

The Human Rights Defender's Assessment of the RA Ministry of Health Activities in 2011

Shortcomings and problems identified

- As a result of changes in the appropriate Government decision, the threat of importing counterfeit medicines and pharmaceutical drugs has increased, however the Ministry hasn't foreseen any additional mechanisms to reduce the threat, to increase control in this direction in the pharmaceutical market. Moreover, the Ministry does not want to prevent the counterfeit drug distribution, it even does not conduct statistics of detection and punishment of such crimes.
- Medical institutions have authorities to release from co-payment or apply a lower threshold co-payment based on the patient's degree of solvency, which is decided by those institutions based on the patient's or his/her relative's application. Certain criteria for such decisions are not clearly prescribed by the legislation, as a result of which in some cases differentiated and subjective approaches were demonstrated by the medical institutions. Allowance and existence of such approaches cause corruption risks.
- The concept "medical error" is not defined by the legislation. That is why negligence is not distinguished from the medical error, which in its turn makes difficult to evaluate the case. Currently the medical error is defined by various commissions without clear criteria, as a result of which doctors are unfairly exposed to liability or unfairly avoid it.
- Though, the free in-patient care certificate program and a child's health profile for 7 years old children has been installed since 1st January, 2011, in certain cases parents, having a certificate defined for free medical care of a 7 years old child, had to make extra payments to certain doctors.
- The Ministry didn't provide the Ombudsman with information on how many night-time monitoring it had conducted in medical institutions and how many cases of human rights violations were revealed as a result. Lack of the statistics or its non-provision significantly reduces the public confidence towards efficiency of appropriate supervisory functions of the Ministry.
- Examination of complaints addressed to the Defender in the respect of non-provision or improper provision of medical aid in the framework of the Government order shows that people, being included in lists of /special/ groups receiving free medical aid and service ensured by state, were registered in an appropriate institution for receiving such aid or had a certificate given by the Ministry of Health; however, medical institutions refused to carry out their treatment or did not provide them with a proper medical aid. In certain cases, as a result of a change of a medical center, a citizen was deprived of the right to surgery in the framework of the Government order. In some cases, a disrespectful attitude was demonstrated towards patients receiving treatment in the framework of the Government order.

Positive developments

- Since 1st January the free in-patient care certificate program and a child's health profile for 7 years old children has been installed.
- Since May 2011, the medical examination and treatment, if necessary, of young people of 14 pre-prescription-age -is free of charge.
- The quality of emergency medical service has been improved. 38 rural and urban medical institutions received 88 modern ambulance cars, GPS unified new system of call acceptance has been launched with operation of a unified dispatcher center.

As a result, speed of responding to calls increased by 2 times. Salaries of medical staff raised for 1.5 up to 2 times.

- Shadow business in health system was reduced by installment of the co-payment program, 439.6 million AMD - formerly in shadow circulation - was put in the state budget. Taxes from medical institutions- paid to the state budget - increased by 39% or 735 million AMD, salaries of medical staff, involved in the program of “co-payment”, were raised for 1.2 up to 2.3 times.
- Armavir, Ijevan, Hrazdan, Ararat and Goris medical centers were staffed with modern technics and equipments, 20 new aid stations were constructed and 30 community aid stations - repaired.
- Provision of various certificates (not stipulated by law) by clinics to citizens was terminated.
- In 2011 the RA Ministry of Health received 78 written complaint regarding activities/inactivities/ of healthcare centers’ officers; 147 complaints were received by the “Hot Line”. For elimination of the revealed violations appropriate measures were taken. The Ministry’s response to the complaints and taken measures are assessed positive.
- Website of the Ministry of Health and easiness of access to its information are positively assessed.

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The list of the identified positive developments, gaps and short comings is not exhaustive.

The introduced Chapter (2) of the HRD Annual Report 2011 is available in full http://pashtpan.am/pages/downloadPdf/file_id/546 .

The HRD Annual Report 2011 was developed based on the complaints received by the Staff of the Human Rights Defender, legislation analysis, trustworthy and non-disclaimed publications in press, reports of the international and local organizations as well as information received during the interviews with field specialists and human rights defenders.