“Enhancing Implementation of Mental Health Reform in Armenia”

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CONFERENCE BRIEF

The Open Society Foundations–Armenia (OSFA) in cooperation with the East East Partnership Beyond Borders program of the Open Society Foundations is organizing an International Conference on Mental Health to highlight needs in mental health field. The Conference aims to provide support to policy makers, decision makers and mental health professionals in developing effective educational programs, as well as legal and funding mechanisms for integrating mental health community services at the national level. It will create a platform for exchange of experience among local and international partners, as well as enhance the network of supporters for promoting the field.

Global Challenges in Mental Health Care
Mental illness affects people of all ages, educational and income levels, and cultures. “People with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”. CRPD Article 1

“Nearly 12 percent of the world’s population is affected by mental disorders – about 450 million or one out of every four people around the world – will experience a mental illness that would benefit from diagnosis and treatment. One in four people in the world will be affected by mental or neurological disorders at some point in their lives”. WHO

Often mental health services lack human and financial resources, particularly in low and middle income countries. More funding is needed to promote mental health services to increase people’s awareness of the issue.
Millions of people with disabilities are stripped of their legal capacity worldwide, due to stigma and discrimination, through judicial declaration of incompetency or merely by a doctor’s decision that the person “lacks capacity” to make a decision. Deprived of legal capacity, people are assigned a guardian or other substitute decision maker, whose consent will be deemed sufficient to justify forced treatment (E/CN.4/2005/51, Para. 79).


In many countries where mental health policies and laws do exist, they focus on confinement of people with mental disabilities in psychiatric institutions but fail to effectively safeguard their human rights.

On March 30, 2007, the Convention on the Rights of Persons with Disabilities (CRPD) and Optional Protocol were formally opened for signature at the United Nations headquarters in New York City. The CRPD is the first comprehensive human rights treaty of the 21st century. 154 countries worldwide has now been signed the UN convention, 126 countries has ratified (made legally binding). 90 countries have signed the Optional Protocol to the Convention, and 76 have ratified it. In essence, the CRPD is a shift from the medical to a human rights model of disability.

On 27 May 2013, the Sixty-sixth World Health Assembly adopted the comprehensive Mental Health Action Plan 2013–2020. In adopting the action plan, WHO’s 194 Member States have formally recognized the importance of mental health and committed to take specific actions to improve it. The action plan sets important new directions for mental health, highlighting the importance of protecting and promoting human rights, and includes a central role for providing community-based care and support. Community-based service delivery for mental health needs to encompass a recovery-based approach that puts the emphasis on supporting individuals with mental disorders and psychosocial disabilities to achieve their own aspirations and goals.

The Committee on the Rights of Persons with Disabilities has been very explicit in calling for the prohibition of disability-based detention, i.e. civil commitment and compulsory institutionalization or confinement based on disability. It establishes that community living, with support, is no longer a favorable policy development but an internationally recognized right. The Convention radically departs from this approach by forbidding deprivation of liberty based on the existence of any disability, including mental or intellectual, as discriminatory. Article 14, Para 1 (b).

On March 4, 2013, the Special Rapporteur on Torture made a statement to the Human Rights Council calling for an absolute ban on forced psychiatric interventions, and saying that detention on mental health grounds was not justified, in particular that it was not justified by a motivation to protect the person or others. He acknowledged that these practices are always at least inhuman and degrading treatment and may amount to torture. A/66/268, Paras. 67-68, 78).
Initiating Mental Health Care in Armenia: National Progress

In 2001 with the support of the OSFA and Open Society Mental Health Disability Program two pilot projects were initiated in Armenia to promote deinstitutionalization process of mental health field. A “Day Care Center” and “Khnamq” community-based service models were to create an evidence for effectiveness of alternative humane approaches to the needs of people with mental health problems, however, the services failed to sustain due to lack of political will.

A number of researches conducted by civil society demonstrated systematic problems existing in this area related to opportunities of full implementation and protection of a person’s rights, specifically conducting independent life, making decisions, full participation and involvement in public life.

On September 22, 2010 the Republic of Armenia approved the UN Convention "On the Rights of Persons with Disabilities", by which the Republic of Armenia assumed a number of responsibilities for ensuring and protecting the rights of persons having mental health problems. By signing the Convention Armenia undertakes to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.

In 2012 in cooperation with the RA Ministry of Health, OSFA and the Mental Health Initiative, a Mental Health Working group has been established to thrust a reform in field for the inclusion of persons with disabilities in all aspects of development efforts. The country succeeded in adoption of a Concept on Mental Health and developed a national strategic plan for mental health to integrate mental health into the general healthcare system.

Conclusion

In spite of the efforts made the community-based services for people with mental health problems are scarce and rely purely on donor funding. The health care resources are quite limited in Armenia. The existing mental health care practice in Armenia is not in compliance with human rights and freedoms and humane treatment standards: people with mental health problems are often subject to forced psychiatric interventions on the basis of disability with no access to community-based services. The lack of trained specialists and legal mechanisms is another issue that leads to regular violation of patient’s rights.
Call for Action

**Legislative reforms**
- Implement the RA legal acts on mental health and international standards, namely comparative analysis of the UN Convention "On Protection of the Rights of Persons with Disabilities" and implementing relevant amendments to the RA Legislation
- Ratify the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities
- Develop and enact legislative regulations of mechanisms of providing community services to people with psychosocial disabilities in the Republic of Armenia

**Structural reforms**
- Develop and implement a strategy for investing in community-based services, as a result of which
  - every person will be provided with personal care and support relevant to his/her needs in the place of his/her residence;
  - the opportunity of a person to make decisions related to his/her treatment and care will be ensured;
  - people with psychosocial disabilities, with their informed agreement, will receive psychological and general medical aid together with others in equal conditions in the medical establishments of a general type.

**Educational reforms**
- Develop the necessary expertise to provide community-based care and social support, and preparation and training of specialists relevant to these needs
- Develop and implement programs aimed at enhancing the skills and increasing the independence of people with mental health problems to be fully involved in public life, taking into account the individual needs of every person

**Reforms aimed at forming public opinion**
- Society should be aware of all activities conducted by the government in implementation of the responsibilities assumed by the country under the UN Convention “On the Rights of Persons with Disabilities”

For further information please contact:
Open Society Foundations-Armenia
Anahit Papikyan - panaida@osi.am; Tel: +37410 53 38 62