



HUMAN  
RIGHTS  
WATCH

## “When Will I Get to Go Home?”

Abuses and Discrimination against Children in Institutions  
and Lack of Access to Quality Inclusive Education in Armenia





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**Abuses and Discrimination against Children in Institutions and  
Lack of Access to Quality Inclusive Education in Armenia**

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## Abuses and Discrimination against Children in Institutions and Lack of Access to Quality Inclusive Education in Armenia

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## Summary

Gohar, sent her son Artur, now 13, to a residential special school for children with disabilities in Yerevan, 120 kilometers away from their home, when Artur was 7. While fighting back tears, Gohar explained the emotional difficulties for Artur when he was separated from his family:

He didn't feel comfortable at the school and refused to eat. This was his protest. Whenever he came home, he ate normally. At the beginning, we brought him home every two weeks for two or three days. But the teacher said that we shouldn't come so often because after he returned to school, he would be more emotional. We were told to take him only during the long school breaks. I am sad when I remember those four years. We knew that my son was having difficulties and didn't want to stay at the school, but we felt that there was no other option.

Artur spent four years at the special school in Yerevan before his family enrolled him in a local special school. Artur struggled emotionally to make the transition. Gohar told Human Rights Watch about the emotional effects of his time away from his family:

Even after he came back home to live, he was afraid when we went out somewhere or took him to school. He thought we were leaving him. It took him time to understand that it's not forever and that we will be coming back very soon.

Most children in Armenia in orphanages and other residential institutions end up in them because, like Artur, they have disabilities or due to poverty and other vulnerabilities that make it difficult for their families to care for their children. Indeed, 90 percent of children in residential care in Armenia have at least one living parent. While governments have obligations to provide for alternative care where a child is deprived of their own family environment, long-term institutional care is not a suitable alternative to family-based care for any child, whether with or without disabilities. Even the most well-resourced

institutions cannot replace a family, and research by the United Nations Children’s Fund (UNICEF) and others has demonstrated that life in institutions can have serious consequences for children’s physical, cognitive, and emotional development.

The government of Armenia is undertaking some important reforms aimed at protecting the rights of children. These include reducing the number of children in state-run residential institutions and moving these children back to their families, with community-based services and other means to support families, a process known as deinstitutionalization. An essential component of deinstitutionalization is reform to the education system to expand opportunities for all children, including children with disabilities, to study in their communities.

However, Human Rights Watch is concerned that these reforms will fall short of reaching their potential to ensure the basic rights of all children in Armenia to live in the community and to enjoy a quality education. Human Rights Watch is particularly concerned that children with disabilities will be left behind and face further discrimination. Human Rights Watch research in 2016 indicates that the Armenian government needs to make much more effort to prioritize development of community-based alternatives to residential institutions, or risk a continued reliance on institutions, rather than ensuring that children, particularly children with disabilities, grow up in a family, as is their right.

Although reforms over several years have helped to ensure that more children with disabilities study in community schools, many children with disabilities do not receive a quality education in these schools, due to a lack of reasonable accommodations to facilitate their learning. Education is a prerequisite for full inclusion and participation of people with disabilities in the community, and for countering isolation and exclusion.

The government’s policies on deinstitutionalization and inclusive education, as they are currently being implemented, do not guarantee the rights of children with disabilities on an equal basis with other children and are discriminatory. As the starkest example, the government plans to transform three orphanages, known as generalized orphanages, which primarily house children without disabilities, into non-residential centers to provide community-based services. However, the authorities have no plans to transform or close



three other orphanages where children with disabilities live. Thus by 2020, when the three generalized orphanages are slated to be transformed from residential institutions to community-based service providers, only children with disabilities will remain in orphanages. Most are at risk of needlessly spending their entire lives in an institution.

The government of Armenia and its partners in the deinstitutionalization process should immediately take steps to prioritize family-based care equally for all children currently in residential institutions and at risk of being placed in residential institutions. The government should also ensure provision of a quality education equally to all children, without discrimination.

This report is based on Human Rights Watch visits to five state-run orphanages and ten state-run schools, including six special schools and four mainstream schools, and interviews with 173 people, in eight cities in Armenia. We interviewed 47 children and young adults, and 63 families of children living in orphanages, attending special schools or attending mainstream schools. We also interviewed directors of orphanages, special schools, and mainstream schools, as well as social workers, doctors, teachers, psychologists, caregivers, and other staff in institutions.

## **Abuses Against Children and Young People in Institutions**

There are three types of state residential institutions in Armenia: orphanages, residential special schools, and night boarding institutions, where children eat and sleep during the week. According to UNICEF, there are nearly 3,500 children in residential institutions in Armenia; of 670 children in orphanages, 70 percent have disabilities. The material conditions in most institutions in Armenia visited by Human Rights Watch appeared adequate, if basic, in terms of shelter, clothing, food, heat, and other basic care. Some institutions had high-quality, modern therapeutic equipment and services. This is largely a result of substantial support from international donors, including individuals, foundations, international organizations, international governments, and others.

However, numerous observational studies have documented stunted physical, intellectual, emotional, and social development among children separated from family environments and placed in residential institutions. Institutional care is defined by certain

characteristics that are harmful to children, including separation from families and the community; confinement to groups homogeneous in age and disability; depersonalization; overcrowding; instability of caregiver relationships; lack of caregiver responsiveness; repetitive, fixed, daily timetables for sleep, eating, and hygiene routines not tailored to children's needs and preferences. Studies have also found that children moved from institutional care into families, including adoptive and foster families, have much better outcomes.

In addition to the harm to children of institutionalization itself, Human Rights Watch research in 2016 documented abuses against children with and without disabilities living in even the most well-resourced residential institutions, including the lack of individual attention and nurture, a lack of privacy, and a lack of accessibility for children with disabilities. Both children in institutions and their parents often experience severe emotional distress as a result of their separation.

In addition, concentrating services for children, in particular for children with disabilities, in institutions rather than in the community can contribute to many families' decisions to place children in institutions. It also deprives children in the community of access to services which they may need. Residential institutions currently serve as the main mechanisms for social service delivery in many parts of Armenia. Human Rights Watch research found that basic material support (food, clothing, etc.) and trained staff to provide rehabilitation, education, and other services to children are frequently only found behind the walls of institutions and available only to the children living inside.

This structure also means that many children who remain with their families and who may require or benefit from certain services and resources are often unable to access them. According to one expert on children's rights in Armenia, of 830,000 children in Armenia, about half could benefit from some form of differentiated services, which are not widely available in communities, but concentrated in institutions.

A UNICEF study analyzing the costs of institutions in Armenia in contrast to community-based services determined that "services of residential institutions are very expensive." UNICEF found that the financial support allocated for children in institutions in Armenia,

currently between US\$3,000 to 5,000 per year per child, can be reallocated to community-based services and direct support to families, and that these types of supports in the long term are less expensive.

In residential institutions, children are divided into groups, and typically eat, sleep, and do other activities in the group. Children and young adults were typically organized in groups of between 10 and 12 children, but up to 17 children, with two caregivers. With such a large number of children to care for, even the most dedicated and caring staff are challenged to provide individualized attention and care, in particular to very young children or children with certain support needs relevant to their disabilities. The organization of children into large groups for the convenience of the institutional system also leads to a lack of privacy, with even older children and young adults sleeping in bedrooms with up to 13 others.

Residential institutions do little to prepare children to live on their own once they become adults. The lack of preparation for independent living is true for both children with and without disabilities, but is more significant for children with disabilities. Children with disabilities who age out of institutions for children may remain in institutions indefinitely also due to the lack of alternatives in the community, as well as officials' failure to guarantee some young people with disabilities the right to exercise their legal capacity when they turn 18. As a result, young people with disabilities in institutions are denied opportunities most people take for granted, such as deciding where to live, having a job, developing a circle of friends of their choosing, finding a life partner or spouse, raising children, and enjoying cultural and other activities of their choosing.

Under international law, states should ensure that children are not separated from their parents unless that separation lies in the child's "best interests." The United Nations Guidelines for the Alternative Care of Children additionally state that financial and material poverty should never be the only justification for the removal of a child from parental care or for receiving a child into alternative care, but should be seen as a signal for the need to provide appropriate support to the family. States should take all necessary legislative, policy, and financial measures to provide for adequate alternative care options that grant priority to "family and community based solutions."

The Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD) oblige Armenia to ensure that children with disabilities enjoy their rights without discrimination. The treaties require Armenia to consider children with disabilities as members of society with rights on an equal basis as others and to remove barriers that prevent children from full inclusion in society. In no case shall a child be separated from parents on the basis of a disability and states should “undertake every effort to provide alternative care with the wider family, and failing that, within the community in a family setting.”

### **Lack of Access to a Quality Inclusive Education**

In order for the Armenian government’s deinstitutionalization program to succeed, the government needs to guarantee community-based services to families and children, including education. Provision of a quality education for all children, regardless of disability, in community schools is an essential component of transformation of the system whereby children with disabilities have been educated in so-called special schools for children with disabilities, in isolation at home because of barriers to accessing schools, or not at all. Without accessible, quality education in the community, children with disabilities are at risk of continued isolation in residential institutions.

Education whereby students with and without disabilities study together in mainstream schools and children with disabilities receive the accommodations they may need to succeed in a mainstream environment is known as inclusive education. Quality inclusive education is acknowledged as the most appropriate means for governments to guarantee universality and nondiscrimination in education. Inclusive education is not only relevant for the education of students with disabilities, but should benefit all children and be “central to the achievement of high-quality education for all learners and the development of more inclusive societies.”

The Armenian government has committed to making all primary and secondary schools (compulsory education, grades 1 to 9) inclusive for children with disabilities by 2022. According to the Ministry of Education and Science, for the 2016-2017 school year, 6,700 children with “special educational needs” are enrolled in mainstream schools providing inclusive education. However, Human Rights Watch found that children with disabilities,

including those in mainstream schools designated as inclusive, often do not receive a quality education on an equal basis with others. The lack of reasonable accommodations, including basic physical accessibility in buildings; sufficient, trained staff; and a lack of individualized approach to children's education and social development impedes the ability of many children with disabilities to enjoy a quality education.

Some children with disabilities enrolled in "inclusive" mainstream schools and in special schools may attend school for only a few hours a day, or not all days of the week. Despite attending so-called inclusive schools, children with disabilities often do not attend classes with other children or are present in classrooms but do not fully participate in an academic curriculum. Their education often consists of primarily or exclusively one hour or shorter individual sessions once or a few times a week.

Inclusive community schools and special schools often lack sufficient staff, in particular aides who can provide direct support to one or more children. As a result, in some cases a parent, most often a child's mother, must remain with the child in the classroom to support him or her. This can impede children's inclusion and can disrupt family life, including a parent's ability to secure paid employment or care for other children.

Some parents continue to opt for special schools for their children with disabilities, in search of smaller class sizes and more individualized approaches. Armenian law protects the right of parents to choose to send their children to a special school. However, these schools may be located far from their homes, and often require children to live at the school full-time or during the school week, may not provide a quality education, and can inhibit children's full inclusion in the community. Parents frequently referred to certain behaviors or features related to the child's disability, such as an inability to speak, write, move independently, sit still for extended periods of time, or sit without support, which many schools would not accommodate, as the main reason for staying with their child at school or opting for a special school.

Human Rights Watch also found that children with disabilities may be relegated to home education, due to problems with accessibility in schools, homes, and in the community as well as schools' failure to provide other reasonable accommodation. With home

education, teachers from local schools visit children at home and provide a few hours of basic literacy and numeracy instruction per week, in mathematics, Armenian language and Russian language, which does not constitute a quality education. These children typically have little or no interaction with classmates or other peers.

International standards require schools to provide reasonable accommodations to support students, regardless of their disability. The CRPD has stated that the education of persons with disabilities should enable “each student to live, study and act autonomously, with adequate support, taking into account individual capacities.” The CRPD also notes that any support measures provided to children with disabilities should be “compliant with the goal of inclusion. They must be designed to strengthen opportunities for students with disabilities to participate in the classroom... rather than marginalize them.”

## **Government Response**

The government of Armenia has taken a number of positive steps to prioritize family-based care for children. With the financial support of the United States Agency for International Development (USAID), UNICEF is supporting the government in a program which aims over four years to decrease by 50 percent the number of children in institutions across the country and for 22 institutions, including orphanages, special schools, and night boarding institutions, to be transformed into community-based service centers. The government’s new draft Strategic Plan for the Protection of the Rights of the Child goes even further to say: “At least 70 percent of children in institutions will be transferred to families” by the plan’s end in 2021.

The UNICEF-supported program includes legal reforms to revise the systems for foster care and adoption and for social workers and case managers; prevention of children being placed in institutions; transformation of institutions into centers to provide social support, aftercare services, and day care; increasing the number of foster care families; support to biological families to help them care for their children; and inclusive education.

Alternatives to institutions, such as foster care and adoption services, while currently under development, also remain minimal and should be developed at a commensurate pace to deinstitutionalization. Currently, key amendments to the family code that would

facilitate the opportunity for more children to be placed in foster families and to promote adoption, are stalled in government. One key change will allow children whose parents have not relinquished their parental rights to be placed in foster care. There are currently a total of 23 foster care families in all of Armenia, and budget support allocated only for a total of 25. Without changes to the family code and budgetary commitments to alternatives, the government's deinstitutionalization program will stall.

In addition, in the majority of communities, social services for vulnerable children and families remain limited, including differentiated types of family support based on identified needs. Although these types of services are under development in conjunction with the UNICEF-supported project, it is essential that they be developed at a pace commensurate to that of deinstitutionalization, and that children with and without disabilities receive equal treatment.

As noted above, although the government has committed to closing a number of institutions, it thus far insists on keeping some open, which risks a continued reliance on these institutions. This will be exacerbated by the lack of alternatives to institutions, such as foster families and adoption, and the absence of community-based services and inclusive education. In its 2016 research, Human Rights Watch found that some children with and without disabilities are moved out of one orphanage or institution, only to be placed in another orphanage or residential special school, in many cases for exactly these reasons.

Children who are moved out of institutions may be returned to families who may still be facing many of the same challenges that prompted their child's initial placement in the institution. They may in many cases require substantial and sustained support, including regular contact with and support from social workers or similar professionals.

## **Key Recommendations for the Way Forward**

The government of Armenia is in a distinct position of having made certain commitments towards deinstitutionalization and prioritization of family-based care for children. It has also made a bold pledge to make all schools inclusive, signaling a recognition of the rights of children with disabilities to be included in the community. The government should realize these commitments fully and sustainably, and in such a way that fully respects rights and meets the needs of families and children.

### **The Government of Armenia should:**

- Deter any new placements of children in residential institutions;
- Establish a time-bound plan to end the use of residential institutions for all children, with limited exceptions. Children should not be placed in residential institutions except in emergency cases or to prevent the separation of siblings, and for a limited duration, and with planned family reunification or placement in other appropriate long-term alternative care as the ultimate outcome for the child;
- End discrimination in the deinstitutionalization process, including by guaranteeing that the national deinstitutionalization policy includes children with disabilities, and does not discriminate against children on the basis of disability, on the type of disability or high support needs;
- Ensure that financial and other resources allocated to institutions are truly decentralized and redirected to the establishment of community-based services, and do not remain exclusively in transformed institutions;
- Ensure that foster care and adoption systems are fully functional by the time children are moved out of residential institutions. Ensure that systems promoting and implementing foster care and adoption take specific measures to ensure children with disabilities are placed in foster and adoptive families on an equal basis with children without disabilities;
- Establish and maintain a range of targeted, accessible, diversified community-based services for families in difficult situations, as well as for individuals,



- including children with disabilities and their families, to prevent institutionalization and to support families to raise their children at home;
- Pay particular attention to the needs of families of children recently returned to homes from institutions;
  - Implement inclusive education at all levels in such a way as to achieve maximum inclusion of children with disabilities, including children with high support needs, in mainstream schools;
  - In schools, minimize the removal of children with disabilities from classrooms for separate coursework. While some children may require certain individual or small group coursework, these classes should maximize children's academic and social development and should not be a replacement for children's full participation in the classroom;
  - Ensure there are sufficient and trained staff in classrooms, including by ensuring sufficient financial support for assistant teachers and student aides at a ratio that promotes inclusion;
  - International donors should support the government in realizing these recommendations.

## Methodology

Human Rights Watch interviewed 173 people during field research for this report in April, May, and December 2016 in eight cities in Armenia: Yerevan, Kapan, Goris, Vanadzor, Gyumri, Armavir, Hatsik, and Chambarak.

Researchers interviewed 47 children and young people, including 32 children ages 8 to 17, and 14 young adults, ages 18 to 29. We also interviewed 63 families of children living in orphanages, living in or attending special schools, or attending mainstream schools. Human Rights Watch held most interviews in private, including all interviews in institutions. In some cases, children and parents were interviewed with each other present.

Human Rights Watch visited five orphanages and ten schools, including six special schools and four mainstream schools. During visits to these institutions, we interviewed children, as well as 31 staff members, including directors, teachers, social workers, doctors, caregivers, psychologists, a lawyer, and other staff. In all cases, researchers conducted interviews with children in private.

In all cases, Human Rights Watch informed interviewees of the purpose of the interview, that they would receive no personal service or benefit, and that the interviews were completely voluntary. Participants gave oral informed consent to participate.

Unless otherwise noted, we have used pseudonyms for all children, young people, and their families in order to protect their privacy. In some cases, we have concealed other details, such as the name of the institution where a child resides or resided. We have also withheld names and other details about some institutional staff to protect them from possible reprisals.

Human Rights Watch met with representatives from the Ministry of Labor and Social Affairs, the Ministry of Education and Science, the Ministry for Territorial Affairs and Administration, the Yerevan Mayor's Office, one regional Child Protection Unit, and the National Assessment Center. As part of this research, we also reviewed a number of

government policies and laws and relevant reports from United Nations agencies and treaty bodies, the European Union, and NGOs. In November 2016, Human Rights Watch sent letters to the Ministry of Labor and Social Affairs of Armenia, the Ministry of Education and Science, the Ministry for Territorial Affairs and Administration, and the Yerevan Mayor's Office, requesting responses to specific questions. This correspondence can be found in an annex to this report.

Human Rights Watch also interviewed staff from the United Nations Children's Emergency Fund (UNICEF), the United States Agency for International Development (USAID), the World Bank, as well as several large international organizations working on children's rights in Armenia, including Caritas Armenia, Children of Armenian Fund (COAF), Fund for Armenian Relief (FAR), Open Society Foundations-Armenia, Save the Children, SOS Children's Villages, and World Vision. Human Rights Watch also met with representatives of 17 local nongovernmental organizations and organizations of persons with disabilities in different cities in Armenia.

Interviews with children were conducted in Armenian with the assistance of a translator, fluent in Armenian and English, with the exception of one interview conducted in English with a child with a strong command of English. Interviews with parents, institution staff, government officials, and representatives of Armenian NGOs were largely conducted in Russian, by researchers fluent in Russian. In some instances, interviews with these individuals were conducted in Armenian, with the assistance of a translator.

In line with international instruments, the term "child" as used in this report refers to a person under the age of 18; "young people" refers to persons between the ages of 18 and 30.

# I. Overview of Residential Institutions in Armenia

According to UNICEF, as of April 2016, there were nearly 3,700 children in residential institutions in Armenia; 90 percent have at least one living parent.<sup>1</sup> There are three types of state residential institutions in Armenia: orphanages, residential special schools, and night boarding institutions. Orphanages are divided into two types: generalized, for children without disabilities, and specialized, for children with disabilities.<sup>2</sup> Orphanages and night boarding institutions fall under the authority of the Ministry of Labor and Social Affairs and special schools are under the supervision of the Ministry of Education and Science, the Ministry for Territorial Affairs and Administration, or the Municipality of Yerevan.

Of 670 children residing in orphanages in May 2016, 70 percent have disabilities.<sup>3</sup> Children and young adults in orphanages reside there continuously. Visits home or by family members are rare for children in orphanages. At night boarding institutions, children typically spend the school week there to eat and sleep, and attend a community school during the day. Many children return home on the weekend, although some children may stay in night boarding institutions continuously and return home only for school holidays.

Special schools have the most variety in terms of arrangements, with some children residing continuously except for school holidays, some children resident just for the school week, and some children attending during the school day only. Special schools are a legacy of the Soviet Union whereby children with disabilities studied almost exclusively in institutions specialized according to their disabilities. As of December 2016, there were 20 special schools in Armenia, and most have both children with and without disabilities

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<sup>1</sup> Human Rights Watch interview with Tanja Radocaj, UNICEF representative in Armenia, Artak Shakaryan, UNICEF Child Protection Programme Coordinator, and George Abadjian, UNICEF Child Protection Officer, Yerevan, April 12, 2016.

<sup>2</sup> Specialized orphanages care for children with so-called “severely limited capacities,” according to Governmental Decree No. 957-N, “On making amendments in a number of RA Governmental decrees,” adopted September 8, 2016.

<sup>3</sup> Human Rights Watch interview with Geghanush Gyunashyan, Department of Family, Women, and Children’s Issues, Ministry of Labor and Social Affairs of Armenia, May 24, 2016.

enrolled.<sup>4</sup> According to UNICEF, approximately only 18 percent of students enrolled in special schools are registered as having a disability.<sup>5</sup>

Residential care institutions serve as the main mechanism for the government's delivery of social services to families in difficult life circumstances, as well as to children with disabilities and their families, with services and staff concentrated in the institutions, rather than available and accessible in communities. As a result, many or most of the children without disabilities living in residential institutions in Armenia have been placed there due to challenging family circumstances, including poverty, unemployment, inadequate shelter, parents' health problems, disability in the family, single parenthood, and other issues. Challenging family circumstances often compel parents of children with disabilities to place their children in an orphanage or residential special school, frequently due to the absence of community-based services to support families.

According to a 2016 UNICEF study which examines deprivation among children in Armenia in multiple dimensions, including housing, utilities, clothing, education and leisure, 64 percent of children are deprived in two or more dimensions, with 82 percent deprivation in rural areas. In terms of monetary poverty alone, 36 percent of children are poor and 3 percent are extremely poor. Poverty is more likely to affect children: although children represent only 22 percent of the total Armenian population, children represent 26 percent of the poor population and 30 percent of the extremely poor.<sup>6</sup> Previous UNICEF reporting found that 54 percent of Armenian children with disabilities and their siblings live in poverty.<sup>7</sup>

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<sup>4</sup> Letter from Nairi Harutyunyan, Ministry of Education and Science of Armenia, to Human Rights Watch, December 14, 2016, and Letter from D. Loqyan, Minister of Territorial Administration and Development, to Human Rights Watch, December 26, 2016.

<sup>5</sup> UNICEF, "Children in Armenia," 2016, <http://www.unicef.am/en/articles/children-in-armenia> (accessed December 15, 2016).

<sup>6</sup> According to the study, 88 percent of children in Armenia are deprived in at least one dimension. In rural areas, almost every child is deprived in at least one dimension (97 percent), compared to 82 percent in urban areas. UNICEF, "Child Poverty in Armenia: National Multiple Overlapping Deprivation Analysis," 2016, [http://www.un.am/up/library/annual\\_report\\_2016\\_eng.pdf](http://www.un.am/up/library/annual_report_2016_eng.pdf) (accessed November 7, 2016).

<sup>7</sup> UNICEF, "Children in Armenia."

## II. Institutionalization of Children and Young Adults and Discrimination in the Deinstitutionalization Process

The government of Armenia is currently undertaking a program to transform a number of state residential facilities for children with the goal of decreasing the number of children living in institutions, and transforming the facilities to provide community-based services. The government has currently scheduled 22 residential institutions to be transformed over four years, in a UNICEF-supported program, as described in more detail below. However, Human Rights Watch research in 2016 identified a number of concerns with the government's approach, including, in particular, that the government has no specific plans to transform or close the three orphanages where children with disabilities reside, and continues to invest in these institutions. This approach exacerbates the overrepresentation of children with disabilities in institutional care and is discriminatory.

Although the material conditions in most institutions visited by Human Rights Watch appeared adequate, if basic, in terms of shelter, clothing, food, and other essential care, Human Rights Watch research identified a number of serious problems with regard to institutions in Armenia, including the lack of individual attention and nurture, a lack of privacy, and a lack of accessibility. Living in institutions, particularly for those who remain there continuously, causes emotional hardship for children, as well as their parents. There are also serious shortcomings in the preparation for children to live independently when they reach adulthood. Individuals with disabilities are regularly denied legal capacity to make decisions for themselves and so children who grow up in institutions often remain in institutions upon reaching adulthood. In some cases, the continued confinement of individuals in institutions may amount to arbitrary deprivation of liberty.

Additionally, numerous observational studies have documented negative impacts on physical, intellectual, emotional, and social development among children separated from their families and placed in institutions.<sup>8</sup> Regardless of an institution's label, size, and

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<sup>8</sup> A. Berens and C. Nelson, "The science of early adversity: is there a role for large institutions in the care of vulnerable children?" *The Lancet* (2015); and UNICEF, "Violence against Children in Care and Justice Institutions," undated,

location, institutional care is defined by certain characteristics that are harmful to children. Among these are: separation from families and the wider community; confinement to groups homogeneous in age and disability; de-personalization; overcrowding; instability of caregiver relationships; lack of caregiver responsiveness; repetitive, fixed, daily timetables for sleep, eating, and hygiene routines not tailored to children's needs and preferences; and sometimes, insufficient material resources.<sup>9</sup>

Evidence has shown that institutionalization of babies harms their early brain development, can result in developmental delays and permanent disability, and may have long-lasting effects on their social and emotional behavior.<sup>10</sup> For older children, the Committee on the Rights of the Child has noted, "There is significant evidence of poor outcomes for adolescents in large long-term institutions... These adolescents experience lower educational attainment, dependency on social welfare and higher risk of homelessness, imprisonment, unwanted pregnancy, early parenthood, substance misuse, self-harm and suicide."<sup>11</sup> Other studies show that children who were moved from an institution into family-based environment demonstrated signs of improvement in their intellectual functioning and attachment patterns, reduced signs of emotional withdrawal, and reduced prevalence of mental health conditions.<sup>12</sup>

As detailed below, international standards require that placement of children in residential institutions be a measure of last resort, only for short periods, and only when in the best

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<http://www.unicef.org/violencestudy/5.%20World%20Report%20on%20Violence%20against%20Children.pdf> (accessed September 15, 2016).

<sup>9</sup> Marinus H. van Ijzendoorn et. al, "Children in Institutional Care: Delayed Development and Resilience," *Monographs of the Society for Research in Child Development*, vol. 76, issue 4 (2001); and Megan M. Julian and Robert B. McCall, "The Development of Children within Alternative Residential Care Environments," *International Journal of Child and Family Welfare*, 2011/3-4, pp. 119-147.

<sup>10</sup> Georgette Mulheir, "Deinstitutionalization: A Human Rights Priority for Children with Disabilities," September 2012, [http://www.equalrightstrust.org/ertdocumentbank/err9\\_mulheir.pdf](http://www.equalrightstrust.org/ertdocumentbank/err9_mulheir.pdf) (accessed April 30, 2016); Kevin Browne, "The risk of harm to young children in institutional care," Child Rights Information Network, 2009, [www.crin.org/en/docs/The\\_Risk\\_of\\_Harm.pdf](http://www.crin.org/en/docs/The_Risk_of_Harm.pdf) (accessed April 30, 2016).

<sup>11</sup> UN Committee on the Rights of the Child, General Comment No. 20, On Implementing the Rights of the Child during Adolescence, UN Doc. CRC/C/GC/20 (2016), para. 52.

<sup>12</sup> R. Johnson, K. Browne, and C. Hamilton-Giachritsis, "Young children in institutional care are at risk of harm," [https://www.crin.org/en/docs/The\\_Risk\\_of\\_Harm.pdf](https://www.crin.org/en/docs/The_Risk_of_Harm.pdf) (accessed September 15, 2016); Nelson C, et al., "Cognitive Recovery in Socially Deprived Young Children: the Bucharest Early Intervention Project," [http://www.bucharestearlyinterventionproject.org/Nelson\\_et\\_al\\_\\_combined\\_\\_2007\\_.pdf](http://www.bucharestearlyinterventionproject.org/Nelson_et_al__combined__2007_.pdf) (accessed May 17, 2016); Bos, K. et al., "Psychiatric Outcomes in Young Children with a History of Institutionalization," 2011, [http://www.bucharestearlyinterventionproject.org/Bos\\_et\\_al\\_\\_2010\\_.pdf](http://www.bucharestearlyinterventionproject.org/Bos_et_al__2010_.pdf) (accessed May 17, 2016).

interest of the child, and then only in exceptional cases. The CRPD calls on governments to implement a well-planned, structured, and time-bound process of deinstitutionalization of persons with disabilities, and sets out specific requirements for that process.

Children have the right to grow up in a family, and to not be unnecessarily separated from their parents. Neither poverty nor disability can be a justification or a basis for placement of children in institutions. Although the government has recognized the need to decrease the number of children in institutions, it should ensure it does so equally for children with and without disabilities.

## Discrimination in the Deinstitutionalization Process

While the government of Armenia has committed to move children out of at least 22 orphanages, special schools, and night boarding institutions and transform them into non-residential centers to deliver community-based services, there are no plans to transform the country's three orphanages exclusively for children with disabilities. In addition, the government has not sufficiently prioritized the return of children with disabilities to their birth families or identified alternative care solutions for them. A 2016 action plan on developing alternative services for children in difficult life circumstances does not refer to children with disabilities at all.<sup>13</sup>

Although the number of orphanages and the total number of children in orphanages is decreasing, the concentration of children with disabilities in orphanages increases. By 2020, when the three generalized orphanages are slated to be transformed and all children from those institutions moved to alternative care, the only orphanages remaining will be specialized orphanages for children with disabilities. The failure to undertake deinstitutionalization of children with disabilities on an equal basis with other children constitutes discrimination. The government should immediately revise its policies to ensure children with disabilities are fully included in the deinstitutionalization process. Marie Izmirlyan orphanage in Yerevan is one of the country's three specialized orphanages for children with disabilities. The director, Hasmik Mkrtchyan, described the orphanage's

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<sup>13</sup> Action plan on implementation of the Concept on development of the Alternative service system for children in difficult life circumstances (approved by Governmental Decree No. 36, September 15, 2016). On file with Human Rights Watch.



experience with the deinstitutionalization process since 2013: “In 2013 the government started a new project to decrease the number of children in orphanages. At that time the healthy children [children without disabilities] were referred to other institutions or to foster families. At that time, our orphanage had about 15 percent of children without disabilities. Year by year, the number of healthy children in orphanages decreases. They are mostly not being admitted. At the same time, children with special needs in orphanages goes up.”<sup>14</sup> The orphanage now has only children with disabilities. She further explained that with the 2013 change in government policy the resources available to the institution increased. “Every year I asked for additional staffing and the Ministry [of Labor and Social Affairs] supported this. As of today, we have almost all the needed specialists, and each has an individual room to work with children.”<sup>15</sup>

The three specialized orphanages which are not scheduled for transformation face overcrowding and, in some cases, waiting lists for children to enter. According to Mkrtchyan, “The institution has 110 children. This is the maximum. We are designed to hold 100. In each group we have two or three more children than we should.” Only 35 of these children are legally without parental care.<sup>16</sup>

The director of Kharberd orphanage, another specialized orphanage for children and young people with disabilities, located near Yerevan, told Human Rights Watch, “The concentration of particularly difficult children [and young adults] is increasing.” At the time of Human Rights Watch’s visit to the orphanage in May 2016, there were 221 residents, including 94 children and 127 young adults. Half of the residents are wheelchair users. Thirty-six children have visual and multiple disabilities, only two of whom have been taught to use a cane as a mobility tool.<sup>17</sup>

While the government says it is prioritizing returning children to their biological families, the efforts to return children with disabilities, particularly from orphanages, appears limited. According to the doctor at the Kharberd orphanage, “I am aware of only one case in 15 years

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<sup>14</sup> Human Rights Watch interviews with Hasmik Mkrtchyan, director, Marie Izmirlyan orphanage, Yerevan, May 25 and 26, 2016.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Human Rights Watch interview with Harutyun Balasanyan, director, Kharberd orphanage, Kharberd, May 25, 2016.

when a parent took their child [from this institution] back to the family.”<sup>18</sup> Mkrtchyan, the director of the Marie Izmirlyan orphanage, explained, “We still have children here because of [difficult] social conditions in the family, but we are trying address this and get them support through NGOs and charitable organizations. These children do have disabilities but lighter types, and it is possible for them to go to special schools and then be at home on weekends.”<sup>19</sup> She further explained that institution staff are only able to work with about 10 families at a time to encourage reunification, in part because some families of children living in the orphanage live in cities or towns far from Yerevan.<sup>20</sup>

## Moving Children and Young Adults between Institutions

Even as the government is in the process of transforming institutions and prioritizing family-based care, Human Rights Watch found extensive evidence of children being moved out of one orphanage or institution, only to be placed in another institution. Children with disabilities who age out of orphanages may remain in state institutions indefinitely.

According to Mkrtchyan, five of the 11 children who left the orphanage in 2016 went to Gavar orphanage (two of the children were reunited with siblings living in Gavar); and four returned to their families. However, those who returned to their families are enrolled in special schools, where they live during weeks and go home on weekends and school holidays. Of the eight children transferred out of Marie Izmirlyan in 2015, two went to other orphanages.<sup>21</sup>

Mkrtchyan further explained that there is a large demand to place children in the orphanage. Thus, even when the institution is able to return children to their families or find alternative care solutions, or if the orphanage transfers children to another institution, more children quickly take the vacant places. Although 11 children left the institution in 2016, 15 children entered the institution.<sup>22</sup> Mkrtchyan told Human Rights Watch, “We try to organize adoption and send back children to families in order to have free places for additional children to

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<sup>18</sup> Human Rights Watch interview with Hasmik Mkrtchyan, December 4 2016, and Human Rights Watch telephone interview with Hasmik Mkrtchyan, December 16, 2016.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Human Rights Watch interview with Hasmik Mkrtchyan, December 4, 2016.

enter. There are a lot of people asking to bring their children here. They are registered and waiting for places to open up. I have five families calling me regularly.”<sup>23</sup>

The government moved all children out of Yerevan Night Boarding Institution No. 2 in the Nubarashen district in August 2016 and plans to transform it into a community center. Of 66 children, 15 were referred to other institutions, including three children to a special school for children with hearing disabilities, although none of the former Nubarashen residents had disabilities. When the government closed the Yerevan Night Boarding Institution No. 1 (known as Koreayi Dzor) in 2015, only 15 children returned to their families, and 34 children were placed in other institutions. These placements in other institutions, including another night boarding institution and one of the state military schools under the Ministry of Education and Science, were due in part to the rushed closing and insufficient time to arrange professional support for reunification of children with their families.<sup>24</sup>

As a practice, officials move all children once they turn 6 years old from the Gyumri specialized orphanage and the Yerevan Children’s Home (frequently known as the Nork orphanage) to other orphanages. Children with disabilities from the Gyumri specialized orphanage go to Marie Izmirlyan or Kharberd specialized orphanages. In May 2016, the director of the Kharberd orphanage said the institution was expecting 55 children with disabilities to arrive from the orphanage in Gyumri.<sup>25</sup>

The government is in the process of closing the generalized orphanage in Vanadzor, to be completed in 2018.<sup>26</sup> According to one staff member, children have continued to arrive at the orphanage, even as the orphanage was expected to reduce numbers. She explained, “We are not allowed to have more than 70 children, so 10 children were sent to Gavar orphanage. They are children left without parental care. There was no other place to send them.”<sup>27</sup>

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<sup>23</sup> Human Rights Watch interviews with Hasmik Mkrtchyan, May 25 and 26, 2016.

<sup>24</sup> Human Rights Watch interviews with Aida Muradyan, Child Protection and Education Program Manager, World Vision Armenia, Yerevan, April 14, 2016 and December 6, 2016.

<sup>25</sup> Human Rights Watch interview with Harutyun Balasanyan, May 25, 2016.

<sup>26</sup> The transformation date has changed periodically, and as of December 2016, had been postponed from 2017 to 2018. Human Rights Watch interview with Artak Shakaryan, Child Protection Programme Coordinator, UNICEF, Yerevan, December 5, 2016.

<sup>27</sup> Human Rights Watch interview with staff member (name withheld), Vanadzor orphanage, Vanadzor, May 30, 2016.

Experts on the deinstitutionalization process in Armenia caution that a strategy whereby placement of children in residential institutions remains an option will perpetuate an overreliance on institutionalized care, rather than family-based care.<sup>28</sup>

Starting in mid-2015, officials began to move adults with disabilities out of Kharberd and Marie Izmirlyan specialized orphanages and into the Zorag Psychiatric Care Center for young adults with disabilities in Yerevan.<sup>29</sup> The authorities transferred 80 young adults to Zorag in 2015.<sup>30</sup> Samvel Khachatryan, Zorag's director, told Human Rights Watch that as of December 2016, the institution had 120 residents. Residents included people with psychosocial, intellectual, sensory, and other disabilities, not just people with psychiatric disabilities. Planned renovations will allow the institution to hold up to 200.<sup>31</sup> Notably, Zorag had previously been a night boarding institution for children, which the government converted into the first state facility of its kind for people over 18, due to overcrowding at the orphanages.

## Concentration of Resources in Institutions

Human Rights Watch research found that services and trained staff to provide rehabilitation, education, and other services to children do exist in Armenia, but often remain behind the walls of residential institutions and are available only to the children living inside, rather than available in the community. This structure of services is a key factor that drives some families to place their children in institutions. It also means that many children who remain with their families and who may require or benefit from certain services and resources are often unable to access them. Because the government is not pursuing deinstitutionalization of children with disabilities on an equal basis with children without disabilities, the continued concentration of resources within institutions will have a disproportionate effect on children with disabilities.

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<sup>28</sup> Human Rights Watch interview with Ani Marudaryan, April 14, 2016.

<sup>29</sup> Ibid.

<sup>30</sup> Human Rights Watch interview with Harutyun Balasanyan, May 25, 2016.

<sup>31</sup> Human Rights Watch interview with Samuel Khatchatryan, director, Zorag Psychiatric Care Center, Yerevan, December 4, 2016.

A great number of children—within and beyond institutions—are negatively affected by the system of residential institutions and the concentration of resources in institutions.

According to one expert on children’s rights and children in institutions, “The smallest problem is the number of children in institutions. There are 830,000 children in Armenia; about 400,000 most likely need some kinds of services, but have trouble getting them or don’t get them at all. There is under-inclusion of children in necessary services and over-inclusion of children in institutions. Some families might need one social worker visit per week and school supplies. Others might need income support, material support, bedding, and other, differentiated services.”<sup>32</sup>

For example, some of the specialized orphanages have notably sophisticated equipment and facilities, in large part due to in-kind and monetary donations, most often from Armenians living outside of Armenia, or groups representing their interests. For example, in the Kharberd specialized orphanage, there is a wing dedicated to rehabilitation, with three rehabilitation rooms, a sensory room, highly specialized rehabilitation equipment, as well as a rehabilitation doctor. “Every year we are getting new rehabilitation equipment,” the director told Human Rights Watch.<sup>33</sup>

The specialized orphanage for young children in Gyumri contains a large, modern, heated indoor pool, with a whirlpool. “It is quite expensive to keep the water warm. We are thinking of putting in a solar heating system,” the director explained to Human Rights Watch during a May 2016 tour.<sup>34</sup> The Nork orphanage has two outdoor swimming pools. Marie Izmirlyan orphanage has small indoor and outdoor swimming pools, a therapeutic whirlpool, as well as a highly specialized salt room for a treatment known as halo therapy intended to treat the lungs opened in November 2016, and supported by two international foundations.<sup>35</sup>

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<sup>32</sup> Human Rights Watch interview with Mira Antonyan, director, Fund for Armenian Relief, Yerevan, May 26, 2016.

<sup>33</sup> Human Rights Watch interview with Harutyun Balasanyan, May 25, 2016.

<sup>34</sup> Human Rights Watch interview with Liana Karapetyan, director, Children’s Home of Yerevan, Yerevan, May 31, 2016.

<sup>35</sup> Human Rights Watch interview with Hasmik Mkrtychyan, December 4, 2016, and Human Rights Watch visit to Marie Izmirlyan orphanage, Yerevan, December 4, 2016.

## Lack of Alternatives

The concentration of resources in institutions and the lack of services available in the community is a key reason that many families of children with and without disabilities elect to send their children to residential institutions, even when they would prefer to raise them at home.

### *Families of Children with Disabilities*

For example, according to families and experts interviewed by Human Rights Watch, rehabilitation services are not widely provided in local communities and may be cost-prohibitive in some locations where they do exist. Some nongovernmental organizations, such as Armenian Mothers in Yerevan and Astghatsolk in Chambarak, provide certain, specific rehabilitation services to children in those communities. In contrast, specialized orphanages often have a wide range of highly developed services, as detailed above, which are not accessible to children who live in the community and who might benefit from these services.

Sports facilities, such as swimming pools, which can be particularly therapeutic and beneficial to children with certain types of disabilities, are not physically accessible for persons and children with disabilities, are not available in their areas, or are otherwise inaccessible. Save the Children reported in October 2016 that parents of children with disabilities say that they sometimes have to pay double for coaches in the community to teach their child with a disability to swim.<sup>36</sup>

Rosa, who placed her now nine-year-old son in an orphanage for five years, explained that rehabilitation services were the primary reasons for her decision. Rosa explained:

My son had difficulties walking. I first tried to take him for treatment in Vanadzor, but I was told that [his motor difficulties] couldn't be treated by the local services. So, I took him to the orphanage. It was difficult, but I

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<sup>36</sup> An example from a group discussion on October 17, 2016 under the initiative of "Full Life" NGO with the participation of "Hay Mayrer" Charity NGO, "We Can" NGO, and the parents of children with disabilities, as cited in: Save the Children Armenia Country Office Submission to the UN Special Rapporteur on the Rights of Persons with Disabilities on Provision of Support to Children with Disabilities," October 28, 2016. On file with Human Rights Watch.

understood that it was necessary because he could start to walk while there. Because of this decision, my child is able to talk and walk. The local school would not have been able to teach him to walk.

Rosa stated that there are no specialists to provide occupational or physical therapy at the community school that her son attends now.<sup>37</sup>

Mira, mother of a 13-year-old daughter and 16-year-old Hayk, who has autism, explained that her decision to send Hayk to an orphanage in 2013 was related to the absence of support services in the community:

It was a difficult decision to bring my son [to the orphanage]. My husband is abroad, in Russia, working. He comes home only once or twice a year. It's really difficult for me. I'm alone with the two children. ... If there was a center that could take care of Hayk during the day, even for three or four hours, I wouldn't have to send him here. If such a center could exist, I would definitely take Hayk back home to live with us.<sup>38</sup>

Mira visits Hayk at the orphanage a few times a week and sometimes takes him home for a week or two at a time.

Lilit's ninth grade daughter, Ani, who has Down syndrome, has attended a residential special school in Syunik region since 2011, after attending a mainstream school for four years. Concerned about her daughter's academic progress, Lilit moved Ani to the special school. She is satisfied with the quality of the education, educational support services, and extracurricular activities for Ani at the special school. She noted that: "All of the opportunities are in the school. Outside of the school there is no access to these services or activities for my child."<sup>39</sup> The mother of a 9-year-old boy with autism at the same special school explained that her choice of school was based on the therapeutic services and

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<sup>37</sup> Human Rights Watch interview with Rosa, Vanadzor, May 29, 2016.

<sup>38</sup> Human Rights Watch interview with Mira, (location withheld), May 26, 2016.

<sup>39</sup> Human Rights Watch group interview with mothers of children with disabilities, (location withheld), April 2016 (specific date withheld).

educational support available in the school, as well as other opportunities, including “computers and the chance for him to play with Lego [building blocks].”<sup>40</sup>

One woman explained that her family circumstances had contributed to her decision to send her almost 4-year-old son with cerebral palsy to the specialized orphanage for young children in Gyumri, “I am young and my [former] husband ... does not support me or my child. Only my parents are close to me. They are retired and don’t work. I am working, and taking care of my child, and not able to take care of him all the time. It is difficult for my mother to take care of him. We thought a lot about what to do and finally decided to bring him here.”<sup>41</sup>

The head of one regional child protection unit detailed a case involving a boy with cerebral palsy who was transferred to an orphanage at age 14 because of a lack of services to support him and his family. She explained:

The boy was in a wheelchair. The boy had friends at school and a strong relationship with his mother. As he got bigger, his mother faced a lot of difficulties helping him move. They lived in a house with a staircase and it was hard for her to carry him up and down. Their financial and social conditions were poor and they were not able to organize any rehabilitation services for him or help for the mother. At the orphanage, there are rehabilitation services not provided at schools.<sup>42</sup>

### *Families of Children without Disabilities*

Many parents of children without disabilities told Human Rights Watch that they felt compelled to send their children to an institution as a result of poverty, unemployment, health conditions of other members of the family or other family difficulties. Parents noted that the institutions are able to provide their children with adequate shelter and consistent meals and ensure that their children consistently attend school.

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<sup>40</sup> Ibid.

<sup>41</sup> Human Rights Watch interview with Nelli, Shirak province (specific location withheld), May 27, 2016.

<sup>42</sup> Human Rights Watch interview with Anna Voskanyan, Kapan Child Protection Unit, Kapan, April 15, 2016.



Seda, 40, who had given her newborn son to an orphanage just two months before her interview with Human Rights Watch, said that she is out of work and has an unstable living situation, and felt that she could not provide even the most basic care for her son. “Without money I can’t buy formula. I don’t have enough breastmilk to feed him on my own. I should also buy clothes for him, and diapers. I don’t have support here to get anything. I am working, I will take two or three jobs in order to have enough money to take him home,” Seda said. Seda tries to visit the orphanage once daily to breastfeed her son. She described her feelings of seeing him, “I have so many problems; it feels like everything is so difficult. Then I see my child and I forget everything. Tears come to my eyes and I forget everything bad.”<sup>43</sup>

For Lusine, 48, a widow with serious health conditions, the special school in Goris was a lifeline for her and her daughter, who is now 15. Lusine lives in a basement room with no toilet or a kitchen and just one bed. Showing a paper listing all of her debts and to whom she owes money, she told Human Rights Watch:

I live in a very difficult situation. I moved here eight years ago in search of work. I have asthma, diabetes, high blood pressure, and kidney problems. I work as a street cleaner seven days a week, but it’s not enough, even for decent food. I have 400,000 dram (\$838) in debts. My daughter sleeps at the school during the week, they feed her well. They look after her very well. But I want her to live with me. I want to see her, to talk to her. I want to be the one able to feed her and take care of her.<sup>44</sup>

Asya, 56, sent her two daughters, now 16 and 18, to an orphanage from the time that they started school, each at age six. For nearly 30 years, Asya has lived in a tiny, dark, informal shanty that leaks when it rains. She explained her decision to place her children in an orphanage:

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<sup>43</sup> Human Rights Watch interview with Seda, Yerevan, May 31, 2016.

<sup>44</sup> Human Rights Watch interview with Lusine, Goris, April 16, 2016.

I am a single mother. The girls' father left when our youngest daughter was three years old, and we have no information about him. I was working, there was no one to take care of them. I didn't have a neighbor or friend to ask. I didn't want to leave them at home alone. In order to be able to work and not worry about my daughters, this was the main reason I placed them in the orphanage. It has also been painful for me. It is very difficult to live without your children.<sup>45</sup>

A couple living in the Gegharkunik region, Karen and Nina, had been forced to move into a barely habitable one-room farm building in 2013 after a conflict with family members with whom they had been living in a house nearby. They were forced to place their four children, now ages 7 to 16, in a private orphanage approximately 60 kilometers away. The couple explained that they do not have proper housing or steady work:

We don't want our children to be there [at the orphanage], but there is no other option right now. It is very difficult. If we have the right conditions, we will bring them back. Most of all we need housing, a place to live. The other things we will somehow solve. We work with anyone who pays and is asking for help on their farm. Together we can earn about 500 dram (\$1.50) per day. Sometimes people also give us food...<sup>46</sup>

The couple now spends a large portion of their meager income to visit their children in the orphanage, "Our major expenses are food and transportation to visit the children. We try to go every three months."<sup>47</sup>

According to the director of the Children's Home of Yerevan, also known as the Nork orphanage, for newborns to children age 6, parents place their children in the orphanage for a range of reasons. "Who comes to us? Single parents. These are often people trying to hide a child born out of wedlock because of stigma. About 80 percent of families who bring their children here don't have a consistent living space. Some are parents who are in long-

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<sup>45</sup> Human Rights Watch interview with Asya, Gyumri, May 27, 2016.

<sup>46</sup> Human Rights Watch interview with Irina and Arshavir, Gegharkunik region (specific location withheld), May 30, 2016.

<sup>47</sup> Ibid.

or short-term health treatment. In some cases, children are found on the streets by police, or their parents [are] in prison. Children come from as young as two to three days old up to 6 years old.”<sup>48</sup>

## Emotional Toll of Institutionalization

Children placed in institutions and their parents consistently reported that being separated from each other takes an emotional toll on them. Senior staff of institutions similarly reported that children often show symptoms of emotional and sometimes physical distress due to the separation from their families. Children may refuse to eat, cry, and experience poor moods and anxiety.

Gohar, sent her son Artur, now 13, to a special school in Yerevan, 120 kilometers away, when he was 7. While fighting back tears, Gohar explained the emotional difficulties for Artur:

He didn't feel comfortable at the school and refused to eat. This was his protest. Whenever he came home, he ate normally. At the beginning, we brought him home every two weeks for two or three days. But the teacher said that we shouldn't come so often because after he returned to school, he would be more emotional. We were told to take him only during the long school breaks. I am sad when I remember those four years. We knew that my son was having difficulties and didn't want to stay at the school, but we felt that there was no other option.<sup>49</sup>

Artur, who has a developmental disability, spent four years at the special school in Yerevan before his family enrolled him in a local special school. Artur struggled emotionally to make the transition. Gohar told Human Rights Watch about the emotional effects of his time away from his family:

Even after he came back home to live, he was afraid when we went out somewhere or took him to school. He thought we were leaving him. It took

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<sup>48</sup> Human Rights Watch interview with Liana Karapetyan, May 31, 2016.

<sup>49</sup> Human Rights Watch interview with Gohar, (location withheld), April 2016 (specific date withheld).

him time to understand that it's not forever and that we will be coming back very soon.<sup>50</sup>

Twelve-year-old Armine lives in a night boarding institution in Ijevan because her parents struggle to take care of their four children due to poverty and unemployment. Armine said that she gets to go home during the summer, and is generally comfortable in the boarding institution and the school she attends near it, but the separation from her family is difficult. She said, "At the end of the summer I am crying. I miss my mother.... If there was something I could change, it would be to come home anytime we wanted. ... I think a lot about coming home. I ask my friends, 'When will I get to go home?'"<sup>51</sup>

Senior staff of some orphanages visited by Human Rights Watch openly acknowledged the emotional difficulties children experience upon separation from their families. The head doctor of one orphanage described the emotional experience of one boy with autism, whose parents brought him to the orphanage at age 13, but have remained involved in his life through visits to the orphanage and occasional visits with him at their home. "When the boy first came here, he was not eating. When new staff came to work with him, he would cry. He didn't understand that his mother would come back," the doctor explained.<sup>52</sup>

The director of one orphanage spoke with Human Rights Watch about the emotional well-being of children living in the orphanage, saying, "They miss their families. This means they are in bad moods very often. This is a very big problem."<sup>53</sup> A doctor in the same orphanage said, "We have children who miss their parents and they feel very bad. When parents don't visit for a long time, children get sad, think a lot about it."<sup>54</sup> A doctor in another orphanage said, "I would really like some of the children to be in their families. We know it is harder for them to be here."<sup>55</sup>

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<sup>50</sup> Ibid.

<sup>51</sup> Human Rights Watch interview with Armine, Gegharkunik province (specific location withheld), May 30, 2016.

<sup>52</sup> Human Rights Watch interview with head doctor, orphanage, May 2016.

<sup>53</sup> Human Rights Watch interview with Harutyun Balasanyan, May 25, 2016.

<sup>54</sup> Human Rights Watch interview with Liana Sargsyan, May 26, 2016.

<sup>55</sup> Human Rights Watch interview with doctor, Gyumri Children's Home, Gyumri, May 27, 2016.

### III. Problems for Children and Young Adults in Residential Institutions

#### Lack of Personalized Attention and Nurturing

Orphanages in Armenia have large numbers of staff, with typically as many or more staff members than there are children and young people. However, often in the orphanages it is only a few staff members who directly care for large groups of children at any given time. Maintaining and running a large institution requires personnel such as cooks, drivers, cleaners, maintenance staff, and others who do not directly care for children, and are part of the resource inefficiencies inherent in sustaining large institutions.

Children in orphanages and in other residential institutions in Armenia are divided into groups, typically by age, although in some cases by disability, or by a combination of the two characteristics. Children in groups typically eat, sleep, and do other activities in their group. Typically, the groups have between 10 and 12 children with two caregivers. Specialists such as a psychologist and a social worker in some cases also participate with the groups during the weekdays.<sup>56</sup> With such a large number of children to care for, even the most dedicated and caring staff are challenged to provide the individualized attention and care that each child needs, in particular young children or children with particular care and support needs to accommodate their disabilities.

Numerous studies have documented that a child's healthy development depends on the child's ability to form emotional attachments to a caregiver.<sup>57</sup> In his reporting on children deprived of their liberty, the UN special rapporteur on torture has reported that children "require emotional companionship and attention to flourish."<sup>58</sup> Many institutions in

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<sup>56</sup> The number of caregivers for orphanages is regulated by Governmental Decree No. 1292-N, "On establishing staff unit standards for state non-profit organizations operating under the Jurisdiction of the Ministry of labor and social affairs, which provide care and service and on making amendments in Governmental Decrees No. 730-N and No. 815-N from May 31, 2007," adopted October, 29, 2015.

<sup>57</sup> Marinus H. van IJzendoorn et al., "Children in Institutional Care: Delayed Development and Resilience," pp. 8-30; and Rebecca Johnson et al., "Young children in Institutional Care at Risk of Harm," *Trauma, Violence & Abuse*, vol. 7, no. 1 (2006), pp. 34-60.

<sup>58</sup> UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, On Children Deprived of their Liberty, A/HRC/28/68, March 5, 2015.

Armenia do not provide sufficient individualized care and nurturing, due to the large groups of children.

## Lack of Privacy

The organization of children into large groups for the convenience of the institutional system also leads to a lack of privacy. In bedrooms visited at the Kharberd orphanage, Human Rights Watch researchers saw nine beds in one bedroom for girls and young women. In other bedrooms, with up to 15 beds, many were placed side by side. In the Vanadzor orphanage, Human Rights Watch spoke with girls who shared a bedroom with six other girls, or 10 other girls. One boys' bedroom for 10- to 15-year-olds had 13 beds; another boys' bedroom had eight beds.

Armine, 12, who has been living in a night boarding institution for six years due to her family's deep poverty, said that she shares a room with six other girls. One of the most difficult things about the institution for her is sharing a room with so many other people. "I'd like my own room. Nothing special, just a room like all the other rooms. Sometimes we fight with each other and we don't want to sleep in one room. There is no other place to go, to sleep. Only our room."<sup>59</sup>

The special rapporteur on torture has highlighted the need for children in institutions to enjoy respect for their privacy.<sup>60</sup>

## Lack of Accessibility

Although one of the reasons parents stated for placing their children in orphanages or other types of residential institutions was the lack of accessibility in their communities, accessibility within the schools and orphanages visited by Human Rights Watch in April and May 2016 was limited or nonexistent. Even within orphanages and schools specialized for children with disabilities, including the only specialized school for children with physical disabilities, there is a lack of accessibility for children with disabilities. Lack of accessibility prevents many children with disabilities from fully enjoying their human

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<sup>59</sup> Human Rights Watch interview with Armine, Gegharkunik province (specific location withheld), May 30, 2016.

<sup>60</sup> UN Special Rapporteur on torture, Report on Children Deprived of their Liberty, March 5, 2015.

rights such as the right to education and the opportunity to socialize, be independent, and learn skills for independent living.

For example, according to the director of the Marie Izmirlyan orphanage, “We have no elevator and ramps, we have to carry the children. Early next year they will construct a ramp and elevator. The new construction will help staff. We will also create a small ‘town’ for blind children. The children who are blind will learn to move independently.<sup>61</sup>

The director of the Kharberd orphanage, where half of the 221 residents use wheelchairs, stated: “The elevator is often broken. We often have to renovate it. I must frequently call the repairman to fix it.”<sup>62</sup> He also told Human Rights Watch that the orphanage has few accessible toilets and showers.<sup>63</sup> In Yerevan Special School no. 17, the only state institution specialized for children with mobility disabilities, the building was undergoing a complete renovation, although at the time of Human Rights Watch’s visit in April 2016, there was no working elevator, only a ramp to allow children to move from the first floor to the second floor.

Human Rights Watch interviewed Taguhi, 11, who uses a wheelchair, in an orphanage where she has lived since she was 6. She said that she is largely confined to a small space in the orphanage, where she eats, sleeps, has lessons with a teacher who visits the school, and socializes. “I can only move in my wheelchair a bit. It is a basic wheelchair. Someone always helps me move around. I am mostly staying in two rooms,” she told Human Rights Watch.<sup>64</sup>

The Ministry of Labor and Social Affairs runs a center in Gyumri, which provides after-school and social supports to families in vulnerable situations in the community with the goal of “preventing the placement of children in orphanages and residential schools,” according to the center’s director. However, these services are not accessible to all

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<sup>61</sup> Human Rights Watch interview with Hasmik Mkrtchyan, May 25, 2016.

<sup>62</sup> Human Rights Watch interview with Harutyun Balasanyan, May 25, 2016.

<sup>63</sup> Ibid.

<sup>64</sup> Human Rights Watch interview with Taguhi, (location withheld), May 2016.

children with disabilities. “We have between 8 and 10 children with disabilities, but they can take care of themselves. Our building is not accessible,” the director stated.<sup>65</sup>

## **Lack of preparation to lead independent lives and infantilizing adults with disabilities**

Staff at residential institutions do not do enough to develop children’s life skills or prepare children to live on their own once they become adults. This affects both children with disabilities and children without disabilities, but is more significant for children with disabilities. As a result, young people with disabilities are denied the opportunities their peers take for granted, such as having a job, developing a circle of friends of their choosing, finding a life partner or spouse, or raising children. Officials at institutions confirmed that they do not see children with disabilities as capable of autonomous decision-making.

Many children without disabilities stated that they did not feel sufficiently prepared for independent life when they left the institution. For example, Ellen, who is now 20 and studying at university to be a teacher, lived in a generalized orphanage for nine years because her widowed father felt he could not raise her and her two siblings on his own. Regarding her preparation for life beyond the orphanage, she said, “At the orphanage we learned that someone does everything for you. When we left, we realized we had to do everything ourselves.”<sup>66</sup>

Elmira, who has lived in a generalized orphanage for four years and recently turned 18, explained that she had not received guidance or information about living on her own. “No one has talked to me directly about what it is like to leave. The director called us [18-year-olds] together and explained that it’s possible to leave. ... Maybe this summer, I will leave, but I don’t know. I turned 18 in December 2015. Sometimes I want to leave, and sometimes I don’t want to leave. I think about living with my mother; I think about living on my own.”<sup>67</sup>

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<sup>65</sup> Human Rights Watch interview with Marine Ghalachyan, director, Ministry of Labor and Social Affairs Support Center for Children, Gyumri, May 27, 2016, and Human Rights Watch telephone interview with Marine Ghalachyan, December 16, 2016.

<sup>66</sup> Human Rights Watch interview with Ellen, Gyumri, May 27, 2016.

<sup>67</sup> Human Rights Watch interview with Elmira, 18, (location withheld), May 2016.



Tigranuhi Karapetyan, director of the Echmiadzin-based organization Mer Doon, which supports young women without disabilities who are aged out of orphanages by helping them enroll in higher education and providing a transitional group home for approximately 12 young women. She described these challenges: “The young women don’t know how to cook or clean, hygiene, and these sorts of things as well as they need to. In orphanages, everything is done for them. Here, they are learning that they need to know how to prepare everything themselves.”<sup>68</sup>

For young people with disabilities, the lack of preparation for independent life, combined with the denial of legal capacity, as described below, may mean that they will most likely be compelled to remain in the orphanage where they lived as children, or be transferred to the newly-established Zorag institution for adults with disabilities.

For example, Arpi, a lifetime orphanage resident in her early 20s, who has a mild intellectual disability, reported that she had little preparation to live on her own. She is learning hairdressing and clearly articulated some of the things she would want for herself in an independent life. Arpi told Human Rights Watch:

I grew up here. Now I go to vocational college. I have learned a few things there already. I really want to learn to use the bus and go to the college on my own. I am thinking about living alone, to have lots of friends, and my own apartment. I would prefer to live with someone, a friend. We could share the place together. I think about being out of this institution, even for a few days. I dream to talk with different people.<sup>69</sup>

Edmond, in his mid-20s, who has lived in institutionalized care his whole life, studies at a vocational institute and is learning a trade, and said that the hardest thing about living in the institution is not being able to leave more frequently to experience different aspects of life in the community, which would be essential to help him prepare for life outside of the institution. “All of the time that I have been here [17 years], it’s been with the same staff.

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<sup>68</sup> Human Rights Watch interview with Tigranuhi Karapetyan, director, Mer Doon, Echmiadzin, May 25, 2016.

<sup>69</sup> Human Rights Watch interview with Arpi, (location withheld), May 2016.

Sometimes we go out. We are invited to some places, the theatre, other events. I really like going out. Other children get tired, but I always need and want to go out.”<sup>70</sup>

Edmond articulated some of the things that he would like to have in an independent life, but explained that the confines of the orphanage limit his ability to develop relationships, have his own family, and work to sustain himself and his family, and he is not given support to live the life he would choose. “I don’t have a home and I don’t have work, and I would have to have work to take care of me and my family. To have a girlfriend or a wife, I would need to have these things. I can’t imagine how to solve this. So, I think that I can’t have a girlfriend,” said Edmond.<sup>71</sup>

Officials at institutions confirmed that they do not see children with disabilities as capable of autonomous decision-making, and consistently refer to young adults as “children” even when individuals in their care are over 18, and even in their 20s and 30s. Among other issues, they deny that young people with disabilities are capable of having mature, healthy romantic relationships with others. Officials also do not provide appropriate sex education.

For example, one doctor told Human Rights Watch, “As the children have [intellectual and developmental] disabilities, they do not even understand ... about romantic or sexual relationships. They don’t even know about such things, and they don’t have such feelings. We cannot talk about such things between the children.... Some of them are in a very heavy state. They don’t understand. I do not think this is an issue to discuss with them.”<sup>72</sup>

Another institution doctor stated, “We never noticed relationships because they feel like one family, thinking of each other as brother and sisters. They are protecting and helping each other. Sometimes they argue. We have no experience of anyone having sex.”<sup>73</sup>

There are few community-based services to support people with disabilities with the transition out of orphanages or for independent living in adulthood. Those services that are available are run by nongovernmental organizations (NGOs), such as Mer Doon, based

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<sup>70</sup> Human Rights Watch interview with Edmond, (location withheld), May 2016.

<sup>71</sup> Ibid.

<sup>72</sup> Human Rights Watch interview with Liana Sarkysan, deputy director and pediatrician, Kharberd orphanage, Kharberd, May 26, 2016.

<sup>73</sup> Human Rights Watch interview with doctor, Marie Izmirlyan orphanage, Yerevan, May 26, 2016.

in Echmiadzin, which provides services for young women without disabilities, and Jermik Ankyun, which supports adults with disabilities in Yerevan. Donors and government agencies should support these types of groups so that they can expand their services.

## Denial of Legal Capacity

Legal capacity is recognition under the law of a person's power or possibility to act authoritatively on their own behalf enabling them to exercise rights and assume obligations, to make binding decisions and have them respected. It facilitates personal freedom, enabling an individual to secure employment, get married, inherit property, vote, control his or her financial affairs, sign a contract, etc. It also protects the individual against unwanted interventions.<sup>74</sup> Under Armenian law, children lack full legal capacity.<sup>75</sup> Armenian law guarantees every person who turns 18 the right to full legal capacity.<sup>76</sup>

In Armenia, upon reaching adulthood, a person with intellectual and psychosocial disabilities can be deprived of legal capacity by a court decision, and the court identifies a guardian for this person to take decisions on his or her behalf.<sup>77</sup> There is no mechanism for partial deprivation of legal capacity for persons with intellectual and psychosocial disabilities in Armenia. Reasons for partial deprivation of legal capacity include addiction to alcohol, narcotics, or gambling.<sup>78</sup>

Human Rights Watch found that authorities regularly deprive individuals with intellectual and psychosocial disabilities of legal capacity upon reaching adulthood, so that an individual's guardian, which can be an orphanage or an institution, continues to make all legal and other decisions for them.<sup>79</sup> Individuals with disabilities, who as children live in

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<sup>74</sup> Council of Europe Commissioner for Human Rights, "Who Gets to Decide? Right to Legal Capacity for Persons with Intellectual and Psychosocial Disabilities," April 2012, [https://www.coe.int/t/commissioner/source/prems/IP\\_LegalCapacity\\_GBR.pdf](https://www.coe.int/t/commissioner/source/prems/IP_LegalCapacity_GBR.pdf) (accessed December 18, 2016).

<sup>75</sup> The Civil Code defines particular situations when children can exercise limited legal rights based on their age. For example, children 14 to 18 can dispose of their wages, scholarships, and other income; exercise rights as a creator of a work of scholarship, literature or art, or of an invention, etc. Civil Code of the Republic of Armenia, arts. 29 and 30.

<sup>76</sup> Civil Code, art. 24(1).

<sup>77</sup> *Ibid.*, art. 31(1).

<sup>78</sup> *Ibid.*, art. 32.

<sup>79</sup> See also, Helsinki Citizens' Assembly – Vanadzor, "RA Legislative Regulations on Recognizing an Adult Legally Incapable and Appointing a Guardian," <http://hcav.am/wp-content/uploads/2014/05/Legal-capacity-1.pdf> (accessed December 18, 2016).

institutions may not be given the opportunities to make their own choices about where they live or other aspects of their lives even after they turn 18. Armenian human rights organizations have also documented serious concerns with the practice of depriving adults with intellectual and psychosocial disabilities of legal capacity.<sup>80</sup>

In one case documented by Human Rights Watch, Edmond, who is in his mid-20s and has a mild intellectual disability, articulated to Human Rights Watch that he is not given the option of leaving the institution where he has lived since childhood. “I cannot answer who decides that I stay here. You could ask the director. I have been here since I was 8-years-old and I will be staying here. ... It is one of my dreams to be able to live on my own and live my own life. For a long time, I thought about being able to live on my own, but I lost hope.”<sup>81</sup>

According to the director of Marie Izmirlyan orphanage, when children turn 18 they can be returned to their families, if their families accept them. Families, if they are the legal guardian of the individual, can also authorize their adult children to be placed in an institution for adults. Children whose parents have relinquished their parental rights and who have not been adopted by 18, “are automatically moved to Zorag, an institution for people with disabilities older than 18.”<sup>82</sup> The deputy director of the Marie Izmirlyan orphanage similarly articulated the dominant role the authorities have in deciding a child’s future placement in institutions. She told Human Rights Watch, “When a child turns 18, we send information to the ministry [of Labor and Social Affairs] that we have this kind of child and request for the child to be referred to a corresponding institution. We report the disability, their health history, particular issues. ... Most go to Zorag. If there are psychiatric issues, children are sent to psychiatric centers.”<sup>83</sup>

Orphanage staff interviewed by Human Rights Watch avoided answering specific questions about how legal capacity for adults could be ensured or on any concrete mechanisms that exist for considering the personal views of the individual about their continued placement

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<sup>80</sup> The Helsinki Citizens’ Assembly – Vanadzor, “Shadow Report on Armenia, The Convention on the Rights of Persons with Disabilities,” 2014, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fNGO%2fARM%2f19548&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fNGO%2fARM%2f19548&Lang=en) (accessed December 18, 2016).

<sup>81</sup> Human Rights Watch interview with Edmond, (location withheld), May 2016.

<sup>82</sup> Human Rights Watch interviews with Hasmik Mkrtchyan, May 25 and 26, and December 4, 2016.

<sup>83</sup> Human Rights Watch interview with Armine Petrosyan, deputy director, Marie Izmirlyan orphanage, Yerevan, May 26, 2016.

in an institution.<sup>84</sup> In a letter to Human Rights Watch, the Ministry of Labor and Social Affairs reported, “Applicants have appropriate legal status prior to entering social protection institution,” without additional details, in response to a question about how many adults living in state institutions have legal capacity.<sup>85</sup>

The director of the Kharberd orphanage explained that many children who turn 18 remain in the institution, and indicated that no steps are taken to ensure those who turn 18 can exercise their legal capacity. “After 18, the socioeconomic problems are not solved. ... All adults in wheelchairs stay here.” As stated above, 127 young adults live in the specialized orphanage in Kharberd.<sup>86</sup> The director also indicated that the lack of alternatives to continued institutionalization lead officials to make decisions to keep children in residential institutions. “We have one young man who had psychotic problems. We have to keep him here. After 18 he should go to the psychiatric hospital. I don’t think this is good. I think there should be some other option,” he said.<sup>87</sup>

According to the director of Zorag Center for Psychiatric Care, which has 120 adults with disabilities, “People will never go anywhere else. They will remain in this institution for their whole lives.”<sup>88</sup>

The absence of social services should not be a justification for denying legal capacity to any individuals who turn 18. The government should urgently reform its law on legal capacity and guardianship for adults and put in place a system of assistance and support in decision-making that respects the autonomy, will, and preferences of the person with a disability. The government should also create supported living and relevant services to ensure people with disabilities can enjoy their rights to autonomy and life in the community, among other rights.

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<sup>84</sup> Ibid., and interview with Harutyun Balasanyan, May 25, 2016.

<sup>85</sup> Letter from Sh. Harutyunyan, Department of Family, Women, and Children’s Issues, Ministry of Labor and Social Affairs of Armenia, to Human Rights Watch, December 23, 2016.

<sup>86</sup> Human Rights Watch interview with Harutyun Balasanyan, May 25, 2016.

<sup>87</sup> Ibid.

<sup>88</sup> Human Rights Watch interview with Samvel Khatchataryan, director, Zorag Center for Psychiatric Care, Yerevan, December 4, 2016.

In contrast, staff at a generalized orphanage, where only children without disabilities live, stated clearly that upon reaching 18, children have full legal capacity and the orphanage respects the law in this regard. According to a lawyer at one generalized orphanage, “According to the law, when they become adults, the orphanage has no rights or responsibilities to them. There are no cases when we can keep guardianship. They are considered adults. We have people above 18 living here, as is their choice. We discuss everything with them and take their decisions into consideration.”<sup>89</sup>

### *The Government’s Obligations Regarding Legal Capacity*

The right to live in the community for persons with disabilities is intricately linked to the rights of equal recognition before the law and to exercise legal capacity on an equal basis with others guaranteed by article 12 of the CRPD. Individuals with disabilities are particularly vulnerable to placement in institutions because they are often deprived of their right to make essential life decisions including the choice to leave institutions. Therefore, to ensure the right of children and young people to live in the community, states should also respect the right to the full exercise of legal capacity upon reaching adulthood.

Under international human rights law, every person has the right to recognition as a person under the law.<sup>90</sup> This recognition as a person comes with the presumption that a person can make life decisions on his or her own behalf. The CRPD requires states to recognize that “persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” that persons with disabilities can act in their own best interests and that, when needed, they should be given support to exercise their legal capacity.<sup>91</sup>

A supported decision-making system should be a regime of support for the individual’s exercise of rights, a process by which the will and the preferences of the person are fully

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<sup>89</sup> Human Rights Watch interview with Seda Tarklyan, lawyer, Vanadzor orphanage, Vanadzor, May 30, 2016.

<sup>90</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 16; Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217 A(III), UN Doc. A/810 at 71 (1948), art. 6.

<sup>91</sup> United Nations Convention on the Rights of Persons with Disabilities (CRPD), adopted December 13, 2006, G.A. Res. 61/106, Annex I, UN GAOR, 61<sup>st</sup> Sess., Supp. (No. 49) at 65, UN Doc. A/61/49 (2006), entered into force May 3, 2008, art. 12. This represents a shift from previous legal standards. The UN General Assembly in 1971 and 1991 took for granted that individuals with certain degrees of intellectual disability would not be capable of exercising some rights on their own and needed to be protected. Courts could thus deprive individuals of the capacity to make important decisions and exercise their rights. UN General Assembly, The Protection of persons with mental illness and the improvement of mental health care, A/RES/46/119, adopted at the 75th plenary meeting, December 17, 1991.

respected. Within this support system, a state should ensure safeguards to prevent abuse. These safeguards should ensure that the support provided is proportionate to the person's circumstances, limited in duration, free from conflicts of interest, and subject to regular, impartial review by an independent body.<sup>92</sup>

The government should review its own procedures for placement of children who turn 18 and young adults into institutions, to ensure that such placement does not constitute a deprivation of liberty, and establish adequate safeguards to protect against any arbitrary deprivation of liberty.<sup>93</sup> The guarantees of liberty and security of the person, and the right to challenge any deprivations of those liberties, is set out in article 5 of the ECHR and article 9 of the ICCPR which states, "no one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."<sup>94</sup> The CRPD provides additional protection against deprivation of liberty for persons with disabilities, particularly the right not to be detained on the basis of the existence of a disability. There should therefore be some basis, which does not discriminate based on disability, underlying any deprivation of liberty.<sup>95</sup>

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<sup>92</sup> CRPD, art. 12(4).

<sup>93</sup> The European Court of Human Rights (ECtHR) recognizes people who have been placed in institutions without their consent, if the staff at the institution exercises "complete and effective control over [their] care and movements" have been deprived of their liberty within the meaning of article 5 of the European Convention on Human Rights (See: ECtHR, *H.L. v. United Kingdom* (no. 45508/99) judgment of October 5, 2004, para.91, and ECtHR, *Storck v. Germany*, (no. 61603/00) judgment of July 16, 2005, paras. 74, 89.) Additionally, a person is deprived of liberty when placed in an institution against his or her will even if that person is not actively resisting institutionalization, the facility is not locked or lockable, or the person has been permitted to frequently leave the facility unsupervised. Thus, under the European Convention on Human Rights, the prohibition on arbitrary detention applies even to those facilities that claim they are not detaining individuals, as long as those housed within them are not free to leave.

<sup>94</sup> ICCPR, art. 9(1).

<sup>95</sup> CRPD, art. 14.

## IV. Lives Transformed

Human Rights Watch interviewed families who were able to have their children return home after living, often for an extended period, in institutions. These cases included both children with and without disabilities. In other cases, parents who considered sending their children to residential facilities received necessary support from nongovernmental organizations, including such assistance as housing, food, clothing, and school supplies, to raise their children at home.

In a May 2016 interview with Human Rights Watch, Mariana and Gevorg, who live in Yerevan and own a small business, described their time in the hospital immediately after the birth of their daughter, Inessa, August 2009. Gevorg began:

When Inessa was born ... the doctor said she had Down Syndrome. Our family doctor, who was very close to us, said that the child will not live long. She said it could even be as short as a few days... She explained the possibilities of giving up our child. We ended up signing the paper that we abandon our child. ... It was five or six days after the birth. My wife had health complications and she was not well. For five years we didn't have any information about Inessa.

Mariana and Gevorg continued, describing their search for Inessa beginning in early 2015:

A year-and-a-half ago our oldest child, our daughter, who is 25, was in a bad car accident. I prayed to God to help my daughter, ... and promised that I would look for Inessa. ... We found a relative who knew someone working at an orphanage. We asked him for support. We found Inessa thanks to that person. She was in the Nork orphanage for five years. They moved her because of her age to Marie Izmirlyan. I went to Marie Izmirlyan and explained the situation: "If we had known she would live, we wouldn't have abandoned her!" They understood us. They helped us bring Inessa home.



After finding Inessa, the couple brought Inessa home to their house in Yerevan. Gevorg described the change for both Inessa and for them, now that they are reunited:

She wasn't walking at all. She only started walking when she came home. ... She is understanding more. She knows her name. She can respond. We are sure she can understand lots of things. ... Inessa is a blessing. If we didn't trust our family doctor, we never would have abandoned her. Now I hope everything will be alright.<sup>96</sup>

In another case, Aravot, a nongovernmental organization with programs to support families returning to their homes and to prevent children from institutions, helped Gohar, 36, and mother of two, bring her children home from a residential school in Gyumri with more than 100 children.<sup>97</sup> Gohar's children lived there for nine years. Aravot has helped the family with food, school supplies, books, shoes, and clothing. According to Gohar's daughter, Hripsime, 16, "It was ok at the school. We were playing. I had friends there. But of course it's better to be at home. We are with our mom. It's warmer here."

Gohar lives with her mother and brother who both have disabilities. In addition to disability pensions, the family receives a social pension of 28,000 dram (\$58), which they spend mostly on utilities. "It will be difficult when Aravot support ends, and we will need to think more about how to pay for food," Gohar said. "But, no matter how bad it will be, I won't send them back to the residential school."<sup>98</sup>

Anna, now 11, spent five years in an orphanage because her mother, Nara, who had endured several years of domestic violence and a divorce, was unable to care for her. Nara explained: "After my divorce, my husband kicked me out, and I didn't have any place or any way to live." In late 2015, Nara was able to bring Anna home, with the support of nongovernmental organizations who provided food, furniture, and a cow to help sustain her family. Nara still lives in poverty, and earns most of her money from selling milk from

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<sup>96</sup> Human Rights Watch interview with Mariana and Gevorg, Yerevan, May 28, 2016.

<sup>97</sup> Aravot has an agreement with the Ministry of Labor and Social Affairs to carry out this work in Lori and Shirak regions. Letter from Sh. Harutyunyan, Department of Family, Women, and Children's Issues, Ministry of Labor and Social Affairs of Armenia, to Human Rights Watch, December 23, 2016.

<sup>98</sup> Human Rights Watch interview with Gohar, Gyumri, May 27, 2016.

her cow, milking cows for others, as well as some seasonal agricultural work. “What’s most important is that my child is with me now.” Nara said it was Christmas time when she brought Anna back home to live with her. “It was the happiest Christmas we have ever had.”<sup>99</sup> As Anna told Human Rights Watch, “The hardest part for me [in the orphanage] was that I was not with my mother. Last year at Christmas they said, ‘What do you wish for this Christmas?’ and I said, ‘I would like my mother to come pick me up. And they said, ‘Tomorrow your mother will come.’”<sup>100</sup>

In another case, Heghine, 30, a mother of five children ages 2 to 12 living in Gyumri, told Human Rights Watch that she had considered placing her children in a residential school in 2015. The family faced serious financial difficulties and was living in bedrooms in dormitory-style housing with no water supply. Heghine described the family’s poverty: “We were in a very poor state. We had no money for school supplies or clothes. Food we only got by loans, without paying.”<sup>101</sup> When their youngest child was born and had serious, unexplained seizures, their situation became even more acute. “When my daughter was born, my husband was in Russia looking for work, but he came back to help take care of her,” Heghine said. When she applied to the regional government for admission of her four older children to special school, they referred Heghine to Aravot. With Aravot’s support, as well as housing provided by the local government after her husband’s death, Heghine’s children live with her and attend a local school.<sup>102</sup>

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<sup>99</sup> Human Rights Watch interview with Nara, Gegharkunik province (specific location withheld), May 30, 2016.

<sup>100</sup> Human Rights Watch interview with Anna, Gegharkunik province (specific location withheld), May 30, 2016.

<sup>101</sup> Human Rights Watch interview with Heghine, Gyumri, May 27, 2016.

<sup>102</sup> Ibid.

## V. National and International Legal Obligations

### National Legal Obligations

The Armenian constitution provides that everyone shall have the right to live in an environment favorable to his or her health and well-being.<sup>103</sup> The law on the rights of the child provides that every child has the right to the living conditions necessary for full physical, intellectual, and spiritual development. When parents or legal guardians are unable to provide the appropriate living conditions, the government should provide assistance.<sup>104</sup> The law also states that in cases when there is no opportunity to place a child in alternative family care, the government should place a child in an orphanage or residential school. The law also requires residential institutions to create living conditions “close to family atmosphere.”<sup>105</sup>

Armenian law states that the priority for organizing the care and upbringing for children without parental care should be in the family with support to families to care for and raise these children. The law also provides a number of basic guarantees for children without parental care regarding *inter alia*, education, medical care, housing, and free legal services.<sup>106</sup>

Delivery of social services is guided by several principles including “protection of human and civil rights and freedoms, respect for human dignity.” National legislation is predicated on principles such as nondiscrimination and prioritizing children for social services. The benefits system is a mixed system of cash transfers and other service benefits, based on a scoring method that assigns each family a vulnerability score. The main types of social support include: consultation, rehabilitation, in-kind support, shelter, care, legal assistance, pensions and other cash support, employment services, and other

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<sup>103</sup> Constitution of the Republic of Armenia, May 5, 2005, with amendments from November 27, 2005 and December 12, 2015), art. 33.2.

<sup>104</sup> Law of the Republic of Armenia On the Rights of the Child (1996, with amendments), art. 8.

<sup>105</sup> *Ibid.*, art. 25.

<sup>106</sup> Law of the Republic of Armenia on The Social Protection of Children Without Parental Care, HO-411-N, September 24, 2002, art. 2, and ch. 2.

social services.<sup>107</sup> Services are aimed to meet a person's or family's social needs and to prevent or alleviate "a difficult life situation."<sup>108</sup> The 2014 law on social assistance introduces a system of "integrated social services" to provide comprehensive, coordinated services based on an assessment of the comprehensive social needs of a person or family. The law introduces the idea of social case administration and emphasizes the role of social workers.<sup>109</sup>

The 2016 UNICEF study on poverty and deprivation among children in Armenia recommended that social assistance be strengthened both in targeting and quantity, in order to effectively tackle child deprivation.<sup>110</sup>

### *Children with Disabilities*

Armenian law guarantees children with disabilities the opportunity to receive basic and vocational education, employment, social rehabilitation, and to enjoy full participation in public life.<sup>111</sup> Children registered with disabilities are entitled to social pension payments, regardless of need,<sup>112</sup> as well as free medical care and rehabilitation services.<sup>113</sup> Experts have identified shortcomings in the actual availability and delivery of these services.<sup>114</sup>

Draft legislation on protection of the rights of persons with disabilities and their social inclusion is currently pending in parliament. It would bring a number of important changes to the legal framework for rights-based protection of people with disabilities.<sup>115</sup> The new law

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<sup>107</sup> Law of the Republic of Armenia on Social Assistance, HO-231-N, December 17, 2014, arts. 7, 8, 19, and 20.

<sup>108</sup> "Difficult life situation" is defined as any situation which a person cannot independently cope with or combination of such situations, including, among other issues: disability, illness, impediments to self-care due to age, absence of parental care, poverty, unemployment, family conflicts, violence, trafficking, being in a place of detention or returning from there. Law on Social Assistance, art. 2(1).

<sup>109</sup> Law on Social Assistance, art. 33 and ch. 6.

<sup>110</sup> UNICEF, "Child Poverty in Armenia: National Multiple Overlapping Deprivation Analysis."

<sup>111</sup> Law of the Republic of Armenia On the Rights of the Child, HO-59, May 29, 1996, art. 26.

<sup>112</sup> Law of the Republic of Armenia On State Pensions, HO-243-N, December 22, 2010, arts. 26 and 28.

<sup>113</sup> Republic of Armenia Government Decision No. 318-Ն of 2014, and Republic of Armenia Government Decision No. 1535 of December 24, 2015, "On approval of the procedure for the preparation and implementation of individual rehabilitation programs for persons with disabilities."

<sup>114</sup> Annual Report 2015 of the Human Rights Defender (Ombudsperson) of Armenia, as cited in Save the Children Armenian Country Office Submission to the UN Special Rapporteur on the Rights of Persons with Disabilities on Provision of Support to Children with Disabilities," October 28, 2016. On file with Human Rights Watch.

<sup>115</sup> The law currently in force is the Law of the Republic of Armenia On Social Protection of Persons with Disabilities, HO-57-HN-0800-1, April 14, 1993.

calls for accessibility in all aspects of public life, as well as social inclusion, and prioritizes the rights of children with disabilities. The law also aims to ensure that people with disabilities enjoy the freedom to make their own choices, including “freedom of choice for accommodation, education, occupation, employment, [and] social and medical assistance.” Experts remain concerned that the draft law does not specify a responsible body to monitor implementation of the law nor does it establish sanctions for violations of the law.<sup>116</sup> The government should ensure that the law is in full compliance with the CRPD.<sup>117</sup>

## International Legal Obligations

As party to the Convention on the Rights of the Child, Armenia is required to recognize the right of every child to a standard of living adequate for the child's physical, intellectual, spiritual, moral, and social development. The parent(s) or others responsible for the child have the primary responsibility to secure the conditions of living necessary for the child's development. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others and shall in case of need provide material assistance and support programs, particularly with regard to nutrition, clothing, and housing.<sup>118</sup>

States should also ensure that children are not separated from their parents unless that separation lies in the child's “best interests.”<sup>119</sup> The United Nations Guidelines for the Alternative Care of Children additionally state that financial and material poverty should never be the only justification for the removal of a child from parental care, for receiving a child into alternative care, or for preventing his/her reintegration, but should be seen as a signal for the need to provide appropriate support to the family.<sup>120</sup> States should take all necessary legislative, policy, and financial measures to provide for adequate alternative care options that grant priority to “family and community based solutions.”<sup>121</sup>

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<sup>116</sup> Human Rights Watch interview with Anahit Chilingaryan, independent human rights expert, Yerevan, December 5, 2016.

<sup>117</sup> Draft Law of the Republic of Armenia on Protection of the Rights of Persons with Disabilities and their Social Inclusion in the Republic of Armenia, Unofficial Translation, art., 4(1). On file with Human Rights Watch.

<sup>118</sup> Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 UN GAOR Supp. (No.49) at 167, UN Doc. A/44/49 (1989), entered into force September 2, 1990, art. 27.

<sup>119</sup> *Ibid.*, arts. 3(1) and 9(1).

<sup>120</sup> United Nations Guidelines for the Alternative Care of Children, adopted February 24, 2010, G.A. Res. A/RES/64/142, para. 15.

<sup>121</sup> *Ibid.*, para. 53.

The Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD) oblige Armenia to ensure that children with disabilities enjoy their rights without discrimination. The treaties require Armenia to consider children with disabilities as members of society with rights on an equal basis as others and to remove barriers that prevent children from full inclusion in society.<sup>122</sup>

The CRPD states: “In no case shall a child be separated from parents on the basis of a disability of either the child or both of the parents,” and requires states, in case the immediate family is unable to care for a child with disabilities, to “undertake every effort to provide alternative care with the wider family, and failing that, within the community in a family setting.”<sup>123</sup> States should also “prevent concealment, abandonment, neglect and segregation of children with disabilities.” As part of this, states should “undertake to provide early and comprehensive information, services and support to children with disabilities and their families.”<sup>124</sup>

The Committee on the Rights of the Child, the UN expert body which monitors implementation of the treaty, has stated that children with disabilities “are best cared for and nurtured within their own family environment.”<sup>125</sup> The Committee has also called on states to establish programs to move children with disabilities out of institutions, returning them to their biological or extended families or placing them in foster care, and providing children’s families with systematic support to raise children at home.<sup>126</sup> The Council of Europe’s Committee of Ministers has issued recommendations to states on actions to ensure full inclusion of children and young persons with disabilities into society and on deinstitutionalization and community living of children with disabilities.<sup>127</sup>

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<sup>122</sup> CRC, art. 2, and CRPD, art. 19.

<sup>123</sup> CRPD, art. 23(5).

<sup>124</sup> CRPD, art. 23(3).

<sup>125</sup> UN Committee on the Rights of the Child, General Comment No. 9, The Rights of Children with Disabilities, UN Doc. CRC/C/GC/9 (2006); and UN Committee on the Rights of the Child, General Comment No. 7, Implementing Child Rights in Early Childhood, UN Doc. CRC/C/GC/7/Rev.1 (2006).

<sup>126</sup> Committee on the Rights of the Child, General Comment No. 9, para. 49.

<sup>127</sup> Recommendation CM/Rec (2010)2 of the Committee of Ministers to member states on deinstitutionalization and community living of children with disabilities, (Adopted by the Committee of Ministers on February 3, 2010 at the 1076th meeting of the Ministers’ Deputies); and Recommendation CM/Rec(2013)2 of the Committee of Ministers to member States on ensuring full inclusion of children and young persons with disabilities into society (Adopted by the Committee of Ministers on October 16, 2013 at the 1181st meeting of the Ministers’ Deputies).

## VI. Failure to Guarantee Quality Education to Children with Disabilities

Guaranteeing inclusive education is the best possibility for a child with a disability to become a full participant of society.<sup>128</sup>

-Narine Manukyan, director, Mothers of Armenia, Yerevan, April 12, 2016

A number of serious shortcomings in mainstream schools and in specialized schools impede the ability of many children with disabilities to enjoy a quality education on an equal basis with others, as required by the Convention on the Rights of Persons with Disabilities (CRPD). These failures constitute discrimination against children with disabilities. Schools rarely provide sufficient reasonable accommodations to facilitate the learning of each child with a disability, as detailed in this chapter.

The Armenian government has committed to making all primary and secondary schools (compulsory education, grades 1-9) inclusive for children with disabilities by 2022. Currently, of 1,384 schools in Armenia, 284 are considered “inclusive.”<sup>129</sup> Going forward, the government is approaching inclusion on a province-by-province basis, with all schools in a given province required to enroll and educate all children.<sup>130</sup> Schools receive additional funding for each child with a disability enrolled in the school.<sup>131</sup> According to the Ministry of Education and Science, for the 2016-2017 school year, 6,700 children with “special educational needs” are enrolled in mainstream schools providing inclusive education. There are a total of 2,134 children enrolled in special schools.<sup>132</sup>

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<sup>128</sup> Human Rights Watch interview with Narine Manukyan, director, Mothers of Armenia, Yerevan, April 12, 2016.

<sup>129</sup> Letter from Nairi Harutyunyan, Ministry of Education and Science of Armenia, to Human Rights Watch, December 14, 2016; Human Rights Watch interviews with Lilit Nazaryan, Open Society Foundations-Armenia, Yerevan, April 12, 2016, and with Susanna Tadevosyan, director, Bridge of Hope, Yerevan, April 12, 2016 and December 6, 2016.

<sup>130</sup> The first region deemed inclusive is Syunik. Lori, Tavush, Armavir, are slated to be inclusive in 2017. There are 54 inclusive schools in Yerevan. Human Rights Watch interview with Susanna Tadevosyan, December 6, 2016.

<sup>131</sup> According to the Law on Education, children with special educational needs who have vocal or speech disabilities, hearing or visual disabilities, have intellectual disabilities or suffer moderate, severe and profound motor disabilities are entitled to additional state support with an increased funds rate (three to four times higher per child), Law of the Republic of Armenia on General Education HO-160-N, May 29, 2015, art. 35.

<sup>132</sup> Letter from N. Harutyunyan, December 14, 2016.

Some children with disabilities enrolled in “inclusive” mainstream schools and in special schools may attend school for only a few hours a day, or not all days of the school week. Despite attending so-called inclusive schools, children with disabilities do not attend classes with other children or are present in classrooms but do not participate in the academic curriculum. Their education often consists of primarily or exclusively one hour or shorter sessions once or a few times a week with specialists employed at the school: typically, a speech therapist, psychologist, and social worker. As a result of insufficient staff, including in so-called inclusive community schools, as well as in some special schools, a parent, most often a child’s mother, needs to remain with the child in the classroom to support him or her.

Several NGOs working with children with disabilities and their families cited serious concerns with the way that inclusive education is practiced in their communities. According to Hakob Abrahamyan, of Pyunik, an organization providing services to people with disabilities, “As of today, inclusive education is only integration, not equal opportunities. This is the opinion of parents coming to our center. ... The major concern is that their children aren’t given the support they need to achieve academically. They go to school and only socialize with children. They are left out from the classwork.”<sup>133</sup> Another expert stated, “Schools say that they are inclusive and ready to take children with disabilities but they are not.”<sup>134</sup>

According to Armen Alaverdyan, director of the disability rights organization, Unison, “In reality, schools are not accessible for children with any disability, only children with minor disabilities, often minor intellectual or developmental disabilities. The inclusiveness of the schools is simply the opportunity to attend classes. Children attend with parents, only communicate with parents and not with teachers, not with kids. We don’t see accessible facilities inside schools, such as toilets or gymnasiums. The approach is a concern for us, in that it focuses on ‘mercy and tolerance’ rather than equality. We see it reflected in the media, with inclusive education presented as a ‘charity activity.’ The government is more

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<sup>133</sup> Human Rights Watch interview with Hakob Abrahamyan, president, Pyunik Union of Disabled Persons, Yerevan, April 14, 2016.

<sup>134</sup> Human Rights Watch interview with Tigranui Akopyan, director, Emil’s Little Sun Center, Armenian Caritas, Gyumri, April 18, 2016.



focused on scale and achieving as many so-called inclusive schools in the shortest amount of time.”<sup>135</sup>

Human Rights Watch also found that children with disabilities in Armenia may be relegated to home education, due to problems with accessibility in schools, homes, and in the community as well as schools’ failure to provide reasonable accommodations. With home education, teachers from local schools visit children at home and provide a few hours of basic literacy and numeracy instruction per week, in mathematics, Armenian language and Russian language, which does not constitute a comprehensive, quality education. These children typically have little or no interaction with classmates or other peers. Some children with disabilities are completely left out of the educational system due to the lack of accessibility in schools and in their communities, the failure of schools to guarantee teachers reach children for home education, as well as parent’s fears of stigma and discrimination against their children and the family.

## **Lack of Reasonable Accommodations**

Parents, children, and experts consistently described the lack of accessibility and of reasonable accommodations for children studying in inclusive schools as well as for some of those studying in special schools. The government’s failure to provide reasonable accommodation constitutes discrimination.

### *Lack of Physical Accessibility*

Many people interviewed by Human Rights Watch explained that the lack of basic physical accessibility in nearly all schools hinders children’s ability to receive a quality education. Children often rely on other students, parents, and teachers to assist them in entering and moving around buildings. In some cases, physical barriers prevent children from attending schools altogether or create significant challenges for children to attend schools. The government has no comprehensive approach to ensure physical accessibility in schools. Susanna Tadevosyan, director of Bridge of Hope, an NGO that promotes inclusive education and supports

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<sup>135</sup> Human Rights Watch interview with Armen Alaverdyan, director, Unison, Yerevan, April 13, 2016.

families of children with and without disabilities said, “Physical accessibility in schools, at best, starts and ends with [entrance] ramps.”<sup>136</sup>

Mari, a fifth grader, has a physical disability that has affected her physical growth and makes it difficult for her to walk and use her hands completely. Although she attends an inclusive school, and thrives academically, the school has very low physical accessibility. “The best thing about my school is increasing my knowledge,” she told Human Rights Watch. Mari has won language and math competitions at her school. But, Mari has to overcome significant obstacles just to get through her day at school. There are no ramps, lifts or elevators anywhere in the school. “It is difficult to go up and down the stairs. I use the railing to pull myself up. It’s too difficult for me to do it alone, so my classmates help me. They carry my bag and hold my hand.”<sup>137</sup> Mari also avoids eating and drinking in the mornings because the one toilet that is somewhat accessible to her is in the boys’ bathroom and two floors below where her classes are.<sup>138</sup>

Luisa, 18, who uses a wheelchair, studies in an inclusive school in Gyumri. After many years of attending programs at Aregak [Little Sun], a local center run by Caritas Armenia which provides services to children with disabilities and their families, four years ago Luisa enrolled in school, with the centers help. Luisa is happy to be in school and especially likes studying Armenian and having friends. “I have lots of friends at school and for four years I have been able to love them, and they love me,” she said. She imagines becoming an English teacher or a computer specialist.

However, Luisa has to overcome significant obstacles to achieve her dreams, as the school she attends is largely inaccessible for her. As she explained:

I can move around only in my wheelchair. Everyone is helping me. Teachers and students, but mostly students. It is difficult when there is no one to help me. There is a ramp constructed for me to get into the part of school where I do my inclusive [individual] lessons, but it’s too narrow and it’s

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<sup>136</sup> Human Rights Watch interview with Susanna Tadevosyan, December 6, 2016.

<sup>137</sup> Human Rights Watch interview with Mari Minasyan, Goris, April 15, 2016.

<sup>138</sup> Ibid.

difficult for me to get onto it. When the other students go outside to play, I wait in the classroom...<sup>139</sup>

Aida, 23, began to have difficulty walking following a serious virus she contracted when she was 17 and had just started as a nursing student at Gyumri State Medical College. She relied on friends every day to enter the building, since she couldn't climb the 10 steps outside the building where there was no railing. Inside, she said, it was easier, because she could use the railing to help pull herself up the stairs. There were no elevators, lifts or ramps anywhere inside the college. Although she was able to complete her studies, it was with difficulty. "The physical conditions of the college, especially the steps, this was a big, everyday issue for me," said Aida.<sup>140</sup>

Narine Manukyan, the director of an organization that supports children with disabilities and their families, explained that parents can at times solve particular accessibility issues to help facilitate children's education. However, the need for parents to take this step places the burden on them to solve accessibility issues and can reflect schools' lack of readiness and preparation to educate children with disabilities on an equal basis with others. She explained, "We are able to solve problems. For example, parents ask principals to move classes to the first floor. But it shouldn't be that way. It becomes a reminder every day that the school sees our child differently."<sup>141</sup>

### *Lack of Proper Sanitary Facilities*

Children with disabilities and their parents repeatedly cited the lack of proper sanitary facilities, namely accessible toilets, in so-called inclusive schools, as impediments to their children's education. For example, Luisa, 18, who uses a wheelchair and attends an inclusive school, said, "I don't use the toilet at school. It's not possible for me. I wear a

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<sup>139</sup> Human Rights Watch interview with Luisa, Gyumri, April 18, 2016.

<sup>140</sup> Human Rights Watch interview with Aida, Gyumri, April 18, 2016.

<sup>141</sup> Human Rights Watch interview with Narine Manukyan, April 12, 2016.

diaper all day from the time I leave my house. At home and at the Aregak center [for children with disabilities and their families] I can use the toilet.”<sup>142</sup>

Gohar told Human Rights Watch that her two children, Artur, 13, and Gegine, 9, attend a local special school just two to three hours, two days a week, where the children with different types of disabilities have individual lessons with a special education teacher, a speech therapist, and a psychologist. One of the issues limiting Artur’s and Gegine’s attendance at school is a lack of an accessible toilet or anyone to support the children in using the toilet. Gohar explained, “Gegine always wears a diaper the whole day at school. I help Artur use the toilet at home before school and when he gets back. If he says he needs to use the toilet at school, they say that there is no one to take him.”<sup>143</sup>

### *Lack of accommodations for children with sensory disabilities*

Tigran, 8, who has a hearing disability, is enrolled at an inclusive school in Goris. However, Tigran does not study together with his peers in the first grade classroom. Because of a lack of accommodations for his disability, Tigran receives only a few hours of individual instruction per week. Tigran’s mother told Human Rights Watch:

For the first month, he studied in the classroom for two hours per day, but he could only hear a bit of what was being said. He was interested to learn and participate, but he couldn’t hear. It made him upset and he would cry. Now, he only goes to individual lessons 45 minutes per day with a speech therapist and a psychologist. He is only in school for only those 45 minutes.<sup>144</sup>

Another child in the same school, Anahit, 12, who also has difficulty hearing taught herself to read lips, and can read and write without difficulty, according to her mother. However, because of the rigid curricular expectations, Anahit has fallen behind in social science and

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<sup>142</sup> Human Rights Watch interview with Luisa, Gyumri, April 18, 2016.

<sup>143</sup> Human Rights Watch interview with Gohar, (location withheld), April 2016 (specific date withheld).

<sup>144</sup> Human Rights Watch interview with Tigran’s mother, Goris, April 16, 2016.

history because she cannot communicate orally to answer questions in the classroom. The school does not provide an alternative method, such as written responses, for her to answer questions.<sup>145</sup>

According to a staff member at an inclusive school in Yerevan, the school has no children who are deaf, and sign language is not an option. “We don’t use sign language; it’s not in the school curriculum. It could only be taught as a separate subject.”<sup>146</sup>

According to the director of Agate, a disability rights organization in Gyumri, their region, Shirak, also faces a lack of sign language instruction. Most classrooms are focused on oral instruction, also making it difficult for children who are deaf or with limited hearing. “In Shirak province, you won’t be able to find sign language instruction in schools. To find it, people have to go to Yerevan to the one school which teaches sign language. Parents in our region don’t want to send their children to Yerevan. As a result, there is low or no literacy among deaf people here. Among our beneficiaries, some didn’t even go to school,” she told Human Rights Watch.<sup>147</sup>

In some cases, it does appear that inclusive schools are implementing accommodations for children with hearing disabilities. Narine, who is 12, and has difficulty hearing, told Human Rights Watch about the accommodations she receives at an inclusive school in Vanadzor. “I go to an inclusive school; it’s near our house. The teacher always gives me a seat near the front. Sometimes when I don’t understand what we’ve been told to write, the teacher speaks to me slowly or gives me the instructions in writing. I’m asking my teacher to check my work. I’ve always been supported. It’s good,” Narine said.<sup>148</sup>

According to Armen Alaverdyan, the director of Unison, inclusive schools have made little progress in educating children who are blind, such as providing adapted material. He explained, “For blind children, the only real option is to attend special school. They

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<sup>145</sup> Human Rights Watch interview with Anahit’s mother, Goris, April 16, 2016.

<sup>146</sup> Human Rights Watch interview with Sofia Harsopyan, psychologist, Inclusive School No. 20, Yerevan, May 24, 2016.

<sup>147</sup> Human Rights Watch interview with Gayane Grigoryan, Agate, Gyumri, April 18, 2016.

<sup>148</sup> Human Rights Watch interview with Narine and her grandmother, Vanadzor, April 19, 2016.

can have success in attending university. All blind students in universities are from special schools.”<sup>149</sup>

### *Lack of other reasonable accommodations*

Elmira lives in central Yerevan with her son Goryan, 11, who has cerebral palsy. Elmira is educated as a teacher, but has not worked since Goryan was a baby because she cares for him at home full time. She described the lack of reasonable accommodations at the school:

I enrolled him at the local school at age 6 and asked for home education. He can't sit still [because of his disability]. He constantly moves. Even if I am with him, it is just impossible to imagine going to school. ... We don't have a wheelchair that is comfortable for him. I must hold him all the time. I have to carry him up and down the stairs. It's very difficult. Each year, school officials invite him to study in the school. In the school itself, there are some other children with disabilities, but there are just minimal conditions. Who is going to sit with him? There is so much that he can't do. It's hard, and as he grows, it gets even harder. I want to help my child so that he could be even a bit independent.<sup>150</sup>

As noted above, Gohar's children, Artur, 13, and Gegine, 9, attend a local special school just two to three hours, two days a week. They do not participate in the classroom because the school has failed to accommodate her children's difficulty sitting still, on account of their disabilities. “My children are not able to sit still for long, so they are not learning any subjects,” Gohar said.<sup>151</sup>

Yuliana is 13 and studies in seventh grade in a Yerevan mainstream school. She has a disability that affects her musculature, including her ability to hold a pencil or pen and write for an extended period. However, Yuliana can easily use a computer. “There is a computer at school, it's comfortable. The mouse is hard to control, but typing is easy for

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<sup>149</sup> Human Rights Watch interview with Armen Alaverdyan, April 13, 2016.

<sup>150</sup> Human Rights Watch interview with Elmira, Yerevan, May 24, 2016.

<sup>151</sup> Human Rights Watch interview with Gohar, (location withheld), April 2016.

me,” she said.<sup>152</sup> However Mariam, Yuliana’s mother, said that the school does not allow Yuliana to use a computer to complete her assignments or exams. The failure to provide this simple accommodation as well as a lack of individualized approach to Yuliana’s education has caused Yuliana to fall behind academically.<sup>153</sup> According to Mariam,

Yuliana writes as much as she can but it is very little. As a result, she has fallen behind her classmates. The school has never suggested any other options. She goes to school really just to spend time there. They give her handicrafts like knitting to do at her desk, or sometimes something to read so she doesn’t get bored and tired doing nothing in class. The teachers only say, ‘Let her do just what she can do.’ There are 37 children in the class. They can’t focus on my daughter at all.<sup>154</sup>

### *Lack of individual educational approach inside the classroom*

Human Rights Watch found that many schools in Armenia do not provide an individual approach to children’s learning, including for children with disabilities, based on their needs and their personal learning styles and interests. There are limited efforts to provide reasonable accommodations to facilitate children’s learning, such as providing accessible educational material, modified ways of teaching, and modified curricula.

This is exacerbated by class sizes of up to 36 or 37 children in the schools, with only one teacher, as described by children, parents, and school staff. Very few schools have aides, such as paraprofessionals, whose role is to support children’s participation in education, constructively addressing behavioral challenges, providing personal care assistance, or taking on other support roles, but are not fully licensed teachers. As described above, children with disabilities may spend time in classrooms, but are regularly pulled out for individual lessons.

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<sup>152</sup> Human Rights Watch interview with Yelena, Yerevan, April 20, 2016.

<sup>153</sup> Human Rights Watch interview with Mariam, Yerevan, April 20, 2016.

<sup>154</sup> Ibid.

For example, regarding class size and limited individual instruction, Rosanna, 12, who has a learning disability and attends an inclusive school in Goris, explained that the large number of students and lack of other staff in the classroom hinders her education in an inclusive environment. She only receives academic support outside of the classroom. “I am in sixth grade. There are 36 children in my class, all in one classroom. There is only one teacher per subject. The lessons are hard for me. The specialist teachers are taking me for lessons to a separate room, and we are working together.”<sup>155</sup> The biology teacher in the same school told Human Rights Watch, “What I would want more than anything is to have someone who could support a child who has particular needs in the classroom directly. The special education teachers can’t be in so many classrooms at once. No matter how much I want to, I can only support an individual student so much. I have 32 children in my class.”<sup>156</sup>

### *Parents staying with children at school*

Human Rights Watch spoke with numerous parents with children enrolled in inclusive community schools who remained with their children at school because of the absence of reasonable accommodations to support the child’s learning needs and full inclusion in the classroom. We also spoke with some parents whose children attend special schools and who also remained with them during the day. However, a number of parents reported that they enrolled their children in special schools, which often had smaller classes and more specialized staff, in order to secure an educational environment for their children that did not require a parent to be constantly present.

Marine’s 15-year-old son, Edmond, who has autism, studies in seventh grade at an inclusive school in Yerevan, where he started in second grade. Due to the lack of sufficient staff, Marine must stay with Edmond all the time. She described her role:

Even now, I stay with him at school. I am always with him. He has individual lessons with specialists on his own, but otherwise, I am always with him. I’m not sure he would be studying if I wasn’t there. He could get up and wander around, go out of the classroom. I’m there to keep control.... We

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<sup>155</sup> Human Rights Watch interview with Rosanna, Goris, April 16, 2016.

<sup>156</sup> Human Rights Watch interview with Anush Mkrtychyan, teacher, Goris Inclusive School No. 6, Goris, December 2, 2016.



come for three lessons, two days a week. In my opinion, we need an additional specialist or teacher. Of course, I would leave him on his own at school if there was someone who could be next to him, to give him instructions and help him. That would be excellent.<sup>157</sup>

Elena, whose son Hayk, 15, has an intellectual disability, explained to Human Rights Watch that staying with him all day during the one year he studied at an inclusive school led her to send him to a special school instead. Elena said:

I was at the school the whole day, to the end of the lessons. The teacher said she could not work with my son individually, since there were 30 other children in the class. I had to help with everything, taking him to the toilet, eating, taking his jacket off. At the special school, I don't face these issues.<sup>158</sup>

Anush's son, Hakob, 12, has cerebral palsy and now receives home education due to the lack of reasonable accommodations for him in their neighborhood school in Gyumri. She explained, "I would very much like to take him to school and I tried to do so, but could not do it. If I took him there, I would have to be with him all the time, which was impossible. I do all of the housework, cooking, cleaning, taking care of my other child and my husband."<sup>159</sup>

Even when she stayed with Hakob at school, due to the lack of accessibility, Anush was not able to carry him to all parts of the school building, and Hakob was excluded from many of the typical school activities that his classmates enjoyed. Anush described the difficulties:

I had to... take him around [the school] and also to the toilet. There were steps to the toilet, which I could not climb with him. Chess class was on the second floor and I could not take him upstairs, as there were only steps there.... The cafeteria was on another floor and Hakob could not get there.

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<sup>157</sup> Human Rights Watch interview with Marine, Yerevan, May 24, 2016.

<sup>158</sup> Human Rights Watch group interview with mothers of children with disabilities, April 2016 (specific date withheld).

<sup>159</sup> Human Rights Watch interview with Anush and Hakob, Gyumri, April 18, 2016.

Anush's presence also interfered with the teacher's developing a relationship with Hakob as part of the academic process. "The teacher was not ready [to teach Hakob]. She did not know how to interact with Hakob, and always called on me to help him."<sup>160</sup>

Anush felt that her two sons should have equal treatment and opportunities to be at school without her constant support. "At the school, there should be a lift... toilets should also be adapted. Inclusive school should mean a school just like for our other son. He goes to school, and I can prepare food and feed him when he comes home."<sup>161</sup>

The psychologist at one inclusive school visited by Human Rights Watch said, "As you can see, the school is not accessible. We have one child, a first grader, who is in a wheelchair. We [the staff] ... help to move him around, and one of the parents stays, usually the mother, to help move him and support him if he needs it."<sup>162</sup>

### *Assistants in some schools*

Some schools employ assistants who work with children to support their basic needs, although not in an academic capacity. For example, at inclusive School No. 20 in Yerevan, the psychologist said, "We have one helper, an assistant. She helps children go to the toilet. Children can basically do it themselves, but she can help them support them, ensure their safety. She also helps some of the children get the [public] bus. She helps about 10 children."<sup>163</sup> The director of inclusive school no. 5 in Armavir said they have 13 staff dedicated to working with 63 children "in the inclusive program." Among them are three caregivers, who assist children who need support in getting to different classrooms and with eating, among other tasks. However, these support personnel do not stay in the classroom with children.<sup>164</sup>

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<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

<sup>162</sup> Human Rights Watch interview with Sofia Harsopyan, May 24, 2016.

<sup>163</sup> Ibid.

<sup>164</sup> Human Rights Watch interview with Margarita Badasyan, director, Armavir School No. 5, Armavir, May 28, 2016.

Under a pilot program on inclusive education and new financing procedures, 84 schools in Tavush region, in northeastern Armenia received additional funds for teachers' assistants as well as special education teachers. According to Susan Tadevosyan of Bridge of Hope, this has been a key element of the region's progress on inclusive education.<sup>165</sup>

## Lack of Opportunities Beyond Ninth Grade

Many parents interviewed by Human Rights Watch expressed concern about the lack of educational opportunities for older children beyond compulsory education, which ends in ninth grade. Anahit is a 12-year-old girl who studies in an inclusive school in Goris. Although Anahit's mother describes her daughter as "very bright and clever," she sees limited opportunities for her daughter beyond ninth grade. She explained, "School goes to ninth grade and then there is the high school system. I am not sure [Anahit] will be able to go to high school. She will not be able to express herself and understand the difficult topics. Maybe instead she could do sewing, painting, something like that."<sup>166</sup> Milena, whose 16-year-old daughter studies at a special school said, "After ninth grade, I don't know what will happen. There are no opportunities in our town for young people with intellectual disabilities. She needs skills for independent living, work training. There are no specialists here giving this training."<sup>167</sup>

Geranush described the dilemma she faces with her son with an intellectual disability, who attended a special school in Kapan from first through ninth grade. "My son is about to finish ninth grade. The main issue for me is what he will do after graduating. I don't know where to take him. There are no educational colleges in our region providing services to children with disabilities. No college or university will accept him. I feel that my only choice is to move to Yerevan and take him to an institution [that will accept him]," explained Elena.<sup>168</sup>

Varsik's son Hosep has Asperger's syndrome and studies at an inclusive school in Yerevan. Although Hosep is achieving at grade level academically and excels in some

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<sup>165</sup> Human Rights Watch interview with Susanna Tadevosyan, April 20, 2016.

<sup>166</sup> Human Rights Watch interview with Anahit's mother, Goris, April 16, 2016.

<sup>167</sup> Human Rights Watch interview with Milena, (location withheld), April 2016 (specific date withheld).

<sup>168</sup> Human Rights Watch interview with Elena, Kapan, April 15, 2016.

subjects, such as English language, Varsik told Human Rights Watch that she sees few options for him in the future. “After ninth grade, I don’t know. He’s strong in math, so maybe he could do something with computers? I’m more thinking about [vocational] school, some kind of preparatory course, rather than high school. I’ve heard high school is not effective [for children with disabilities],” said Varsik.<sup>169</sup>

Hakob Abrahamyan of Pyunik said, “Parents are desperate for opportunities for their children as they get older. They don’t know what to do with children after grade nine. Maybe about 10-15 percent go through twelfth grade. Most often it’s children with physical disabilities who go beyond basic education.”<sup>170</sup>

Sofia Harsopyan, a psychologist at a Yerevan inclusive school confirmed, “One of the gaps in the educational system is that we don’t know what a child with a disability will get at the end of ninth grade. Several years ago, there was a procedure that children would get some certificate but without having to pass exams. The certificate could only be used for vocational colleges. There was no opportunity for higher education. At vocational colleges, children who are graduating face integration issues; there is no inclusive education at that level.”<sup>171</sup>

Kristina’s son, Sahag, 18, has an intellectual disability and a speech disability. After studying at a special school through ninth grade, Sahag is in his third year at the second special vocational institution in Yerevan, where he lives and studies gardening. “I would like him to have a normal life.... Our plans are if he gets a good profession, he can support himself and maybe help support us in our old age,” said Kristina. The vocational institution is free, and offers other subjects, including carpentry, carpet making, hairdressing, and auto mechanics.<sup>172</sup>

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<sup>169</sup> Human Rights Watch interview with Varsik, Yerevan, May 24, 2016.

<sup>170</sup> Human Rights Watch interview with Hakob Abrahamyan, president, Pyunik Union of Disabled Persons, Yerevan, April 14, 2016.

<sup>171</sup> Human Rights Watch interview with Sofia Harsopyan, May 24, 2016.

<sup>172</sup> Human Rights Watch interview with Kristina, Yerevan, April 20, 2016.

### *Education and Futures*

Children with disabilities described their hopes and dreams of meaningful professional lives and make contributions to society. Rita, who is 16, has a mild intellectual disability, and is in eighth grade at the special school where she has always studied, told Human Rights Watch, “I want to go to university. I would like to become a doctor, so that I can take care of people. My neighbor is a doctor.”<sup>173</sup>

Nina, who is 16 and has cerebral palsy, and completed compulsory education through home education, explained, “I want to learn sign languages and work and support those who need support. I would support people who are not speaking. Even at news companies.”<sup>174</sup> Her mother expressed a desire for Nina to pursue other activities, but lacked information about the opportunities. She told Human Rights Watch, “She has nothing to do. It’s becoming a problem, since she wants to be busy. I haven’t thought about continuing her education. But, I see she wants to become a journalist, to meet and communicate with a lot of people. I am ready to support her in what she wants to do and what she’s able to do.”<sup>175</sup>

### **Stigma and Discrimination**

Numerous children with disabilities and their parents said stigma was an obstacle to receiving a quality inclusive education. Parents of children with disabilities described instances of harassment and bullying of their children who attended mainstream schools. Other parents declined to send their children to mainstream schools, or to school at all, or placed their children in institutions due to fears of stigma. Some parents of children with disabilities expressed discriminatory attitudes towards children with other types of disabilities, particularly those with intellectual or psychosocial disabilities.

At the same time, teachers at some schools confirmed that inclusive education has helped to break stereotypes for children, parents, and teachers. According to one teacher, “We could be surprised seeing children with disabilities. It was something we didn’t

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<sup>173</sup> Human Rights Watch interview with Rita, Special School No. 1, Goris, April 16, 2016.

<sup>174</sup> Human Rights Watch interview with Nina and her mother, Vanadzor, April 19, 2016.

<sup>175</sup> Ibid.

understand. But now stereotypes are being broken. Children don't even pay attention to another child's disability. No one is afraid."<sup>176</sup>

Under the CRPD, governments have an obligation to “combat stereotypes, prejudices and harmful practices relating to persons with disabilities ... in all areas of life; and to promote awareness of the capabilities and contributions of persons with disabilities,” including “fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities.”<sup>177</sup>

Margarita, whose two children have difficulties hearing and speaking, described the stigma and bullying her daughter, Nelli, experienced when she was in kindergarten in one remote region of Armenia. “The teachers were kind and paid attention to her, but the atmosphere was difficult. The other children would laugh at her and mock her whenever she was trying to speak. And the way some parents looked at her, as if she was something completely strange,” said Margarita.<sup>178</sup>

According to Tigranui, whose son with Down syndrome, now 23, studied at a mainstream school, she and her son faced hostility from many in the school community during the early years of his education. Eventually, with her commitment to keep him at the school and the efforts of the school to include her son, the atmosphere improved. Tigranui explained, “There were problems with parents and with children. Socializing at first was difficult. Some of the parents even said to me, “Why did you bring him here?!” After some years, though, that same parent said to me, “You made a very good decision bringing him to this school.”<sup>179</sup>

Fear of discrimination and their child being different from his or her peers are reasons some parents gave to explain their decision to send their children to a special school. For example, one mother interviewed by Human Rights Watch explained that she traveled from a remote village for her 9-year-old son with autism to attend a specialized school in

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<sup>176</sup> Human Rights Watch interview with Armine Kolyan, teacher, Goris Inclusive School No. 6, December 2, 2016.

<sup>177</sup> CRPD, art. 8.

<sup>178</sup> Human Rights Watch group interview with mothers of children with disabilities, April 2016 (specific date withheld).

<sup>179</sup> Human Rights Watch interview with Tigranui, Yerevan, April 21, 2016.

Gyumri, rather than send him to the local inclusive school. She said, “As he is a child with a disability, not speaking or hearing well, I don’t think it would be sensible to take him to the village school. Here my son comes and is with kids like himself. There, he will be different.”<sup>180</sup>

A mother who travels by taxi 20 kilometers each way for her son, Narek, who is 16 and has Down syndrome, to attend the special school in Gyumri explained that she feared that her younger son could be harassed if Narek attended the same school. “My younger son is 14 and goes to the village school. I’m thinking about how others will feel if Narek was at that school. I fear that my younger son could be shunned. I’m just trying to do my best for both of my children.”<sup>181</sup>

Human Rights Watch documented stigma among parents of children with disabilities about children with other types of disabilities. For example, Volodya, who lives in Chambarak in eastern Armenia, told Human Rights Watch that relatives had recommended a special school in Yerevan as a potential school for his son, who has an undiagnosed disability that affects his learning and behavior. Volodya said, “I visited the special school over the summer. I didn’t know there would be children with disabilities there. There were children in wheelchairs. I didn’t want my son to be among those children. But, we decided to try it. My wife lived in Yerevan with him for four months while he attended this school. There were a lot of children with issues there.” Volodya disliked that his son imitated certain behaviors of children with other types of disabilities.<sup>182</sup>

Other parents hid their children at home and tried to prevent others from knowing that they have children with disabilities, leading some parents to place their children in orphanages or to decline to send their children to school or receive home education. The director of an NGO working with children with disabilities, told Human Rights Watch that a family that she knows in a village in Armavir province has not allowed their 14-year-old daughter who has a physical disability to receive any education. “The mother did not even ask for home

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<sup>180</sup> Human Rights Watch interview with Armine Razaryan, Gyumri, April 18, 2016.

<sup>181</sup> Human Rights Watch interview with Narek’s mother, Gyumri, April 18, 2016.

<sup>182</sup> Human Rights Watch interview with Volodya, Gegharkunik province (specific location withheld), May 30, 2016.

education for her daughter. The family didn't want it. They were ashamed because of the girl's disability."<sup>183</sup>

Nelli, who is in her early 20s and divorced, told Human Rights Watch that part of her decision to give her 4-year-old son with cerebral palsy to an orphanage was the stigma that it might bring to her family, particularly her brother, who is yet to be married. "The issue for us was not entirely about finances. We have to think about the bigger family. My brother is still young. We are thinking about any potential bride for him. No one will want to see an unhealthy child at [our family's] home."<sup>184</sup>

Stepan, 46, was widowed in 2008 and soon thereafter placed his daughter, Marie, now 16, who has cerebral palsy, in Kharberd orphanage. Stepan explained that for him, to bring his daughter home now to live with him and his second wife and their young daughter, he would need not only more stable income, "but a separate space for her to live." He explained this reasoning based on false information from doctors about the adverse influence a child with a disability might have on other children. "The doctors told me that a child in this situation [with cerebral palsy] can negatively influence the nerves of other children. The neurologist said that we should send her away, and have another child."<sup>185</sup>

One special school director indicated that one of his objections to the development of inclusive education related to the lack of sufficient staff in inclusive schools to meet the needs of a diverse student population. He said, "How can [these] children go to a mainstream school? I think these children need to be in a specialized school. For a lot of children basic self-care is absent. Children go to the bathroom frequently, there are children who can't sit still in class, may throw something or hit someone. Here we have a nanny and other helpers who feed kids, help them go to the toilet. This is a huge issue. We need additional teachers in the classroom in mainstream schools."<sup>186</sup>

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<sup>183</sup> Human Rights Watch interview with Gayane Azoyan, May 28, 2016.

<sup>184</sup> Human Rights Watch interview with Nelli, Shirak province (specific location withheld), May 2016 (specific date withheld).

<sup>185</sup> Human Rights Watch interview with Stepan, Vanadzor, May 29, 2016.

<sup>186</sup> Human Rights Watch interview with Sasun Artrunyan, director, Vanadzor Special School No. 1, Vanadzor, April 19, 2016.



The Ministry of Education and Science’s plans to make all schools inclusive envision adding assistant teachers to schools, but not in sufficient numbers. According to Ministry officials, “Each school will have an assistant to the teacher, based on the number of children. There will be one assistant for every school that has at least 10 children. A second assistant is added when there are 100 children.”<sup>187</sup>

## Complete Lack of Education

Human Rights Watch interviewed some families whose children with disabilities did not attend any school or enrolled in school very late, due to lack of accessible schools, housing, and transportation, because of stigma, or for other reasons. International organizations estimate that 20 to 30 percent of children with disabilities neither attend school nor receive home education.<sup>188</sup> These rates were higher in rural areas. The lack of conclusive data makes it difficult to assess the scale of the problem and is a serious obstacle to making effective policy to ensure no child is left out of education.

Alla is a 14-year-old girl with cerebral palsy who had no education until she was 13. Alla lives with her family in a village near Yerevan. Despite her mother’s sustained efforts for many years to secure her education, Alla was just completing her first year of home education, with two teachers coming once a week for two hours, when Human Rights Watch met the family in May 2016. Her mother, Nelli, explained:

My daughter is the only one with a disability in our village. Alla can’t walk and there is the issue of the [local] school’s facilities. There are no ramps. The classroom is on the second floor. There are no experts at the local school. ... I heard that there were good specialists at the special school [...] so I registered her there.

But it is far, and I would need to take a taxi to get her there. Our financial state does not allow me to do that. ... It costs 3,000 dram (\$6.20) per day to

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<sup>187</sup> Human Rights Watch interview with Manuk Mkrtychyan, deputy minister, Ministry of Education and Science, Yerevan, April 21, 2016.

<sup>188</sup> UNICEF, “Children in Armenia,” and Human Rights Watch interview with Arsen Stepanyan, Armenia country director, Save the Children, Yerevan, April 13, 2016.

take her there and back. ... I have 700,000 dram (\$1,470) in debt. I would like her to be educated, I would like her to be more active, to communicate, not sit alone, to speak more. If there would be funding for transportation, of course I would be very glad for her to go to school.<sup>189</sup>

Gayane Azoyan is the deputy director of the school in Hatsik, a town in the Armavir region and director of an NGO that provides services to children with disabilities and their families. She told Human Rights Watch she knows several children with physical disabilities living in the Armavir region who are out of school due to a lack of accessible transportation in the community. Some receive no education at all, including one girl, age 15, who has a physical disability. “We helped the family by providing a wheelchair and a computer. The wheelchair is useful at home. The village conditions, roads and facilities are not accessible for a wheelchair. She doesn’t attend school. Her sisters are students and try to teach her something. Our school hopes to get a car with a lift to help these children get to school. It is our mission to help them get to school.”<sup>190</sup>

A woman in Armavir province with two daughters with cerebral palsy also told Human Rights Watch that her two daughters, now 26 and 18, had never been to school. Susi, 50, explained that this was because, “Their hands are not working. The oldest only feels comfortable for a long time propped up on her belly; the other needs to be in a supported chair, so they can’t be at school. I didn’t apply for home education because their brains are also affected by their disability.”<sup>191</sup> However, thanks to a local NGO, the girls now have an electronic tablet, on which they play games. During Human Rights Watch’s visit to the family, a researcher saw how the 18-year-old used the tablet, a device that could easily be incorporated into an educational program to facilitate learning. Both young women were engaged, alert, and smiling during the researcher’s visit. Susi resisted home education because she sought to hide her daughters from others, fearing that the family would be stigmatized by some in their community.<sup>192</sup>

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<sup>189</sup> Human Rights Watch interview with Nelli, (location withheld), May 24, 2016.

<sup>190</sup> Human Rights Watch interview with Gayane Azoyan, deputy director, Hatsik school, Hatsik, May 28, 2016.

<sup>191</sup> Human Rights Watch interview with Susi, Armavir province, May 28, 2016.

<sup>192</sup> Ibid.

## Other Forms of Education for Children with Disabilities

### *Special Schools*

Special schools are a legacy of the Soviet Union whereby children with disabilities were enrolled on the basis of their disabilities. As noted above, as of December 2016, there were 20 special schools in Armenia, and many have both children with and without disabilities enrolled. Some children live at the school, some do not. Some of these children are without parental care. For example, the director of Kapan Special School No. 3 told Human Rights Watch in April 2016 that the school population included 20 children with disabilities whose parents had surrendered their parental rights, making the school the children's guardian.

The government has plans to transform some special schools into centers to support children, families, and schools in educating children in the community. According to experts in Armenia, the government is reluctant to transform all special schools, and the law on education allows parents to select a special school for their child with a disability. While parents should be able to choose the kind of school their children attend, the government should actively seek to diminish segregation to the greatest extent possible by providing reasonable accommodations for children with disabilities in mainstream community schools. "There is a risk that the remaining special schools will attract people to come to them," said Susanna Tadevosyan of Bridge of Hope. Bridge of Hope supports a range of inclusive education projects and is partnering with UNICEF and the government of Armenia in the inclusive education aspect of the deinstitutionalization program described in detail below.<sup>193</sup>

Some parents interviewed by Human Rights Watch had sought to educate their children at inclusive schools in their communities, but ultimately opted for special schools. As described above, the reasons for this decision included shortcomings in inclusive schools' delivery of a quality education, including: the lack of reasonable adaptations to accommodate a child's disability; large class sizes and the lack of an individual approach;

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<sup>193</sup> Human Rights Watch interview with Susanna Tadevosyan, April 12, 2016.

and the need for a parent to remain with a child at school. However, the quality of education in special schools is not necessarily better. In many cases, sending a child to a special school means traveling long distances or requires a child to live at the school full time or during the school week. In addition, children are separated from their families and immediate communities.

In special schools visited by Human Rights Watch in April and May 2016, class sizes tended to be smaller. For example, in Yerevan Special School No. 17, class sizes were about 10 children per class; Gyumri Special School No. 3 had from five to 10 children per class, and in Goris Special School No. 1, 13 children per class.<sup>194</sup> This is due at least in part to the government's efforts to reduce the number of children in specialized schools, orphanages, and other types of residential institutions. The smaller class size can be a draw for parents. For example, Gegine explained that the large class sizes and lack of an individualized approach at the inclusive school in her community prompted her decision to move her son, Arsen, 10, who has difficulties hearing and speaking, to a special school in a district of Yerevan far from their home. She told Human Rights Watch,

Imagine 37 children in one room, and my son with difficulties with speech. The other children are noisy and need attention. The teacher couldn't spend time with my son individually. Even the inclusive teachers spent time with him only once or twice per week in a group with other children with disabilities.<sup>195</sup>

In order to reconsider sending her son to an inclusive school, Gegine elaborated her expectations: "For me to send him to an inclusive school, I would want to see fewer children in one classroom and good, competent specialists."<sup>196</sup>

Similarly, Anna felt that the inclusive school near the family's home wasn't providing a quality education due to a lack of staff and individual approach to the education of her 13-

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<sup>194</sup> Human Rights Watch interviews with Amalya Harutyunyan, director, Yerevan Special School No. 17, Yerevan, April 13, 2016; with Hermine Shahunts, director, Goris Special School No. 1, Goris, April 16, 2016, and with Tigran Ghulyan, director, Gyumri Special School No. 3, April 18, 2016.

<sup>195</sup> Human Rights Watch interview with Gegine, Yerevan, April 20, 2016.

<sup>196</sup> Ibid.

year-old son with autism. “They didn’t pay attention to him and weren’t engaging him in activities. ... He can’t sit still easily, can’t listen. He needs an individual approach. In the [special school] they teach children to read and write, using the same books. I like the individual approach to children with autism like my son,” she said.<sup>197</sup> Now Anna takes two buses and travels over an hour each way so that her son can attend a special school in Yerevan. She only manages to take him a few days per week because her son becomes exhausted from the long trip.<sup>198</sup>

The fact that some staff at special schools often have certain experience and expertise not yet developed among staff at inclusive schools, can also draw parents to special schools. For example, Ovsana, 34, is guardian to her two nephews who both have low vision, has two school-age daughters, and works full time. She cited help with homework after-school provided by the special school as a central factor in her decision to enroll the boys there. “The teachers are good and work with them [my nephews],” Ovsana described. “I work, so only the teachers work with them [on homework]. I am thankful for this school. One year I sent them to a neighborhood school, but we feel more comfortable here, because I was not able to work with them at home. I would not be able to send them to another school,” Ovsana told Human Rights Watch.<sup>199</sup>

Similarly, Artak has speech difficulties and is in sixth grade at a special school in Vanadzor. His mother Larissa, 49, a widow, explained that the homework help provided by the special school, but absent at the local community school, was important in her decision to enroll him in a special school, where he lives most of the time. “I preferred this school. They help him do his homework. He stays at the school during the week and comes home on the weekends. I have health ... issues, so it is hard for me to sit and do his homework with him,” Larissa told Human Rights Watch.<sup>200</sup>

Despite these challenges, some parents recognize the importance of having their children educated in the community, at inclusive schools. For example, Lusine Agajanyan, a mother

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<sup>197</sup> Human Rights Watch interview with Anna, Yerevan, April 20, 2016.

<sup>198</sup> Ibid.

<sup>199</sup> Human Rights Watch interview with Ovsana, Goris, April 16, 2016.

<sup>200</sup> Human Rights Watch interview with Larissa, Vanadzor, April 19, 2016.

of two, explained her plans for her son, 6, who has cerebral palsy, to go to an inclusive school near their home in Gyumri. “I am not thinking about taking him to a special school. I don’t consider my child to have ‘special needs.’ Both of my children are equal for me. I want him to go out and to be integrated into society, through the school, I want him to be integrated from a young age. I think it will be essential for his future.”<sup>201</sup>

### *Home Education*

Human Rights Watch interviewed parents whose children with disabilities receive home education, whereby a teacher or teachers visit the child at home and provides basic literacy education in a limited number of subjects, typically Armenian language, Russian language, and mathematics. The state program for home study is one to three classes at home for nine hours per week, through ninth grade. At higher grades the number of hours may increase, depending on the education plan.<sup>202</sup> Parents interviewed by Human Rights Watch consistently reported that their children received fewer than nine hours of instruction per week. The Ministry of Education and Science reported that it does not record data on the number of children receiving home education.<sup>203</sup>

In many cases documented by Human Rights Watch, parents opted for home education for their children with disabilities not for health reasons, but due to barriers in accessing community schools, such as the lack of reasonable accommodations in schools, and lack of physical accessibility in both the schools themselves and in apartment buildings and public transportation.

Children who receive home education are formally enrolled at a community school or special school and are counted among the children attending that school, although the children do not actually receive an education in the school and may rarely, if ever, visit. For example, at Vanadzor Specialized School No. 1, at the time of Human Rights Watch’s visit in April 2016, there were 70 children enrolled, 24 of whom received home education.<sup>204</sup> At

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<sup>201</sup> Human Rights Watch interview with Lusine Agajanyan, Gyumri, April 18, 2016.

<sup>202</sup> Human Rights Watch interview with Amalya Harutyunyan, April 13, 2016.

<sup>203</sup> Letter from N. Harutyunyan, December 14, 2016.

<sup>204</sup> Human Rights Watch interview with Sasun Arturyan, director, Vanadzor Special School No. 1, Vanadzor, April 19, 2016.

Yerevan Special School No. 17, of the 76 children enrolled in the school, 10 children receive home education.<sup>205</sup>

Some schools make efforts to include children receiving home education in special events at the school. While this can help mitigate some feelings of isolation for the child and allow a child to have some community experiences, it is no replacement for a child's full inclusion in the school, receipt of a quality education, and the opportunity to regularly socialize with others, a key element of social and emotional development.

Children who receive home education acutely feel the lack of interaction with peers and participation in the community. For example, Hakob studied for several years at an inclusive school before his mother opted for home education in the face of the school's failure to accommodate his disability. He said, "I like going outside, meeting friends and talking about things," all of which are much more limited to him now.<sup>206</sup>

According to the law on education, those who are unable to attend educational institutions due to health conditions are provided with in-home education, or with education in hospitals if the child is hospitalized for more than 21 days.<sup>207</sup> Experts at the Yerevan Assessment Center, which has been one of two centers in the country assessing children with disabilities and in the future will support and coordinate the work of regional pedagogical-psychological support centers, stated that home education should not be routinely used, but is primarily intended for use on a temporary basis. They also acknowledged, however, that several children enrolled in the assessment center's school, which is well-resourced and specializes in the education of children with disabilities, receive home education.<sup>208</sup> Human Rights Watch documented numerous cases of children receiving home education on a long-term basis.

Teachers with experience of both home education and inclusive education told Human Rights Watch that inclusive education provides a better educational environment. For

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<sup>205</sup> Human Rights Watch interview with Amalya Harutanyan, April 13, 2016.

<sup>206</sup> Human Rights Watch interview with Anush and Hakob, Gyumri, April 18, 2016.

<sup>207</sup> Law on Education, arts., 17(5) and 5(1).

<sup>208</sup> Human Rights Watch interview with Lilit Arsanyan, director, and Varduhi Varderyan, former director, Yerevan Assessment Center, Yerevan, June 1, 2016.

example, a teacher in Goris, who had been responsible for organizing home education before the school became inclusive, told Human Rights Watch, “Inclusive education is better. The child is not isolated from his peers. The children communicate with each other, develop friendships.”<sup>209</sup>

### **Lack of physical accessibility in the community as an impediment to quality education**

Nina, 16, has cerebral palsy and lives with her parents and younger brother in Vanadzor. She told Human Rights Watch how she wishes to have more experiences outside of her home, something that became possible only with a well-fitting wheelchair provided by a local NGO in 2016. “Before I had a wheelchair, I could only look out onto the street, but now I am able to go outside. I felt very bad. I was a person closed at home. I wanted to go out, walk, and see the city. I like to breathe fresh air,” she said.<sup>210</sup>

However, her mother explained that Nina has received home education from the age of 6 due to the lack of accessibility both in the local schools as well as in their apartment building. The wheelchair is an improvement, but does not overcome all of the obstacles. Her mother explained, “We live on the fifth floor of our apartment building. There is no elevator. It is not convenient to take her out. ... When she was smaller, I could carry her to go outside, but year by year, she’s getting bigger, so it’s difficult for us. It is difficult to carry her up five flights. And at the school, there are no ramps, only stairs.”<sup>211</sup>

Anush Aslanyan, 24, is the president of a Vanadzor-based organization of people with disability. She has a disability that affects her walking and some other motor skills. She graduated from Vanadzor State University with a degree in biology in 2015. She described her experience with temporary home education, her only option due to lack of accessible transport in the winter:

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<sup>209</sup> Human Rights Watch interview with Armine Kolyan, teacher, Goris Inclusive School No. 6, Goris, December 2, 2016.

<sup>210</sup> Human Rights Watch interview with Nina and her mother, Vanadzor, April 19, 2016.

<sup>211</sup> Ibid.



I would have home education for three months in the winter. I lived in a village with heavy snowfall and it was icy. ... I didn't communicate or spend time with my peers. It was bad for me because I am a very social person. There were several subjects not included in home education. I passed home education in the elementary grades and after that I worked very hard to go the 1.5 kilometers to get to school. Sometimes I would go by horse with my father. When I was older, my mother would walk with me and hold my hand.<sup>212</sup>

The director of Yerevan Special School No. 17 described a child who was moved from the special school to a mainstream school, an apparently positive step towards better inclusion of the child in the community. However, the staff at the community school and the child's parents decided that she would receive home education. "The child was here [at the special school] from ages 7 to 13. She used a wheelchair. She was getting heavier, and already 82 kilograms, which caused physical difficulties for the parents to carry her out of the house," in the absence of an elevator in the apartment building.<sup>213</sup>

A teacher at one special school visited by Human Rights Watch reported similar difficulties for parents of several children enrolled in the school who have physical disabilities and receive home education. The teacher explained, "There are no lifts and no ramps here. There was a plan to install a wheelchair stair lift, this year, but it didn't happen. I don't know why."<sup>214</sup> Regarding one child who has cerebral palsy, the teacher said, "His parents decided that he won't come here [to the school]. It's very difficult for the parents to move him from the house. They physically cannot bring him here."<sup>215</sup>

Narine Manukyan, director of a Yerevan-based NGO that provides services to children with disabilities, described one boy, 11, with cerebral palsy, who receives education at home.

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<sup>212</sup> Human Rights Watch interview with Anush Aslanyan, president, Equal Rights, Equal Opportunities, Vanadzor, April 19, 2016.

<sup>213</sup> Human Rights Watch interview with Amalya Harutanyan, April 13, 2016.

<sup>214</sup> Human Rights Watch interview with special education teacher, (location withheld), April 2016 (specific date withheld).

<sup>215</sup> Ibid.

His parents have difficulty getting him to school daily because they live in an apartment on the fifth floor of a building, and there are no elevators or ramps.<sup>216</sup>

### **Inadequate education and lack of additional services**

Armine sought to enroll her daughter, Karine, who has autism, in a local special school, in 2008. After a short evaluation, the teachers suggested home education for Karine, which has meant limited education for Karine for the past eight years and being deprived of access to the speech therapy provided at the school at no cost. In addition, Karine has been deprived of social interaction with her peers. Her mother told Human Rights Watch:

I took Karine to the special school when she was 10. She spent about 40 minutes there. I was with her the entire time. She was moving around a lot and couldn't sit still. After this visit, a teacher called and said the school recommended home-based education for Karine. I don't know who took that decision.

Now, two teachers in different subjects come twice a week and spend 30 minutes here each time. Karine is studying at an eighth grade level. I would like her to have more hours. Karine doesn't speak, but she only saw the speech therapist during our short visit at the school. To be honest, I am not satisfied with the home education. I wanted her to go to school and to receive speech therapy.<sup>217</sup>

Armine cannot afford private speech therapy. She explained, "I receive a [monthly] disability pension for Karine of about 21,000 dram (\$44) but I spend it all on diapers that she wears at night."<sup>218</sup>

Hakob, has cerebral palsy, and his mother, Anush, had accompanied him daily to a local inclusive school in Gyumri for several years. When she opted for home education, due to

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<sup>216</sup> Human Rights Watch interview with Narine Manukyan, April 12, 2016.

<sup>217</sup> Human Rights Watch interview with Armine, (location withheld), April 2016 (specific date withheld).

<sup>218</sup> Ibid.

the lack of accessibility in the school and her difficulty carrying him, school officials refused to send teachers to their home. As a result, Hakob lost two years of education. Anush eventually enrolled Hakob in another school, and one teacher from that school comes to their home three days a week for one hour or one-and-a-half hour lessons in Armenian language and mathematics only.<sup>219</sup>

Hasmik, 30, who lives in Gyumri with her three children, opted for home education for her 8-year-old daughter Diana, who has cerebral palsy and uses a wheelchair. Two teachers each come for one hour lessons, twice a week, and teach only three subjects: Armenian language, mathematics, and Russian language. Even this limited curriculum isn't always implemented. "The Russian teacher doesn't come a lot, not regularly. She can't manage to schedule it somehow," said Hasmik.<sup>220</sup> Hasmik takes Diana to the school once a week to receive speech therapy, and must carry her and take a taxi to and from the school, in the absence of accessible transport.<sup>221</sup>

### **Attempts to mitigate the isolation of home education**

School directors reported efforts to try to include students receiving home education in special events or activities at the school. Margarita Badasyan, director of Armavir Inclusive School No. 5, told Human Rights Watch that two children with autism enrolled in the school receive home education. "We try to bring them out of the home and include them in the school. One mother will bring her child to spend some time in the school when there aren't exams, so the child's noises don't disrupt the others. Specialists will work individually with the child, and then he goes back home. We think it's important that the child feels close to society."<sup>222</sup>

According to the director of Yerevan Special School No. 17, some of the children enrolled in home education participate in some school events. In this particular school, which includes an interior wheelchair ramp and is more physically accessible than other schools,

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<sup>219</sup> Human Rights Watch interview with Anush and Hakob, Gyumri, April 18, 2016.

<sup>220</sup> Human Rights Watch interview with Hasmik, Gyumri, April 18, 2016.

<sup>221</sup> Ibid.

<sup>222</sup> Human Rights Watch interview with Margarita Badasyan, May 28, 2016.

the director noted, “The institution is accessible, but parents may not always be able to bring the child to school.”<sup>223</sup>

Narine Manukyan, director of Armenian Mothers in Yerevan, said that one of her organization’s beneficiaries receives home education, but that the school and the boy’s parents make efforts to have him included in the school community. “Once or twice a month the boy goes to the neighborhood school for events, and sometimes children from the school visit him at home,” she said.<sup>224</sup>

Gohar, whose two children study a few hours a week in an inclusive school in Gyumri, said that the family had initially opted for home education, but the school encouraged her to send the children to the school. “The special school... provided home school for the first months [of the children’s enrollment], but the teacher suggested that it is better for the children to come to the school. She said the atmosphere is different and there will be more opportunities,” explained Gohar.<sup>225</sup>

### *Education for Children Living in Orphanages*

Children with disabilities living in state orphanages go to special schools, receive limited education inside the orphanage, or in some cases receive no education at all. Very few attend mainstream inclusive schools. Those who do attend schools outside the orphanage often do so for a shortened day. In contrast, children without disabilities living in orphanages attend community schools.

According to the director of Kharberd orphanage, of the 97 children in the orphanage, 10 attend an inclusive school in Kharberd, and 30 attend a special school in Yerevan. Among the young adults in the institution, two go to a vocational college in Yerevan where they study shoemaking, and 19 others go to a college specialized for people with intellectual disabilities that provides training in hairdressing, landscape design, and carpet making. The orphanage provides transportation.<sup>226</sup>

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<sup>223</sup> Human Rights Watch interview with Amalya Harutyan, April 13, 2016.

<sup>224</sup> Human Rights Watch interview with Narine Manukyan, April 12, 2016.

<sup>225</sup> Human Rights Watch interview with Gohar, (location withheld), April 2016 (specific date withheld).

<sup>226</sup> Human Rights Watch interview with Harutyun Balasanyan, director, Kharberd orphanage, May 25, 2016.

According to senior staff at the Marie Izmirlyan orphanage in Yerevan, in May 2016, 52 of the 110 orphanage’s children attended schools. Only four children went to an inclusive school, and 48 went to special schools. All of the children who attended school went for a shortened day. One girl interviewed at the orphanage who attended fifth grade at a special school confirmed that she goes to school every day, but for just a few hours a day.<sup>227</sup> Fifteen to twenty children received home education at the orphanage, with teachers from special schools coming to the orphanage to teach.<sup>228</sup>

Among children in the Gyumri and Nork orphanages for children up to 6 years, no children attend mainstream preschools, but they do receive some preschool education in the institution. According to the director of the Gyumri Children’s Home, “We provide the preschool service here. We have specialists in the orphanage. Children are not going out for preschool. Our children have special needs. At a regular preschool, they could not take such children.”<sup>229</sup>

Hayk, 16, who has autism, has lived in an orphanage for three years. Although while he was living at home Hayk went to a special school for six years, he has not attended school since entering the orphanage. According to Hayk’s mother, “He doesn’t go to school now. He’s not speaking and they [the orphanage staff] said that it won’t make any sense for him to go to school. He gets to do some handicrafts here.”<sup>230</sup>

Taguhi, who is almost 11 and in fifth grade, told Human Rights Watch that she used to go to an inclusive school near the orphanage where she lives, but that she now receives education in the institution for three hours per day. Neither she nor a caregiver who works closely with her in the institution knew why she no longer attended the inclusive school.<sup>231</sup>

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<sup>227</sup> Human Rights Watch interview with Karine, Marie Izmirlyan orphanage, Yerevan, May 2016 (specific date withheld).

<sup>228</sup> Human Rights Watch interviews with Hasmik Mkrtchyan, May 25 and 26, 2016.

<sup>229</sup> Human Rights Watch interview with Anna Begjanyan, director, Gyumri Children’s Home, Gyumri, May 27, 2016.

<sup>230</sup> Human Rights Watch interview with Mira, (location withheld), May 26, 2016.

<sup>231</sup> Human Rights Watch interview with Taguhi, (location withheld), May 2016 (specific date withheld).

## VII. National and International Legal Obligations on Access to Education

The Armenian constitution guarantees all persons the right to education and prohibits discrimination.<sup>232</sup> The law on education envisions inclusive education as the mechanism to guarantee the right of all children to education. Inclusive education is based on “maximum participation in the learning process through provision of necessary conditions and an adapted environment for every child, including those with specific educational needs.”<sup>233</sup> The law provides for individual education plans and teachers’ assistants.<sup>234</sup> The law also provides for specialized schools.<sup>235</sup>

The law also specifies accommodations to facilitate education for children with disabilities: “a combination of substantive programs and teaching methods, individual technical means for education, adapted environment, and pedagogical, social, and other services, aimed at mastery of the basic general education program.”<sup>236</sup> Additionally, the law states the government will provide financial support for education for children with moderate to severe speech, hearing, visual, intellectual, and/or other disabilities.<sup>237</sup> The law on the rights of the child guarantees children with disabilities free medical and psychological services, as well as the opportunity to receive basic and professional education, employment, social rehabilitation, and a “full” life, by strengthening their self-esteem and facilitating participation in the community.<sup>238</sup>

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<sup>232</sup> Constitution of the Republic of Armenia, art. 39.

<sup>233</sup> Law on Education, arts. 4(2.1), and 3(10.3).

<sup>234</sup> *Ibid.*, art. 3(10.8) and (10.9).

<sup>235</sup> *Ibid.*, art. 8(1.3).

<sup>236</sup> *Ibid.*, art. 3(10.1).

<sup>237</sup> Determined by severity. *Ibid.* art. 35(3.1).

<sup>238</sup> Law on the Rights of the Child, art. 26.

## International Standards

### *Nondiscrimination and Equal Access*

International law as set out in the Convention on the Rights of People with Disabilities (CRPD) prohibits discrimination on the basis of disability.<sup>239</sup> The right to nondiscrimination in education for people with disabilities includes the right not to be segregated and to be provided with reasonable accommodation (see below for details on reasonable accommodation) to ensure access to education on an equal basis with others in the communities in which they live.<sup>240</sup> To end discrimination and ensure equal access, states should remove legal, physical, communication, language, social, financial, and attitudinal barriers within the educational institutions and the community.<sup>241</sup> The obligation of nondiscrimination applies to both public and private actors, and at all levels of education, including higher education and vocational training.<sup>242</sup> This anti-discrimination measure should be met through reasonable accommodation.<sup>243</sup>

The Committee on the Rights of People with Disabilities has also stated that realization of the right to education requires that the entire education system be accessible, including: buildings, information and communication, curriculum, education materials, teaching methods, assessment and language and support services, transportation, water, hygiene and toilet facilities, school cafeterias, and recreational spaces. The Committee calls on states to establish a clear time frame for all existing education environments to be rendered accessible and to “prohibit and sanction the building of any future education infrastructures that are inaccessible.”<sup>244</sup>

### *Quality of Education*

Beyond their accessibility obligations, governments need to ensure that the form and substance of education, including curricula and teaching methods, are of “good quality”

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<sup>239</sup> CRPD, art. 2, and CRC, art. 2(1).

<sup>240</sup> CRPD, art. 24(2a).

<sup>241</sup> United Nations Committee on the Rights of Persons with Disabilities, General Comment No. 4, UN Doc. CRPD/C/GC/4 (2016), paras. 13, 37.

<sup>242</sup> CRPD, arts. 4 and 24.

<sup>243</sup> CRPD, arts. 2, 5, and 24.

<sup>244</sup> Committee on the Rights of Persons with Disabilities, General Comment No. 4, para. 21.

and meet minimum education standards. The aim is to ensure that “no child leaves school without being equipped to face the challenges that he or she can expect to be confronted with in life.”<sup>245</sup> According to the UN Committee on the Rights of the Child, an education of good quality “requires a focus on the quality of the learning environment, of teaching and learning processes and materials, and of learning outputs.”<sup>246</sup> The system should establish high expectations for all learners, without discrimination.<sup>247</sup>

Whether States have fulfilled their obligations for the right to education is dependent not just upon how many years of schooling children have attended, but also upon whether what they learn can empower them in their lives and help build their unique personality, talents and abilities.<sup>248</sup>

Under the UNESCO Convention against Discrimination in Education, states should “ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent.”<sup>249</sup>

### *Inclusive Education*

The CRPD calls inclusive education “a fundamental human right of all learners.”<sup>250</sup> The CRPD calls on states to ensure the right of persons with disabilities to education through inclusive education at all levels, including preschools, primary, secondary, and tertiary education, vocational training and lifelong learning, extracurricular and social activities without discrimination and on equal terms with others. An inclusive education system should focus

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<sup>245</sup> United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 13, The Right to Education, UN Doc. E/C.12/1999/10 (1999), para. 6 c); United Nations Committee on the Rights of the Child, General Comment No. 1, The Aims of Education, UN Doc. CRC/GC/2001/1 (2001), para. 9.

<sup>246</sup> Committee on the Rights of the Child, General Comment No. 1, para. 5.

<sup>247</sup> Committee on the Rights of Persons with Disabilities, General Comment no. 4, para. 12.

<sup>248</sup> United Nations General Assembly, Report of the Special Rapporteur on the right to education, Kishore Singh, Assessment of the educational attainment of students and the implementation of the right to education, A/HRC/26/27, May 2, 2014, paras. 79 and 81; UN Committee on the Rights of the Child, General Comment No 1, para. 9.

<sup>249</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education, adopted December 14, 1960, entered into force May 22, 1962, art. 4(b), notice of succession by Armenia on September 5, 1993.

<sup>250</sup> Committee on the Rights of Persons with Disabilities, General Comment no. 4 (2016), para. 9.



on “the full and effective participation, accessibility, attendance and achievement of all students,” especially those who are excluded or at risk of being marginalized.<sup>251</sup>

In its General Comment No.4 on the right to education, the Committee on the Rights of People with Disabilities specifies that integration, whereby children with disabilities are placed in mainstream schools without changes to curriculum, teaching, and learning strategies, does not constitute inclusion. The Committee has detailed the core features of inclusive education, including, *inter alia*, ending segregation within education settings by ensuring inclusive classroom teaching in accessible learning environments with appropriate supports.

The Committee on the Rights of People with Disabilities also notes that any support measures provided to children with disabilities should be “compliant with the goal of inclusion. They should be designed to strengthen opportunities for students with disabilities to participate in the classroom... rather than marginalize them.”<sup>252</sup> The committee has stated that schools should provide “adequate continuous personalized support” directly to students with disabilities. One element of this can be a qualified learning support assistant, either shared or on a one-to-one basis, depending on the requirements of the student.<sup>253</sup>

The education system should provide a personalized educational response, rather than expecting the student to fit the system, and “flexible curricula, teaching and learning methods, which requires support and reasonable accommodation so that learners are able to fulfill their potential. Learners should also receive the support necessary to ensure their effective transition to vocational and higher education and finally to work.”<sup>254</sup> Inclusive education is not only relevant for the education of students with disabilities, but should

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<sup>251</sup> CRPD, art. 24(1), and Committee on the Rights of Persons with Disabilities, General Comment no. 4, para. 8.

<sup>252</sup> Committee on the Rights of Persons with Disabilities, General Comment no. 4, paras. 16, 33.

<sup>253</sup> *Ibid.*, para. 32.

<sup>254</sup> *Ibid.*, para. 12. UNICEF has found that inclusion “requires responding to the diversity of needs among all learners, ... and reducing exclusion from and within education.” UNICEF, “The Right of Children with Disabilities to Education: A Rights-based Approach to Inclusive Education,” 2012, [http://www.inclusive-education.org/system/files/publicationsdocuments/UNICEF\\_Right%20Children%20Disabilities\\_En\\_WebACCESS.pdf](http://www.inclusive-education.org/system/files/publicationsdocuments/UNICEF_Right%20Children%20Disabilities_En_WebACCESS.pdf) (accessed July 2, 2015).

benefit all children and be “central to the achievement of high-quality education for all learners and the development of more inclusive societies.”<sup>255</sup>

The Committee on the Rights of People with Disabilities has also stated that “inclusive education is incompatible with institutionalization,” and that “pending the process of de-institutionalization, persons in institutional care settings should be given access to inclusive education with immediate effect.”<sup>256</sup>

The affirmation of the right to inclusive education is part of an international shift from a “medical model” of viewing disability to a “social model.” Until recently, disability was considered a defect that needed to be fixed. Disability today is viewed as an interaction between individuals and their environment, and the emphasis is on identifying and removing barriers in the environment and discriminatory attitudes.<sup>257</sup>

While the CRPD advocates for the fulfillment of “the goal of full inclusion,” it also states that the primary consideration should be the “best interests of the child.”<sup>258</sup> In some circumstances, such as when an inclusive education system is not yet functional or necessary accommodations cannot be reasonably provided, it may be in the best interests of the child to be educated in special education settings for part or all of the time. The CRPD emphasizes the voice and choice of children with disabilities.<sup>259</sup> It is important that the government make efforts to ensure mainstream education is inclusive and accessible for children with disabilities, and make special education available so that children with disabilities have meaningful choices.

### *Reasonable Accommodation*

To realize the right to inclusive education, the CRPD requires states to ensure “reasonable accommodation,” defined as the “necessary and appropriate modification and adjustments” that would ensure people with disabilities the enjoyment of all human rights

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<sup>255</sup> UNICEF, “The Right of Children with Disabilities to Education.”

<sup>256</sup> Committee on the Rights of Persons with Disabilities, General Comment no. 4, para. 64.

<sup>257</sup> UNICEF, “The Right of Children with Disabilities to Education.”

<sup>258</sup> CRPD, art. 7(2).

<sup>259</sup> *Ibid.*, art. 7(3).

and freedoms on an equal basis with others.<sup>260</sup> The denial of reasonable accommodations on the basis of peoples' disabilities constitutes discrimination.<sup>261</sup>

A government's duty to provide reasonable accommodation is enforceable from the moment an individual needs it in a given situation.<sup>262</sup> Any support measures provided should be compliant with the goal of inclusion and should "strengthen opportunities for students with disabilities to participate in the classroom and in out-of-school activities alongside their peers, rather than marginalize them."<sup>263</sup> Individual approaches should aim to enable "each student to live, study, and act autonomously, with adequate support, taking into account individual capacities."<sup>264</sup>

"Reasonableness" involves an analysis of the relevance and the effectiveness of the accommodation, and the expected goal of countering discrimination. While the Committee on the Rights of People with Disabilities acknowledges that availability of resources and financial implications should be considered when assessing whether provision of a certain accommodation poses a disproportionate burden, using the lack of resources and financial crises as justification for failure to make progress towards inclusive education violates the right to education. Availability of accommodations should be considered with respect to a larger pool of educational resources available in the education system, and not limited to resources available at the academic institution in question; transfer of resources within the system should be possible.<sup>265</sup>

The CRPD requires that states ensure education "in the most appropriate languages and modes and means of communication for the individual"<sup>266</sup> and promote the availability and use of assistive devices.<sup>267</sup> The Committee on the Rights of Persons with Disabilities

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<sup>260</sup> Ibid., art. 2(4).

<sup>261</sup> Ibid., art. 2(3).

<sup>262</sup> United Nations Committee on the Rights of Persons with Disabilities, General Comment No. 2, Accessibility, UN Doc. CRPD/C/GC/2 (2014), para. 26.

<sup>263</sup> Committee on the Rights of Persons with Disabilities, General Comment No. 4, para. 33.

<sup>264</sup> United Nations Human Rights Council, Report of the Office of the UN High Commissioner for Human Rights, Thematic Study on the Right of Persons with Disabilities to Education, A/HRC/25/29, December 18, 2013.

<sup>265</sup> Committee on the Rights of Persons with Disabilities, General Comment No. 4, paras. 27 and 29.

<sup>266</sup> CRPD, art. 24(3c).

<sup>267</sup> Ibid., art. 26(3).

has noted that there is no “one size fits all” formula to reasonable accommodation, and different students with the same disability may require different accommodations.

Accommodations may include changing the location of a class, providing different forms of communication and learning materials in alternative/accessible formats, providing students with a note-taker, or a language interpreter or allowing students to use assistive technology in learning and assessment. Provision of non-material accommodations, such as allowing a student more time, reducing levels of background noise, sensitivity to sensory overload, alternative evaluation methods or replacing an element of curriculum by an alternative element, should also be considered. Support can also consist of a qualified learning support assistant, either shared or on a one-to-one basis, depending on the requirements of the student.<sup>268</sup>

An important part of ensuring reasonable accommodation is training teachers, school administrators, and education officials in nondiscrimination and methods to support persons with disabilities.<sup>269</sup>

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<sup>268</sup> Committee on the Rights of Persons with Disabilities, General Comment No. 4, paras. 29 and 32.

<sup>269</sup> CRPD, art. 24(4).

## VIII. Government and Donors' Response

### Deinstitutionalization

With the financial support of the United States Agency for International Development (USAID), UNICEF is supporting the Armenian government in a program which aims for a 50 percent decrease of children in institutions across the country. A memorandum of understanding with the government calls for 22 residential institutions, including orphanages, special schools, and night boarding institutions, under different ministries to be transformed to provide community-based services.

The program includes: 1) legal reform to revise the systems for foster care and adoption and for social workers and case managers; 2) prevention of placement of children in institutions; 3) transformation of institutions into centers to provide social support, after care services, and day care; 4) increasing the number of foster care families; 5) support to biological families to help them care for their children; 6) inclusive education; 7) transforming special schools into regional pedagogical-psychological support centers, which will support children and families and guide and support individual schools in providing inclusive education.<sup>270</sup> The UNICEF project envisions 10 of these centers, plus five to eight community social support centers, which will provide after-school care and other community services.<sup>271</sup> According to the Ministry of Education and Science, 15 special schools will be transformed by 2022, although five will not be transformed, but remain special schools.<sup>272</sup> Those that will remain open include a special school for children with visual disabilities and one with hearing disabilities. As noted above, the three generalized orphanages should be transformed, but not the specialized orphanages. The system should also include professional social workers working locally in communities who would assess the assets, challenges, and needs of each family, and make decisions regarding needed supports, including cash and in kind services; the support is to be as personalized as possible.

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<sup>270</sup> Human Rights Watch interview with Tanja Radocaj, Artak Shakaryan, and George Abadjian, UNICEF, April 12, 2016. The role of the pedagogical-psychological support centers is specified in the Law on Education, art. 17(1).

<sup>271</sup> Ibid.

<sup>272</sup> Letter from N. Harutyunyan, December 14, 2016.

The program also includes a revision of the mandate of the Trustee and Guardianship Committees, the local level bodies responsible for making recommendations for children's placement in institutions or alternative care. Currently, these committees are entirely staffed by members of the community who work on a voluntary basis without specialized training. Under the envisioned referral system for children in difficult life situations, Trustee and Guardianship Committees will be required to look at all options for the placement of children, in order of priority: biological family, relative to act as a guardian, adoptions, foster family, small group home, residential institutions.<sup>273</sup> Currently, mechanisms for foster care and adoption are under-developed, leaving referral to residential institutions the only resort in the overwhelming majority of cases in which remaining in or returning to the biological family is not possible or not in a child's best interest.

In 2016, the government began the process of transforming two special schools in Syunik region, one in Goris and one in Sisian, into pedagogical and psychological support centers, moving a total of 77 children back to families in mid-2016.<sup>274</sup> As a next step, the government plans to transform two special schools, a night boarding institution, as well as an evaluation center for children with disabilities in the Lori region in 2017 and the orphanage there in 2018. In late 2016, the government also announced that it intends to transform the six remaining night boarding institutions in the country in 2017, although has not specified the mechanisms to ensure successful family reunification or alternatives to institutional care in a short period and without alternative care systems fully developed.<sup>275</sup>

In addition, there have been a number of programs in different parts of Armenia in past years to move children out of residential institutions and into families.<sup>276</sup> According to Aida Muradyan of World Vision Armenia, approximately 200 children were moved out of residential institutions between 2008 and 2013, although some returned or were placed in other institutions, as noted above. In 2015, Save the Children supported 47 cases of

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<sup>273</sup> Ibid.

<sup>274</sup> Human Rights Watch interview with Artak Shakaryan, December 5, 2016, and Letter from N. Harutyunyan, December 14, 2016.

<sup>275</sup> Human Rights Watch interview with Artak Shakaryan, December 5, 2016.

<sup>276</sup> UNICEF, "Towards Alternative Child Care Services in Armenia: Costing Residential Care Institutions and Community Based Services," July 2010, [http://www.unicef.org/armenia/Costing\\_Residential\\_Care\\_Institutions\\_in\\_Armenia\\_report\\_eng.pdf](http://www.unicef.org/armenia/Costing_Residential_Care_Institutions_in_Armenia_report_eng.pdf) (accessed November 8, 2016).

reunification of children, ages 7 to 15, with their families, from six different regions.<sup>277</sup> In Gyumri and Vanadzor, the organization Aravot provides direct support to families to help children return to their families or to prevent children from being placed in institutions. Aravot helps support children to return to their families, including 52 families in 2016, and provides one year of material support to families to assist in the transition.<sup>278</sup>

The government's 2017-2021 Strategic Plan for the Protection of the Rights of the Child includes social protection and education as priorities and aims to address some of the concerns and recommendations raised in this report, including that the government should: ensure each child's care and upbringing is organized in the family; expand and develop alternative services for children in difficult circumstances; and ensure the inclusion of children, including children with disabilities, in society, through quality inclusive education. One expected outcome is that "[a]t least 70 percent of children in institutions will be transferred to families." According to the strategy's timeline, "[a]n implementation plan/schedule of measures aimed at supporting children who have returned from institutions to families" will be adopted in 2017.<sup>279</sup> This is an important step, but something that the government could have prioritized in conjunction with the deinstitutionalization already underway in 2016 and 2017 in the Syunik and Lori regions. Experts in children's rights in Armenia reported that the government did not allow for transparent, open public review and commentary on the strategy, but presented it to a handful of groups and experts with a short period for review.<sup>280</sup>

## The Financial Equation

As documented by Human Rights Watch, UNICEF, and others, the main challenges facing families in Armenia and driving decisions to place children in institutions include income, housing, and unemployment, as well as disability. UNICEF maintains that the financial support allocated to support children in institutions in Armenia, currently between

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<sup>277</sup> Human Rights Watch interview with Aida Muradyan, April 14, 2016.

<sup>278</sup> Human Rights Watch interview with Margarita Shahverdyan, director, Aravot, Vanadzor, May 29, 2016, and Human Rights Watch interview with Artak Shakaryan, December 5, 2016.

<sup>279</sup> "2017-2021 Strategic Plan for the Protection of the Rights of the Child," approved by the Republic of Armenia Government Decision N.131 of January 14, 2016 on "Approving the 2016 Action Plan and Priorities of the Government of the Republic of Armenia," on file with Human Rights Watch.

<sup>280</sup> Human Rights Watch interview with Arsen Stepanyan, December 6, 2016.

US\$3,000 and 5,000 per year per child, can be reallocated to community-based services and direct support to families and that these types of support in the long term require less budgetary expenditure.<sup>281</sup>

A UNICEF study analyzing the costs of institutions in Armenia in contrast to community-based services determined that “services of residential institutions are very expensive.” The report also found “the reallocation of children into family care does not necessarily lead to the creation of an additional burden on the state budget” and that, “on the contrary, depending on the policy chosen, the savings can be quite tangible, even if the reform costs include the provision of jobs to excessive staff of the discharged residential institutions and additional social support and care services for children released from residential institutions and their families.”<sup>282</sup>

As described above, depending on their level of social need, individuals and families can receive monetary and other benefits. According to the law on state benefits, children with official disability status receive a monthly allowance of 18,000 dram (\$37), regardless of need. In focus group interviews with parents of children with disabilities conducted by three disability rights NGOs in October 2016, parents stated that, given a choice, they would prefer to receive relevant services instead of the allowance, since the small sum fails to cover the essential requirements or needs of the child.<sup>283</sup>

## Community-based Services

Save the Children has also reported that the most acute issues in child protection in Armenia include the “absence of any kind of social services for vulnerable children in the majority of communities,” and the absence of “differentiated types of family support based on identified needs.”<sup>284</sup> Many NGOs across the country work to support small groups of beneficiaries, and the government has taken some steps to implement community-based services, but these initiatives are not sufficient to reach all families in

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<sup>281</sup> Human Rights Watch interview with Tanja Radocaj, Artak Shakaryan, and George Abadjian, UNICEF, April 12, 2016.

<sup>282</sup> UNICEF, “Towards Alternative Child Care Services in Armenia: Costing Residential Care Institutions and Community Based Services.”

<sup>283</sup> Focus group discussion on October 17, 2016, as cited in: Save the Children Armenia Country Office Submission to the UN Special Rapporteur on the Rights of Persons with Disabilities, October 28, 2016. On file with Human Rights Watch.

<sup>284</sup> Save the Children Submission to the UN Special Rapporteur on the Rights of Persons with Disabilities, October 28, 2016.



need, particularly in the context of deinstitutionalization when children are moved out of institutions and returned to families who may still be facing many of the same challenges that prompted their child's initial placement in the institution.

There are dozens of nongovernmental organizations across Armenia which support children with disabilities and their families and organizations which provide other services to families and in many cases serve an essential role in supporting families to prevent institutionalization of children. Save the Children has highlighted that these organizations are largely dependent on international funding and that they can face interruptions in funding and thus their ability to deliver services continuously and effectively to their beneficiaries. Recent legal amendments to the law on public organizations, which make it possible for nongovernmental service providers to provide services for fees, could improve the efficacy and continuity of NGO service provision.<sup>285</sup>

In recent years, there have been some positive steps among government agencies to develop and expand support services in the community, although these are not yet sufficient to meet the needs of families who could benefit from them, in particular families of children with disabilities. For example, the Ministry of Labor and Social Affairs has established a Center for Children in Gyumri. According to the center's director, Marine Ghalachyan, "Our main goal is to prevent children from being sent to orphanages and residential schools." The center's social workers each work for up to two to three years with 15 families with children who are in difficult life circumstances, including those facing poverty, health issues, and in need of psychological support. The center identifies families and cooperates with state and nongovernmental organizations to secure services including employment placement, food, clothes, vocational training, and job skills. The center also provides after-school care for 100 children, and supports transportation for 50 of them.<sup>286</sup>

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<sup>285</sup> Ibid. Law of the Republic of Armenia on Public Organizations, HO-268, December 4, 2001.

<sup>286</sup> Human Rights Watch interview with Marine Ghalachyan, director, Ministry of Labor and Social Affairs Support Center for Children, Gyumri, May 27, 2016, and Human Rights Watch telephone interview with Ghalachyan, December 16, 2016.

## Alternative care, including kinship placement, foster care, and adoption

Alternative child care services in Armenia remain underdeveloped, even as the government is moving to transform residential institutions into centers providing community-based services, in some cases very quickly, and ostensibly prioritize family-based care. There is a risk of harm to children should the government move children out of residential institutions without alternative care solutions sufficient in quantity and quality. There are currently a total of 23 foster care families in all of Armenia. According to Save the Children, which has been actively involved in the development of a more robust alternative care service system in Armenia, there are a number of obstacles to the placement of children in alternative care. Currently, the national budget provides financial support for only 25 families annually. As this includes families already serving as foster parents, there is not currently budget capacity to support more foster families.

In addition, under Armenian law, for a child to be placed in foster care, the child's parents have to relinquish their parental rights, which impedes the possibilities for many children to be moved out of institutions and into alternative care, or for children to be placed in foster care as a temporary measure, rather than in an institution.<sup>287</sup> One orphanage director confirmed this to Human Rights Watch, "In our orphanages there aren't many children available for fostering because their parents have not surrendered their parental rights."<sup>288</sup> Amendments to the family code currently under review by several government ministries would eliminate the requirement for parents to have relinquished their parental rights in order for children to be eligible for foster care placement.<sup>289</sup>

Adoption is also limited, also in part due to the fact that most children in orphanages have at least one living parent, and those parents do not relinquish their parental rights. According to World Vision, "We have a list of 260 families wanting to adopt children."<sup>290</sup> The director of the Marie Izmirlyan orphanage said that in 2016, one family in Armenia had

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<sup>287</sup> Human Rights Watch telephone interview with Arsen Stepanyan, November 2, 2016. The government piloted a 10-year foster care program in Armenia, with 13 foster families, but the project was discontinued due to lack of funding.

<sup>288</sup> Human Rights Watch interview with Liana Karapetyan, May 31, 2016.

<sup>289</sup> Human Rights Watch telephone interview with Arsen Stepanyan, November 2, 2016.

<sup>290</sup> Human Rights Watch interview with Aida Muradyan, April 14, 2016.

adopted a child from the orphanage. The child is a wheelchair-user who does not have any other disabilities. Two children were adopted from the orphanage in 2015.<sup>291</sup>

Experts and officials repeatedly acknowledged that little attention is given to identifying alternatives to institutions for children with disabilities. One Child Protection Unit official told Human Rights Watch, “It is more difficult to find foster families for children with disabilities. Parents who foster specify the criteria they want in the child they will foster, such as their age and sex. They rarely request children with disabilities.”<sup>292</sup> The director of the Nork orphanage for children under 6, explained: “The number of children adopted depends on the kind of children we have in the orphanage. The more healthy children [children without disabilities] we have, the more adoption. We have only two cases when unhealthy children were adopted.” Both adoptions were international.<sup>293</sup> “We haven’t had any foster care families because children have very specific needs.<sup>294</sup>” According to the doctor at the Kharberd orphanage, “I don’t think that we can find families who would care for children with disabilities. Taking into consideration the health situation of children, I’m not sure if someone would be able to take care of such children.”<sup>295</sup>

At the same time, officials, including orphanage directors, acknowledge that alternative care should be prioritized over placement in institutions, including at the moment when a child is in need of alternative care. The director of the Nork orphanage, Liana Karapetyan said, “I would like to see children go to foster family right away, rather than going to institution first and then to foster family. This is traumatic for family.”<sup>296</sup>

## Inclusive Education

The government has formally committed to creating a fully inclusive educational system, whereby all general education schools in the country will be inclusive by 2022. An overhaul of the educational legal framework in 2014 established the basis for inclusive

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<sup>291</sup> Human Rights Watch interview with Hasmik Mkrtchyan, December 4, 2016.

<sup>292</sup> Human Rights Watch interview with Anna Voskanyan, Kapan Child Protection Unit, Kapan, April 15, 2016.

<sup>293</sup> Human Rights Watch interview with Liana Karapetyan, May 31, 2016.

<sup>294</sup> Human Rights Watch interviews with Hasmik Mkrtchyan, May 25 and May 26, 2016.

<sup>295</sup> Human Rights Watch interview with Liana Sargsyan, May, 25, 2016.

<sup>296</sup> Human Rights Watch interview with Liana Karapetyan, May 31, 2016.

education for all children with disabilities.<sup>297</sup> The government has also developed a draft 10-year national education strategy for 2016-2025, which as of this writing was presented for public discussion, and has not yet been sent to parliament.<sup>298</sup>

As of December 2016, of 1,384 schools in Armenia, 284 are considered “inclusive.”<sup>299</sup> Fifteen special schools are to be transformed into community-based services, while five shall remain open, including schools registered as specialized for sensory disabilities. According to Lilit Asryan, director of the Yerevan Assessment Center, “Every child has the right to inclusive education, but children and parents will also have the option of special schools.”<sup>300</sup>

Inclusive schools typically hire a team of specialists, including a special education teacher, a psychologist, and a speech therapist or a social worker. The staffing level and composition of the team will depend on the number of children in the school. For example, for 15 children, there should be a psychologist, social worker, and speech therapist. While specialist support is important, as this report documents and as other experts have identified, the use of specialists can perpetuate segregation, with children pulled out of classrooms to study with specialists, in some cases based on a belief that only a “specialist” can work with children with disabilities, not a regular teacher.<sup>301</sup>

Teachers’ assistants are being introduced to every inclusive school, at a ratio of one per 100 children.<sup>302</sup> The teacher’s assistant’s role is to support teachers in organizing the education of every child with educational support needs, including implementation of the child’s individual education plan, facilitating contacts with families, and providing additional courses to children after school.<sup>303</sup> The government should ensure provision of

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<sup>297</sup> Law on Education.

<sup>298</sup> Human Rights Watch interview with Arsen Stepanyan, December 6, 2016.

<sup>299</sup> Letter from Harutyunyan, December 14, 2016.

<sup>300</sup> Human Rights Watch interview with Lilit Asryan and Varduhi Varderyan, June 1, 2016.

<sup>301</sup> Bridge of Hope, “Submission to the Committee for the UN Convention on the Rights of Persons with Disabilities, Day of General Discussion on Article 24, Education,” no date, on file with Human Rights Watch.

<sup>302</sup> Human Rights Watch interview with Lilit Arsanyan and Varduhi Varderyan, June 1, 2016.

<sup>303</sup> Human Rights Watch interview with Susanna Tadevosyan, December 6, 2016.

aides or paraprofessionals as needed to facilitate the education of children inside the classroom, rather than on a fixed ratio.

Teacher training is a component of the transformation to inclusive education. Bridge of Hope and the National Institute of Education have collaborated to train teachers in inclusive education in Syunik as well as other regions in Armenia.<sup>304</sup> As noted above, Syunik is the first pilot region for deinstitutionalization under the UNICEF program. The State Pedagogical University instituted required courses in inclusive education, although the first teachers completing the coursework have yet to graduate.<sup>305</sup>

The pedagogical-psychological support centers created by the transformation of special schools (as described above), will evaluate children's educational needs and are expected to work closely with parents, teachers, and the child to support them. The center's staff will visit schools, conduct assessments of children and prepare individual development plans for each child, and later follow up on the plans' implementation.<sup>306</sup> The goal is to move away from relying exclusively on medical diagnoses, by using a more comprehensive evaluation, based on the World Health Organization's International Classification of Functioning, Disability and Health (ICF).<sup>307</sup> According to Tadevosyan of Bridge of Hope, "Assessment of educational needs will be done at the pedagogical-psychological centers. Disability will not be the key for educational support."<sup>308</sup> Parents may also visit the center to request services, if they believe their child is in need of supports, such as psychological support, speech therapy, etc.<sup>309</sup>

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<sup>304</sup> Human Rights Watch interview with Susanna Tadevosyan, April 20, 2016.

<sup>305</sup> Human Rights Watch interview with Lilit Arsanyan and Varduhi Varderyan, June 1, 2016; Bridge of Hope, "Submission to the Committee for the UN Convention on the Rights of Persons with Disabilities, Day of General Discussion on Article 24, Education."

<sup>306</sup> Human Rights Watch telephone interview with Hermine Shahunts, director, Goris Special School No. 1, October 26, 2016.

<sup>307</sup> ICF provides a standard language and framework for the description of health and health-related states. It is used to describe changes in body function and structure, what a person with a health condition can do in a standard environment (their level of capacity), as well as what they actually do in their usual environment (their level of performance). In ICF, the term functioning refers to all body functions, activities and participation, while disability is similarly an umbrella term for impairments, activity limitations and participation restrictions. ICF also lists environmental factors that interact with all these components. <http://www.who.int/classifications/icf/icfbeginnersguide.pdf?ua=1>; and <http://www.who.int/classifications/icf/en/>.

<sup>308</sup> Human Rights Watch interview with Susanna Tadevosyan, April 20, 2016.

<sup>309</sup> Human Rights Watch telephone interview with Hermine Shahunts, October 26, 2016.

## Recommendations

### To the Government of Armenia, in particular the Ministry of Labor and Social Affairs

#### *Ensure rights protection during deinstitutionalization and the transition to family-based care*

- Deter new placements of children in residential institutions;
- Ensure children are not separated from birth families on grounds of poverty, other material deprivations or disability;
- Establish a time-bound plan to end the use of residential institutions for all children. Children should only be placed in residential institutions in emergency cases or to prevent the separation of siblings, and for a limited duration, and with planned family reunification or placement in other appropriate long-term alternative care as the ultimate outcome for the child;
- Eliminate discrimination in the deinstitutionalization process, including by guaranteeing that national deinstitutionalization policy includes children with disabilities, and does not discriminate against children on the basis of disability, on the type of disability or high support needs;
- Ensure that financial and other resources allocated to institutions are decentralized and redirected to the establishment of community-based services;
- Support and strengthen birth families of all children currently in institutions with the aim of reuniting the child with her or his birth family. When identifying and working with families, include families of children with disabilities on an equal basis;
- Develop individual plans for each child's exit from residential institutions, including a plan for community-based support and services. Individual plans should be timely and acted upon in a reasonable timeframe, lest they become obsolete, as family circumstances may change. Ensure long-term case worker involvement and regular monitoring of implementation of individual plans;
- Ensure that foster care and adoption systems are fully functional by the time children are moved out of institutions, and not after the transformation of institutions;

- Potential caregivers should be carefully screened, trained, and monitored to ensure that placement is in the best interest of each child;
- Ensure focused material, financial, psychological, and other supports to all families (birth, foster, adoptive) following the placement of a child in the family to ensure an effective transition and to limit the risk of children being returned to institutions;
- Establish and maintain a range of targeted, accessible, diversified community-based services for families in difficult situations, as well as for individuals with disabilities, including children with disabilities and their families, to prevent institutionalization and to support families to raise their children at home;
- Increase financial and technical support for the system of social workers, ensuring sufficient numbers of social workers;
- Develop and sufficiently support family outreach programs to prevent separation of a child from his or her birth family;
- Until targeted, inclusive, community services are developed, in the short-term, identify and create opportunities to make resources that are concentrated in institutions, such as rehabilitation services, medical services, therapies, medical and other specialists, and other services available to children living in nearby communities and their families, so that they may also benefit from such services while raising their children at home.
- Develop support systems during the period when children approach 18, age out of institutions, and leave institutions. Supports should be established for children without and with disabilities, with a view to providing differentiated support based on an individual's requirements;
- Ensure the regular consultation of children, adults with disabilities, families of people with disabilities, organizations of people with disabilities, NGOs and the ombudsperson in the formation and implementation of the deinstitutionalization plan and all aspects of the development of community-based services;
- Establish effective coordination between relevant government agencies, including the Ministries of Labor and Social Affairs, of Education, of Territorial Affairs and Administration, of Finance, the Yerevan Municipality, and regional governments in the deinstitutionalization process, including in the reallocation of resources from institutions in favor of community supports;

- Collect appropriate disaggregated data to formulate policies, plans, and programs including data on the number of children with disabilities, disaggregated by disability-type and other demographic markers. Ensure mechanisms for data sharing and exchange between different agencies;
- Ensure that the draft law on the protection of the rights of persons with disabilities and their social inclusion is fully compliant with the CRPD. Once the draft law is compliant, continue supporting its passage in parliament.

*Protect the rights of children who remain in institutions pending full deinstitutionalization*

- Reduce the number of children in groups in residential institutions and ensure a smaller ratio of caregivers to children to help guarantee children receive individualized attention and nurturing;
- Examine ways to guarantee privacy for children, especially older children;
- Ensure all children in institutions participate in inclusive education in mainstream community schools, in line with the Committee of the Rights of Persons with Disabilities General Comment no. 4 (2016);
- Create and implement programs to prepare children, including those with disabilities, to leave institutions;
- Ensure that every child approaching adulthood is provided with accessible information about their rights;
- End formal or informal policies or practices of denying children with disabilities in institutions legal capacity upon reaching adulthood;
- Replace legal provisions that permit persons with intellectual and/or psychosocial disabilities to be denied full legal capacity and placed under full guardianship, with a system of assisted decision-making.



## To the Ministry of Education and Science, the Ministry of Territorial Affairs Administration, and the Yerevan Municipality

### *End Discrimination and Maximize Quality and Inclusion in Education*

- Ensure that children with disabilities receive access to a quality education on an equal basis with others;
- Implement inclusive education at all levels to achieve maximum inclusion of children with disabilities, including children with high support needs, in mainstream schools.

### *Guarantee an individual approach to education of all children*

- Ensure reasonable accommodation, differentiated according to the individual requirements of each person. Look for ways to improve access to assistive devices and technology within education; often there are low-cost options. Ensure adequate budget allocations and funding for schools to guarantee reasonable accommodations;
- Minimize the removal of children with disabilities from classrooms for separate coursework. While some children may require certain individual or small group coursework to augment their educational experience, these classes should not be a replacement for children's full participation in the classroom;
- Ensure an adequate number of teachers and other professionals, including aides for students. Revise the current approved ratio of one aide per 100 students to allow for more flexible employment of aides as necessary for inclusive education, including as a component of reasonable accommodation;
- Establish curricula and assessment tools that are flexible and adaptable to the needs of children; support teachers and administrators in moving away from a one-size-fits-all approach to learning and to adapt to different learning abilities and styles;
- Establish curricula to guarantee that all children, without discrimination, leave school equipped to face the challenges that they can expect to be confronted with in life;

- Ensure access to vocational training, universities, and life-long learning opportunities for people with disabilities;
- Ensure and introduce legislation to guarantee accessible, affordable transport for children with disabilities to travel to and from schools;
- Ensure that home education is used only for short periods, and then only when absolutely necessary for health reasons;
- Work with municipal authorities and others to ensure that children are not restricted to home education due to obstacles in their housing, a lack of transportation to and from local schools, or other barriers;
- Children with disabilities and their parents should have real choices regarding their educational path. Children and parents should not feel compelled to opt for specialized schools due to failures of mainstream schools to provide reasonable accommodations for children.

#### *Ensure quality teacher and staff training*

- Embed in core teacher training for all current teachers and student teachers courses on inclusive education based on the human rights model of disability, including on means and formats of communication, educational techniques and materials to support persons with disabilities; incorporate practical training, including with and by people with disabilities;
- Provide this training also to school administrators, principals, vice principals, other education officials, and orphanage and institution directors and staff.

#### *Ensure effective policy-making and education management*

- Establish a clear time frame to apply Universal Design measures for accessible environments in mainstream schools; incorporate the input of with people with disabilities in this process;
- Capture and utilize data on students with disabilities, including disaggregated data and other evidence on the barriers that prevent persons with disabilities from having access to inclusive quality education;

- Redefine budgetary allocations and resources for inclusive education, including transferring budgets and other available resources from residential institutions to mainstream schools;
- Work with donors, NGOs and other groups working in the education sector, to ensure effective collaboration and use of donor resources and to avoid overlap.

### **To International Donors, including Diaspora Organizations**

- Support the government in implementing these recommendations.

## Acknowledgments

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# Annex I: Letter to the Ministry of Education and Science

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November 22, 2016

Levon Mkrtchyan  
Minister of Education  
Ministry of Education of the Republic of Armenia  
Vazgen Sargsyan 3/8  
0010 Yerevan  
Republic of Armenia  
Via post and via email: [info@edu.am](mailto:info@edu.am)

Dear Minister Mkrtchyan,

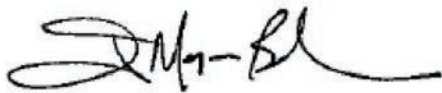
We are grateful for the opportunity to have met with informative meeting with Deputy Ministry Manuk Mkrtchyan and other Ministry of Education and Science staff members in April of this year and appreciate the ongoing constructive dialogue we have with the ministry. In this spirit we are writing to ask for some information relevant to Human Rights Watch's research on children living in residential institutions and the government's initiatives to support family-based care for children, as well as access to inclusive education. We would be grateful if you could provide the following information:

- A list of all special schools, currently under the Ministry of Education and Science and their locations. How many of them are residential schools?
- A list of all special schools, closed since 2012, and the locations of these institutions.
- A list of all special schools, transformed since 2012, including the original names and locations of these original institutions? What function do these transformed institutions provide now?
- The total number of children in special schools under the ministry. How many of them are boys, and how many of them are girls? How many of them have disabilities?
- The total number of children in special schools under the ministry in 2012, 2013, 2014, and 2015, including how many children with disabilities.

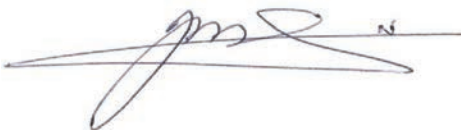
- What specific services, benefits or other supports do families with children who have left special schools and returned to their families receive, upon closure of special schools?
- The total number of children receiving home education. How many of these are children living with their families? How many of these are children living in orphanages?
- The total number of general education schools in each Marz, and the number of schools that are inclusive schools in each Marz.
- The total number of children with disabilities enrolled in inclusive schools.
- What are the requirements for a general education school to become an inclusive school?
- How many and which special schools does the Ministry of Education and Science plan to close or transform in the future, and in what years? How many and which special schools shall remain open?
- What does the Ministry see as the greatest challenge to achieving its goal of total inclusive education?

We thank you for your prompt attention to these questions, and would be grateful for your response by December 23, 2016 so that we may reflect relevant information from the Ministry of Education and Science in our reporting. Please feel free to contact us should you have any questions: via email at [REDACTED] telephone [REDACTED] fax: [REDACTED]

Sincerely,



Jane Buchanan



Giorgi Gogia

## Ministry of Education and Science

Nº 03/07.1/16045-16 «14» 12 2016

To: Jane Buchanan, Georgi Gogia  
Human Rights Watch

Dear Colleagues,

In response to your letter from 22/11/2016, we hereby provide the information as per your inquiries.

Enclosed 4 pages.

Respectfully

*/ signed /*

NAIRI HARUTYUNYAN

Prepared by: M. Muradyan

Phone: xxxxxxxx

## INFORMATION

as per the inquiries submitted by HUMAN RIGHTS WATCH

The list of all special schools, under the RA Ministry of Education and Science and their locations. How many of them are residential schools?

- The following schools operate under the RA Ministry of Education and Science and all of them are residential:

	NAME OF THE EDUCATIONAL INSTITUTION	ADDRESS, PHONE
1.	Yerevan Special (auxiliary) School No 11 for mentally retarded children	Bld. 1, 6 <sup>th</sup> Street, Nubarashen, Yerevan
2.	Yerevan Special School No 12	75 Simon Vratsyan Street, Yerevan
3.	Yerevan Special School No 14 for visually impaired children	31 Mamikonyants Street, Yerevan
4.	Yerevan Special Educational Complex for children with hearing impairments	193 Nork Gardens, Yerevan
5.	Yerevan Special School No 16	16 Acharyan Street, Avan, Yerevan
6.	Yerevan Special School No 17 for children with locomotor disabilities	41 Moldovakan Street, Yerevan
7.	Republican Special Educational Complex No 1	6/68 Vardashen, Yerevan
8.	Republican Special Educational Complex No 2	113 Raffi Street, Yerevan
9.	Kapan Special Educational Complex No 3	4 Spandaryan Street, Kapan, Syunik Region, RA
10.	Spitak Special School No 1 for mentally retarded children	Italakan district, Lori Region, RA

The list of all special schools, closed since 2012, and the locations of these institutions. The list of all special schools, transformed since 2012, including the original names and locations of these original institutions? What function do these transformed institutions provide now?



- By the decisions N 969-N and N 986-N of the RA Government from 2016, “Sisian Special (auxiliary) School No 1 for mentally retarded children” SNCO (state non-commercial organization) was renamed to “Sisian Territorial Center for Pedagogical and Psychological Support” SNCO and “Goris Special School No 1” was renamed to “Goris Territorial Center for Pedagogical and Psychological Support” SNCO.
- The focus of the “Territorial Center for Pedagogical and Psychological Support” SNCO is the provision of pedagogical and psychological support services in the field of education.
- The goal of the “Territorial Center for Pedagogical and Psychological Support” SNCO is the organization of education in the institutions under the scope of its service and the assistance in inclusion of children with special educational needs.

The total number of children in special schools under the ministry. How many of them are boys, and how many of them are girls? How many of them have disabilities?

- As for September 1, 2016, 1210 pupils (754 boys and 456 girls) are enrolled in the 20162017 academic year at 10 special schools under the RA Ministry of Education and Science.  
1136 of them have special educational needs.

The total number of children in special schools under the ministry in 2012, 2013, 2014, and 2015, including how many children with disabilities.

<b>Academic Year</b>	<b>Number of Children in Special Schools of RA</b>	<b>Of them in Special Schools under the RA Ministry of Education and Science</b>
2012-2013	<b>2378</b>	<b>1345</b>
2013-2014	<b>2286</b>	<b>1295</b>
2014-2015	<b>2273</b>	<b>1282</b>
2015-2016	<b>2135</b>	<b>1215</b>

What specific services, benefits or other supports do families with children who have left special schools and returned to their families receive, upon closure of special schools?

- The Ministry does not possess such information. The function is under the Ministry of Labor and Social Affairs.

The total number of children receiving home education. How many of these are children are children living with their families? How many of these are children living in orphanages?

- No such record is maintained.

The total number of general education schools in each Marz, and the number of schools that are inclusive schools in each Marz.

<b>REGIONS</b>	<b>Number of general education schools</b>	<b>Of which, number of schools providing inclusive education</b>
Yerevan City	203	67
Aragatsotn	121	2
Ararat	112	23
Armavir	118	47
Gegharkunik	125	6
Lori	162	20
Kotayk	102	7
Shirak	163	27
Syunik	117	The region is shifting to total inclusion (26)
Vayots Dzor	50	8
Tavush	81	Total inclusion program is being implemented (15)
<b>TOTAL</b>	<b>1354</b>	<b>248</b>

- The total number of children with disabilities enrolled in inclusive schools.
  - During 2016-2017 academic year, 6700 pupils with special educational needs are enrolled in schools providing inclusive education.

What are the requirements for a general education school to become an inclusive school?

- According to the law “on general education” there are no preconditions for a school to implement inclusive education.

How many and which special schools does the Ministry of Education and Science plan to close or transform in the future, and in what years? How many and which special schools shall remain open?

- As per the schedule approved by the RA Government by 2022, 15 special secondary educational institutions will be reorganized into Territorial Centers for Pedagogical and Psychological Support. By preliminary information the following schools under the Ministry of Education will continue to operate as special schools:
  1. Yerevan Special School No 14 for visually impaired children,
  2. Yerevan Special Educational Complex for children with hearing impairments,
  3. Republican Special Educational Complex No 1
  4. Republican Special Educational Complex No 2,
  5. Kapan Special Educational Complex No 3.

What does the Ministry see as the greatest challenge to achieving its goal of total inclusive education?

- It will be possible to speak about challenges sometime after shifting to overall inclusive education in one or two regions, based on the analysis of the results.

# Annex II: Letter to the Ministry of Labor and Social Affairs

350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299  
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Fax: +1-212-736-1300; 917-591-3452

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November 22, 2016

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Tom Porteous, *Deputy Program Director*  
James Ross, *Legal & Policy Director*  
Joe Saunders, *Deputy Program Director*  
Frances Sinha, *Human Resources Director*

Artem Asatryan

Minister of Labor and Social Affairs of the Republic of Armenia

Government Building 3, Republic Square

0010 Yerevan, Republic of Armenia

Via email: [info@mlsa.am](mailto:info@mlsa.am)

Dear Minister Asatryan,

We are grateful for the opportunity to have met with Geghanush Gyunashyan of the Department of Family, Women, and Children's Issues in May of this year and appreciate the ongoing constructive dialogue we have with your ministry. In this spirit we are writing to ask for some information relevant to Human Rights Watch's research on children living in institutions and the government's initiatives to support family-based care for children. We would be grateful if you could provide the following information:

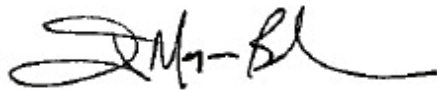
- A list of all residential institutions for children, including orphanages and night care institutions, currently under the Ministry of Labor and Social Affairs.
- A list of all residential institutions, including orphanages and night care institutions, closed since 2012, and the locations of these institutions.
- A list of all residential institutions, including orphanages and night care institutions, transformed since 2012, including the original names and locations of these original institutions. What are the names of those transformed institutions and what is their function now?
- The total number of children (people under 18) in residential institutions under the ministry. How many of them are boys, and how many of them are girls? How many of them have disabilities?
- The total number of children in institutions under the ministry in 2012, 2013, 2014, and 2015, including how many of them were children with disabilities.

- The names and locations of institutions under the Ministry of Labor and Social Affairs which house adults (people over 18) with disabilities. How many adults live in each of these institutions and what is the age range of these adults?
- How many adults with disabilities over 18 living in state institutions under the Ministry of Labor and Social Affairs have been granted legal capacity?
- How many foster families are there currently in Armenia? How many of those are foster families to children with disabilities? What specific steps is the government taking to expand foster care and adoption services?
- What specific services, benefits or other supports does the Ministry of Labor and Social Affairs, together with municipal authorities, provide to families with children who have left institutions and returned to their families?

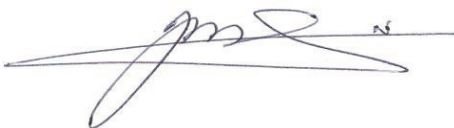
We thank you for your prompt attention to these questions, and would be grateful for your response by December 23, 2016 so that we may reflect relevant information from the Ministry of Labor and Social Affairs in our reporting. Please feel free to contact us should you have any questions: via email at

██████████, telephone ██████████ fax: ██████████

Sincerely,



Jane Buchanan



Giorgi Gogia

## Ministry of Labor and Social Affairs

Nº ԾՅ/ԳԳ-2-5/12670-16 «23» 12 2016

In response to your letter from 22/11/2016

To: Jane Buchanan  
HUMAN RIGHTS WATCH

Dear Ms. Buchanan,

In response to your inquiries I present the corresponding information regarding the sphere of RA Ministry of Labor and Social Affairs.

Enclosed 5 pages.

Respectfully *signed* Sh. HARUTYUNYAN

Prepared by: Department of Family, Women, and Children's Issues  
Phone: 56 53 21

Government Building 3, 0010 Yerevan, RA, Phone: (374 10) 56 53 83, Fax: (374 10) 52 08 30

# Annex III: Letter to the Ministry of Territorial Admin

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Joe Saunders, *Deputy Program Director*  
Frances Sinha, *Human Resources Director*

November 22, 2016

David Loqyan

Minister of Territorial Administration and Development  
Ministry of Territorial Administration and Development  
Government House 2, Republic Square  
0010 Yerevan  
Republic of Armenia  
Via post and via email: [mta@mta.gov.am](mailto:mta@mta.gov.am)

Dear Minister Loqyan,

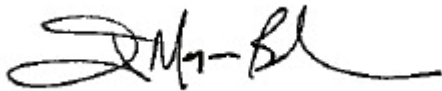
We are grateful for the opportunity to have met with you in May of this year and appreciate the ongoing constructive dialogue we have with your ministry. In this spirit we are writing to ask for some information relevant to Human Rights Watch's research on children living in residential institutions and the government's initiatives to support family-based care for children, as well as access to inclusive education. We would be grateful if you could provide the following information:

- A list of all special schools, currently under the Ministry of Territorial Administration and Development and their locations. How many of them are residential schools?
- A list of all special schools, closed since 2012, and the locations of these schools.
- A list of all special schools, transformed since 2012, including the original names and locations of these original schools? What function do these transformed institutions provide now?
- The total number of children in special schools under the ministry. How many of them are boys, and how many of them are girls? How many of them have disabilities?
- The total number of children in special schools under the ministry in 2012, 2013, 2014, and 2015, including how many children with disabilities.
- How many and which special schools does the Ministry of Territorial Administration and Development plan to close or transform in the

- future, and in what years? How many and which special schools shall remain open?
- What specific services, benefits or other supports do families with children who have left special schools and returned to their families receive, upon closure of special schools?
  - What does the Ministry see as the greatest challenge to achieving its goal of total inclusive education in partnership with the Ministry of Education?

We thank you for your prompt attention to these questions, and would be grateful for your response by December 23, 2016 so that we may reflect relevant information from the Ministry of Territorial Administration and Development in our reporting. Please feel free to contact us should you have any questions: via email at [REDACTED], telephone [REDACTED] or fax: [REDACTED]

Sincerely,



Jane Buchanan



Giorgi Gogia



**REPUBLIC OF ARMENIA**  
**MINISTER OF TERRITORIAL ADMINISTRATION AND**  
**DEVELOPMENT**

---

Government building 3, Republic Square, Yerevan, 0010, RA

26 / 12 / 2016

No 01/17.2/5929-16

Jane Buchanan

Director Europe and Central Asia Division

Human Rights Watch

Dear Ms. Buchanan,

In response to your letter from 22/11/2016, submitted to the Ministry of Territorial Administration and Development, we hereby present the information regarding the special schools operating under the RA Regional Administrations (marzpetaran).

At the same time, please be informed that by the decision N 969-N of the RA Government from 22/09/2016, “Sisian Special (auxiliary) School No 1 for mentally retarded children” SNCO (state noncommercial organization) was renamed to “Sisian Territorial Center for Pedagogical and Psychological Support” SNCO and by the decision N 986-N of the RA Government from 29/09/2016, “Goris Special School No 1” was renamed to “Goris Territorial Center for Pedagogical and Psychological Support” SNCO, which are organizations providing pedagogical and psychological support for education of children on the second, i.e. regional, level.

Enclosed are 14 files.

Sincerely,

D. Loqyan

Prepared by: N. Gevorgyan

Department of Administrative Control and Community Service Affairs

Phone: xxxxxxxx

## Annex IV: Letter to the Yerevan Municipality

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November 22, 2016

Taron Margaryan

Mayor of Yerevan

1 Argishti Street

Yerevan 0015

Republic of Armenia

Via post and via email: [press@yerevan.am](mailto:press@yerevan.am)

Dear Mayor Margaryan,

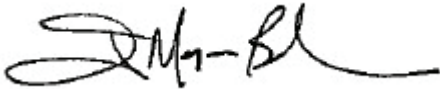
We are grateful for the opportunity to have met with the municipality in May of this year and appreciate the ongoing constructive dialogue we have with municipal officials. In this spirit we are writing to ask for some information relevant to Human Rights Watch's research on children living in residential institutions and the government's initiatives to support family-based care for children, as well as access to inclusive education. We would be grateful if you could provide the following information:

- A list of all special schools, currently under the Municipality of Yerevan. How many of them are residential schools?
- A list of all special schools, closed since 2012, and the locations of these schools.
- A list of all special schools, transformed since 2012, including the original names and locations of these original schools. What function do these transformed institutions provide now?
- The total number of children in special schools under the Municipality of Yerevan. How many of them are boys, and how many of them are girls? How many of them have disabilities?
- The total number of children in special schools under the Municipality of Yerevan in 2012, 2013, 2014, and 2015, including how many children with disabilities.
- How many and which special schools does the Municipality of Yerevan plan to close or transform in the future, and in what years? How many and which special schools shall remain open?

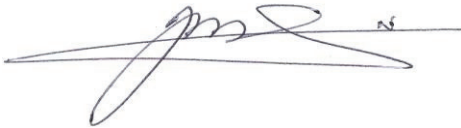
- What specific services, benefits or other supports do families with children who have left special schools and returned to their families receive, upon closure of special schools?
- What does the Municipality of Yerevan see as the greatest challenge to achieving its goal of total inclusive education in partnership with the Ministry of Education?

We thank you for your prompt attention to these questions, and would be grateful for your response by December 23, 2016 so that we may reflect relevant information from the Municipality of Yerevan in our reporting. Please feel free to contact us should you have any questions: via email at [REDACTED], telephone [REDACTED] fax: [REDACTED]

Sincerely,



Jane Buchanan



Giorgi Gogia



# YEREVAN MUNICIPALITY

1 Argishti Street, Yerevan, 0015, Republic of Armenia

December 07, 2016

Nº 12/80865-h

To: Jane Buchanan and Giorgi Gogia  
Human Rights Watch

Dear Messrs,

In response to your letter addressed to the Yerevan Mayor we hereby inform that there are two special school operating under the subordination of Yerevan municipality, namely the schools No 2 and No 6 for children with mental immaturity, and the “Special educational institution No 8 for children with heavy verbal disorders.

As for your requested information, it may be found at the following website:

<https://www.yerevan.am>

Head of the Department of General Education  
of the Municipality Staff

*/ signed /* G. SOGHOMONYAN

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The tree of dreams



Thousands of children in Armenia are needlessly separated from their parents due to disability or poverty and sent to live in orphanages or other residential institutions. Even the most well-resourced institutions cannot replace a family; long-term placement in institutions can have serious consequences for children’s physical, intellectual, and emotional development. Over 90 percent of children in institutions in Armenia have at least one living parent who could raise them at home, with adequate and accessible community-based supports, including quality inclusive education.

“When Will I Get to Go Home?” is based on interviews with children, young adults and their families and visits to orphanages and schools across eight cities in Armenia. Children living in institutions frequently do not receive sufficient individual attention crucial for their development and are often unprepared for independent lives as adults. Many children with disabilities who grow up in institutions move to adult institutions, where they remain indefinitely. In some cases, this is because the government does not do enough to ensure children with disabilities reaching adulthood can exercise their legal capacity to make decisions for themselves.

The government of Armenia has stated that it intends to reduce the number of children in state-run residential institutions and move these children to families, with necessary community services, a process known as deinstitutionalization. The government has also committed to implementing inclusive education nationwide, to ensure that children with and without disabilities study in community schools together.

Human Rights Watch calls on the government to invest more substantially in lasting community-based alternatives to institutions, by reallocating resources and funds from institutions to families and local communities. To achieve quality inclusive education, the government should ensure a transformation of the educational system to provide individualized approaches and reasonable accommodations to support each child’s maximum academic and social achievement.

(above) A wall mural in an orphanage in Armenia where children can place notes about their hopes and wishes.

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Human Rights Watch

(front cover) A boy sits on a swing in the courtyard of an orphanage for children with disabilities, Yerevan, Armenia.

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for Human Rights Watch