abovyan, Pavstos Buzandm, Eznik Koghbatsi and Aram streets regarding recognition of the supreme public interest, 27 December 2018, <https://www.e-gov.am/gov-decrees/item/31297/>, see also the case of damaging the cultural building of Young Singers of Armenia on Arami street: <https://hetq.am/hy/article/156327>.

with an attempt to build a construction complex. The plots of land acquired by the Foundation also include the archaeological site called Hatis Fortress.

11. According to observations, roads leading to the top of Mount Hatis are already being built and power poles are being installed. Also gates have already been installed on the road to the mountain, which prevent the local people as well as tourists from entering the territory and hiking the mountain.

12. According to Clause 33 of the RA Government's decision "On approving the procedure for the state registration, study, preservation, fixing, repair, restoration and use of immovable monuments of history and culture" from 20 April 2002⁶, construction activities that do not correspond to the intended use of the monument are prohibited in the area occupied by the monument, performing agricultural and other works, as well as economic and production activities. In that area, only the study, preservation, museumization and exhibition organisation of the monument, as well as restoration and repair works contributing to the intended use of the monument can be carried out.

13. According to Clause 42 of the mentioned decision, "Projects for construction, road construction, geological and other works in the areas containing monuments are agreed with the authorised body during the preparation phase of the task of design and feasibility study of new construction".

14. Since 2008, Mount Hatis has been recognized as a natural monument. According to Article 1 of the Law "On Special Protected Areas of Nature", a natural monument is a "natural object of special scientific, historical, cultural and aesthetic value". According to part 1 of Article 19 of the same law, "any activity that threatens its preservation is prohibited in the territory occupied by a natural monument in the Republic of Armenia."

15. Furthermore, Article 14 of the RA Law "On Environmental Impact Assessment and Expertise" defines the basic documents subject to environmental impact assessment and expertise and the types of planned activities. Part 8 of the same article stipulates that all types of planned activities not listed in part 3 of that article, which will be carried out in specially protected nature and forest areas, within the limits of historical and cultural monuments, in green areas of common use, are also subject to examination.

16. The authorities violated the requirements of RA cultural heritage protection legislation, RA Law "On Special Nature Protected Areas" and RA Law "On Environmental Impact Assessment and Expertise." Neither have there been any public hearings prescribed by this legislation, which resulted in statements and protests by the interested groups.⁷

Recommendations:

⁶ The Government's decision N 438 "On approving the procedure for the state registration, study, preservation, fixing, repair, restoration and use of immovable monuments of history and culture" adopted on 20 April 2002.

⁷ Regarding the expropriation of the peak of Mount Hatis and the violation of obligations to a natural monument under the protection of the state, joint statement by the group of NGOs, 18 July 2022, <https://ldpf.am/hatis-leran-gagati-otarman-ev-orpes-petutyanyan-pahpanutyanyan-nergo-gtnvokh-bnutyanyan-hushardzani-nkatmamb-partavorutyunneri-khakhtman-veraberyal?page=4&fbclid=IwAR3kOs814oDDip6b5NzGcv9PbcRsYpawZbLWgeNKKJtInlfWoZNiJEEksUo>.

- Revise all the decisions adopted at the level of central or local governments, which may cause harm or risk for the protection of the cultural monuments, particularly the Firdusi district in Yerevan and Mount Hatis in Kotayk province;
- Identify gaps and revise legislation to ensure due engagement of the interested public and stakeholder groups in decision making on cultural heritage.

Improvement of all aspects of environmental and industrial hygiene (Art. 12)

17. The Amulsar gold mining project in Lake Sevan basin remains to be a major concern for the local public and environmental groups. The signing of a Memorandum of Understanding between the Government of Armenia, the Eurasian Development Bank and Lydian Armenia on the resumption of work at Amulsar on 22 February 2023 came as a shock to most people who are defending their right to live in a healthy environment, develop health tourism in Jermuk, use clean sources, and finally, protect their safety.⁸

18. The Amulsar project bears unmanageable risks, as it intends to use cyanide for processing, producing millions of tons of hazardous and toxic waste, including radioactive elements, which will result in contamination of air, land and water resources, destruction of ecosystems. Along with the seismic risks of the territory and its landscape, the exploitation of the Amulsar mine will not only put at risk the health and security of local residents, but also of the population of 4 more provinces of the country.⁹

19. The experts particularly warn that the development of the gold mine would put Armenia's water resources at risk given a high probability of acid mine drainage. It could pollute the mineral ground and spring waters of Jermuk as well as Lake Sevan. The exploitation of the deposit puts at risk the existence of the Jermuk health resort itself. According to experts, "The mountain positioning makes it impossible to avoid threats to water resources, as it is close to the Arpa, Vorotan, Darb Rivers, let alone Jermuk's mineral waters, the mining operations in the area would force Jermuk residents to leave their homes as it would make life impossible there."¹⁰

20. Previously, in 2018, the construction of this mine was halted when the local population blocked the roads leading to the mine infrastructure after the drinking water of Gndevaz village was contaminated and demanded the cancellation of this dangerous project. However, the project is pushed forward on the basis of incomplete environmental assessments from 2016, approvals by the Government and the permit (subsoil use right) granted to "Lydian Armenia" company, extended on 25.05.2022.

21. In 2023 the National Assembly adopted RA Law "On Making Additions and Amendments to the Subsoil Code", according to which, civil disobedience against a mining project was recognized as

⁸ The statement of NGOs regarding the operation of the Amulsar mine, 28 February 2023, <https://hetq.am/hy/article/153666>.

⁹ Whole Army of People Concerned about Risks of Amulsar Project and Their Own Safety, 7 March 2023, <https://www.ecolur.org/en/news/amulsar/14738/>.

¹⁰ Water resources specialist warns of major Amulsar mining risks, 20 March 2023, <https://www.ecolur.org/en/news/mining/14761/>.

a force majeure - a legal reason for disregarding the public opinion and an extension of the contract of subsoil use.¹¹

Recommendations:

- Revise the Subsoil Code and remove the clause according to which the civil disobedience can be ignored and the mining can continue;
- Revise the permits of mining project, including that of Amulsar, which have failed conduct proper EIA, and revisit those after the conduct of proper comprehensive EIA with consideration of all the social and environmental externalities based on the international experience;
- Develop methodologies for EIA of mining and other significant projects, including the methodology for the assessment of impacts on human health and cost-benefit analysis.

Right to just and favourable conditions of work (Art. 7)

Labour and Health Inspectorate Body

22. Since June 2021, as a positive development, the Labour and Health Inspectorate Body (Inspectorate) has been authorised to fulfil state oversight over the labour legislation, which has been one of the biggest problems of the field. This allowed dealing with individual labour disputes and carrying out inspections in response to allegations of labour rights violations.

23. The official statistics demonstrate that if in the second half of 2021, the Inspectorate mostly acted in response to individual complaints, in 2022, it proactively carried out inspections at various risky employers upon its own initiative, in addition to reacting to individual complaints.

24. However, there is a need for further improvement in order to make the Inspectorate an effective remedy, to ensure better respect of labour rights and prevent further violations. The legislation laying out the ground for its functions needs to be further clarified. In particular, the competences, especially in subjecting to accountability, should be laid out in law not simply in its Statute. The law should clearly establish the types of acts produced by the Inspectorate as well as methods to reveal violations (including inspection, examination, etc.).

25. Although the Inspectorate is entitled with the majority of powers envisaged by the ILO No. 81 Convention, the domestic legislation does not provide the power of the inspectorate to visit any time, including at night hours any enterprise for inspection and should inform the employee beforehand about the visit. Moreover, additional instruction should be provided by a superior in order to inspect other issues revealed during the inspection.

26. The Inspectorate is mandated to enhance awareness of both the employers and employees. Trial monitoring carried out by the Protection of Rights without Borders NGO (PRWB)¹² demonstrates

¹¹ With the new amendments to the Subsoil Code, the executive departs from democratic values, 14 February 2022, <https://www.ecolur.org/hy/news/amulsar/13778/>.

¹² PRWB, Report on The Characteristics and the Problems of the Functions of the Health and Labor Inspection Body in the Field of Labour Rights, April 2023, <https://prwb.am/2023/04/06/zekuyc-6/>. Summary in English is available at:

that most of the issues that ended up in court could have been addressed earlier if the employer had better awareness of the legal requirements. In such a case, development of templates or guides would allow to avoid disputes in court. Raising awareness of a broader public on the labour rights, as well as about the Inspection and its mandate is of paramount importance, especially in the regions of Armenia.

27. The PRWB's analysis demonstrates that the employees complain of violated rights mostly when they are fired, not while they are employed, fearing repercussions. The same conclusions derive from the analysis of the complaints submitted to the Inspectorate. Such complaints include but are not limited to: failure to pay the unused leave, dismissals in violation to the procedure, poor substantiation of the dismissal orders and/or order to subject the employee to a disciplinary punishment, discrepancies in the notification about dismissal procedure, lack of labour contracts or offering service contracts instead of labour contracts with the aim to avoid ensuring labour safeguards, etc. Moreover, the vast majority of complaints by employees to the Inspectorate was against private sector employers, and against public employers. About 40% of complaints by individuals were related to non-provision or miscalculation of final count by the employee. The majority of the complainants (56%) were females.

28. Despite the declared commitment of the Armenian Government to offer an electronic anonymous complaint system to the Inspectorate, to-date it is not operational. According to the legislation in force, in order to react to an alleged violation, the Inspectorate needs a personalised complaint. According to the official statistics, employees usually do not submit official complaints against their employer while they are employed. Hence, lack of anonymous mechanism undermines the efforts to address alleged labour rights violations in a timely manner and improve work conditions.

29. Illegal employment continues to remain an issue of concern. In such a case, the employees are left without effective remedies to protect their rights as they are unable to demonstrate labour relationships if they do not have a copy of the employment contract and/or are not registered with the Tax authority. A mechanism of notification about the registration with the Tax authority could contribute to transparency of the process for the employee.

30. Court monitoring demonstrates that as established by court, in public institutions there is a practice of dismissals based on artificial cut-offs (made-up restructuring of units/department). Or, in failure to follow the requirements for dismissing public officials and civil servants (no performance evaluation, other job not offered, etc.), abuse of disciplinary proceedings as a ground for dismissal¹³.

Access to justice

31. Positively, Civil Procedure Code envisages an expedited three-month procedure to deal with labour disputes. However, no similar procedure is legislated for labour disputes in the administrative

<https://prwb.am/en/2023/04/06/zekuyce2%80%a4aroghjapahakan-ev-ashxatankhi-teschakan-marmni-gortcuneuthyan-arandznahatkuthyunnerh-ev-xndirnerh-ashxatankhayin-iravunkhi-olortum/>

¹³ PRWB, Examination of the judicial practice on Labour Disputes: Labour Rights Issues, 2022,

<https://prwb.am/2022/07/12/zekuyce2%80%a4ashxatankhayin-gortcerov-datakan-praktikayi-usumnasiruthyun%e2%80%a4-ashxatankhayin-iravunkhi-xndirner/>; Summary of the report in English is available at:

<https://prwb.am/en/2022/07/12/zekuyce2%80%a4ashxatankhayin-gortcerov-datakan-praktikayi-usumnasiruthyun%e2%80%a4-ashxatankhayin-iravunkhi-xndirner/>

court. PRWB trial monitoring demonstrates that in the majority of cases, the courts did not comply with the legal deadline.¹⁴

32. Positively, the Law on State Fees waives the payment of filing fees for applicants (employers) in labour disputes. However, PRWB trial monitoring demonstrates that the court did not apply consistent approach and charged filing fees in some labour disputes.¹⁵

Protection of Labour Rights, Amendments to the Labour Code

33. Another positive development is ensuring effective participation of civil society organisations and other relevant stakeholders in the process of drafting amendments to the Labour Code adopted on 3 May 2023 by the National Assembly. As a result, many recommendations presented by CSOs were reflected in the revised draft amendments, which offered important regulations regarding the work conditions, safeguards for protection of workers from arbitrary layoffs, elimination of the possibility for termination of a working contract solely based on reaching the retirement age, etc.

34. Nevertheless, a number of issues still persist in the domestic legislation. For instance, the regulations concerning collective labour relations are quite problematic and overregulated. The field of collective negotiations should be liberalised to enable the parties to settle a number of issues through negotiations on mutually beneficial terms.

35. Article 45 of the RA Constitution ensures the freedom of association, guaranteeing individuals the right to connect with others, which includes the right to establish and join trade unions aimed at safeguarding labour interests. This, along with the freedom for workers and employers to form associations for protecting labour rights and interests (encompassing the right to establish or join trade unions and employers' unions), constitutes a fundamental pillar of labour legislation. This principle is explicitly laid out in Article 3, Part 1 of the RA Labor Code.

36. However, there exist certain constraints on the freedom of association as outlined in RA legislation (RA Law on Trade Unions, Article 6). These restrictions raise concerns in terms of international obligations undertaken by the state. Notably, actions are necessary to amend the RA Law on Trade Unions to enable employees of the prosecutor's office, judges (including those from the Constitutional Court), civilians engaged in police and security services, self-employed individuals, informal economy workers to establish and affiliate with organisations aimed at advocating for and safeguarding their interests.

37. Meanwhile, trade unions are not seen as effective mechanisms for protection of workers' rights. The Confederation of Trade Unions of Armenia has a monopoly for participating in Social Partnership agreements on behalf of workers. The newly established trade unions that are not members of the Confederation are not eligible to participate in that format. Traditional trade unions lack transparency and accountability in front of their constituencies.

38. The Labour Code does not provide for the definition of indirect discrimination and distribution of the burden of proof in favour of the plaintiff in all cases regarding discrimination in labour disputes.

¹⁴ PRWB, Examination of the judicial practice on Labour Disputes: Labour Rights Issues, 2022,

<https://prwb.am/2022/07/12/zekuyce2%80%a4ashxatankhayin-gortcerov-datakan-praktikayi-usumnasiruthyun%e2%80%a4-ashxatankhayin-iravunkhi-xndirner/>; pp. 275-276.

¹⁵ Ibid., pp.266-275

39. The legal system falls short of ensuring that employees have fair and favourable working conditions to the extent required for effectively upholding this right. Specifically, there are ongoing concerns about how employers factor in the gender of workers when making decisions related to employment, wage structures, leave entitlements, guarantees mandated by the Labor Code, imposition of disciplinary measures, and instances of termination in labour relations.¹⁶ There are no adequate mechanisms to establish discrimination grounds in labour relations and no effective compensation mechanisms for the victims of discrimination. For example, the PRWB's trial monitoring demonstrates that if a female employee was dismissed after notifying about her pregnancy, the court did not examine the claim re discrimination but focused on procedural aspects and found the dismissal unlawful failing to acknowledge discrimination.

40. Furthermore, the legislation in the Republic of Armenia lacks a mechanism to consistently shift the burden of proof in favour of the plaintiff for the instances of employment-related discrimination.

41. The Civil Procedure Code (Art. 214) requires factual and legal substantiation of dismissal orders. However, the Labour code does not contain explicit requirements for that. As a result, employers being not aware of procedural requirements, are guided only by the Labour Code. In such a case, the court by default is obliged to find the dismissal order null and void for failure to ensure the requirements of Article 214 of the Civil Procedure Code. To address this, there is a need to include such a requirement in labour-related legislation.

Recommendations:

- Revisit the Labour Code and bring it in compliance with the Armenian international obligations on the protection of labour rights;
- Revisit the legislation on trade unions to create conducive environment for unionisation of workers, increase their accountability to their members and enable their representation in Social partnership agreement regardless of their membership in the Confederation;
- Raise awareness of the broader public of the Inspectorate and avenues to file a complaint or receive a consultation on the labour rights;
- To further clarify the legislation regulating the mandate of the Inspectorate and methods of revealing violations;
- To harmonise the labour and civil procedure legislation in relation to the substance of dismissal orders.
- Envisage expedited procedure for the examination of labour disputes in administrative court.
- Ensure uniform approach in not charging filing fees from employers in labour disputes in courts.
- Taking into account the international regulations regarding the violation of fundamental human rights and the limits of effective judicial protection, it is necessary to provide in the Labor Code the possibility of receiving non-material damage compensation in case of violation of a person's fundamental right to prohibition of discrimination.

¹⁶ <https://hcav.am/labor-rights-statement-05-07-2021/>

Access to palliative care and effective pain relief in Armenia (Art. 12)

42. In 2022, the amount of morphine purchased under the state order for pain relief (in grams), provided free to patients, increased by about 60%, offering a more effective form of peroral morphine. The number of patients taking opioid painkillers for pain relief increased, particularly in Yerevan. The number of licensed palliative care organisations has risen to more than 30. The number of oncologists and therapists trained by NGOs has also increased. Monitoring results indicate that opioids are now being provided to patients in need of palliative care in larger quantities and for longer durations, compared to previous years.

43. Although there was a certain increase in the prescription of opioids in 2022, the prescription of opioid painkillers for palliative care purposes remains at a rather low level in Armenia. Despite the recent increase in opiate drug use, their prevalence in RA remains extremely low, not even reaching the annual quotas calculated by the WHO standards. Even though neither the domestic legislation of RA nor the international regulations endorsed by the latter prohibit the provision of pain relief through drugs, the analysis of survey responses and real cases documents insufficient pain management in Armenia and a pressing need for palliative care among patients.

44. Although legislative reforms have eased prescribing procedures for drugs, access to opioids, especially morphine/oramorph, remains inadequate. Doctors tend to avoid prescribing or only prescribe in small quantities and/or for a few days. Importantly, in cases where prescriptions are given, morphine/oramorph is often unavailable in medical organisations or there are no pharmacies licensed to store narcotic drugs, particularly in regional settlements of RA.

45. Patients continue to suffer due to incomplete pain relief in Armenia, violating their right to be free from pain and suffering as stipulated by fundamental human rights documents. Failure to provide patients with the appropriate type, size, and quantity of opioids leads to a lack of compliance with qualitative and quantitative standards defined by national and international documents and principles. The dearth of adequate drugs for effective pain relief, particularly morphine/oramorph, coupled with issues related to physical and territorial access, results in the infringement of patients' crucial right to access.

46. Moreover, palliative care is not comprehensive, as not all licensed palliative care facilities have trained specialists, social workers, or psychologists, and health workers exhibit inadequate professional abilities. In the latter case, the absence or non-provision of drugs containing co-responsible narcotic substances undermines the proper implementation of international obligations undertaken by the state to ensure the patients' right to enjoy the highest attainable standards of health.

Recommendations:

- Ensure availability and accessibility of opioid analgesics in Armenia in line with WHO standards;
- Ensure physical and geographical accessibility of pharmacies, especially in rural areas licensed to sell opioid analgesics for pain treatment;

- Ensure that doctors and other relevant specialists (social workers, psychologists) are trained to provide multidisciplinary palliative care services to people with life-limiting diseases;
- Ensure that palliative care facilities have necessary equipment and medical supplies to delivery services.

The right to the enjoyment of the highest attainable standard of mental health (Art. 12)

47. In 2020, the law “On Psychiatric Aid” was amended¹⁷, but the revisions have not been in alignment with international human rights standards. The continued reliance on coercion, including practices such as involuntary hospitalisation and medication, seclusion, and the use of physical, chemical, and mechanical restraints, is prevalent in mental health laws across different regions and poses a significant concern. The Government has not been successful in fostering an environment that supports the creation and continuous operation of assistance services. Furthermore, there has been a notable failure in instigating awareness among politicians and legislators regarding mental health systems that emphasise rights-based, recovery-focused, and community-based approaches.

48. A prevailing issue is the persistence of institutionalisation within the mental health system. The Government's ongoing investment in centralising mental health care has directly furthered this practice.¹⁸ Although a deinstitutionalization (transformation of care services) action plan was crafted in 2020¹⁹, the Government declined to officially adopt it. Instead, some elements were incorporated into a broader disability action plan²⁰ without a clear and systematic focus on deinstitutionalization or the specific goal to close long-term care institutions. Monitoring by public groups within care facilities for individuals with psychosocial and intellectual disabilities has uncovered violations of rights and the continued engagement in harmful practices²¹. In February 2023, a police investigation in Armenia discovered a patient chained to a radiator with a metal chain, along with other forms of abuse, in a psychiatric care centre that houses 450 people with mental health conditions²². According to the Disability Rights Agenda NGO, the Government did not provide the needed assistance to the individual who had been tortured and required significant support, despite this finding. Furthermore, there is a marked absence of effective mechanisms for redress, reparation, and restorative justice for those who have suffered from institutionalisation.

¹⁷ The Law of the Republic of Armenia. (2020). 'On Amending the Law "On Psychiatric Aid," adopted on June 18, 2020. Available in Armenian at: arlis.am

¹⁸ Helsinki Citizens' Assembly Vanadzor. (2021). Decentralisation of services by their centralization? Available in English at: hcav.am

¹⁹ Government of the Republic of Armenia. (2020). "On approving the 2020-2024 program of measures for the transformation of care services for persons with disabilities and the schedule of the implementation of the program" (Draft Decree). Unified website for publication of legal acts' drafts. Available in Armenian at: e-draft.am

²⁰ Government of the Republic of Armenia. (2023). Resolution N 943-L "On approving the comprehensive program of Social Inclusion of Persons with Disabilities and the list of measures ensuring the implementation of the program in 2023-2027." Available in Armenian at: arlis.am

²¹ Observation Group in Care Institutions. (2023). The report of the visit to Vardenis Neuropsychological Boarding House on 24.02.2023. Available in Armenian at: link

²² Jamnews. (2023). "Torture and exploitation at a psychiatric care center in Armenia." Available in English at: jam-news.net

49. The Government failed to provide the necessary, in time, accessible, and good quality mental health services during the 2020 war and the subsequent Azerbaijani aggression in September 2022²³. In February 2021, an initiative was approved for the psychological healing of individuals and the general public involved in the military confrontations unleashed by Azerbaijan in 2020. The program began later than the need arose - in the second half of 2021 - and ended in 2022. Even though the conflict with Azerbaijan continued and affected many people's well-being, the Government did not keep the program going. This has left thousands, including families of prisoners of war, missing persons, veterans, victims, and those forced to leave their homes in Nagorno-Karabakh, without the support they need.

Recommendations

- In light of the data presented in this report, we advise the CESCR Committee to consider the subsequent set of recommendations during their communication with the Government of Armenia:
- In close consultation with users, ex-users, and survivors of psychiatry, develop a non-coercive and community-based mental health support system and adopt the necessary legislative and policy measures that are based on the principles of international human rights law, including the standards of the UN CRPD.
- Redirect resources from institutionalisation to the establishment and growth of a wide range of community-based support services that respect autonomy and individual choice.
- Adopt a specific strategy for the process of deinstitutionalization of adults and children with disabilities who reside in residential and social care institutions, hospitals, and prevention of transinstitutionalization, including by addressing the support system for the transition from institutions to full independent living and being included in the community for all persons with disabilities.
- Prohibit all forms of coercive practices against adults and children with disabilities, including involuntary medication, the use of physical, chemical and mechanical restraints, practices of seclusion and isolation, specifically within residential institutions, hospitals, and group homes.
- Establish immediate and accessible channels for survivors of institutionalisation to pursue legal remedies, compensation, restorative justice, and other forms of accountability, ensuring that those who wish to seek redress can do so effectively.
- Reinitiate and broaden the psychological assistance to address the requirements of individuals directly impacted by the armed conflict and other urgent situations, with an emphasis on enhancing the timeliness, accessibility, and quality of the support provided.

²³ Helsinki Citizens' Assembly Vanadzor. (2021). Report on the action towards psychological rehabilitation of participants of the 44-day war and the public. Available in English at: hcav.am