



ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ
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 Note Verbale OL ARM 1/2022 dated 22 December 2022, concerning to the Joint Communication from Special Procedures, has the honour to transmit information in response to the requests of the Special Rapporteurs.

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 2 pages.

Geneva, 13 March, 2023



OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS
Geneva

1. The UN Human Rights Special Procedures express their concern regarding to the draft Decree to update the procedure of "voluntary" medical sterilization (replacement of the current Decree N. 425 of the Government id 6 July 1998).

On July 15, 2022, the Republic of Armenia Government's draft "On revoking the Republic of Armenia Government's Decree N 425 on approval of the procedure and conditions of implementing voluntary medical sterilization of July 6, 1998 " was published on the e-draft platform. Due to the fact that a number of NGOs, in particular, "Agenda for the Rights of Persons with Disabilities" and "Women's Resource Center" NGOs had their objections to the draft, it was withdrawn from the <https://www.e-draft.am/> public platform. On 29 December, 2022, changes were done only in the preamble of the Decree N 425 of 1998, according to which a reference was made to article 9, part 3 of the law "On human reproductive health and reproductive rights". All other provisions of the order of the decree remained unchanged. As a result, the Decree N425 of 1998 of the Government remains in force.

2. In the context of medical sterilization, there are number of issues related to the regulations of the law of the Republic of Armenia toward the enjoyment of rights of persons with disabilities, particularly women, being prior and informed consent and being declared incapacitated by a court

According to the Decree No. 425 of 1998, the "Order for performing medical sterilization" (point 4) states that medical sterilization is voluntary, and is carried out only with the written informed consent of the individual. Clause 16 of the same Decree further emphasizes the voluntary nature of this intervention underlining that "since medical sterilization is an irreversible intervention, it must be voluntary and the applicant must be informed about it". Applicants must be given enough time (not less than one month) to make a final decision.

According to Clause 5 of the same Order, there is an imperative requirement that individuals recognized by the court as incapacitated or with limited capacity are not subject to medical sterilization.

3. Information on the current status of the draft, medical sterilization procedures and their compliance with the Convention on the Rights of Persons with Disabilities (CRPD), as well as consultations with NGOs.

As the Draft Amendment of the Decree contradicts the Convention (CRPD) and procedures, it has been not approved, thus, the version of 1998 of the N425 Decree, that does not contradict to both CRPD and the procedures, continue to remain force.

4. Information on measures taken by the Government to ensure that medical sterilization procedures are conducted in accordance with international human rights standards, consistent with the prior and informed consent of the individual on whom voluntary medical sterilization is performed, including the specific obligations set out in the Convention on the Rights of Persons with Disabilities, including, but not limited to, articles 12, 23 and 25.

In order to ensure the implementation of the Decree in accordance with international standards, the Government of Armenia, particularly the Ministry of Labor and Social Affairs which is responsible for the implementation of the Convention in Armenia, issued an Opinion on the Draft on amendments to the Decree. In accordance with that Opinion, the entry into force of the wording, specified in point 1 of the Annex of the Draft ("Voluntary medical sterilization can be carried out per individual's wish or medical instructions, with the written informed consent of the individual, sterilization upon medical instruction of persons recognized as incapacitated or with limited capacity is carried out per the court's decision") was suspended.

5. Information on the consultations held or planned with NGOs, especially those dealing with persons with disabilities and women's issues, and how their comments and suggestions have been incorporated into the draft amendment to the Decree

It should be noted that the proposals of the "Agenda of the Rights of Persons with Disabilities" NGO were taken into account in the suspension of the Draft of amendments to the Decree. The above-mentioned proposals have already been fixed in the current Decree N 425 and they have not been changed. In particular, it was taken into account that all medical interventions must be preceded by the full and free consent of the individual concerned.

The concerns of the Women's Resource Center were also taken into account. The organization referred to The Committee on the Rights of Persons with Disabilities (CRPD), which noted in its observations that the court is not authorized to make such decisions on behalf of a person. Therefore, in the mentioned Decree the provision: "individuals, recognized as incapacitated or with limited capacity by the court, are not subject to medical sterilization", is also justified.

In addition to sending the drafts to relevant authorities and to the office of the Human Rights Defender, these are also posted on the unified website <https://www.e-draft.am/>, with the goal to ensure a broad public discussion, which was done in this case as well. All opinions submitted on this platform have also been taken into account.