Submission to the UN Special Rapporteur in the Field of Cultural Rights

Contribution to the Thematic Report to the 64th Session of the Human Rights Council

Organization: Disability Rights Agenda NGO

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Subject: Cultural rights of persons with disabilities in Armenia

Focus Areas: Legal capacity and control over creative work, institutionalisation, independent living, and participation in cultural life

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Introduction

1. Disability Rights Agenda (DRA) is an Armenian organisation of persons with disabilities. We monitor implementation of the Convention on the Rights of Persons with Disabilities (CRPD) and promote disability-inclusive law and policy through research, advocacy and strategic litigation. Drawing on our 2025 study of independent living in Armenia, this submission examines how restrictions on legal capacity and institutionalisation affect people's ability to control their creative work and participate in cultural life.[1]

Legal capacity and cultural choices

2. Armenia's Civil Code authorises a guardian to conclude transactions on behalf of an adult whom a court has declared to lack active legal capacity. A transaction entered into by the adult is generally void. The restriction affects choices as varied as enrolling in a paid arts course, hiring rehearsal space and accepting a commission. In General Comment No. 1, the Committee on the Rights of Persons with Disabilities identifies legal capacity as indispensable to the exercise of cultural rights and calls for support that respects the person's will and preferences.[2]

3. Copyright illustrates the effect of that restriction. Under Armenian law, copyright arises upon creation without registration. Authors retain inalienable moral rights, including attribution and protection against distortions that harm their reputation or dignity. Economic rights allow the holder to decide whether a work may be reproduced, adapted, exhibited or made available online, subject to statutory exceptions. Licences generally require a written agreement specifying the permitted uses, duration and remuneration. Where the artist holds those rights and is subject to guardianship, the guardian concludes the agreement. The artist's authorship therefore coexists with a restriction on their ability to choose a licensee, negotiate royalties or decline a proposed use.[3]

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[1] Disability Rights Agenda. (2025). Ազատազրկումը որպես խնամք [Deprivation of liberty as care: Independent living and community inclusion of adults with psychosocial and/or intellectual disabilities in Armenia]. See pp. 7–9. DRA publication page and report link

[2] Civil Code of the Republic of Armenia, No. HO-239, arts. 31(2) and 307 (1998). https://www.arlis.am/hy/acts/231835 Committee on the Rights of Persons with Disabilities. (2014, May 19). *General comment No. 1 (2014): Article 12: Equal recognition before the law* (CRPD/C/GC/1, paras. 8, 17, 27–29). United Nations. UN document CRPD/C/GC/1

[3] Law on Copyright and Related Rights of the Republic of Armenia, No. HO-142-N, arts. 9, 12–13 and 38–40 (2006). https://www.arlis.am/hy/acts/86179/latest Civil Code of the Republic of Armenia, No. HO-239, art. 31(2) (1998).

4. The same issue arises for performers. Agreeing to appear at a festival involves a different decision from authorising the organiser to record, stream or reuse the performance. The law protects performers' attribution and gives them rights over specified uses and remuneration. Artists should be able to make each decision directly, with support of their choosing. Cultural organisations should provide accessible terms, seek specific permission for recording and reuse, account transparently for fees and royalties, and offer an accessible way to challenge misuse.[4]

Cultural life during and after institutionalisation

5. Substitute decision-making can extend from transactions to the choice of where to live. DRA's study identified a route into residential care through a guardian's application. Armenia's current care rules continue to allow a guardian to apply and consent on behalf of an adult declared to lack active legal capacity. The Committee has identified third-party consent to placement as a mechanism through which restrictions on legal capacity can lead to institutional segregation. People who wish to remain in their communities need housing and support that enable them to act on that choice.[5]

6. The effects of placement extend into cultural life. According to ministry data cited in DRA's study, 604 persons with psychosocial disabilities, intellectual disabilities or both lived in and received services from Armenia's social protection institutions in 2024. The study describes people who had spent decades in institutions, some since childhood. Prolonged separation can disrupt friendships and ties to local languages and traditions. It can also limit opportunities to develop interests, learn skills and build relationships as readers, musicians, painters or organisers.[6]

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[4] Law on Copyright and Related Rights of the Republic of Armenia, No. HO-142-N, arts. 43–45 (2006). https://www.arlis.am/hy/acts/86179/latest

[5] Disability Rights Agenda (2025, p. 48). Government of the Republic of Armenia. (2025, November 14). *Decision No. 1614-N on care under state social assistance programmes* (Annex 1, paras. 3 and 11.1, as amended). https://www.arlis.am/hy/acts/216525/latest Committee on the Rights of Persons with Disabilities (2014, para. 46).

[6] Disability Rights Agenda (2025, pp. 47, 83).

7. Moving to a smaller setting can leave the same barriers in place. DRA's study found that some small group homes can reproduce institutional conditions and that some day programmes provide art therapy. To assess cultural participation, the thematic report should examine whether people can choose to go to a library, a film, a sporting event or a place of worship, take part in family celebrations, invite someone to practise music, use the internet to share work, or decline a scheduled activity. Records of organised activities reveal little about who made those decisions.[7]

8. Access to these activities after leaving an institution can depend on transport, accessible information, communication support and personal assistance. Armenia's personal assistance scheme can cover accompaniment to cultural and sporting activities, while eligibility remains tied to working or studying, with a route for people about to begin. DRA identified this condition as a barrier, particularly for people whose years in institutions limited their access to education and employment. People should be able to obtain assistance according to their support needs, including to join a choir, take an evening class or visit family for a religious holiday.[8]

Creating and sharing culture

9. The same support can enable people to take part as creators and decision-makers. People living in institutions and survivors should have opportunities to develop a creative practice, join mainstream ensembles and festivals, share their language and traditions, and shape how cultural institutions represent them. Publicly funded arts organisations should make applications accessible, cover the costs of support chosen by participants and pay for creative and advisory work. The measure of participation is whether people can choose their collaborators, where to present their work and the audiences they want to reach.

[7] Disability Rights Agenda (2025, pp. 51–54).

[8] Disability Rights Agenda (2025, pp. 44, 74–75). Government of the Republic of Armenia. (2022, August 11). *Decision No. 1264-N on the procedure and conditions for providing personal assistance* (Annex, paras. 25 and 30, as amended). https://www.arlis.am/hy/acts/232853

Survivors and public memory

10. That authority over representation is equally important in public remembrance. DRA's study proposes truth-seeking, apologies and compensation in response to institutional harms. Museums, archives and community organisations can support survivor-led oral histories, exhibitions and commemorations. Survivors should decide whether to participate, how to be credited and which material may be recorded, published or reused. They should be offered accessible consent processes, independent support and payment for creative or curatorial work. Women and girls with disabilities and persons with disabilities from ethnic and religious minorities should help determine what is documented and what language and accessibility support is needed.[9]

Recommendations for the thematic report

11. **Protect legal capacity in cultural life.** DRA asks the Special Rapporteur to examine CRPD articles 12, 19 and 30 together and recommend replacing disability-based substitute decision-making with support chosen by the person. States should end placement based on substituted consent. The report should also address the exercise of copyright and related rights through accessible agreements, clear permissions for recording and reuse, fair payment and effective remedies.[10]

12. **Include cultural participation in deinstitutionalisation plans.** States should fund independent housing, personal assistance, communication support and accessible transport, and involve local cultural services in planning. Each person leaving an institution should direct decisions about the places, activities and relationships they want support to reconnect with.

13. **Measure choice and support survivor-led public remembrance.** States should ask people, in accessible and confidential ways, whether they can choose where they go, whom they go with, and what they create or share. Persons with disabilities and their representative organisations should help design and review these measures. Public funding should support cultural and remembrance work led by survivors, with safeguards for consent, disclosure and reuse.

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[9] Disability Rights Agenda (2025, p. 85, recommendation 5). Committee on the Rights of Persons with Disabilities. (2022, October 10). *Guidelines on deinstitutionalization, including in emergencies* (CRPD/C/5, para. 95(d)). United Nations. UN document CRPD/C/5

[10] Convention on the Rights of Persons with Disabilities, arts. 12, 19, 30, December 13, 2006, 2515 U.N.T.S. 3. https://www.arlis.am/hy/acts/64762