



**ALTERNATIVE  
REPORT**

**TO UN COMMITTEE  
ON ECONOMIC,  
SOCIAL AND  
CULTURAL RIGHTS**

REALIZATION OF THE RIGHT  
TO ADEQUATE HOUSING IN ARMENIA  
WITH FOCUS ON PERSONS  
LEFT HOMELESS IN  
THE CITY OF GYUMRI  
AFTER THE 1988 EARTHQUAKE



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*WITH FOCUS ON PERSONS LEFT HOMELESS IN  
THE CITY OF GYUMRI AFTER THE 1988 EARTHQUAKE*

*This report has been produced as part of the project “Promoting Human and Labour Rights through GSP+ in Armenia” and is presented now for the purposes of the EU’s ongoing GSP+ monitoring process. It is also to be submitted to the UN Committee on Economic, Social and Cultural Rights. However, that submission will be at an undetermined future date and hence the content of the report may be modified in the interim.*



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INTERNATIONAL



The report was prepared by

Eurasia Partnership Foundation,

“Human Rights Research Center”

Non-governmental organization,

“The A.D. Sakharov Armenian Human Rights Protection Center”

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EUROPEAN UNION FOR ARMENIA

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## BRIEF INFORMATION ABOUT THE REPORT

- (1) The purpose of this Alternative Report is to provide information to the UN Committee on Economic, Social and Cultural Rights (CESCR) on the Armenian government's implementation of its obligations under Article 11 of the International Covenant on Economic, Social and Cultural Rights (hereinafter – “the Covenant”). Article 11 sets out the right to an adequate standard of living. This report will focus on the *right to adequate housing conditions*. The Report reviews the legal framework regarding the right to adequate housing as well as challenges to providing housing to persons left homeless after the 1988 earthquake, in particular those in the city of Gyumri in Shirak region.
- (2) Armenia ratified the UN International Covenant on Economic, Social and Cultural Rights in 1993. In 2009 it signed the Optional Protocol to the Covenant that would ensure the possibility of applying to the CESCR from Armenia with individual communications, but it has not been ratified.
- (3) All the analysis and observations contained in the Report pertain to legislative and practical developments that took place after the last CESCR monitoring in 2014. Hence, the time period covered by this Report is 2014-2019.

## CHALLENGES TO THE REALIZATION OF THE RIGHT TO ADEQUATE HOUSING IN ARMENIA

### *General Legal and policy framework*

- (1) Armenian legislation does not envision the right to adequate housing, and the domestic legislation does not contain any regulations that would comprehensively reflect the full scope of the right to adequate housing conditions as defined under the CESCR GC 4.
- (2) Prior to being amended in 2015, Article 34 of the Armenia Constitution guaranteed that “Everyone shall have the right

to a standard of living adequate for himself/herself and for his/her family, including housing, as well as to improvement of living conditions. The state shall take the necessary measures for realization of this right of the citizens.” In addition, Article 48 defined “*fostering housing construction, and contributing to the improvement of every citizen’s housing conditions*” as one of the basic tasks of the state in the economic, social and cultural spheres.<sup>1</sup>

- (3) The 2015 Constitution, which was adopted by referendum, eliminated both the right to an adequate standard of living and the right to adequate housing conditions. Article 32 of the 2015 Constitution provides for *the inviolability of the home*, and Article 86 recognizes *fostering housing construction* as one of the main objectives of state policy in economic, social and cultural spheres<sup>2</sup>. These Articles are not sufficient constitutional guarantees for realization of the right to adequate housing, because they only partially reflect the scope of this right defined in General Comment 4<sup>3</sup>. The term “*adequate housing conditions*” is neither defined nor interpreted in Armenian legislation.
- (4) In its General Comment 4, the Committee on Economic, Social, and Cultural Rights clarifies that the right to adequate housing should be read as more than ensuring simply a housing space. It includes the right to “adequate” housing, which comprises accessibility of services, materials, facilities and infrastructure; financial affordability of housing-related costs, such as utility payments; safety of the house, availability of adequate heating, hot and cold water and sanitation; location of the housing at an accessible distance from employment options, social, healthcare and other necessary service provision facilities. In Armenia, there is no regulatory legal framework that ensures these “adequacy” components are met.

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1. See at: <https://www.arlis.am/documentview.aspx?docID=75780>

2. See at: <https://www.arlis.am/DocumentView.aspx?docID=102510>

3. See at: <https://www.refworld.org/docid/47a7079a1.html>



- (5) The Constitutional amendments demonstrate Armenia’s failure to comply with the obligation under Article 2 of the Covenant to progressively implement its obligations; elimination of the constitutional guarantees for adequate living conditions and adequate housing is a regressive step.
- (6) As far as policy documents are concerned, the “RA 2014-2025 Development Strategy” aims to expand capabilities and opportunities for the poor and socially vulnerable, including by meeting housing needs<sup>4</sup>. The document also shows the territorial dynamics of poverty in Armenia, where the poorest region is the earthquake zone of Shirak.<sup>5</sup> *Nevertheless, Armenia lacks a standalone comprehensive document setting out a national housing policy, which the CESCR considers a key element for realization of the right to adequate housing.*<sup>6</sup> *Any such policy must be formulated with the meaningful participation of stakeholders, including vulnerable populations and the homeless.*<sup>7</sup>

#### *Legal and policy framework regarding housing after the 1988 earthquake*

- (7) The 1988 December 7 Spitak earthquake affected around 40 percent of Armenia’s territory, including approximately 1 million people. As much as 8.9 million sq.m of the country’s entire housing stock either collapsed or suffered various degrees of damage (from degree I to degree IV)<sup>8</sup>. Spitak was completely destroyed, Gyumri was 80 percent destroyed, and Stepanavan and Vanadzor were partly destroyed<sup>9</sup>.

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4. See at: [https://policy.asiapacificenergy.org/sites/default/files/Development%20Strategy%20of%20the%20Republic%20of%20Armenia%20for%202014-2025\\_ENG.pdf](https://policy.asiapacificenergy.org/sites/default/files/Development%20Strategy%20of%20the%20Republic%20of%20Armenia%20for%202014-2025_ENG.pdf)

5. Ibid.

6. CESCR General Comment No. 4: The Right to Adequate Housing, (Art. 11 (1) of the Covenant), para. 12

7. Ibid.

8. See at: <https://www.arlis.am/DocumentView.aspx?docID=922>

9. See at: <https://armeniasputnik.am/armenia/20161207/5704855/spitak-erkrasharj-1988.html>

- 7.1) The earthquake-affected communities of Shirak region saw damage to 3.677 million sq.m of housing space. In Gyumri, the focus of the second half of this report, about 22,000 apartments collapsed<sup>10</sup>.
- 7.2) 31 years have passed since the 1988 earthquake, but homelessness in the disaster zone persists as an urgent problem. *The state's failure to find a solution over these 31 years constitutes a gross violation of human rights as well as a violation of domestic law, which requires the state to provide housing compensation to residents of the disaster zone.*
- 7.3) According to the Government's 2019 Program, one of its most important goals is to assess the needs of families still living in temporary accommodation (shipping containers, cabins or 'domiks') with the goal of providing them housing as soon as possible<sup>11</sup>.
- 7.4) Provision of housing compensation should not be the only method of state assistance to persons still recovering from the earthquake. In accordance with the Convention, the state should ensure guarantees for realization of the economic, social and cultural rights of this vulnerable group, including the safeguards of the right to an adequate standard of living, health, education, working and other rights.
- 7.5) For decades, those left homeless after the earthquake have lived in a situation of extreme poverty which the state has failed to address.<sup>12</sup> The government's failure to comprehensively address the needs of earthquake victims has resulted in victims selling homes received as compensation in order to address other needs such as

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10. See at: [http://www.partnership.am/res/POS%20Publications\\_Arm/Monitoringi%20zekuyuci%20girq.pdf?fbclid=IwAR0Ysbu-eYU5vshh6KX61McyjJ0-UJGc9IF7o-0CgDPiKhPY4TJiyqa0AM](http://www.partnership.am/res/POS%20Publications_Arm/Monitoringi%20zekuyuci%20girq.pdf?fbclid=IwAR0Ysbu-eYU5vshh6KX61McyjJ0-UJGc9IF7o-0CgDPiKhPY4TJiyqa0AM)

11. See at: <https://www.gov.am/files/docs/3133.pdf>

12. See at: <https://oc-media.org/the-two-faces-of-gyumri/>

health care. Many of those have found themselves homeless again and no longer able to obtain housing assistance.<sup>13</sup> Hence, besides the initial homelessness in Gyumri caused by the earthquake, a secondary homelessness problem has evolved.

- 7.6) The Committee on Economic, Social, and Cultural Rights interprets the right to housing not just as a right to a commodity or to a residential space, but as the right to live in security, peace and dignity.<sup>14</sup> However, over the course of 31 years, the right to housing and to live in security, peace, and dignity has not been fulfilled for those living in the disaster zone: either in relation to those who have received housing compensation or those still living in containers.
- 7.7) Under Government Decisions NN 361-N and 1658-A from 2018<sup>15</sup>, an inventory of families living in temporary buildings located in the areas owned by the state, community and other persons, shall be conducted in urban locations of the disaster zone. The goal of the inventory is to gather information to make recommendations for resettlement of those living in temporary shelters: on the process of improvement of the housing conditions, on the scope of state responsibility in that process, on vacating the areas of temporary premises, and on legalizing the premises in accordance with the requirements of urban development documents. The working group established to conduct the inventory should have completed it by June 30, 2019.
- 7.8) Unfortunately, the Working Group is not charged with assessing the non-housing needs of those in temporary shelters, nor with identifying related challenges that could affect full enjoyment of the right to housing, such as health

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13. See at: <https://hetq.am/en/article/102091>

14. CESCR General Comment No. 4: The Right to Adequate Housing, (Art. 11 (1) of the Covenant), para 7

15. See at: <http://www.irtek.am/views/act.aspx?aid=97728>

care and employment, which are inseparable components of the right to adequate housing conditions.

(8) According to Government Decision N 432 from 1999, which is the first legal act concerning allocation of housing to those left homeless<sup>16</sup>, citizens of Armenia and their family members whose dwelling was destroyed as a result of the earthquake are entitled to receive housing ahead of others on the waiting list. This regulation only applies to the residents of buildings destroyed entirely as a result of the earthquake. We could find no information on state efforts to assist residents of buildings damaged in the earthquake that became uninhabitable in the 30-year period after the earthquake. Field analysis conducted while researching this report revealed that evaluations of building vulnerability were conducted improperly and that buildings damaged by the earthquake have not been monitored for safety. Residents of damaged buildings have not been provided with any housing compensation whatsoever.

8.1) Regulations on the size of housing allocated to earthquake victims also perpetuates the problem. Clause 16 of Government Decision N 432 from 1999 says that the number of rooms of a housing unit to be allocated should not exceed “*the number of the rooms of the apartment previously occupied by the tenant and his/her family members.*” The rule is applied as follows: if the number beneficiary family members included on the waiting list decreases, for instance because of the death of a member, then the compensation to the family shall be provided based on the decreased number of family members. However, if the number of family members increases, for instance because of the birth of a child, the size of the housing allocated will not take into account the additional family members. Consequently, in numerous cases, due to the insufficiency of residential space for the expanded family, only some family members resettle in the housing provided by the state. The solution

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16. See at: <https://www.arlis.am/documentview.aspx?docid=42562>

suggested by the state was to allow the remaining family to continue residing in temporary shelters – reinforcing the persistent problem of homelessness and denying all family members their right to adequate housing.

- 8.2) Clause 18 of the RA Government Decision N 432 from 1999 defines the sequence of priority allocation of residential spaces in the disaster zone locations according to criteria, the logic behind choosing and defining of which is not understandable. Further, the list needs revision to correspond to the current reality and the current groups of residents, based on their needs and degrees of vulnerability.
- 8.3) The last re-registration of families left homeless as a result of the earthquake was conducted in the disaster zone locations 11 years ago, according to which the deadline for re-registration was set as November 1, 2008.<sup>17</sup> Government Decision N 1329-N of 15 September 2011 set November 1, 2011 as the deadline for submission by the re-registered families of the package of documents necessary for receiving housing compensation<sup>18</sup>. Those persons who failed to submit the full package of necessary documents prior to that deadline have not been included in the state-funded housing allocation program since then.
- 8.4) However, Government Decision N 1329-N was based on RA Government Decision N 432 of 1999, which allows for de-registration under the following circumstances: *a) the housing conditions of the registered persons have been improved, as a result of which the grounds for being kept in the registry cease to exist, b) the registered persons have permanently resettled in another location, c) data not corresponding to reality have been submitted as proof of entitlement to an improvement in housing conditions.*<sup>19</sup> It

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17. RA Government Decision N 1024-N, 2008.

18. RA Government Decision N 1329-N, 2011

19. Clause 12, RA Government Decision N 432, 1999.

should be noted that this list of grounds for de-registration does not include failure to submit the package of documents, which leaves the legal ground for the state to suspend the implementation of its commitments unclear. This problem was addressed in the 2018 Annual Report of the Human Rights Defender (HRD)<sup>20</sup>.

- 8.5) Another example of a deficient regulation concerning submission of the necessary documents is the condition set under another government decision, according to which *“when determining the size of the apartment (residential house) being allocated from the constructed apartment houses (residential houses), a family member (who is an RA citizen registered at the address destroyed by the earthquake) shall not be registered as a member of a family that has been duly notified for submitting the necessary substantiated documents, if according to a written statement presented by other adult members of the family, submission of the necessary documents in relation to this member is not possible.”*<sup>21</sup> In that situation, the state’s obligations pertaining to provision of housing to the mentioned family member are considered as terminated, and in case of the member’s eventual appearance the responsibility for providing him or her with a housing shall be on all the adult members of the family who received the apartment through a state-funded program and who presented the above-said written statement. This system results in numerous cases where, after becoming victims of fraud and corruption, or deception by their family members, citizens are deprived of their right to housing compensation as a result of application of this provision<sup>22</sup>.

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20. See at: <http://www.ombuds.am/resources/ombudsman/uploads/files/publications/0e3f463c0e6c42f12cb497d483739dec.pdf>

21. Clause 2(5.b), RA Government Decision N1402-N, 2009.

22. Interview with Vanuhi Gasparyan, A.D. Sakharov Armenian Human Rights Protection Center, 15 April 2019.

- (9) Another method of providing housing is through house purchase certificates (HPC). In order to ensure implementation of the “Provision of housing by providing house purchase certificates” spending program envisioned under the Annual State Budgets of the Republic of Armenia, the Government of the Republic of Armenia under its Decision N 309-N dated 24 February 2005 approved the procedure for providing house purchase certificates at the expense of allocation set out under the Annual State Budgets of the Republic of Armenia for the “Provision of housing” spending program. According to Clause 3(a) of the procedure endorsed by the Decision, the right to receive assistance in order to obtain an apartment (residential house) through a certificate is recognized for those persons who have been registered to receive housing as of 1 March 2004 in accordance with the procedure established by the Decision of the Government of the Republic of Armenia N 432 dated 10 June 1999 “On Approving the procedure for priority allocation of housing to citizens in the locations of the disaster zone.” However, this format for implementing the state’s obligations created a number of problems for the beneficiaries, as revealed in the group and in-depth interviews conducted within the framework of this Report, which are presented in the next section.
- (10) One of the important components of the right to adequate housing conditions is the accessibility of effective domestic remedies for violations of the right. There are no effective legal remedies in Armenia that would enable the families left homeless after the earthquake to protect their rights in judicial proceedings and/or restore their housing rights. Cases submitted to the courts for the restoration of citizens’ housing rights have so far been hampered due to a number of problems, such as brevity of the procedural time limits and corrupt judicial authority<sup>23</sup>.
- (11) Thus, the regulatory legal framework for housing compensation to persons left homeless by the earthquake lacks clarity and contains numerous gaps, and there is a need for clarifications and revisions.

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23. Interview with Vanuhi Gasparyan, 15 April 2019

- (12) So far, all the programs implemented by the state in the disaster zone for persons left homeless as a result of the earthquake have been aimed solely at providing housing compensation. Other needs and vulnerabilities, such as health care and employment, have not been considered. Additionally, the state has not conducted regular monitoring and evaluation of housing programs, there has been no mechanism to ensure accountability for results, the programs were not formulated in consultation with beneficiaries, and nor have healthcare and other social specifics, which constitute important elements of the right to adequate housing conditions, been taken into account.
- (13) For a long time the state has been infringing upon the rights under Article 11 of the Covenant of persons left homeless in the disaster zone and specifically in the city of Gyumri, and the state has also failed its obligation under Article 2 of the Covenant to progressively implement its obligations. It has failed to register homeless persons or evaluate their needs and problems, or to develop new programs and policies responding to those needs and problems.

## **PROBLEMS OF REALIZATION OF THE RIGHT TO ADEQUATE HOUSING CONDITIONS OF PERSONS WHO RESIDE IN THE CITY OF GYUMRI IN SHIRAK REGION AND WHO BECAME HOMELESS AS A RESULT OF THE 1988 EARTHQUAKE**

- (14) A study was conducted among residents of Gyumri left homeless after the 1988 earthquake, in order to identify challenges to the realization of housing rights, as well as to assess related needs. The study focused on the following groups:
- a) Individuals and families who received direct housing compensation from the state.
  - b) Individuals and families who received house purchase certificates (HPC) from the state.
  - c) Individuals and families living in cabins in Gyumri who have not received housing compensation from the state.



- d) Individuals and families residing in buildings damaged by the earthquake and located at 9, Isahakyan St. and 48, Khrimyan Hayrik St.
- (5) Having continuously lived in extreme poverty and homelessness for decades, the persons representing the above-mentioned groups are now in a hopeless situation, with no expectation of receiving state assistance or protection of their rights in future, and hence refuse to talk about their problems, which was the main impediment for the field analysis.
- 5.1) The research was conducted through group and individual/in-depth interviews and scene examinations/site visits (site observations) performed on the basis of prepared questionnaires and observation cards developed in accordance with the criteria of realization of the right to adequate housing conditions as defined under the CESCRC GC 4. Description of the sampling and the toolbar is presented in Attachment 1 of this Report.
- (6) The in-depth interviews and site examinations were conducted through visiting the cabins and the vulnerable buildings in Gyumri.
- (7) The case of “Paros” Condominium is a vivid example of the state’s failure to implement its obligations towards the persons who became victims of the earthquake and its prolonged infringement on these persons’ right to an adequate standard of living and adequate housing conditions.
- (8) The research uncovered the fact that housing conditions in the disaster zone locations do not correspond to the criteria of the right to adequate housing conditions as defined under the CESCRC GC 4, and that for years their rights prescribed under Article 11 of the Covenant have been infringed upon by the state.

*Summary of field study with persons who became homeless as a result of the earthquake and received housing compensation from the state*

(9) *The majority of the respondents received housing compensation from the state in the 20-30 years after the earthquake.* During the process of providing housing compensation, changes in the composition of the family have been considered only as regards decrease of the number of family members, as a result of which families whose members died after the earthquake received housing with fewer rooms. At the same time, families who grew by, for example, marriage or birth, received no additional rooms for the new family members, as a result of which several members of the family continued to live in the cabins, remaining *de facto* homeless. This problem is a consequence of the deficient legislative regulation to which we referred above in this Report.

- 9.1) During the in-depth interviews conducted with residents of the “Mush-2” district, which was constructed as part of a state program for housing provision, all the respondents mentioned that after receiving the housing they had experienced numerous problems connected with the interior design, water supply and sewage, accidents with sewage removal pipes, cracking of ceilings, and rapid deterioration of doors, windows and laminate flooring. According to the interviewees, their numerous complaints related to the housing conditions received no responses, either from the state or the local self-government bodies.
- 9.2) All respondents mentioned that after the transfer of the housing the state had neither performed any follow-up assessment of the housing conditions nor had maintained any contact with beneficiaries.
- 9.3) The group interviews revealed that provision of housing by the state was performed without any assessment of the houses’ condition, as a result of which several families did not move into their newly allocated housing, since the latter lacked basic conditions and was allocated in a destroyed state. Due to the lack of financial means those families still live in the cabins.

- (10) The conditions and the value defined for the house purchase certificates (HPC) was below the market value of the houses, as a result of which the beneficiaries undertook additional commitments or were forced to relocate to a rural community in order to purchase a residential house at the price defined in the HPC, and eventually, after selling these houses, were not able to buy an apartment any more and remained homeless.
- 10.1) Due to the impossibility of purchasing an apartment (residential house) within the limits of the set amount, there have been beneficiaries who entered into fictitious sales contracts, received the amount, and then used the money obtained for healthcare and/or other purposes, remaining homeless again. There have been cases where the beneficiaries became victims of fraud and corruption, and thus were deprived both of the money and the housing.
- 10.2) The expenses for obtaining the required documents were incurred by the beneficiaries, and the state has neither provided any assistance for this issue nor compensated the expenditures made.
- 10.3) Accessibility of information concerning required documents and the procedures for obtaining state housing provision was not properly ensured, and many of the respondents had been left off the waiting lists due to inaccurate or missing information.
- 10.4) In addition, the persons who were provided with housing compensation have not received any compensation from the state for having lived in the cabins for the previous 20-30 years in extremely inadequate living conditions, and for the resulting development of health problems, deprivation of education and employment opportunities, and suffering numerous social hardships.

*Summary of field study at the cabins in Gyumri and vulnerable buildings located at the addresses 9, Isahakyan St. and 48, Khrimyan Hayrik St.*

- (11) Residents of cabins in Gyumri are those who became homeless after the earthquake and have not received housing from the state. These persons live in the wooden cabins allocated back in 1989 and suffer a number of social deprivations, for which they have never been compensated for by the state.
- 11.1) In the cabins there is no water supply at all. Pipelines for water supply and sewage are intermingled, as a result of which the water is not fit to be used for drinking.
- 11.2) The construction material of the cabins is not designed to be used in construction of residential buildings, since it contains numerous chemical substances that are considered to be cancerogenic. Many of the cabins' residents have developed oncological disorders, which they believe are a result of their living conditions and social deprivations. Many persons were unable to afford medical treatment for these and other healthcare issues, and the state has not provided any assistance to them.
- 11.3) Till now, the legal address of some of the cabins' residents is that of the destroyed or collapsed buildings, as a result of which the families are not given an appropriate status to become eligible for inclusion in the lists of priority housing recipients .
- 11.4) As a result of living in cabins and the lack of adequate conditions, many young persons do not plan for their personal life and cannot expand their family.
- 11.5) To date the cabin residents have never been invited by any state, local or regional government body to participate in an awareness-raising or public discussion event dedicated to issues of housing law, responding to the needs of residents or solving their problems.

- 11.6) Residents of the cabins evaluate the security, water supply, sanitary-hygienic, environmental, waste removal conditions, and availability and infrastructure conditions of the cabins as absolutely inadequate. Due to the lack of sanitary-hygienic conditions, many people have developed skin diseases. It is always cold in the cabins, which is one another cause for a number of health problems of the residents.
  - 11.7) The number of rooms in the cabins does not correspond to the number of persons residing there, and there is inadequate space for them to sleep and to move freely.
  - 11.8) There are no child playgrounds in the area, and some cabins are in close proximity to construction waste abandoned after the earthquake and not since cleaned up.
  - 11.9) There are no appropriate conditions for persons with disability – either in the cabins, or in the yards.
- (12)** *People have been living in a hazardous building since 1989, and as of today have not received any assistance or compensation from the state, the buildings have never been repaired, and the authorized bodies have not held any meetings or discussions with the residents to learn about their living conditions.*
- 12.1) Periodic collapses take place within the vulnerable buildings, and stones break off the roof and fall into the yard, especially on rainy days.
  - 12.2) The sewage pipelines are quite old, have never been repaired or replaced, the basements are not fit for habitation, are always full with sewage water, and there is an overwhelming stink, especially in the summer months.
  - 12.3) The humidity level in the buildings is so high that there is already no point in renovating. The walls are half-collapsed, and people live in life-threatening conditions.
  - 12.4) There is no infrastructure and the construction waste which remained after the earthquake is all around.

*Summary of the problems identified in a result of the group interview with the “Paros” condominium and description of the case<sup>24</sup>*

The 1988 earthquake-damaged building N 48 on the Khrimyan Hayrik highway: the residents moved to cabins and established the “Paros” condominium in order to restore their building so they could return to it in the future. Using their own resources, they installed windows and doors, removed construction waste, cleaned stairs, built partitions, and with the use of collateral and their own means ordered the project design for strengthening and restoration of the building, which was delivered in 1995 by the Gyumri branch of “Yerevan Project” Institute.

According to the expert conclusion, the degree of vulnerability of the building is third degree and in sections fourth degree (with respectively noticeable, severe and devastating facility damage). However, if the fifth floor were dismantled, the degree of vulnerability of the building would have become third degree only. Therefore the local authorities could have strengthened the building and installed a roof (which had been completely destroyed over the years), after which it would have been possible to move the former residents back in to the building and, moreover, there would have been additional apartments to provide to homeless persons.

The authorities have not performed any activity to restore the building. Residents have not received any compensation for the restorations they carried out, and the state will always block any prospect of the return of residents to the building.

In 2000, under the decision of a Commission established by the Shirak Governor’s Decree N 33 dated 25.07.2000, the building was included into the first stage strengthening plan and as such was due to be reconstructed. Nevertheless, based on groundless reasoning by the local authorities, the building was eventually removed from the restoration lists, its status remaining in uncertain. The local government

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24 Within the framework of this case, legal consulting services to the members of “Paros” condominium were provided by “The A.D. Sakharov Armenian Human Rights Protection Center.” The information set out here is a summary of the information gathered within the framework of the in-depth interview conducted with the members of the condominium and the activities of the Center.

body claimed that it did not have money to restore the building, and was likewise unable to destroy the building. The authorities at different times have been bringing different reasons for their refusal to strengthen the building: according to one official document the building obstructs some manufacturing plants, according to another, a road is expected to go through this area (the “North-South” highway), and in a third document the state offered the residents to take out a loan to restore the building.

Complete ignorance and unlawful behavior have been manifested so far towards “Paros” condominium by different state agencies, including the local government bodies, resulting in the fact that 20 families have been deprived of an opportunity to resettle in a timely manner in their former apartments, and approximately 10 families have been living for 28 years in temporary cabins.

Within the course of these years, having lived in the cabins or rented premises, the health of the members of the condominium suffered, and they lost opportunities to obtain education and consequently decent work.

The chair of the condominium, when describing the situation and the things they had experienced, noted that “to wake up every day in a cabin and to see nearby your building in a half-destroyed condition means to relive through the days of the earthquake again, losing your mental health.”

## CONCLUSIONS AND RECOMMENDATION

*The alliance of the non-governmental organizations that has prepared this Report, based on the results of the analysis, and attaching importance to the need to solve a number of problems pertaining to the realization of the right to housing in Armenia, in particular the problem of homelessness in the city of Gyumri, urges the Committee on Economic, Social and Cultural Rights to inquire on the following issues related to the recommendations presented below.*

**Recommendation 1.** Ensure a legislative and normative basis for the

realization of the right to an adequate standard of living and adequate housing conditions, as envisioned under Article 11 of the Covenant, including constitutional guarantees.

**Recommendation 2.** Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

**Recommendation 3.** Adopt a document reflecting the national housing policy that would be rights-based, would formulate the state's Strategy and the Plan of actions for realization of the right to adequate housing conditions, be developed in compliance with the principle of participatory involvement, ensuring holding consultations with the most vulnerable groups, including homeless persons, persons living in inadequate housing conditions and their families.

**Recommendation 4.** Formulate a legal definition fully reflecting the standards of "adequacy" of housing conditions as defined under the CESCR GC 4, and guarantee that hereinafter all the housing provided within the state assistance framework will be compliant with these standards.

**Recommendation 5.** Revise the format of the state assistance and compensation provided to the citizens residing in the disaster zone locations by shifting from the model of providing housing to a model aimed at full realization of the right of these groups to an adequate standard of living. Guarantee the right of the citizens residing in the disaster zone locations to live in decent and safe housing conditions.

**Recommendation 6.** Carry out registration of the persons and families who suffered from the earthquake and were excluded from the state assistance programs implemented to date in the disaster zone locations; conduct comprehensive assessment of their vulnerabilities and healthcare, educational, occupational and other needs. This registration should include the following groups: a) persons who became homeless as a result of the earthquake and have not received any housing compensation so far; b) persons living in damaged/vulnerable buildings who were not included in housing compensation programs, c) persons who after receiving housing compensation



found themselves again, due to various reasons, in a situation of homelessness, and continue to live in cabins. Formulate, based on the results of re-registration and the assessment, the upcoming state policy and its plan of actions aimed at providing state assistance and compensation to the above-mentioned groups.

**Recommendation 7.** Pending development and adoption of the state policy and the strategic program, find an interim solution to the problem of homelessness in the disaster zone locations, address the issue of extreme poverty among these people by providing homeless persons with financial means for renting housing, as well as by providing pecuniary and non-pecuniary assistance to cover priority social needs and ensure an adequate standard of living.

**Recommendation 8.** The state policy document should be rights-based, aimed at full realization of the right to an adequate standard of living (including the right to adequate housing conditions for citizens of the disaster zone locations), and be formulated with meaningful participation of all beneficiary groups and then presented for wide public discussion.

**Recommendation 9.** The state policy and the strategic program should be aimed at progressive realization of the state's obligations, within the framework of restoring the disaster zone and overcoming the problem of homelessness prior to the next monitoring by the CESCRC, and should also contain the respective standards and indicators, define the interim and final goals of the state strategy (which should be measurable and assessable), and have a monitoring and evaluation plan.

**Recommendation 10.** Establish a fact-finding group or Investigative Commission of the National Assembly to deal with the violated rights of homeless citizens of the disaster zone, as well as to identify instances of state crimes, corruption and fraud committed against them during the preceding 31 years. Ensure restoration of the violated rights of these persons and provide restitution for the pecuniary and moral damages incurred.

**Recommendation 11.** Ensure establishment of all the necessary

infrastructure in the disaster zone locations, as well as full conditions for realization of the citizens' right to health, education, employment and other related rights.

**Recommendation 12.** Develop a state policy aimed at overcoming secondary homelessness, introduce state protection mechanisms ensuring that the sale of a house by persons who already received housing compensation does not constitute the only/principal source of ensuring the basic living conditions and needs, thereby preventing them from being at risk of finding themselves again in a state of homelessness.

**Recommendation 13.** Ensure public accountability of the Working Group that was established by the RA Prime Minister's Decree N 1658 from 2018, and is in charge for carrying out documenting activities in the disaster zone. Present the recommendations submitted to the RA Government for public discussion, and ensure more active and meaningful participation of the target group in the discussions.

**Recommendation 14.** Conduct proper evaluation of the vulnerability of all the residential buildings located in the disaster zone, ensure repair of vulnerable buildings, and provide housing compensation to the residents of vulnerable buildings which do not meet the criteria of habitability.

**Recommendation 15.** Revise the legislative framework regulating restoration of the disaster zone locations and the housing rights of persons residing in the disaster zone, and revise the standards, procedures and priorities of allocating housing, based on a needs assessment and taking into account the current state, vulnerability and the needs of the various groups that live in the disaster zone and have suffered from the earthquake.

**Recommendation 16.** Evaluate housing conditions among persons who have already received housing compensation (in the form of HPCs and social housing), ensure compatibility of the conditions with the criteria set out in CESCO GC 4.

**Recommendation 17.** Urgently respond to the demands of the "Paros"

condominium concerning the restoration of the building owned by them, ensure remedy of their infringed rights and guarantee full realization of their housing rights within the shortest possible timeframe.

## **ATTACHMENT 1. OVERVIEW OF RESEARCH METHODOLOGY**

Group and in-depth interviews as well as on-site examinations were conducted in order to understand the problems of realization of the right to adequate housing conditions of those left homeless in Gyumri after the 1988 earthquake. Shirak region, and in particular the city of Gyumri, was selected because homelessness in Gyumri is one of the most urgent humanitarian problems of Armenia that has not been solved during the last 31 years. Two of the non-governmental organizations that prepared this Report are based in the region, and hence have more knowledge about the problem of homelessness in Gyumri.

The research focused on Gyumri residents from the following groups:

- a) Those who became homeless as a result of the earthquake and received direct housing compensation from the state.
- b) Those who became homeless as a result of the earthquake and received house purchase certificates (HPCs) from the state.
- c) Those who became homeless as a result of the earthquake and have not received housing compensation from the state (residents of cabins in Gyumri).
- d) Residents of buildings damaged by the earthquake at the addresses 9, Isahakyan St. and 48, Khrimyan Hayrik St.

Researchers conducted group interviews, in-depth interviews and site visits in order to collect information. Three group interviews and 13 in-depth interviews were conducted. A guideline-questionnaire was used for conducting the interviews. The age group of the interviewees was 20 to 65. The questionnaire-guidelines and the observation cards were developed based on the criteria of the right to adequate housing conditions as set out in General Comment 4 of the Committee on Economic, Social and Cultural Rights.

Group interviews were conducted with the following groups:

- 1) Those who became homeless as a result of the earthquake and received direct housing compensation from the state: 1 group (12 respondents – 2 men and 10 women);
- 2) Those who became homeless as a result of the earthquake and received house purchase certificates (HPCs) from the state: 1 group (6 respondents – 2 men and 4 women);
- 3) Members of “Paros” condominium: 1 group (6 respondents – 2 men and 4 women);

Individual/in-depth interviews were conducted with the following groups:

- 1) Residents of cabins in Gyumri: 5 women;
- 2) Residents of the vulnerable buildings located at 9, Isahakyan St. and 48, Khrimyan Hayrik St.: 8 respondents, 3 men and 5 women.

In addition to the interviews, site observations based on prior designed observation cards were conducted in the cabins in Gyumri and at the damaged buildings located at 9, Isahakyan St. and 48, Khrimyan Hayrik St.



