

Inputs from Armenia

“Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons”

February 15, 2022

“The Republic of Armenia is a sovereign, democratic, social state governed by the rule of law”, as stipulated in Article 1 of the Constitution of the Republic of Armenia. As a social state, Armenia attaches particular importance to the safeguarding of human rights of all its citizens, notwithstanding their age, sex, ethnic or social origin, religion, disability, or any other personal or social circumstances.

The Constitution of Armenia provides that *“Everyone is equal before the law”* (Article 28), and that *“Discrimination... is prohibited”* (Article 29) on any basis, including age.

Provision of care and social services, including as a means to economic security of the older people

Provision of care and social services to people in difficult situations is an important priority of the Government of Armenia.

Programs and actions in the area of strengthening the protection of human rights of the elderly people are aimed at providing decent living conditions and improving their quality of life. The Government pays particular attention to the individual social needs of the beneficiaries.

In 2021 the Government of Armenia adopted a targeted decision (*Decision 498-L of April 8, 2021*), launching a state program for community-based services aimed at improving the social care services provided to the elderly. The same year an inter-agency commission was established by the Government (*Decision 535-A of May 24, 2021*) to steer the efforts aimed at upholding the rights of the elderly.

The main targets of the sectoral policy of the Government of Armenia for the elderly are:

- Ensuring the continuity of care services provided to beneficiaries through the means of the state, encouraging the participation of NGOs;
- Improving the quality of services provided to the beneficiaries;
- Expanding community-based care services;
- Continuously improving the legal framework.

The Government has initiated a process of delegating some social care services to non-governmental organizations. The NGOs are elected through a competitive selection process. As a result of this reform, the provision of services throughout the Republic of Armenia will be expanded, different new financing models will be introduced, the diversity of social services will increase.

In accordance with the program for the improvement of care services for the elderly, the Government has envisaged the following actions:

1. Review and reform of the legislation on social care services;
2. Improving the certification process of NGOs providing care for the elderly in terms of transparency and control;
3. Establishing flexible and distinctive procedures for state-sponsored care for the elderly, and improving the competitive grant award process in terms of accessibility and transparency;
4. Full and comprehensive assessment of the needs of the elderly, including those receiving care services in social protection institutions, by individually examining the social, psychological, health status of each of them, their housing conditions, family and social ties, their needs and potential to live independently;
5. Development and approval of terms of references for each service provided by the state, which will comprise service delivery procedures, quantitative-qualitative criteria for service provision, evaluation and methodology;
6. Establishment of day centers (clubs) for entertainment, cultural life, employment and participation of the older persons in community life;
7. Drafting of a legal act on crisis centers for the elderly in vulnerable situations and establishment of at least three crisis centers;
8. Providing the elderly with the opportunity to stay at home for as long as possible, receiving social services;
9. Training of specialists working with the elderly (*social workers, case managers, etc.*) in cooperation with international organizations and NGOs;
10. Continued discussions aimed at the ratification of Article 23 of the European Social Charter (revised) on “*The right of elderly persons to social protection*”;
11. Further efforts to ensure decent living conditions for the beneficiaries in the social care facilities.

The Government envisages that the implementation of the aforementioned reforms will ensure a more dignified, healthy and active lifestyle for the elderly people in Armenia.

Enjoyment of human rights by the older people, including in contributing to the sustainable development of Armenia

Any citizen of the Republic of Armenia, without prejudice to any social circumstances, including age, enjoys the right to express their opinion. This right includes the freedom to hold opinions without interference from state or local government institutions, as well as the freedom to seek, receive and impart information and ideas through any media.

Everyone has the right to form an association with others. This includes the right to form and to join trade unions for the protection of the labor interests of persons. No one shall be forced to join any private association.

Everyone has the right to receive information about the activities of state and local government authorities and officials, to get acquainted with the documents related thereto.

Every poor and elderly person has the right to an adequate standard of living in accordance with the law.

Right to employment

According to the Labor Code of Armenia, the labor legislation of Armenia is anchored on the following principles:

- 1) Everyone has the right to a free choice of employment;
- 2) Prohibition of enforced labor or violence against the employees;
- 3) Equality before the law;
- 4) Just conditions for employment;
- 5) Equal rights and opportunities;
- 6) Right to remuneration on time and in full;
- 7) Right of employers and employees to unite freely in order to protect their labor rights and interests;
- 8) Stability of working environment;
- 9) Collective and contractual obligation to be responsible on duty.

As outlined before, the Constitution of the Republic of Armenia stipulates that discrimination on any ground is prohibited. Additionally, Article 3.1 of the Labor Code prohibits discrimination on any ground. Per Labor Code of Armenia, discrimination *“is any direct or indirect distinction, exclusion or restriction on the basis of (...) age (...), the purpose or effect of which is to show a less favorable attitude in the event of the initiation and/or change and/or*

termination of common or individual employment status, or the prohibition or denial of the recognition or exercise of any right guaranteed by labor law”.

Access to justice

The legislation of Armenia envisages equal access to justice to all its citizens, including the older persons.

Article 61 of the Constitution of Armenia envisages that *“Everyone has the right to an effective judicial protection of their rights and freedoms”*.

The key normative elements of the right of older persons to access justice on an equal basis with others are:

- *The guarantee of older persons’ legal capacity (legal standing and legal agency) on an equal basis with others and not denied on the basis of age;*
- *Elimination of the influence of ageist stereotypes at any stage of judicial or non-judicial proceedings, including the award of damages or compensation.*

According to Article 5 of the Penitentiary Code of the Republic of Armenia *“The penitentiary legislation of the Republic of Armenia is based on the principles of (...) equality of convicts before the law (...)”*.

Article 74 of the Penitentiary Code provides that *“The convict must be provided with conditions that meet their hygiene requirements and do not degrade their human dignity.”*

In the context of penitentiary legislation, the key normative elements of the right of older persons to access justice on an equal basis with others are as follows:

- *Equal access of older prisoners to services, including physical, mental and cognitive health, dental, hygiene and hospice services, and social and other support services available to the general population; and*
- *Accommodation of the needs of older prisoners, including necessary physical adaptations, protection against violence and extortion, appropriate educational and vocational opportunities, and support with reintegration into the community.*

Apart from the legislation, one of the goals of the 2020-2022 National Strategy for Human Rights Protection of the Republic of Armenia is the training of representatives of justice administration and law enforcement on equality and non-discrimination. Relevant trainings on non-discrimination are regularly organized by the Academy of Justice for judges, prosecutors and investigators.
