

Joint Statement on the draft law “On the protection of the rights of persons with disabilities and social inclusion thereof in the Republic of Armenia”

Although the Government of the Republic of Armenia has ratified the Convention on the Rights of Persons with Disabilities 7 years ago, the draft of law “On the Protection of the Rights of Persons with Disabilities and Social Inclusion thereof in RA” was redeveloped and introduced to National Assembly in November, 2016. One month ago, the draft of the law passed in its first reading during the extraordinary sitting of the National Assembly.

Rapid adoption of the draft law is related to the country review by Committee of the RA Government’s report, which will take place in March 2017.

This haste contains danger, therefore we present our concerns about the draft of the law below.

During this period, only one public discussion was conducted and it was organized by the RA Human Rights Defender’s office. Several organizations, including some NGOs joining this statement participated in the discussion; however, it is clear that the discussion was organized as a formality, and we do not consider it to have been effective. Wide range of groups of people with disabilities, including children with disabilities, persons with psychosocial and learning disabilities, were left out of the agenda. Moreover, appropriate public awareness about the draft law was not raised. According to the authorities, the draft law is based on the social model of disability. However, the medical model of disability, although sometimes invisibly, still lies at the foundation of the law.

The draft law defines the main goals of the state policy on the protection of the rights of persons with disabilities and their social inclusion. It is worth mentioning, that the first highlight is the prevention of disability. The prevention of disability is discussed more than 10 times in the draft.

While the draft states that it aims to provide for equal participation and protection of civil and political rights, there are no provisions or measures indicated to ensure these rights further in the draft.

In the draft law, “disability” is defined as “situation (effect) occurring in the result of interaction between limitations of life activities due to impairments of body structures or long term or permanent disorder(s) of body function(s) and individual factors and environmental barriers, which hinders or may hinder full and effective participation of a person in the life of society together with others on equal basis”

In the original version of the draft, the Armenian word for “accessible” is avoided and replaced or combined with the Armenian word for “available”. While mentioning disability, the services provided for persons with disabilities, are not discussed. “Limitations of life activity” and “disorders/impairments” terms are applied incorrectly, as the social component is excluded and only the medical component is left.

According to the proposal, discrimination does not include cases “when such distinction, exclusion or restriction is objectively justified by pursued legitimate goals and the means to achieve these goals are commensurate, appropriate and necessary.” In other words, discrimination, distinction, exclusion and restriction on the basis of disability could be justified according to the draft. This is a dangerous provision, as it can be interpreted in different ways, while it should be clearly specified that direct discrimination cannot be justified. In the case of indirect discrimination, “objective justifications” are possible to find, as this can be a result of unintentional move and lack of sensibility.

Despite our persistence, the authorities rejected the premise of gender-sensitive legislation. We believe, that gender-neutral legislation may unintentionally perpetuate the effects of historical discrimination against women with disabilities.

The proposal also includes number of discriminatory provisions, one of which, for example, stipulates that at least one children’s and news program with Armenian subtitles or sign language interpretation should be aired daily.

As DPOs and civil society organisations working with people with disabilities, we are deeply concerned about the processes and the adoption of the draft law. Since it was discussed amongst few entities and without active participation of the persons with disabilities, this process cannot be considered as legitimate and acceptable.

Considering these issues, we ask you to support us in finding new opportunities to make our voices heard.

The English version of the draft of the law is attached.

Signatories:

“Agate” NGO

“Disability Info” NGO

Helsinki Citizens’ Assembly Vanadzor Office

“Nor Astgh” NGO

“The world without obstacles” NGO

“Unison” NGO

*For more information about this statement, contact Mushegh Hovsepyan
musheghh@live.com.*