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ՄՇՏԱԿԱՆ ՆԵՐԿԱՅԱՑՈՒՑՉՈՒԹՅՈՒՆ
PERMANENT MISSION
OF THE REPUBLIC OF ARMENIA

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The Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to the latter's communication Ref. OL ARM 4-2019, dated of 11 November 2019, has the honour to transmit the Information from the Government of the Republic of Armenia regarding the questions raised by the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on the right to education.

The Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosed: 1 docx. file.



Geneva, 07 February 2020

The Office of the United Nations High Commissioner for Human Rights
Geneva

Reply of the Republic of Armenia
to the communication sent on November 11 2019 by the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on the right to education

The communication has been thoroughly examined by the competent authorities of the Republic of Armenia, including the Ministry of Education, Science, Culture and Sport, Ministry of Territorial Administration and Infrastructure, Ministry of Social Affairs and Labor, Human Rights Defender's Office, "Armenian Caritas" benevolent NGO. The responses received from the mentioned institutions have been summarized as follows:

During a number of meetings held in 2019 with "Caritas Armenia" NGO representatives of the Ministry of Education, Science, Culture and Sport of the Republic of Armenia, the Ministry of Territorial Administration and Infrastructure, the Ministry of Social Affairs and Labor, Human Rights Defender's Office, as well as civil society organizations expressed their unanimous concern about the discriminatory nature of the "Children's city" project and stressed the necessity of reviewing the project in order to ensure the upholding of the principle of inclusion in compliance with the human rights instruments ratified by the Republic of Armenia.

Article 29 of the Constitution of Armenia, according to which "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", as well as Article 19 of the Convention on the Rights of Persons with Disabilities stipulating that "States parties to the Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community...", have been particularly referred to.

The rights of persons with disabilities are ensured by the Law "On social protection of persons with disabilities in Armenia". According to the recommendations of the UN Committee on the Rights of Persons with Disabilities with regard to the initial national report of Armenia, draft laws regulating disability issues are currently being developed. The draft laws will provide fundamentally new and equal approaches to ensure the rights of persons with disabilities and promote their inclusiveness.

In addition, Article 4 of the Law of the Republic of Armenia on "General education" stating that "The Republic of Armenia declares universal inclusive education as a guarantee for every child's right to education. Inclusive education policy is aimed at ensuring the accessibility, equal participation and quality of education for every child" was underlined. Therefore, education organized only with the participation of children with disabilities and children living in restricted conditions for education can be controversial in terms of children inclusion.

Thus, the overall project was assessed as contradicting the principle of inclusion and the purposes of UNICEF's "Child Friendly Cities".

Respective announcement by the Human Rights Defender's Office of Armenia was posted on children.ombuds.am website, as well as on the Defender's Facebook page, affirming that the state should make efforts to create necessary atmosphere for children to grow up in equal conditions, free of stereotypes and stigma and any negative factor promoting the latter should be excluded. Isolation from the society, and especially from peers, particularly due to a child's special features (disability, social vulnerability, etc.) is among the negative factors. This impedes the child's formation as a full member of the society. It is the international commitment of Armenia to support, protect and ensure the equal and full realization of rights and freedoms of persons with disabilities, as well as ensure respect towards their dignity.

The Ministry of Education, Science, Culture and Sport of Armenia in its communication with a Member of the Parliament on the issues reaffirmed that "Children's city" project would entail the reinforcement of stereotypes and stigma towards children with disabilities and socially vulnerable children. It was also stated that the experience survey of more than 35 countries shows that all countries attach great significance to the involvement of the whole community in the creation of child friendly cities, rather than constructing them by the principle of isolation from the society.

As regards the position of the Ministry of Labor and Social Affairs of Armenia on the project, it should be noted that from the very beginning the Ministry has spoken out against it with the afore-mentioned arguments. The project has been discussed at the Public Council meeting under the Minister of Labor and Social affairs, during different meetings with various stakeholders and posted on the unified website of legal acts for public opinion. Organizations representing persons with disabilities have also been involved in the review of the project by the initiative of the Ministry. Subsequently the Ministry presented a number of recommendations for the review of the project.

"Armenian Caritas" NGO itself reported that the initial version of the idea of the project has been revised, taking into account the suggestions of the Ministry of Education, Science, Culture and Sport and the Ministry of Labor and Social Affairs. Due to the cooperation with the above mentioned Ministries the idea of the project has been revised and its logical framework has been developed. It was presented to the attention of competent authorities during the meeting held on December 5, 2019 at the Ministry of Education, Science, Culture and Sport, where the suggested purposes of the project and their ways of implementation were discussed. As the content of the revised project now exclusively concerns education, the Department for the Organization of Vocational Education of the Ministry of Education, Science, Culture and Sport should present its observations to "Armenian Caritas" NGO, based on which the final version of the project will be developed.

The organization has expressed willingness to accept the recommendations and suggestions of stakeholders and amend the project based on the best interest of the child.

On December 26 the Government of the Republic of Armenia adopted a decision on invalidating the decree of the Government of the Republic of Armenia of August 8 on allocating plots in Shahumyan and Taperakan communities to “Armenian Caritas” benevolent NGO, thereby stopping the implementation of “Children’s city” project.