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REVISED EUROPEAN SOCIAL CHARTER

5th National Report on the implementation of
the Revised European Social Charter

submitted by

THE GOVERNMENT OF ARMENIA

(Articles 7, 8, 17, 19 and 27
for the period 01/01/2005 – 31/12/2009)

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CYCLE 2011

Annex

to the Protocol Decision No 51 of the
sitting of the Government of the Republic of
Armenia of 30 December 2010



**EUROPEAN SOCIAL CHARTER
(REVISED)**

Report of the Republic of Armenia

Articles 7, 8, 17, 19, 27

Reporting period 2005 – 2009

Article 7. The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

Appendix to Article 7«2

This provision does not prevent Parties from providing in their legislation that young persons not having reached the minimum age laid down may perform work in so far as it is absolutely necessary for their vocational training where such work is carried out in accordance with

conditions prescribed by the competent authority and measures are taken to protect the health and safety of these young persons.

Appendix to Article 7«8

It is understood that a Party may give the undertaking required in this paragraph if it fulfils the spirit of the undertaking by providing by law that the great majority of persons under eighteen years of age shall not be employed in night work.

Article 7«1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Legislation

- *The Republic of Armenia ratified the Minimum Age Convention No 138 of the International Labour Organisation on 3 October 2005, which entered into force on 27 January 2007.*
- *The Constitution of the Republic of Armenia, adopted on 5 July 1995, amended by the referendum of 27 November 2005.*
- *The Labour Code of the Republic of Armenia, adopted on 9 November 2004.*
- *The Code of the Republic of Armenia “On administrative offences”, adopted on 6 December 1985.*
- *The Civil Code of the Republic of Armenia, adopted on 5 May 1998.*
- *The Law of the Republic of Armenia “On the rights of the child”, adopted on 29 May 1996.*
- *The Law of the Republic of Armenia HO-297 “On education”, adopted on 14 April 1999.*

According to the Law of the Republic of Armenia “On the rights of the child” /Article 1/, everyone who has not attained the age of eighteen is regarded as a child , except for cases when he or she acquires active legal capacity or is declared as having active legal capacity earlier, as prescribed by law.

According to Article 32 of the Constitution of the Republic of Armenia, it shall be prohibited to admit to permanent employment children under sixteen years of age. The

procedure and conditions for admitting them to temporary employment shall be prescribed by law. It is also enshrined that forced labour is prohibited. This provision has been reflected in Articles 132 and 132.1 of the Criminal Code of the Republic of Armenia, which have criminalised engaging a person in forced labour.

According to the Labour Code of the Republic of Armenia /Article 15/, passive labour legal capacity and a citizen's capacity to acquire — by his or her actions — and exercise employment rights, to create employment obligations for himself or herself and to fulfil them (active labour legal capacity) arises in full scale upon attaining the age of sixteen, except for cases provided for in the Labour Code and other laws.

According to the Labour Code of the Republic of Armenia /Article 17/, concluding an employment contract with citizens under the age of fourteen or engaging them in works is prohibited; as regards children at the age of fourteen to sixteen, they may be admitted to employment only in case of existence of the written consent of one of the parents, adopter or curator /Article 89/.

According to the Law of the Republic of Armenia "On the rights of the child" /Article 19/, every child has, according to his or her age capacities, development peculiarities and abilities, the right to acquire a profession and engage in occupation not prohibited by law.

The same law also prescribes that children under the age of sixteen may be admitted to temporary employment with the written consent of one of the parents, adopter or curator, if this does not hinder their educational process.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

According to the Labour Code of the Republic of Armenia /Article 33/, state control and supervision over compliance with the requirements of the labour legislation and other regulatory legal acts containing norms of labour law, as well as of collective agreements is exercised by relevant state bodies, whereas non-state supervision - by trade unions and employers (representatives of employers).

According to the Labour Code of the Republic of Armenia /Article 34/, state control and supervision over compliance by employers with the regulatory provisions of the labour legislation, other regulatory legal acts containing norms of labour law and of collective agreements is exercised by the State Labour Inspectorate and, in cases provided for by law, by

other state bodies. Functions, rights and duties of the State Labour Inspectorate are established by law.

The State Labour Inspectorate exercises control and supervision through planned inspections as well as ad hoc inspections carried out based on alert-applications on obvious violations of the labour legislation.

According to Article 10(14) of the Law of the Republic of Armenia "On State Labour Inspectorate", the State Labour Inspectorate exercises control and supervision over ensuring the guarantees — established by the labour legislation — of persons under the age of eighteen as well as of women.

According to Article 41 of the Code of the Republic of Armenia "On administrative offences", a violation of the requirements of the labour legislation and of other regulatory legal acts containing norms of labour law (except for cases provided for in articles 41.1, 41.2, 41.3, 96.1, part 17 of Article 158, articles 169.5, 169.7, 169.8 of this Code) entails issuing of a warning with respect to the person having committed the violation.

A violation of the requirements of the labour legislation and of other regulatory legal acts containing norms of labour law committed within one year following the application of administrative sanctions, entails imposing of a fine on the employer, in the amount of fifty-fold of the prescribed minimum salary.

For the purpose of implementing the legal framework, the State Labour Inspectorate regularly organises seminars — related to implementation of the labour legislation — for employers, representatives of labour groups, as well as has published guides /booklets/.

3) Please, provide pertinent figures, statistics or, if necessary, any other relevant information.

According to the results of the inspections carried out by the State Labour Inspectorate, no violations under this Article have been recorded.

Article 7«2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Legislation

- *The Republic of Armenia ratified the Worst Forms of Child Labour Convention No 182 of the International Labour Organisation on 22 March 2005, which entered into force on 2 January 2007.*
- *The Constitution of the Republic of Armenia, adopted on 5 July 1995, amended by the referendum of 27 November 2005.*
- *The Labour Code of the Republic of Armenia, adopted on 9 November 2004.*
- *The Civil Code of the Republic of Armenia, adopted on 5 May 1998.*
- *The Family Code of the Republic of Armenia, adopted on 9 November 2004.*
- *The Code of the Republic of Armenia “On administrative offences”, adopted on 6 December 1985.*
- *The Law of the Republic of Armenia “On State Labour Inspectorate”, adopted on 24 March 2005.*
- *The Criminal Code of the Republic of Armenia, adopted on 18 April 2003.*
- *The Law of the Republic of Armenia “On the rights of the child”, adopted on 29 May 1996.*
- *The Law of the Republic of Armenia “On education”, adopted on 14 April 1999.*
- *Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005 “On approving the list of works regarded as hard and harmful for persons under the age of eighteen, pregnant women and women taking care of a child under one year of age”.*

According to the Law of the Republic of Armenia “On the rights of the child” /Article 19/, children have the right to privileged conditions of work. The specifics, privileges and conditions for admission of a child to employment are established by the Labour Code of the Republic of Armenia. It is prohibited to engage a child in the production, use or sales of alcoholic beverages, narcotic and psychotropic substances, tobacco, literature and video tapes with erotic and horror content, as well as in such work that may harm his or her health, physical and mental development, obstruct the getting of education.

According to the Labour Code of the Republic of Armenia /Article 257/, persons under the age of eighteen may not be engaged in:

- (1) *hard works;*

(2) works in productions with exposure to toxic, carcinogenic factors or those dangerous for health;

(3) works involving possible exposure to ionising radiation;

(4) works involving a high risk of accidents or occupational diseases, as well as works the safe performance of which requires major attention or experience.

The list of works — referred to in this Article — regarded as hard and harmful is prescribed by the Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005 “On approving the list of works regarded as hard and harmful for persons under the age of eighteen, pregnant women and women taking care of a child under one year of age”. The list particularly defines works regarded as harmful for persons under the age of eighteen due to chemical, physical, biological factors, industrial aerosols, as well as hard works, works involving sensuous, emotional, tension and risk factors for persons under the age of eighteen. It is meanwhile prescribed that exception from works regarded as harmful for persons under the age of eighteen due to chemical, physical factors, are works carried out in chemical laboratories set up for educational purposes in secondary, general education, secondary vocational and higher education institutions, works carried out in research (non production and experimental) laboratories of scientific organisations, works with sources of ionising radiation in the course of education (X-ray technician, X-ray laboratory assistant) of persons at the age of sixteen to eighteen in secondary vocational education institutions and organisations. Works which are carried out in special conditions are also defined as exceptions in the list, such as office and/or support works outside production premises in optimal working conditions, or works carried out with compulsory use of individual protective means, or works with potential biological factors subject to the required sanitary-epidemiological regime; scheduled works related to seasonal sanitary cleaning and collection of wild berry in forestry may constitute exceptions from works in conditions of potential tension and risk. Involvement of children under the age of eighteen in professional sport, stage dance and circus are defined as exceptions in the list of hard works for persons under the age of eighteen.

The identification of children engaged in the mentioned works is carried out by the State Labour Inspectorate of the Republic of Armenia. The lists of works are reviewed as necessary. The mentioned list of works has been considered and approved by the representatives of employers and trade unions.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

See the answer to the second question of the questionnaire concerning Article 7«1.

3) Please, provide pertinent figures, statistics or any other relevant information, if appropriate.

According to the results of the inspections carried out by the State Labour Inspectorate, no violations under this Article have been recorded.

Article 7«3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to Article 39 of the Constitution of the Republic of Armenia.

"Basic general education shall be compulsory, except for cases provided for by law. A higher level of compulsory education may be established by law.

Secondary education in state educational institutions shall be free of charge.

Every citizen shall have the right to free education on competitive basis in state higher and other vocational education institutions, as prescribed by law.

The State shall — in cases and as provided for by law — provide financial and other assistance to educational institutions implementing higher and other vocational education programmes and to students thereof".

According to the Law of the Republic of Armenia "On the rights of the child" /Article 11/: "Every child shall have the right to education and to choose an educational institution.

Relevant state bodies shall create necessary conditions for manifestation of a child's personality, development of his or her talent, mental and physical abilities, by founding general education and vocational schools, sport, technical and cultural creative child centres, etc.

Relevant state bodies shall elaborate and implement appropriate programmes for identifying talented children, arranging their upbringing and education".

According to the Law of the Republic of Armenia "On education" /Article 49/, engagement of students in work without their consent and/or their parents' (adopters' or curator's) consent is prohibited.

According to the Labour Code of the Republic of Armenia /Article 174/, for the purpose of preparing for entrance examinations to be admitted to secondary vocational and higher education institutions, employees are granted a three-day leave for each examination.

Employees studying at general education, secondary vocational or higher education institutions are granted an educational leave upon the motion of the educational institution.

According to Article 18 of the Law of the Republic of Armenia "On education", secondary general education is implemented in three-level secondary general schools with twelve years of total duration, with the following successive levels:

(1) elementary school (1-4 grades);

(2) middle school (5-9 grades);

(3) high school (10-12 grades).

The first two levels of the secondary general school constitute the basic school. Basic general education is compulsory. The requirement of compulsory basic general education is effective until the student attains the age of sixteen, if it has not been fulfilled at an earlier age. A student may, after attaining the age of sixteen, leave the school with the consent of the parents (adopters or curator).

The requirement of compulsory basic general education does not extend to certain categories of children with special educational needs, which are defined by the Government of the Republic of Armenia.

According to Article 16 of the Law of the Republic of Armenia "On general education", children who have attained the age of six or will attain the age of six until or on 31 December of the given calendar year, are eligible to enrol in the first grade of an educational institution. Enrolment of children of smaller age in an educational institution is prohibited.

It is clear from the aforementioned, that the legislation of the Republic of Armenia prescribes that a child may complete the compulsory education at the age of fifteen to sixteen.

According to Article 19 of the Law of the Republic of Armenia "On the rights of the child", it is prohibited to engage a child in the production, use or sales of alcoholic beverages, narcotic and psychotropic substances, tobacco, literature and video tapes with erotic and horror content, as well as in such occupations which may harm his or her health, physical and mental development, obstruct the getting of education.

2) Please, indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

According to Article 158 of the Code of the Republic of Armenia “On administrative offences”, engaging persons under the age of eighteen in the sales of tobacco, alcoholic beverages, narcotic and psychotropic substances, literature and video tapes containing horror or pornography entails imposing of a fine on the operator of the trading centre, in the amount of hundred-fold of the prescribed minimum salary.

See also the answer to the second question of the questionnaire concerning Article 7«1.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

According to the results of the Integrated Household Living Standard Survey 2008, young persons under the age of eighteen, who study and work at the same time, made 2.4 thousands.

Article 7«4

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Labour Code of the Republic of Armenia:

- *Shorter working time is established for employees at the age of fourteen to sixteen - 24 hours per week; for employees at the age of sixteen to eighteen - 36 hours per week /Article 140/.*
- *Secondment of an employee under the age of eighteen is prohibited /Article 209/.*

The Labour Code of the Republic of Armenia defines the specifics of the rest time of an employed child. Thus, according to Articles 153, 154 and 155 of the Labour Code of the Republic of Armenia, employees under the age of eighteen, whose working time exceeds four hours, must be granted an additional break for at least 30 minutes for rest during the working time, which is included in the working time; the duration of the daily uninterrupted rest for employees at the age of fourteen to sixteen may not be less than 14 hours, whereas for employees at the age of sixteen to eighteen – not less than 12 hours, including from 22. 00 to 6. 00; employees under the age of eighteen may be engaged in work on rest days only upon their consent; employees under the age of eighteen are granted at least two rest days per week; moreover, the two rest days to be provided must follow each other. According to Article 156 of the Labour Code of the Republic of Armenia, employees under the age of eighteen may be

engaged in work on non-working public holidays and commemoration days only upon their consent. According to the Labour Code of the Republic of Armenia /Article 149/, employees under the age of eighteen are not allowed to be engaged on duty at home or at an organisation.

According to the Labour Code of the Republic of Armenia /Article 144/, employees under the age of eighteen as well as, on the days of classes, employees — without interrupting work in production — studying at general education and vocational schools, are not engaged in overtime work.

According to the Labour Code of the Republic of Armenia /Article 164/, annual leave of employees studying without interrupting their employment, is, at their request, provided according to the periods of their examinations, tests, preparation of graduation papers, carrying out laboratory activities.

2) Please, indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

See the answer to the second question of the questionnaire concerning Article 7«1.

3) Please supply any relevant statistics or other information on the proportion of workers not covered by these limits.

There is no such statistics since the aforementioned restrictions extend to all employees under the age of eighteen.

Article 7«5

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to Article 3 of the Labour Code of the Republic of Armenia, equality of rights and opportunities of employees, ensuring the right of every employee to full fair remuneration in a timely manner, not less than the amount of the minimum salary prescribed by law, are among the main principles of the labour legislation.

The salary of employees under the age of eighteen may be compared with that of adults only when the minimum salary is concerned. Thus, according to the Law of the Republic of Armenia "On the minimum salary", the minimum amount of the hourly base rate for employees

paid based on task rate and hourly wage shall be as follows starting from 1 January 2009. AMD 179 in case of normal working time /40-hour working week/; AMD 199 in case of shorter working time /36-hour working week/; AMD 298 in case of shorter working time /24-hour working week/. According to Article 140 of the Labour Code of the Republic of Armenia, shorter working time is defined as follows: 24 hours per week for employees at the age of fourteen to sixteen; 36 hours per week for employees at the age of sixteen to eighteen.

According to Article 178 of the Labour Code of the Republic of Armenia, the salary of an employee depends on the amount and quality of the work, the results of the activities of the organisation and the labour demand in the labour market.

Thus, the legislation of the Republic of Armenia does not provide for any difference in the amount of salary /including the minimum salary/ preconditioned by the age of employees.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

According to Article 169.8 of the Code of the Republic of Armenia “On administrative offences”, failure by an employer to calculate or pay salary in the manner or within the time limits prescribed by the legislation of the Republic of Armenia, or failure to make a payment during an idleness caused not by the fault of the employee, or setting a salary less than the amount provided for in Articles 1 and/or 2 of the Law of the Republic of Armenia “On the minimum salary”, or miscalculation of the salary in the amount exceeding that amount, entails imposing of a fine on the person having committed a violation, in the amount of one fourth of the salary not calculated or not paid in respect of each employer.

The same violation that has been committed repeatedly within one year following the application of administrative sanctions, entails imposing of a fine on the person having committed a violation, in the amount of half of every salary not calculated or not paid.

See also the answer to the second question of the questionnaire concerning Article 7«1.

3) Please supply any relevant statistics or other information on the remuneration of young workers as well as on other appropriate allowances for apprentices, and on the adult reference wage or salary.

Since the legislation does not prescribe any peculiarities, there are no such statistics and

information.

Article 7«6

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Labour Code of the Republic of Armenia /Article 171/, educational leave is a special-purpose leave.

According to the Labour Code of the Republic of Armenia /Article 174/, for the purpose of preparing for entrance examinations to be admitted to secondary vocational and higher education institutions, employees are granted a three-day leave for each examination.

Employees studying at general education, secondary vocational or higher education institutions are granted an educational leave upon the motion of the educational institution.

(1) for the purpose of preparing for and taking midterm examinations – three days for each examination;

(2) for the purpose of preparing for and taking tests – two days for each test;

(3) for laboratory activities – as many days as envisaged by the curriculum;

(4) for the purpose of preparing and defending the graduation paper – 30 days;

(5) for the purpose of preparing for and taking each state (graduation) examination – six days.

The time for arriving at, and returning from, the educational institution is not calculated in the educational leave.

According to the Labour Code of the Republic of Armenia /Article 200/, an employee studying at a general school, secondary vocational or higher education institution is paid for his or her educational leave by the employer, in the amount not less than the average daily salary of the employee for each day, in case the employee was seconded to receive education by the employer.

The issue of payment for the educational leave of employees taking entrance examinations or studying on their own initiative may be regulated by a collective agreement or by the agreement of the parties.

According to Article 137 of the Labour Code of the Republic of Armenia, working time is the period of time when employees are obliged to perform the work envisaged by the employment contract, as well as other equivalent periods of time. According to Article 138 of the

Labour Code of the Republic of Armenia, the period necessary for the improvement of qualification at workplace or educational institutions is included in the working time. According to Article 178 of the Labour Code of the Republic of Armenia, salary is the remuneration paid to an employee for performing the work envisaged by the employment contract. Thus, being included in the working time, the time for the improvement of qualification at workplace or educational institutions is regarded as a part of the working day and is remunerated as working time.

Article 7«7

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Labour Code of the Republic of Armenia,

- *Persons under the age of eighteen are not allowed to be appointed to be on duty at home or at an organisation /Article 149/.*
- *Employees under the age of eighteen, whose working time exceeds four hours, must be granted an additional break for at least 30 minutes for rest during the working time /Article 153/.*
- *The duration of daily uninterrupted rest for employees at the age of fourteen to sixteen may not be less than 14 hours, whereas for employees at the age of sixteen to eighteen – not less than 12 hours, including from 22. 00 to 6. 00. /Article 154/.*
- *Employees under the age of eighteen are granted at least two rest days per week. Employees under the age of eighteen may be engaged in work on non-working public holidays and commemoration days only upon their consent /Articles 155, 156/.*
- *Employees under the age of eighteen are entitled to choose the time of the annual leave after six months of uninterrupted work. Annual leave of employees studying without interrupting their employment, is, at their request, provided according to the periods of their examinations, tests, preparation of graduation papers, carrying out laboratory activities /Article 164/.*
- *Annual leave is a period calculated in calendar days, which is provided to employees for rest and for recovering their working capacity. During that time, they retain their workplace (position) and are paid the average salary. Non-working public holidays and commemoration days which overlap with the period of annual leave, are not included in the calendar days of the annual leave and*

are not paid. There are three types of annual leave: minimum, extended and additional /Article 158/.

- The duration of the minimum annual leave is 28 days. The annual leave of part-time employees is not reduced. An employed child enjoys the right to an annual leave; the duration of the minimum annual leave is 28 days /Article 159/.
- An employer pays the average salary to the employee for the annual leave, which is calculated by multiplying the average daily salary of the employee with the number of the days of the leave to be provided /Article 169/.
- It is not allowed to replace the minimum annual leave by a monetary compensation. Where the annual leave may not be provided to an employee due to the rescission of the employment contract, or the employee does not want it to be provided, he or she is paid a monetary compensation /Article 170/.

The Labour Code of the Republic of Armenia also prescribes the procedure and remuneration conditions for providing special-purpose educational leaves to employees in the periods of being admitted to, and studying at, general education, secondary vocational and higher education institutions.

Article 7«8

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Labour Code of the Republic of Armenia /Article 144/, employees under the age of eighteen as well as, on the days of classes, employees — without interrupting work in production —studying at general education and vocational schools are not engaged in overtime work.

According to Article 148 of the Labour Code of the Republic of Armenia, night time is the period between 22: 00 to 6: 00. Where at least three working hours of the work performed coincide with the night time, the work is regarded as night work. Persons under the age of eighteen, as well as employees — who are not allowed to be employed in night work according to a medical opinion — are not allowed to be engaged in night work.

Article 7«9

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Labour Code of the Republic of Armenia /Article 249/, employees under the age of eighteen are obliged to undergo a medical examination upon admission to employment, whereas until reaching the age of eighteen - with a prescribed periodicity. The periodic medical examination of employees under the age of eighteen is conducted at the expense of the employer. According to Article 89 of the Labour Code of the Republic of Armenia, when concluding an employment contract with citizens under the age of eighteen, employers are obliged to require a statement on health status (medical record).

"The procedure for compulsory preliminary (when being admitted to employment) and periodic medical examination of health status; the list of spheres of activities, persons engaged wherein are subject to compulsory examination of health status, as well as the list of the scope and periodicity of medical examination; the list of scope and periodicity of examination of personal hygiene; the list of individual medical record and of persons subject to medical examination; the forms of the decision on temporarily excluding a person from work" were approved upon the Decision of the Government of the Republic of Armenia No 347-N of 27 March 2003.

According to the aforementioned Decision, persons to be admitted to employment and those working at organisations included in the list of compulsory medical examination approved by the Government of the Republic of Armenia, are subject to compulsory medical examination irrespective of their age. The Decision specifies all spheres of activities, persons engaged wherein are subject to both compulsory preliminary and periodic medical examination.

Moreover, the Labour Code of the Republic of Armenia prescribes that an employee who must undergo a health check due to the nature of his or her work, is paid the average salary for the time spent for his or her health check, which is calculated based on the amount of the average hourly wage /Article 204/.

It is also necessary to mention that according to the Labour Code of the Republic of Armenia /Article 138/, the working time includes also the period of compulsory medical examination, whereas Article 221, among other conditions, states that the refusal to undergo a compulsory medical examination is regarded as a gross violation of the labour discipline.

Article 7«10

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to Article 32 of the Constitution of the Republic of Armenia, forced labour is prohibited in the Republic of Armenia.

The Republic of Armenia has ratified the Worst Forms of Child Labour Convention No 182, Convention concerning Forced or Compulsory Labour No 29, Convention concerning the Abolition of Forced Labour No 105 of the International Labour Organisation.

The Labour Code of the Republic of Armenia prohibits the application of worst forms of child labour.

Article 9 of the Republic of Armenia “On the rights of the child” states: “Every child shall have the right to protection against any form of violence (physical, mental, etc.). Everyone, including parents or other legal representatives, shall be prohibited from subjecting a child to violence or degrading punishment or to any other similar treatment. In case of impairment of the rights and lawful interests of a child, the infringer shall be subject to liability as prescribed by the legislation of the Republic of Armenia. The State and its relevant bodies shall carry out the protection of children against any violence, exploitation, involvement in criminal activities, including use of narcotic substances, involvement in the production thereof or trade therein, beggary, lecherousness, gambling and other forms of impairment of his or her rights and lawful interests”.

Article 43 of the Family Code of the Republic of Armenia is specifically dedicated to the rights of the child to protection; point 2 of the article particularly states the right of the child to protection against any abuse on the part of his or her parents (legal representatives).

“In case the rights and interests of the child are violated (moreover, in cases of failure to perform or improper performance of the obligation of upbringing and education of the child by the parents or one of the parents, or abuse of parental rights), the child shall have the right to apply to the guardianship and curatorship authority for protection”.

Officials and other citizens who have become aware of cases of threatening the life and health of the child, on violations of his or her rights and interests, must report to the guardianship and curatorship authority of the actual place of location of the child. Upon receiving such information, the guardianship and curatorship authority must undertake necessary measures for the protection of the rights and interests of the child.

Article 58 of the Family Code of the Republic of Armenia prescribes the right to take a child from the parents (or one of them) in case of an imminent threat to his or her life and health, whereas Articles 59-60 prescribe the deprivation of parental rights and the procedure for

depriving of parental rights, including in cases when parents or one of them subject children to cruel treatment and, moreover, use physical or mental violence against them, violate their sexual integrity.

The Decision of the Government of the Republic of Armenia No 1324-N of 5 August 2004 approved the minimum state social criteria necessary for the care and upbringing of children in child care and protection institutions. Point 6 of the Criteria No 2 "Protection of the rights of the child" included in the Decision stipulates that in child care and protection institutions protection of the child, as prescribed by the legislation of the Republic of Armenia, is ensured against:

- psychological and physical violence, including sexual exploitation and perversion;*
- cruel treatment;*
- crimes;*
- neglect and unfair treatment;*
- substances dangerous for health, and life-threatening conditions.*

It is necessary to note the following: all forms of corporal punishment against children in the aforementioned child care institutions are strictly prohibited also by the Statute in force, and the process of introducing appropriate criteria is constantly supervised by the management and by the superior authorities of the institutions.

According to Article 132 of the Criminal Code of the Republic of Armenia, recruiting, transporting, transferring, hiding or receiving a person for the purpose of exploitation, which has been committed against a person under the age of eighteen, is punished by imprisonment for a term of seven to twelve years, with or without confiscation of property.

According to Article 132.1 of the Criminal Code of the Republic of Armenia, involving a person in prostitution or other forms of sexual exploitation, forced labour or services, or putting or keeping in slavery or practices similar to slavery is punished by imprisonment for a term of five to ten years, with or without confiscation of property. The same act which has been committed against a person under the age of eighteen, is punished by imprisonment for a term of twelve to fifteen years, with or without confiscation of property.

According to Article 168 of the Criminal Code of the Republic of Armenia, "Trafficking in children, unless there are elements of crimes provided for in Articles 132 and 132.1 of this Code, is punished by imprisonment for a term of two to five years".

Article 138 of the Criminal Code of the Republic of Armenia prescribes that rape committed against a minor is punished by imprisonment for a term of four to ten years. Where

the same act has been committed against a person under the age of fourteen, it is punished by imprisonment for a term of eight to fifteen years.

According to Article 139 of the Criminal Code of the Republic of Armenia, homosexuality or other actions of sexual nature against the will of the victim, by use or threat to use violence against him or another person or by use of the victim's helpless situation, is punished by imprisonment for a term of three to six years. The same act, which has been committed against a minor, is punished by imprisonment for a term of four to ten years.

A number of other articles of the same Code prescribe punishments for failure to perform or improper performance of the duty to ensure the safety of the child or to care for his or her health (Article 171), as well as for malicious evasion by the parent from supporting a child (Article 173).

The provisions of the mentioned articles of the Criminal Code of the Republic of Armenia and the sanctions established by law reflect various manifestations of violence against a child, by specifically emphasising physical violence, including corporal punishments and injuries, as well as their punishability with the full force of the law.

Special attention is attached to the issue of subjecting a child to corporal punishment in the family or in child care and protection institutions.

Part 17 of Article 158 of the Code of the Republic of Armenia "On administrative offences" states:

"Engaging persons under the age of eighteen in the sales of alcoholic beverages, narcotic and psychotropic substances, literature and video tapes containing horror or pornography entails imposing of a fine on the operator of the trading centre, in the amount of hundred-fold of the prescribed minimum salary".

"Engaging a child in the carrying out of antisocial activities" (the Criminal Code of the Republic of Armenia, Article 166) provides for an appropriate punishment in the amount of 50-fold to 150-fold of the minimum salary, or detention for one to three months, or imprisonment for a maximum term of five years. The same act that has been committed by a parent, pedagogue or another person in charge of a child's upbringing, accompanied by use or threat to use violence, is punished by imprisonment for a maximum term of six years.

Article 170 of the Criminal Code of the Republic of Armenia states:

1. Failure to perform or improper performance of the duty of child upbringing by a parent or by another person in charge of upbringing a child or by a pedagogue or by other employees of an educational, medical or upbringing institution, is punished by a fine in the amount of 50-fold to 100-fold of the minimum salary, or imprisonment for a maximum term of two years, with

or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

2. The same act accompanied by cruel treatment against a minor is punished by a fine in the amount of 100-fold to 200-fold of the minimum salary, or by imprisonment for a maximum term of three years, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

According to Article 3 of the Labour Code of the Republic of Armenia, one of the main principles of the labour legislation is the prohibition of forced labour of any form (nature) and of violence against employees.

Forced or compulsory labour means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily /ILO Convention concerning Forced or Compulsory Labour which was ratified by the Republic of Armenia on 25 October 2004, and entered into force on 17 December 2005/. In this respect, according to the Labour Code of the Republic of Armenia /Articles 13, 14/, employment relations are defined as relations based on mutual agreement of employees and employers. Employment relations arise on the basis of an employment contract concluded as prescribed by the labour legislation and other regulatory legal acts containing norms of labour law. The Labour Code of the Republic of Armenia stipulates /Article 102/ that any work performed without concluding an employment contract although there exist characteristics of an employment contract, as well as any work performed based on an employment contract concluded in violation of the Code, law and other legal acts, shall be regarded as illegal.

The specifics, privileges and conditions for admission of a child to employment are established by the Labour Code of the Republic of Armenia.

The legislation of the Republic of Armenia ensures the right of the child to protection against performing such work which may be dangerous for his or her health or harm his or her health and physical, mental, moral and social development.

According to Article 257 of the Labour Code of the Republic of Armenia, persons under the age of eighteen may not be engaged in:

- hard works;*
- works in productions with exposure to toxic, carcinogenic factors or those dangerous for health;*
- works involving possible exposure to ionising radiation;*
- works involving a high risk of accidents or occupational diseases, as well as works the safe performance of which requires major attention or experience.*

The list of such works is prescribed by the Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005 “On approving the list of works regarded as hard and harmful for persons under the age of eighteen, pregnant women and women taking care of a child under one year of age”.

According to the Law of the Republic of Armenia “On the rights of the child”, it is prohibited to engage a child in the production, use or sales of alcoholic beverages, narcotic and psychotropic substances, tobacco, literature and video tapes with erotic and horror content, as well as in such occupations which may harm his or her health, physical and mental development, obstruct the getting of education.

A particular attention is paid in the legislation of the Republic of Armenia to the protection of the rights of persons under the age of eighteen, i.e. children, in the context of prohibition of forced or compulsory labour, of worst forms of labour, fight against human exploitation /trafficking/.

See also paragraph 10 concerning Article 17.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The Labour Code of the Republic of Armenia /Article 34/ prescribes that state control over compliance by employers with the regulatory provisions of the labour legislation, other regulatory legal acts containing norms of labour law and of collective agreements shall be exercised by the State Labour Inspectorate and, in cases provided for by law, by other state bodies.

According to Article 10 of the Law of the Republic of Armenia "On State Labour Inspectorate", among the powers of the Inspectorate are state control and supervision over compliance by employers with the labour legislation and other regulatory legal acts containing norms of labour law as well as over ensuring the guarantees — established by the labour legislation — of persons under the age of eighteen.

The Code of the Republic of Armenia “On administrative offences” prescribes provisions on administrative liability in cases examined by the State Labour Inspectorate of the Republic of Armenia on violations of the requirements of the labour legislation, of which it is appropriate to note part 17 of Article 158 according to which engaging persons under the age of eighteen in the sales of tobacco, alcoholic beverages, narcotic and psychotropic substances, literature and

video tapes containing horror or pornography entails imposing of a fine on the operator of the trading centre, in the amount of hundred-fold of the prescribed minimum salary.

Article 169.5 of the Code of the Republic of Armenia “On administrative offences” is also one of the administrative mechanisms for prohibition of labour exploitation, according to which, keeping a worker without concluding a contract, or failure to include in the employment contract conditions provided for in Article 84(1)(1), (4), (5), (6) and (7) of the Labour Code of the Republic of Armenia, entails imposing of a fine on the person having committed a violation, in the amount of 50-fold of the prescribed minimum salary, for each case of violation.

The same violation that has been committed repeatedly within one year after the imposition of administrative sanctions, entails imposing of a fine on the person having committed a violation, in the amount of 100-fold of the prescribed minimum salary, for each case of violation.

Information on measures carried out by the Police of the Republic of Armenia is also presented below:

The Police of the Republic of Armenia carries out on-going activities to prevent and reveal cases of sexual exploitation.

The Police closely co-operate with those non-governmental organisations which deal with issues on combating sexual abuse and violence, including with the Women’s Rights Centre which established a shelter for the victims of abuse still back in 2002, the objective of which is to help girls subjected to violence and sexual abuse. The latter are provided with free accommodation and food, psychological and legal consultancy, social and medical assistance.

For minors subjected to violence and sexual abuse, a Children’s Assistance Centre operates on 24-hour basis, where police officers, a psychologist, a physician and a social worker provide complex assistance to minors.

According to the Criminal Code of the Republic of Armenia, prostitution is not a criminally punishable act and is not prosecuted. Other legislative acts in force provide for administrative liability for prostitution under Article 179¹ of the Code of the Republic of Armenia “On administrative offences” (in the amount of 20-50 % of the minimum salary for persons at the age of sixteen to eighteen).

For the prevention of prostitution among minors, police officers carry out numerous operative preventive measures, including inspection visits, meetings with school teachers and members of parent committees. A special attention is paid to minors brought up in socially vulnerable families.

Students of special schools are under the permanent supervision of the police.

In the context of the right of the child to protection against misuse of information technologies, importance is attached to ensuring safe mobile communication in the Republic, especially for children.

Taking into account the actuality and significance of the problem for children, the specialists of the Children's Support Foundation Centre of the Fund for Armenian Relief have implemented "Safe Mobile Connection, Pupils' Capacity Building" programme.

The results of the programme were summarised in a "Safe Mobile Connection" forum of specialists working with children, which was held in March 2010.

The absence of the legal framework as well as the fact that the society is currently in the process of development of the culture to use Internet and mobile connection facilities were stressed, and in this respect provision of information to parents is especially emphasised, taking into account the increase in the number of users, anonymity of use, access, the treat of sexual exploitation and other threats for children through those means.

Mobilisation and management of recourses, application of the best practice of co-operation of the child protection system and telephone operator are observed as a precondition for guaranteeing the protection of children.

The draft "Charter on Ethics of Mobile Connection Use" has also been elaborated which particularly states that in addition to the general principles of ethics, additional restrictions are also required that will ensure the safety of the child.

Activities are underway. The proposals have been submitted to the Public Council for submitting the matter — in the nearest future — to the discussion of the National Assembly of the Republic of Armenia.

Meanwhile, a National Commission for the Protection of Children's Rights operates under the supervision of the Minister of Labour and Social Issues of the Republic of Armenia, where representatives of various state bodies, international and non-governmental organisations are involved. The main legislative reforms of the sphere, measures and programmes implemented are considered by the Commission.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

During 2005-2009, courts of the Republic of Armenia have examined 33 civil cases under Article 43 of the Family Code of the Republic of Armenia; 30 criminal cases - under Article 132, 6 criminal cases - under Article 132_դ, 5 criminal cases - under Article 168 of the Criminal Code of the Republic of Armenia.

According to the results of the inspections carried out by the State Labour Inspectorate, no violations under this Article have been recorded.

Article 8. Right of employed women to protection of maternity

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;
2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;
3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;
5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

Appendix to Article 8«2

This provision shall not be interpreted as laying down an absolute prohibition.

Exceptions could be made, for instance, in the following cases:

- a. if an employed woman has been guilty of misconduct which justifies breaking off the employment relationship;
- b. if the undertaking concerned ceases to operate;
- c. if the period prescribed in the employment contract has expired.

Article 8«1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Mandatory social insurance in cases of temporary incapacity for work, including exercise of the right of an employed pregnant woman to maternity and child delivery are regulated by the Constitution of the Republic of Armenia, international agreements of the Republic of Armenia, Labour Code of the Republic of Armenia, Laws of the Republic of Armenia "On mandatory social insurance in cases of temporary incapacity for work", "On mandatory social security payments", Decision of the Government of the Republic of Armenia No 571 of 30 March 2006 and other legal acts of the Republic of Armenia. During the period of 2005-2010 the relevant legislation has undergone a number of amendments, as a result of which the mechanism of imposition, calculation and payment of benefits has been clarified. Particularly, following the amendments made by Law HO-43-N of 26 December 2008 to the Law "On mandatory social insurance in cases of temporary incapacity for work", the procedure for calculation of social insurance benefits, including maternity and child delivery benefit has been clarified, as well as a specific time period has been established for separating particular cases of natural and artificial termination of pregnancy and premature labour and the duration of relevant leave and procedure for the calculation of the benefit have been determined for two cases, whereby in case of artificial and natural termination of pregnancy on the 154th day of pregnancy sickness benefit is granted for the entire period of the temporary incapacity for work, whereas in cases of premature labour on the 154th day or after the 154th day of pregnancy and of not being on maternity leave, the maternity and child delivery benefit is granted only for the period of child delivery.

In 2005-2009 the following legal acts were adopted in the field of social assistance aimed at regulating the lump-sum childcare benefits in respect of a child under the age of two and childbirth.

- 1. The Law of the Republic of Armenia "On social assistance" adopted on 24 October 2005, amended on 22 December 2006;*
- 2. The Law of the Republic of Armenia "On State benefits" adopted on 24 October 2005, amended on 4 December 2007, 27 November 2008.*
- 3. Decision of the Government of the Republic of Armenia No 2315-N of 29 December 2005 "On determining the amounts of State benefits, approving the procedure for allocating State Budget funds of the Republic of Armenia for payment of State benefits and making amendments to a number of decisions of the Government of the Republic of Armenia";*
- 4. Decision of the Government of the Republic of Armenia No 2337-N of 29 December 2005 "On recognising a public administration body authorised by the Government of the Republic of Armenia in the field of social assistance and making amendments to a number of decisions of the Government of the Republic of Armenia";*

5. Decision of the Government of the Republic of Armenia No 1896-N of 28 December 2006 “On determining the amounts of State benefits of 2007 and making amendments and supplements to a number of decisions of the Government of the Republic of Armenia”;

6. Decision of the Government of the Republic of Armenia No 1530-N of 27 December 2007 “On determining the amounts of State benefits of 2008 and making amendments and supplements to a number of decisions of the Government of the Republic of Armenia”;

7. Decision of the Government of the Republic of Armenia No 39-N of 15 January 2009 “On determining the amounts of State benefits of 2009 and making amendments and supplements to a number of decisions of the Government of the Republic of Armenia”;

8. Order of the Minister of Labour and Social Issues of the Republic of Armenia No 37-N of 15 March 2006.

In 2005 the amounts of lump- sum childcare benefit granted in respect of a child under the age of two and childbirth have been determined by the Decision of the Government of the Republic of Armenia No 235 of 19 April 1999 “On determining the amounts of lump-sum and base unemployment benefits granted with regard to persons on partially paid leave — taking care of a child under the age of two — on the occasion of childbirth”, according to which the amounts of monthly benefit of the persons on partially paid leave — taking care of a child under the age two — is fixed AMD 2300, whereas that of the lump-sum benefit on the occasion of childbirth — AMD 35000.

The Law of the Republic of Armenia “On State benefits” entered into force on 1 January 2006, which lays down four types of benefits, including childcare benefit and lump-sum childbirth benefit. The Law also lays down the objective of granting such benefits, i.e. the partial refund of certain expenses of a citizen in respect of childbirth or that of the salary of a person on leave for taking care of a child under the age of three years.

The right to these benefits and granting procedure thereof are laid down in Articles 21, 22, 23 and 24 of the Law, whereas the amounts of thereof are established by the Government of the Republic of Armenia annually.

According to the Law of the Republic of Armenia “On State benefits”, the right to childcare benefit in respect of a child under the age of two was reserved to a person on leave for the care of a child under the age of three: one of the parents or single parent or adopter or guardian — until the child attains the age of two, whereas the right to benefit arose for the parent from the moment of the birth of a child, for the adopter — from the moment of adoption, and for the guardian — from the moment of taking the decision on guardianship.

The Law of the Republic of Armenia “On State benefits” stated that one of the parents or the adopter or the guardian of the child was entitled to receive lump-sum childbirth benefit, for which

they should apply within 12 months after the birth of the child and it was being imposed for each born child.

In 2006 the amount of childcare benefit in respect of a child under the age of two was fixed AMD 2300, and the amount of lump-sum childbirth benefit — AMD 35000.

However, the need for clarification occurred with regard to emergence of the right to childcare benefit in respect of a child under the age of two as prescribed by the legislation in force. In fact, the right to benefit arose from the moment of child's birth, due to which both the right to the benefit in question and the right to child delivery benefit granted during for the period of maternity leave existed in parallel. Moreover, there was no regulation for the procedure for granting childcare benefit in case of having more than one child under the age of two.

For the purpose of receiving a lump-sum childbirth benefit, the list of documents required for the type of benefit concerned(including the birth certificate of the child) were provided for by law; whereas the issue of born and deceased children — who are not issued birth certificate under the Law of the Republic of Armenia "On registration of civil status acts" (are issued a statement on confirming the fact of state registration of birth) — was not covered.

The provisions were clarified by the amendment made to the Law of the Republic of Armenia "On State benefits" on 4 December 2007, whereby the right to childcare benefit in respect of a child under the age of two arises for the parent on the month of entry into force of the order of relevant employer on parental leave for the care of a child under the age of three and if the parent has more than one child under the age of two, the childcare benefit is granted for each child irrespective of the fact of being specified in the order of the employer.

It was also stipulated that a lump-sum childbirth benefit is granted also for a child deceased during the period of up to 4 weeks, based on the document on confirming the fact of state registration of birth issued by the Civil Status Acts Registration Agency.

In 2007-2008 the amount of childcare benefit in respect of a child under the age of two was fixed AMD 3000, whereas the amount of a lump-sum childbirth benefit was fixed AMD 35000.

The increase of amount of benefit in the field of childcare benefit was of urgent importance; whereas considering it as partial compensation for not received salary to the extent of its existing amount, it did not have any relation to the amount of salary; moreover, in comparison they were absolutely incomparable, as well as the granted amount — compared to the additional childcare expenses of the family — was very low. Moreover, it should also be taken into account that under the Labour Code of the Republic of Armenia young mothers are guaranteed with the right to retain their workplace until the child attains the age of three, at the

same time they should be provided with favourable conditions so as the fact of being on parental leave— aimed at taking care of a child personally — does not cause financial problems for the family.

Since the amount of benefit is determined by the minimum salary by equalizing it to 60 percent of the minimum salary defined for the current year, in 2009 the amount of the childcare benefit in respect of a child under the age of two was equalized to AMD 18000 against AMD 3000 of the previous year.

The amount of a lump-sum childbirth benefit constituted AMD 50000 against AMD 35000 in 2008. Since 2009, the childbirth benefit is based on the minimum consumer basket for the current year, while its specific amount differs depending on the number of born children in the family. The adoption of this provision in the Law of the Republic of Armenia “On State benefits” eliminates the differentiation of a lump-sum assistance with regard to the childbirth provided under the system of family benefits.

In 2008, the third and each next child born in the family was granted a lump-sum assistance in the amount of AMD 300000 if that family was considered as poor in accordance with the procedure established by the Government of the Republic of Armenia. Whereas in 2009, the third and each next child born in the family was granted a lump-sum benefit in the amount of AMD 43000, irrespective of the social status of the family. The childcare benefit in respect of a child under the age of two and the lump-sum childbirth benefit are granted by the territorial bodies providing social services.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

In order to ensure the implementation of legal acts governing the social insurance field, the powers of competent state authorities in this field have been provided for by law. Particularly, the tax authority exercises — through inspections — oversight over the insurance benefits provided by employers, including over the accuracy of calculation, imposition and payment of maternity and child delivery benefits. Whereas the State Social Security Service of the Ministry of Labour and Social Issues of the Republic of Armenia as a competent state authority in this field provided by the legislation of the Republic of Armenia, within the framework of powers conferred on it by the above mentioned law.

(a) calculates, imposes and pays insurance benefits to self-employed persons (individual entrepreneur, notaries);

(b) compensates the amounts — paid to them — exceeding mandatory social security payments calculated for the current month based on the relevant statement submitted by employers in case of insufficiency of mandatory social security payments;

(c) within the scope of its powers requires documents necessary for imposition and payment of insurance benefits, considers complaints relating to insurance benefits from employers, organisations, natural persons;

(d) keeps records of data with regard to persons subject to mandatory social insurance in cases of temporary incapacity for work and to insurance benefits paid to them, including maternity and child delivery benefit in the manner prescribed by legislation.

The Ministry of Labour and Social Issues of the Republic of Armenia has been recognised as a public administration body authorised by the Government of the Republic of Armenia in the field of social assistance in the manner prescribed by the Law of the Republic of Armenia "On social assistance", which exercises state supervision over the fulfilment of requirements of the legislation relating to the field of social assistance.

For the purpose of developing regulatory legal acts covering the respective field, an analysis of financial expenses relating to childcare benefit in respect of a child under the age of two or to lump-sum childbirth benefit is carried out each year within the framework of the budget request; demographic research data and recommendations made on the basis thereof are discussed and approved by the Government of the Republic of Armenia.

Training courses are organised at least once in two years for the employees of territorial bodies providing social services, during which news and characteristics of legal relations of State benefits, reforms implemented in the field of social policy, as well as news on "social employment" profession are presented.

Provision of methodological assistance to the employees of the territorial bodies providing social services is ensured continuously on work basis, through direct activities of ministry-marzpetaran - local self-governing authorities - territorial bodies providing social services.

3) Please provide pertinent figures, statistics or, where appropriate, any other relevant information to demonstrate that the level of maternity and child delivery benefit is adequate.

In accordance with the procedure established by the legislation of the Republic of Armenia the hired employee and self-employed persons (notaries and individual entrepreneurs) are granted maternity and child delivery benefit — in cases of natural child delivery — for a

leave lasting 140 days (maternity — 70 calendar days and child delivery — 70 days), for a leave lasting 155 days (70 days and 85 days respectively) in case of complicated child delivery and 180 days (70 days and 110 days respectively) in case of delivery of more than one child. For a hired employee, this benefit is calculated on the basis of the average salary, which is calculated on the basis of the salary (income) calculated for 3 calendar months preceding the event and subject to mandatory social security payments and equivalent incomes. For employed persons the monthly average income is calculated on the basis of income submitted upon declaration on annual income for the year preceding the event and subject to calculation of mandatory social security payments, except for the proceeds received on the basis of lease agreement. The average salary, taken as a basis for calculating maternity and child delivery benefit, is considered of its 100%, irrespective of length of pensionable service. In order to calculate this benefit, the average monthly salary is divided by 30,4 and multiplied by the number of days of maternity and child delivery. The maternity and child delivery benefit is not subject to taxation, in result of which the benefit is found to be higher than the real salary.

Information also on the number of persons receiving a lump-sum childbirth benefit and childcare benefit in respect of a child under the age of two for the period of 2005-2009 is presented below:

Years	2005		2006		2007		2008		2009	
	Number of those receiving benefit	Amount of average monthly benefit (AMD)	Number of those receiving benefit	Amount of average monthly benefit (AMD)	Number of those receiving benefit	Amount of average monthly benefit (AMD)	Number of those receiving benefit	Amount of average monthly benefit (AMD)	Number of those receiving benefit	Amount of average monthly benefit (AMD)
Lump-sum childbirth benefit (annual number) (including for the third and each next child in the family)	25237	35000	29201	35000	38801	35000	38303	35000		50000
									45823	430000
Childcare benefit in respect of a child under the age of	6320	2300	5404	2300	4262	3000	4488	3000	7114	18000

two (average monthly number)										
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Article 8«2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Article 117 of the Labour Code of the Republic of Armenia has been amended by Law No HO-39-N of 27 February 2006, according to which the employment contract with a pregnant woman may not be rescinded during the overall period of pregnancy (if necessary, in case of an available medical opinion), during child delivery leave and the month following it, as well as with an employee taking care of a child under one year of age, except for cases of liquidation of the organisation /termination of activities of the individual entrepreneur/, bankruptcy of the employer, losing confidence towards the employee and upon availability of criminal judgement having entered into legal force, according to which the employee has been subjected to a liability preventing him from continuing the work.

Pursuant to the Labour Code of the Republic of Armenia /Article 241/, the amount of the damage to be compensated comprises real losses and the lost benefit. Moreover, according to Article 265 of the Labour Code of the Republic of Armenia due to economic, technological, organizational or other reasons or in case of impossibility to reinstate employment relations between the employer and employee, the court may decide not to reinstate the employee in the previous employment thereof by obliging the employer to pay the employee compensation for the enforced idleness in the amount of the average salary until the entry into force of the civil judgement. In this case the employment contract is considered rescinded upon the entry into force of the civil judgement.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

The Code of the Republic of Armenia "On administrative offences" /Article 41/ stipulates that violation of the requirements of labour legislation and of other regulatory legal acts containing norms of labour law entails warning for the person having committed a violation.

Violation of the requirements of labour legislation and of other regulatory legal acts containing norms of labour law, which has been committed within one year following the

application of administrative sanctions, entails imposition of a fine on the employer in the amount of 50-fold of the minimum salary defined.

The Labour Code of the Republic of Armenia /Article 265/ stipulates that an employee, who disagrees with the termination of the employment contract at the initiative of the employer or with the rescission of the employment contract, has the right to apply to the court within one month from the day of receipt of the appropriate order (document). If it is found that the employment contract with the employee is rescinded without legal grounds or upon violation of the procedure established by legislation, the violated rights of the employee may be reinstated. . In this case the employer is charged with the amount of average salary in favour of the employee for the entire period of the enforced idleness. In case of impossibility to reinstate further employment relations between the employer and employee due to any reason /e.g. if the undertaking is closed or the woman does not wish that/ the court may decide not to reinstate the employee in his or her previous employment by obliging the employer to pay compensation to the employee for the enforced idleness in the amount of the average salary until the entry into force of the civil judgement. In this case, the employment contract is considered rescinded upon the entry into force of the civil judgement.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

During the period of 2005-2009, the courts of the Republic of Armenia examined 614 civil cases under Article 265 of the Labour Code of the Republic of Armenia with regard to not only women on maternity and child delivery leave, but also to disputes on common individual employment contracts.

Article 8«3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Women are provided with rest periods for nursing their infants until the infant attains 18 months of age.

Article 141 of the Labour Code of the Republic of Armenia stipulates that a part-time working day or a part-time working week is set upon the request of a pregnant woman or an employee taking care of a child under the age of one year.

According to Article 258 of the Labour Code of the Republic of Armenia the breastfeeding woman is provided with at least 30 minutes lactation breaks per three hours in addition to normal rest and meal breaks. Upon the request of the woman lactation breaks may be combined and included in the normal breaks or transferred to the end of working day by shortening the working day respectively. During the period of lactation breaks, the employee is remunerated in the amount of the average salary, which is calculated on the basis of the amount of the average hourly wage.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

See the answer to the second question of Article 8«2 of the questionnaire.

Article 8«4

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Pursuant to Article 148 of the Labour Code of the Republic of Armenia, the night time is considered as the period between 22. 00 to 6. 00. The night work is deemed to be the work where at least three working hours of the work performed overlap with night time. Pregnant women and the employee taking care of a child under the age of three may be engaged in night work only upon their consent. Where it is established that the night work has caused harm to or may cause harm to the health of employee, the employer is obliged to transfer the employee only to a day work.

In accordance with the Labour Code of the Republic of Armenia /Article 249/ employees working at night and shift workers are obliged to undergo pre-entry medical examination,

whereas in the course of employment — periodic medical examinations in accordance with the asserted schedule of the employer.

The duration of night work shall be reduced by one hour /Article 148/, whereas for each hour of night work an additional payment shall be fixed in the amount not less than one and a half times of the hourly rate /Article 184/.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

See the answer to the second question of Article 8«2 of the questionnaire.

Article 8«5

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The Decision of the Government of the Republic of Armenia No 2308-N “On approving the list of works for persons below the age of 18, for pregnant women and women taking care of a child under the age of one” of 29 December 2005 establishes the works deemed to be hazardous for pregnant women and women taking care of a child under the age of one due to chemical (benzol and its derivatives, aromatic halogen derivatives, benzol homolog, chlorobenzylidene, lead and its inorganic compounds), physical (ionizing radiation, radioactive substances and sources of ionizing radiation, productive vibration, production noise, high temperature and intensive thermal radiation), biological factors, industrial aerosols, as well as works related to hard, sensuous, emotional, tension and risk factors for pregnant women and women taking care of a child under the age of one.

It is meanwhile established that the exception — made from works for pregnant women and women taking care of a child under the age of one, deemed to be hazardous due to chemical, physical factors, —is considered to be works carried out in chemical laboratories set up for the purpose of educational process in secondary, general education, secondary vocational and higher education institutions, works carried out in research (non production and experimental) laboratories of scientific organizations, works carried out in diagnostic clinical, chemical laboratories of healthcare institutions, the sale and delivery of packaged medical products, the sale and delivery of packaged biological preparations, works related to veterinary and animal breeding fields, zoological park, circus, vivarium — excluding contact with animals

infected with contagious diseases, works carried out in the establishment handling products of animal origin and raw materials that are safe from sanitary hygienic and veterinary-sanitary aspects in the industries resistant to common contagious diseases for animals, animals and people subject to necessary sanitary-epidemiological regime, works carried out in establishments handling agent of brucellosis irrespective of epizootic conditions for brucellosis, products of animal origin and raw materials subject to necessary sanitary-epidemiological regime, works carried out in establishments of areas unprotected against Q fever, those handling farm animal raw materials and products subject to necessary sanitary-epidemiological regime.

Works which are carried out under special conditions are also defined as exceptions in the list, such as office works and/or supplementary works outside production premises under optimal working conditions, or works carried out with compulsory use of individual protective means, or works with potential biological factors by maintaining the required sanitary-epidemiological regime; planned works related to seasonal sanitary cleaning and collection of wild berry in forestry may constitute exceptions from works under conditions of potential tension and risk.

The following hazardous works connected with sensuous, emotional, tension and risk factors are laid down for pregnant women and women taking care of a child under the age of one: works at height, crane, lifting, as well as works relating to maintenance of crane structures, works of maintenance, instalment, adjustment, exploitation, testing, repair of electrical equipment of 127 V and higher voltage, works related with forest protection, logging, timber delivery, transportation and primary processing, works relating to oil and gas production and processing, to consumption and sale of oil lubricant materials of oil products (fuel), works with regard to all types of underground works, works related with maintenance, installation, adjustment, exploitation, testing, repair of vessels and equipment under pressure. Works related with exploitation, testing, repair of boiler houses and gas control, works related with use, exploitation, testing repair of explosives and blasting agents, works related with production, use, sale of highly flammable and explosive substances, staff of military guard, special communication service, money-collecting apparatus, works related with banking system and other public administration bodies and services of the Republic of Armenia. Works related with emergency and rescue, geological prospecting activities.

According to Article 258 of the Labour Code of the Republic of Armenia based on the list of hazardous conditions and dangerous factors of work, as well as workplace assessment results, the employer is obliged to determine the duration and nature of impact of dangerous factors on safety and health of pregnant women and women taking care of a child under the age of one. After determination of the potential impact, the employer is obliged to undertake temporary measures to ensure the elimination of impact of the risk of dangerous factors. Where

the dangerous factors are impossible to be eliminated, the employer takes measures to improve the working conditions so as pregnant women and women taking care of a child under the age of one are not exposed to impact of such factors. Where it is impossible to eliminate such impact as a result of a change in working conditions, the employer is obliged to transfer the woman (upon her consent) to another work in the same organization. Where a pregnant woman and a woman taking care of a child under the age of one has to undergo medical examination during the working time, the employer is obliged to relieve her from office by retaining the average salary, which is calculated on the basis of the average hourly salary rate.

According to the labour legislation of the Republic of Armenia the transfer to another work is not considered a rescission of the employment contract; consequently, the employees enjoy the right to paid leave under the Labour Code of the Republic of Armenia. Where the transfer is impossible, the employed woman is also granted a paid leave upon her consent.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Pregnant women and women taking care of a child under the age of one involved in the works mentioned are detected by the State Labour Inspectorate of the Republic of Armenia. The lists of works are reviewed as necessary. The list of mentioned works has been considered and approved by the representatives of employers and trade unions.

See also the answer to the second question of Article 8«2 of the questionnaire.

Article 17. The right of children and young persons to appropriate social, legal and economic protection

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1. a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;

b. to protect children and young persons against negligence, violence or exploitation;

c. to provide protection and special aid from the state for children and young persons temporarily or definitely deprived of their family's support;

2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Article 17«1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The cornerstone of the protection of the rights of children is the Constitution of the Republic of Armenia, Article 36 of which states: "Parents shall have the right and responsibility to take care of upbringing, health, full and harmonious development and education of their children. Deprivation of parental rights or restriction thereof may be exercised only upon a court decision, in the manner and in cases prescribed by law."

The Family Code of the Republic of Armenia covers in details the fundamental issues relating to the field of child's rights."

Article 4 of the Law of the Republic of Armenia "On the rights of the child" adopted on 29 May 1996 sets forth the legal equality of all children. "Children enjoy equal rights irrespective of their or their parents' or other legal representatives' (adopters, guardians or curators) nationality, race, sex, language, religion, social origin, property or other status, education, place of residence, of child's birth, health or other condition.

Article 10 of the same Law emphasises "the right of the child to freedom to thought, conscience and religion" that, particularly, "Every child has the right to freedom to thought, conscience and religion". Views, beliefs and opinion of the child are given due weight in accordance with the age and maturity thereof".

The Law of the Republic of Armenia "On social protection of children deprived of parental care" was adopted on 24 September 2002. The scope of the Law covers children deprived of parental care (under the age of 18), as well as persons under the age of 23 having falling under the category of children deprived of parental care.

The objective of the Law is to implement the state policy on the social protection of children deprived of parental care; that is to ensure the protection of rights and legal interests of such children provided for in the Constitution, laws and other legal acts, reinstate their rights in case of being violated, not to permit any discrimination against them, contribute to physical, mental, spiritual development of these children and to their integration into the society, prevent the occurrence of social difficulties.

According to Article 5 of the Law mentioned, the social protection of children deprived of parental care is one of the priority matters of the social security state policy.

The Government of the Republic of Armenia constantly carries out activities for the implementation of reforms in the main fields of vital activities of children in line with the principles of the social state.

It, particularly, concerns the issues pertaining to the care, education, upbringing, as well as socio-psychological rehabilitation, productive life and regular development of children found in difficult life situations, needing special protection and care.

The problem is conditioned by the failure to ensure necessary care and upbringing, primary social control over the children by families under difficult material and unfavourable psychological conditions, often also by dissolved families due to disrespect, negligence of their responsibilities or inability thereof.

Law-making activities, introduction and implementation of legal norms and implementation mechanisms thereof in practice are of special importance in this process.

The protection of rights of the child according to the state priorities requires a number of measures to be implemented, unity of activities and effective cooperation of all authorities dealing with children's matters.

In this context the process, scope and results of reforms implemented during last years in the system for the protection of the rights of the child of the republic are presented.

- *A new three-level system for the protection of children — at national, regional and community levels — was introduced in the republic in 2006.*

The structure ensures effective, quality management and regulation of the system for the protection of children, implementation of strategic plans adopted by the State. The introduction of a unified system provides for the decision-making process on the future life of the child in difficult life situations, based on professional evaluation results.

The main objective is to establish a system for the protection of children at the public administration level and implement a coordinated policy, which will ensure a single approach to the protection of rights and interests of children.

- *The National Commission for the Protection of the Rights of Children operates. The National Commission is an advisory body, the activities of which are aimed at assisting the implementation of a single state policy for the protection of rights and interests of the child.*

The main functions of the Commission are the following:

- submit recommendations on making necessary amendments to the legislation of the Republic of Armenia for more effective implementation of measures provided for in 2004-2015 National Programme for the Protection of Children's Rights in the Republic of Armenia;

- on the applications and complaints of citizens on the activities of divisions for the children's rights protection of marzpetarans (Yerevan Municipality) and activities aimed at prevention offences among juveniles jointly with state authorities and non-governmental organisations;

- discuss the process of fulfilment of international commitments of the Republic of Armenia in the field of protection of the rights of children and make recommendations for effective implementation thereof, as well as draft legal regulatory acts governing the relations pertaining to the field of protection of rights and interests of the child and delivers an opinion thereon;

- analyse and submit summary report to the Prime Minister of the Republic of Armenia based on annual reports on the activities of divisions for the children's rights protection drawn up by marzpets (Mayor of Yerevan);
- examine and reveal the reasons of violation of the rights of the child;
- organise sittings of the National Commission to be participated by state, local and international non-governmental organisations in order to discuss the urgent issues, current issues and achievements in the process of reforms implemented in the respective field.

In general, the activities of the National Commission are aimed at implementing an effective and uniform policy in the field of protection of the rights of the child in the Republic of Armenia, developing a child protection system.

- *Divisions for the protection of the rights of children have been established in marzpetarans of the Republic of Armenia and in Yerevan Municipality. The composition of these divisions includes a physician, lawyer, psychologist, social worker, pedagogue and head of division; based on their professional evaluation and conclusion, children in a difficult life situation are referred to an appropriate childcare institution; their families are provided with assistance, professional advice and support, by utilising the resources of different institutions, including international and local non-governmental organisations active in the marzes of the Republic of Armenia.*
- *Guardianship and curatorship authorities operate in the communities. Guardianship and Curatorship Commissions operate on a voluntary basis, are composed of representatives from the given community, municipality, police, schools, kindergartens, different responsible institutions dealing with children's issues and often face difficulties in the process of solving the children issues or making decisions adequate to the situation.*
- *2004-2015 National Programme on the Protection of Children's Rights in the Republic of Armenia was approved by the Decision of the Government of the Republic of Armenia No1745-N of 18 December 2003, which has been developed based on the commitments undertaken under the UN Convention and documents of the Special Session on Children "A World Fit for Children", the provisions of the Law of the Republic of Armenia "On the rights of the child".*

The main directions included in the National Programme on the protection of children's rights are as follows:

- *improvement of legislation;*

- healthcare;
- social security;
- education;
- rest, leisure and cultural life;
- offences and justice;
- control methods and follow-up actions;
- recommendations made by non-governmental organisations.

Based on the National Programme, issues are identified, and programmes are developed, which are to be implemented by state institutions, local self-government bodies, non-governmental organisations and other structures. The Programme is in the process of implementation; numerous issues identified therein have already been resolved in an appropriate manner.

The important outcomes include the establishment of the bodies for the protection of children's rights at republican, marz [regional] and community levels, improvement of legislation, reform of the existing system.

- *In 2006, the Republic of Armenia ratified the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption which establishes a clear procedure and conditions for intercountry adoption, on relations between Armenia and States Parties to the Convention, and fully enables to determine the spiritual and educational development perspective of an adoptable child after the adoption, and to make sure that the adoption was in the best interests of the child. Following the ratification of the Convention, the legislation of the Republic of Armenia has been amended to bring it in line with the international legal framework.*
- *On 18 March 2010, the Government of the Republic of Armenia approved the Decision No 269-N "On approving the procedure for adoption and the procedure for registration in diplomatic representations and consular offices of the Republic of Armenia of children — who are citizens of the Republic of Armenia — adopted by foreign citizens, stateless persons and citizens of the Republic of Armenia residing outside the Republic of Armenia".*

In the current stage of socio-economic development of the Republic of Armenia, the priority is given to the enhancement of the legal order and organisation of the fight against crime, which includes the issues of implementation of a comprehensive plan of activities aimed at preventing and detecting juvenile offences and crimes.

The reforms implemented in this field include issues relating to juvenile offenders in society and isolated from society, as well as protection of the rights and lawful interests of juvenile victims of offences.

The aim of the reforms is the improvement of the conditions of children and further development; establishment of preconditions for ensuring children's living conditions; development of appropriate standards for ensuring living conditions of children who are under the care of children's homes; overcoming negative trends of children's social behaviour occurred in the transitional period; protection of children in difficult life situation; realisation — in compliance with the Constitution of the Republic of Armenia and international commitments — of children's rights to full physical, mental, moral, spiritual and social development; enhancement of legal protection of children.

According to Article 9 of the Law of the Republic of Armenia "On the rights of the child", every child has the right to protection against any form of violence (physical, mental, etc.).

Everyone, including parents or other legal representatives, is prohibited from subjecting a child to violence or degrading punishment or to any other similar treatment.

In case of impairment of the rights and lawful interests of a child, the infringer shall be subject to liability as prescribed by the legislation of the Republic of Armenia.

The State and its relevant bodies carry out the protection of children against any violence, exploitation, involvement in criminal activities, including use of narcotic substances, involvement in the production thereof or trade therein, beggary, lecherousness, gambling and other forms of impairment of his or her rights and lawful interests.

With a view to ensuring the protection of children and young persons temporarily or definitely deprived of parental care, on 24 September 2002, the National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia "On social protection of children deprived of parental care" which prescribes the legal, economic, organisational grounds, objectives, principles and forms of social protection of children deprived of parental care.

The Law covers children deprived of parental care as well as persons under the age of 23 having equal status to them. Persons having equal status to children deprived of parental care are those persons at the age of 18-23, whose parents (or single parent) had, until their attainment of the age of eighteen, died, been deprived of parental rights, been declared as lacking active legal capacity, had neglected them or avoided of the protection of their rights and interests, as well as had been declared — as prescribed by law — as deceased or missing, or are unknown.

Article 7 of the Law clearly defines the principles and objectives of the state policy as well as measures aimed at protection of children deprived of parental care in the field of education and upbringing.

Among the state guarantees established under Article 6 of the Law of the Republic of Armenia “On education”, the State ensures for the citizens of the Republic of Armenia free general secondary education as well as free elementary (technical), secondary, higher and post graduate vocational education on competitive basis in state educational institutions.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

1. *2004-2015 Programme on State Support to Graduates of Child Care Institutions in the Republic of Armenia.*

The Programme includes:

- (a) surveys of graduates, preparation of individual programmes;*
- (b) social patronage of beneficiaries;*
- (c) provision of housing;*
- (d) professional orientation, education and training;*
- (e) assuring income covering basic needs;*
- (f) aid in kind (provision of property);*
- (g) provision of medical assistance;*
- (h) provision of legal assistance.*

So far, within the framework of the Programme, the beneficiaries have been provided with 152 apartments; around 400 graduates have benefited from different social services.

2. *2004-2015 Programme for Deinstitutionalisation of Children.*

Since 2006, the Programme on “Services of returning children under the care of child care institutions of the Republic of Armenia to their families (deinstitutionalisation)” has been implemented in Lori Marz, the aim of which is to ensure the care and upbringing of children under the care of child care institutions in their biological families, by establishing sound guarantees for full-fledged life of children in their families.

The Programme is implemented by “Aravot” benevolent non-governmental organisation active in Lori Marz of the Republic of Armenia, in accordance with social partnership principles,

based on a contract and terms of reference concluded with the Ministry and, at the expense of the State Budget.

Since 2006, within the framework of the Programme, 30 children have been returned to their biological family; placement of 120 children from socially disadvantaged families in children's homes or boarding institutions has been prevented.

3 Seven child care and protection institutions operate in the city of Yerevan and in 5 marzes of the Republic of Armenia upon the Decision of the Government of the Republic of Armenia No 1646 of 8 September 2005 "On approving the timetable for reorganising the special general educational institutions of orphans and children deprived of parental care in the Republic of Armenia by the end of 2007, changing their field of activities, as well as establishing child care and protection institutions".

As a result of reforms of the child protection system, 17 boarding schools were reorganised into 10 general education schools; 7 of those boarding schools were reorganised into child care and protection boarding institutions for children from socially vulnerable families. The main direction of the activities is to support parents in taking care, upbringing and education of children, by ensuring their development in the community, family, familiar environment.

4. The "Foster Family" pilot project has been implemented in the Republic of Armenia since 2006; within the framework of the Project, 18 former residents of children's homes are brought up in 16 foster families thanks to joint activities implemented by the Ministry of Labour and Social Issues and Fund for Armenian Relief's Children's Reception and Orientation Centre with the assistance of the UNICEF. The legal grounds of the process are approved by the Decision of the Republic of Armenia No 459 of 8 May 2008 "On approving the procedure for placing a child with a foster family, the procedure for payment and the amount of the monthly pay to the foster family for taking care of the child and of remuneration of the foster parents for the care and upbringing of the child, as well as the form of the contract on placing a child with a foster family". Until 2008, the payments for their care were made at the expense of the funds of the UNICEF. Starting from 2008, the care of 22 former residents of children's homes in 20 foster families is financed from the State Budget.

5. Fund for Armenian Relief's Children's Support Centre (currently Children's Support Foundation) has been operating in Yerevan since 2000, which provides support to children in difficult life situations, including vagrant and beggar children. The Centre carries out social-psychological rehabilitation of children.

6. Two social care day centres for children have been established and are operating since 2005 in Yerevan, and since 2006 also in Gyumri. The centres may at a time host 100 children.

7. Four child care centres operating in Dilijan, Ijevan, Berd and Noyemberyan towns of Tavush Marz of the Republic of Armenia are funded from the State Budget since 2008. The centres are operating based on the agreement signed jointly with the Ministry of Labour and Social Issues of the Republic of Armenia and “Huysi Kamurdj” [Bridge of Hope] non-governmental organisation; the centres provide social care services to children in difficult life situations. 600 children and young persons with disabilities or social and psychological problems currently benefit from the services rendered by the centres. The main direction of activities of child development centres is the social integration of children with disabilities and children in a difficult life situation. They are taught independent living skills; through development methodology and games conducted by specialists, the abilities of children are identified and enhanced.

8. Seven child development and rehabilitation centres, including the child care day centre of Goris in Syunik Marz since 2008, were established by the UNICEF in recent years and operate in different marzes of the Republic of Armenia.

9. World Vision international non-governmental organisation has established 15 community child care day centres for children with disabilities and children from socially vulnerable families in 6 marzes of the Republic of Armenia.

10. In October 2002, an inter-agency commission was established upon the Decision of the Prime Minister of the Republic of Armenia for considering the issues relating to illicit transportation, transfer of, and trafficking in, human beings from the Republic of Armenia for exploitation and for submitting recommendations.

To increase the effectiveness of the activities to be implemented, a Council on Human Exploitation (Trafficking) in the Republic of Armenia was established upon the Decision of the Prime Minister No 861-A of 6 December 2007, which was chaired by the Deputy Prime Minister-Minister of Territorial Administration of the Republic of Armenia; the Decision of the Prime Minister of the Republic of Armenia of 2002 “On establishing an inter-agency commission” was repealed. The Council is composed of the heads of all the interested ministries and agencies. For the purpose of arranging the day-to-day activities of the Council, an adjunct working group was also set up under the supervision of the Ministry of Foreign Affairs of the Republic of Armenia. Representatives from non-governmental organisations active in the field as well as from international organisations represented in Armenia actively participate in the activities of the Council and the working group adjunct to it.

The Government of the Republic of Armenia approved and implemented the concept paper on prevention of illicit transportation, transfer of, and trafficking, in human beings from the Republic of Armenia for exploitation and the 2004-2006 National Plan of measures for prevention of illicit transportation, transfer of, and trafficking in, human beings from the Republic

of Armenia for exploitation (Decision of the Government of the Republic of Armenia No 58-N of 15 January 2004).

The National Programme on organisation of the fight against human exploitation in the Republic of Armenia during 2007-2009 as well as the implementation timetable of the Programme were approved upon the Decision of the Government of the Republic of Armenia No 1598-N of 6 December 2007.

Taking into account the issues identified during the implementation of the National Programme on organisation of the fight against human exploitation (trafficking) during 2007-2009 and the results of round table discussions conducted within the framework of the working group jointly with non-governmental and international organisations, the Council on Human Exploitation (Trafficking) in the Republic of Armenia developed a three-year National Programme on organisation of the fight against human exploitation (trafficking) in the Republic of Armenia during 2010-2012 as well as the implementation timetable of the Programme, which were approved upon the Decision of the Government of the Republic of Armenia No 1140-N of 3 September 2010.

To make the fight against human exploitation (trafficking) more effective, a national guidance procedure for persons subjected to human exploitation (trafficking) was approved upon the Decision of the Government of the Republic of Armenia No 1385-A of 20 November 2008. The latter establishes the system of co-operation, through which public administration bodies fulfil their duties with regard to protection of the rights of persons subjected to human exploitation (trafficking) and enhancement of such protection by carrying out strategic co-operation with civil society. The main objective of the national guidance procedure is to determine an effective way for providing services to the victims of human exploitation (trafficking), including ensuring access to accommodation, professional medical and psychological assistance, consultancy, education or training.

The procedure provides for the participation of the State Labour Inspectorate of the Republic of Armenia in the early prevention, prevention and detection processes of this crime.

The Republic of Armenia has joined all the international and regional legal documents relating to fight against human exploitation (trafficking).

The Republic of Armenia has ratified the United Nations Convention against Transnational Organised Crime of 2000 and its optional Protocol 1 against the Smuggling of Migrants by Land, Sea and Air and Protocol 2 to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children¹; Optional Protocol to the UN Convention on the

¹ Entered into force for the Republic of Armenia on 19 April 2003.

Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography², Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005³, on the implementation of the provisions whereof, the Republic of Armenia should submit its first report to the Council of Europe in the fall of 2011.

The Republic of Armenia has also joined the ILO Convention concerning Forced or Compulsory Labour (No29), the ILO Convention on Abolition of Forced Labour (No105⁴) and the ILO Convention on the Worst Forms of Child Labour (No182)⁵.

11. The “Harmonious Society” association of social workers operating since 2003 conducted a study on “Distorted Childhood... Child Trafficking in Armenia, examination of awareness of target groups and public awareness” in 2010 in Armenia. Legal-legislative resources of the fight against child trafficking have been revealed during the work, analysis on the sources of public awareness has been carried out, as well as development of the content and forms of the fight against relevant phenomenon. The results of the study were submitted to the consideration of state and non-governmental organisations dealing with child issues in April of this year.

12. An Automated information system on registration of children in difficult life situations was developed and introduced in 2010 upon the Order of the Minister of Labour and Social Issues of the Republic of Armenia, with the assistance of UNICEF and “World Vision” organisation.

The database of the system consists of 3 interfaces. it included information on:

(a) children bereaved of parents and deprived of parental care and persons falling under the category thereof, including on:

- children in children’s homes;*
- children in child care and protection boarding institutions;*
- children under the care in therapeutic and other institutions;*
- children from socially unprotected families;*
- children in foster families;*
- children with disabilities, having special educational needs;*
- bagger children, vagrant children;*
- child offenders;*

² Entered into force for the Republic of Armenia on 30 July 2005.

³ Entered into force for the Republic of Armenia on 19 April 2008.

⁴ Entered into force for the Republic of Armenia on 17 December 2005.

⁵ Entered into force for the Republic of Armenia on 2 January 2006.

- children subjected to violence.

(b) Information on children subject to adoption and those adopted, on eligible adopter and adopter.

(c) Programmes on individual social-psychological rehabilitation of children.

13. Within the framework of co-operation between the Police of the Republic of Armenia and "Project Harmony" international non-governmental organisation, courses are conducted, through interactive teaching, with the direct participation of teachers and the police officers in public schools of the country on various legal topics, including on violence, which provides an opportunity to minors to learn and to know their rights and duties, to be informed of the legal framework existing in Armenia.

Measures were undertaken aimed at preventing violence, which were covered by mass media. TV programs and press conferences were held with the participation of bodies and organisations responsible for the prevention of violence, as well as relevant articles were published.

Within the framework of the protection of the rights of children, implementation of reforms, with joint efforts of the Police of the Republic of Armenia and "Project Harmony" organization, community rehabilitation justice centres were established during the period of 2006-2010 in Yerevan, Vanadzor, Gyumri, Alaverdi, Tumanyan, Tchambarak and Talin, which play an important role in reintegration activities. The above mentioned centres are unprecedented in the sense that they bring together police officers, social workers, psychologists and volunteers engaged in the activities of the centre to carry out wide-range of activities with minor offenders. The main objective of centres is to transfer minor offenders to an environment where the principles of moral and human values, of responsibility, accountability and civics are emphasized. They must be demonstrated the effects of their offence or act committed on the victim and the society. They should learn to feel sympathy for the victim and to provide an opportunity to acquire skills required for being a useful member of the society. They should be continuously offered (and not coerced) to cooperate with the society and be provided with an opportunity to implement, as soon as possible, such a desire for this cooperation in a relevant environment. Thus, the community rehabilitation centre is a new model of alternative service for minor law-breakers for our republic, which has already yield to positive results.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of public and private schools, their geographical distribution in urban and rural areas, average class sizes and the ratio teacher per pupil; figures on primary and secondary

school enrolment; on the number of children in the care of the State, the number placed with foster families and in institutions, the number of children per unit in child welfare institutions; on the number of minors in pre-trial detention or imprisoned or placed in a disciplinary institution.

Children in public and private children's homes, 2006-2008⁶

Percentage per age-specific groups

Age	2006		2007		2008	
	G	B	G	B	G	B
Under 1 year of age	57.6	42.4	57.6	42.4	50.6	49.4
1-6	43.3	56.7	43.3	56.7	39.5	60.5
7-9	47.4	52.6	47.4	52.6	45.0	55.1
10-15	53.6	46.4	53.6	46.4	50.6	49.4
16-18	53.2	46.8	53.2	46.8	50.6	49.4
19 and higher	64.3	35.7	64.3	35.7	-	-
Total	50.6	49.4	50.6	49.4	46.8	53.2

Children in public and private children's homes, 2006-2008

Percentage per age-specific groups proportional to the total

Age	2006		2007		2008	
	G	B	G	B	G	B

⁶ Source: Social Statistics, NSS of RA.

Under 1 year of age	6.6	4.9	8.7	7.8	7.3	6.8
1-6	18.3	24.6	16.7	24.8	23.4	27.7
7-9	16.1	18.3	15.5	17.7	13.2	13.6
10-15	38.9	34.6	37.3	34.2	34.8	32.2
16-18	18.5	16.7	21.8	15.5	21.3	19.7
19 and higher	1.6	0.9	-	-	-	-
Total	100.0	100.0	100.0	100.0	100.0	100.0

Beggars and homeless teenagers per marzes of the Republic of Armenia, 2008

Percentage

Marzes	Distribution by gender		Share in the total	
	G	B	G	B
City of Yerevan	-	-	-	-
Aragatsotn	-	-	-	-
Ararat	-	-	-	-
Armavir	-	-	-	-
Gegharkunik	-	-	-	-
Lori	-	100.0	-	16.7
Kotayk	100.0	-	40,0	-
Shirak	37,5	62,5	60,0	83,3
Syunik	-	-	-	-
Vayots Dzor	-	-	-	-
Tavush	-	-	-	-
Total for the Republic of	45,5	54,5	100.0	100.0

Armenia				
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**Distribution per departments of students in music schools, arts and fine arts schools,
and youth creative centres, for the academic year of 2008/2009**

Percentage

	Distribution by gender		Share in the total	
	G	B	G	B
Piano	81.5	18.5	40.3	21.2
Folk instruments	41.4	58.6	5.1	16.7
String instruments	52.6	47.4	3.2	6.6
Theoretical	67.7	32.3	0.8	0.9
Vocal	73.0	27.0	4.1	3.5
Wind instruments	13.5	86.5	0.4	6.1
Drawing	61.8	38.2	9.1	12.9
Dancing	81.0	19.0	17.0	9.2
Drama	72.8	27.2	1.0	0.9
Bandmaster	25.0	75.0	0.0	0.0
Arts	61.2	38.8	2.7	3.9
Decorative applied arts	76.2	23.8	6.7	4.9
Arts history	44.4	55.6	0.0	0.0
Choir	66.1	33.9	0.8	0.9
Other	62.3	37.7	8.8	12.3
Total	70.1	29.9	100.0	100.0

**Distribution per departments of students in music schools, arts and fine arts schools,
and youth creative centres, for the academic year of 2007/2008**

Percentage

	Distribution by gender		Share in the total	
	G	B	G	B
City of Yerevan	68.4	31.6	45.3	48.3
Aragatsotn	67.5	32.5	1.3	1.4
Ararat	74.7	25.3	8.5	6.6
Armavir	71.9	28.1	4.6	4.1
Gegharkunik	70.8	29.2	6.0	5.8
Lori	73.8	26.2	5.9	4.9
Kotayk	68.5	31.5	8.6	9.1
Shirak	70.5	29.5	7.7	7.4
Syunik	70.0	30.0	5.5	5.5
Vayots Dzor	68.4	31.6	2.2	2.3
Tavush	68.6	31.4	4.4	4.6
Total for the Republic of Armenia	69.8	30.2	100.0	100.0

Persons having committed a crime, by type of crime, in 2007-2008

Distribution by gender, percentage

Type of crime	2007		2008	
	W	M	W	M

<i>Minors, under 18 years of age</i>				
Intentional homicide	50.0	50.0	-	100.0
Homicide attempt	-	-	-	100.0
Infliction of severe bodily injuries	-	100.0	-	100.0
Theft	0.4	99.6	-	100.0
Robbery	-	100.0	-	100.0
Burglary	-	100.0	-	100.0
Fraud	-	100.0	-	100.0
Hooliganism	20.0	80.0	10.0	90.0
Drug addiction	-	100.0	-	100.0
Possession of illegal weapons, ammunition	-	100.0	-	100.0
Other crimes	9.1	90.9	13.0	87.0
Total	2.2	97.8	2.5	97.5

Convicted persons having committed a crime, by types of crime, in 2007-2008

Distribution by gender, percentage

Type of crime	2007		2008	
	W	M	W	M
<i>Minors, under 18 years of age</i>				
Intentional homicide	-	100.0	-	100.0
Intentional severe bodily injury	-	100.0	-	100.0
Unlawful taking of property	-	100.0	3.2	96.8
<i>including:</i>				
<i>by theft</i>	-	100.0	3.6	96.4
<i>by burglary</i>	-	100.0	-	100.0
<i>by robbery</i>	-	100.0	-	100.0
<i>by fraud</i>	-	-	-	-
Hooliganism	-	100.0	50.0	50.0
Drug-related crimes	-	100.0	-	100.0
Other crimes	3.0	97.0	-	100.0
Total	0.6	99.4	2.8	97.2

Distribution of minors in penitentiary establishments, in 2005-2008

Percentage

	Distribution by gender							
	2005		2006		2007		2008	
	W	M	W	M	W	M	W	M
Minors	2.4	97.6	-	100.0	-	100.0	1.8	98.2
Total	3.0	97.0	2.8	97.2	2.4	97.6	3.0	97.0

2. The “Abovyan” penitentiary establishment of the Ministry of Justice of the Republic of Armenia is the establishment where minors serve the punishment; as of 27 May 2010, 13 detained minors and 32 convicted minors are kept there.

Seven of detainees were born in 1992, and six in 1993. Four persons are accused under Article 177 of the Criminal Code of the Republic of Armenia (theft), four persons – under Article 176 (burglary), three persons – under Article 175 (robbery), one person – under Article 104 (homicide), and one person– under Article 112 (intentional infliction of severe injury to health).

Twelve of convicts were born in 1993, 15 convicts – in 1992, two convicts – in 1994, and three convicts – in 1991.

Fourteen minors were convicted under Article 177 of the Criminal Code of the Republic of Armenia (theft), four minors – under Article 176 (burglary), four minors – under Article 175 (robbery), nine minors - under Article 112 (intentional infliction of severe injury to health), and one minor – under Articles 138 and 139 (rape and sexual assault).

In connection with the conclusions of the European Committee of Social Rights relating to the implementation of Article 17, we hereby inform the following.

1. The Committee observes that non-registration of births is a problem in practice, seemingly related to an increasing number of births at home, the difficulty of travelling to the regional

centres responsible for registration from remote areas as well as registration procedure requirements. The Committee asks the next report to provide information on measures to counteract this development.

Failure to register childbirths is an actual problem in the Republic of Armenia that needs prompt action. Delay in registering or failure to register childbirth is an obstacle for exercising person's full legal capacity, and failure to comply with the requirements of procedural norms is an obstacle for fulfilling the requirement of the substantive law rule, resulting in the possible impairment of the rights of a person. Recognising the relevance and significance of this issue, the Ministry of Labour and Social Issues of the Republic of Armenia, upon the proposal of the Government of the Republic of Armenia, established an interagency working group for registering childbirths across the country and those children who have not been registered, for identifying issues related to the registration of infant mortality, as well as for analysing the relevant legislation, and for making amendments or supplements where appropriate.

The objective is to create and introduce effective mechanisms in the field concerned, so that the cases of not registering childbirths are prevented to the possible extent and that non-registered children and adults, non-registered cases of infant mortality are identified and that they are provided with relevant documents. Incidentally, problems relating to the failure to register childbirths have been recorded since back in 2001.

In accordance with the data of the social and economic programme implemented in Armavir Marz of the Republic of Armenia within the framework of the Comprehensive Rural Development Participatory Programme implemented through the Children of Armenia Charity Fund, the number of children having no birth certificate identified by the programme amounted to 118 in six communities having 4 432 child residents, 88 of which obtained birth certificates through the support of specialists.

In 2009, through the Identification and Guidance of Children having no State Birth Registration Programme, surveys have been carried out in Shirak and Gegharkunik marzes, and in the city of Yerevan with the support of the UNICEF, as a result of which 145 children out of 1300 surveyed have been recorded to have no birth certificate.

In accordance with the findings of observations made in June 2010, birth certificates were granted to as many as 92 children. This process is ongoing.

The Programme was implemented by the Armenian Relief Society (ARS) non-governmental organisation in September-December 2009. The following main reasons for the infringements were identified as a result of the carried-out works:

- *the mother had no passport;*
- *the mother was absent or unaware;*

- *the parents' marriage was not registered;*
- *home births and other reasons;*
- *financial problems;*
- *essential gaps in the acting legal framework.*

Evaluation of the system and elaboration of recommendations within the framework of the identified problems are underway, with the purpose of clarifying the reasons connected with the legislative drawbacks, as well as works for collection of tailor-made data, elaboration of necessary secondary legislation and legal acts relating to birth registration and procedures and mechanisms, sector-by sector analysis of each case of non-registration of birth are carried out. Moreover, the issue of processing birth certificates for all the children having no birth certificate in the children's homes has been settled.

In 2011, regular census will be conducted in Armenia, the data collection form of which will include questions on birth registration of children.

According to the data of the National Statistical Service of the Republic of Armenia, 96.6% of births of children aged 0-4 years are registered in the country.

The issues relating to registration and classification of birth and infant mortality cases are settled through procedures approved by the Decision of the Republic of Armenia N949-N of 16 July 2005 "On improving the situation related to infant mortality and birth registration and classification matters".

Registration of newborn children in civil status acts registration agencies is implemented based on the said decision, the Law of the Republic of Armenia "On civil status acts registration" and on the "Medical certificate of birth" in accordance with the requirements of the Order of the Minister of Health of the Republic of Armenia No 1806-A of 10 December 2008.

The certificate is issued based on the identification document of the birthing mother.

Marz units for the protection of family, women and children's rights are of special importance, which being in close cooperation with communities, should support in solving the problems relating to non-registration of childbirths and detection of non-registered cases of infant mortality, prevention of this phenomenon, furnishing children and adults having no birth registration with relevant documents.

In May 2010, the National Assembly of the Republic of Armenia heard the proposal for making changes in the Family Code of the Republic of Armenia, as well as with regard to non-registration of childbirths.

2. The Report further specifies that there are no special arrangements for the guardianship or curatorship for children born out of wedlock.

- *In Article 134 of the Family Code of the Republic of Armenia, in the “Children over which guardianship or curatorship is established” part it is stipulated that “guardianship or curatorship shall be established over children left without parental care for the purpose of nurturing, rearing and educating them, as well as for protecting their rights and interests.*
- *No specific relations of guardianship or curatorship are defined, since any child born out of wedlock shall have a legal representative: either two parents or one single-mother parent. There are no special means of guardianship for children born out of wedlock, since in accordance with Article 4 of the Law of the Republic of Armenia “On the rights of the child” children and their parents or other legal representatives (adopters, guardians or curators) enjoy equal rights irrespective of their national origin, race, gender, language, belief, social origin, property or other status, education, place of residence, childbirth circumstance, health condition or any other circumstance. It is also mentioned in the Report that no specific relations of guardianship or curatorship are stipulated for children born out wedlock.*

3. As regards inheritance rights, the Report refers to the Law of the Republic of Armenia "On the rights of the child" stipulating that each child has the right to inherit from their deceased parents irrespective of their place of living. The Committee asks for confirmation that children born outside of marriage have the same inheritance rights as children born within marriage.

In 2010, the National Assembly of the Republic of Armenia elaborated a draft law which envisages equalising the minimum legal age to marry for men and women, by levelling it to the age of 18 years. The draft law is currently in circulation.

5. The Committee asks to be informed on any development in whether there are further measures in place or envisaged with a view to reducing the number of children placed in institutions.

In general, the number of children placed in children's homes currently tends to decrease, which is significantly attributable to the regulation of the relevant legislative framework, as well as the operation of the following institutions established in 2007 in five marzes across the country within the child protection system reforms.

- Tavush Marz – city of Idjevan - 1;*
- Kotayk Marz - city of Byureghavan - 1;*
- Shirak Marz – city of Gyumri -1;*
- Lori Marz - city of Vanadzor - 1;*
- Syunik Marz - city of Kapan - 1;*
- and city of Yerevan – 2.*

These institutions assist the families living in unsafe and unfavourable conditions in issues related to child care and upbringing.

The introduction of foster family institution also serves the aim of ensuring the right of a child deprived of parental care to live in a family environment.

The creation of community day centres is also worth mentioning, in particular.

- two social care day centres for children were established through public financing and are operating since 2005 in Yerevan, and since 2006 also in Gyumri. The centre may host 100 children at a time.

- since 2008 four child care day centres existing in the cities of Dilidjan, Idjevan, Berd and Noyemberyan in Tavush Marz of the Republic of Armenia are financed from the state budget. The centres are operating based on the agreement signed jointly with the Ministry of Labour and Social Issues of the Republic of Armenia and “Huysi Kamurdj” (Bridge of Hope) non-governmental organisation; social care services are provided to children living in difficult conditions.

600 children and young persons with disabilities or social and psychological problems are currently availing from the services rendered by these centres. The main activity of child development centres is the integration of disabled children and children living in difficult conditions. They are taught independent living skills, and through the development methodology and games conducted by specialists, the skills of children are identified and enhanced.

- seven child development and rehabilitation centres were created by the UNICEF and are operating in different marzes of the country, and since 2008 there is also a child care day centre in Goris of Syunik Marz.

- the World Vision international non-governmental organisation created 15 community day centres for children with disabilities and children living in socially vulnerable conditions in six marzes.

5. The Committee further asks for updated information on the total number of institutions caring for children, their nature and object and the number of children placed in them as opposed to those placed in foster care or placed for adoption.

Eight children's homes operate within the system of the Ministry of Labour and Social Issues of the Republic of Armenia, two of which are specialised and targeted for disabled children with physical and mental development defects, and the six are for healthy children classified as per age limits, as well as eight boarding institutions for child care and protection, one of which is charitable.

The number of children under the care of children's homes considerably increased in the country in the period from 1998 to 2004.

As of the second half of 2008, there are 1 110 children under the care of eight state and four non-state children's homes operating in the country.

As of 1 January 2009, the number of residents in state children's homes amounted to 853, whereas it made 860 as of November, and the number of children in charity children's homes was around 250.

As of 1 June 2010, the number of children left without parental care who are under full state support and in the care of children's homes amounts to 860 in eight children's homes, including 400 disabled children in two specialised children's homes and 150 children in three children's homes operating under the auspices of international charitable organisations.

In September 2009, one charitable children's home was dissolved and reorganised into a child care and protection boarding institution envisaged for children living in socially vulnerable families.

Starting from September 2010, Fridtjof Nansen Orphanage in Gyumri will also operate as a boarding institution for child care and protection.

There are 701 children under the care of seven child care and protection boarding institutions across the country.

According to the Law of the Republic of Armenia "On social protection of children left without parental care" with the purpose of introducing a tailor-made and effective policy, the Ministry of Labour and Social Issues of the Republic of Armenia has been carrying out since 2004 centralised registration of children left without parental care living in child establishments, or with relatives or foster families, as well as of persons left without parental care in need of housing and related persons.

- according to the data of 2007, the number of centrally registered children left without parental care amounts to 1 023,

- according to the data of November 2009, the total number of registered children amounted to 1 571,

- as of 2010 – 1 685 children,

- according to the data of 2009, the total number of registered persons left without parental care in foster families and in need of housing amounts to 106, six of which have already received housing,

- in 2009, the number of children having left children's homes and who were in need of housing amounted to 170,

- according to the data of 2010, this figure amounts to 210.

Since 2007, they have been provided with housing from the funds of the State Budget of the Republic of Armenia. The project was temporarily terminated in 2009 due to the financial and economic crisis and for further enhancement of the efficiency of the project mechanisms.

The number of currently registered children left without parental care amounts to 1 668, of which 684 are assigned with guardianship (curatorship).

7. The Committee concludes that the situation in Armenia is not in conformity with Article 17(1) of the Revised Charter on the ground that corporal punishment of children within the family and alternative child care is not prohibited.

According to Article 9 of the Law of the Republic of Armenia “On the rights of the child”, “Every child shall have the right to be protected from any type of violence (physical, psychological, and other).

Any person, including the parents or other legal representatives, shall be prohibited from subjecting a child to violence or degrading punishment or other similar treatment. In case of impairment of the rights and lawful interests of a child, the offender shall be held liable as prescribed by the legislation of the Republic of Armenia.

The State and its relevant bodies carry out child protection against any forms of violence, exploitation, criminal activity, including use of narcotics, engaging them in its production or trade, beggary, prostitution, gambling and other impairments of his or her rights and lawful interests”.

Article 43 on the “Right of a child to protection” of the Family Code of the Republic of Armenia is especially devoted to the right of a child to protection, the second paragraph of which stresses out the right to protection from abuse of the child by his or her parents (legal representatives).

“In case the rights and interests of the child are violated (moreover, in cases of failure to perform or improper performance of the duty of upbringing and educating the child by parents or any of them, or abusing their parental rights), the child shall have the right to apply to the agency of guardianship and curatorship for protection”.

Officials and other citizens who have become aware of cases on threatening the life and health of the child, as well as on violations of his or her rights and interests, must report to the agency of guardianship and curatorship of the actual place of location of the child.

Upon receipt of such information, the agency of guardianship and curatorship must undertake necessary measures for the protection of the rights and interests of the child.

The right of taking away a child from his or her parents (or any of them) in case of imminent danger to his or her life and health is prescribed by Article 58 on the “Taking away a child from his or her parents in case of imminent danger to his or her life and health” of the Family Code of the Republic of Armenia, whereas Article 59 on the “Deprivation of parental rights” and Article 60 on the “Procedure for deprivation of parental rights” prescribe deprivation of parental rights and the procedure for deprivation of parental rights, also in cases when parents or any of them abuse the children, moreover when they use physical or psychological violence, or sexually assault them.

Minimum state social standards necessary for child care and upbringing in child care and protection institutions are approved upon the Decision of the Government of the Republic of Armenia No 1324-N of 5 August 2004. It is prescribed by point 6 of the Standard No 2 on the "Protection of the rights of a child" covered by the Decision, that child care and protection institutions ensure the protection of the child in the manner prescribed by the legislation of the Republic of Armenia against.

- *psychological violence,*
- *physical violence – infliction of actual or potential physical harm to the child (slapping, different degrees of trauma, scratches, oedemas, burns, stabs, fractures, breaks, other forms of corporal punishment),*
- *sexual abuse and perversion,*
- *cruel treatment,*
- *crimes,*
- *neglect and unfair treatment,*
- *substances hazardous to health, and life-threatening conditions.*

All forms of corporal punishment against children in child care institutions are also strictly prohibited upon the statute in force, whereas the process of introducing relevant criteria is constantly controlled by the management and higher authorities of the institutions concerned.

Acknowledging that infliction of any violence against children should be punished by legislation, "Crimes against interests of a family and child" chapter of the Criminal Code of the Republic of Armenia, effective since 17 April 2003, stipulates the following.

- *"Involving minors in the commission of an offence" (Article 165),*
- *"Involving a child in the commission of anti-social acts" (Article 166), "the same act, that was committed by a parent, pedagogue, or any other person on whom the duty for upbringing the child is imposed, are combined by use or by the threat to use violence shall be punished by imprisonment for a term of maximum six years.";*

"Dissolute actions" (Article 142).

It is mentioned in this Article that committal of dissolute actions towards a person who is explicitly below 16 years of age, which were committed by use or by the threat to use violence shall be punished by imprisonment for a maximum term of three years.

- *"Trafficking in children" – (Article 168),*
- *"Violent actions of sexual nature against minors" - (Article 139),*

- *“Failure to perform the duties of child upbringing” (Article 170): a relevant punishment for cruel treatment of minors is specified in the second paragraph of this Article.*

“Failure to perform or improper performance of the duty to ensure child's safety or health” - (Article 171),

- *those committing violent acts against children, as envisaged by other articles, are punished in the manner prescribed by law.*

Special attention shall be paid to the infliction of corporal punishment to the child in a family or in institutions or in the child care and protection institutions.

(Family violence generally includes but is not limited to the offences envisaged by articles 104, 109, 110, 112, 113, 117-121, 128, 129, 131, 133, 134, 137, 138, 142, 182, 185 of the Criminal Code of the Republic of Armenia).

Those committing acts of violence against minors, as well as the parents, as envisaged by all the above-mentioned and other articles, shall be punished in the manner prescribed by law.

Various punishments, established by the mentioned articles of the Criminal Code of the Republic of Armenia and by law, reflect various acts of violence against children with special emphasis to physical violence, including corporal punishments and injuries and their punishability to the fullest extent of the law.

Paying special attention to the unacceptability of violence by parents or legal representatives against a child, such as the physical or psychological assault or abuse, negligence or carelessness, cruel treatment or exploitation, as well as acknowledging the right of a child to be protected from all forms of violence, in 2008 the Ministry of Labour and Social Issues of the Republic of Armenia elaborated the "State concept on the prevention of violent and negligent treatment towards a child".

After joint discussion by the governmental agencies and non-governmental organisations, the concept paper was submitted to the Government of the Republic of Armenia.

The State concept on the prevention of violent and negligent treatment towards a child is based on the relevant provisions of Article 9 of the Law of the Republic of Armenia “On the rights of the child” and is targeted at the performance of obligations established by the UN Conventions “On the rights of the child”, “On the worst forms of child labour”, the revised European Social Charter, and on other international documents of the Republic of Armenia.

Upon initiative of the Women’s Rights Center non-governmental organisation and with the assistance of international organisations, the draft law of the Republic of Armenia “On domestic violence” was elaborated in 2010 by the relevant inter-agency working group. This

draft regulates legal relations pertaining to domestic violence, defines the concept, types, aspects of domestic violence, the scope of entities authorised in the field of prevention of domestic violence, their powers and sources of financing, types of special measures for preventing domestic violence, the procedure for adopting and applying them, the protection of the rights of family members when implementing special measures, liability for domestic violence. The document lays down the powers and competencies of the bodies, which cover those cases where the victim of domestic violence or the person who is subjected to an imminent threat of domestic violence or the person who has committed an act of domestic violence is a minor.

The draft law of the Republic of Armenia "On domestic violence" is currently in the stage of preliminary considerations and will be submitted — in the prescribed manner — for approval till the end of the year.

It is envisaged to revise in the nearest future certain provisions in the 2004-2015 National Programme on the Protection of Children's Rights in the Republic of Armenia, to make amendments and, in particular, to envisage a supplement to the provision of the Law of the Republic of Armenia "On the rights of the child", which prohibits corporal punishment in family and in other forms of child care, bringing the Law in compliance with the requirements of Article 17 of the European Social Charter.

8. The Committee asks for information on whether there exist agencies or services which are aimed at protecting children from neglect, violence and exploitation.

The National Assembly of the Republic of Armenia is constantly considering the issues of children's rights protection. According to Article 33 of the Law of the Republic of Armenia "On the rights of the child", activities for protection of the rights of the child are carried out within the time limits and as prescribed by the annual programmes on the protection of the rights of the child. Annual programmes cover issues, plans and measures aimed at social protection of the child, protection of his or her rights. The annual programme is submitted to the approval of the National Assembly of the Republic of Armenia by the Government of the Republic of Armenia.

The following state bodies deal with children's issues, including with the issues of protection against neglect, violence and exploitation:

- Ministry of Justice of the Republic of Armenia;*
- Ministry of Health of the Republic of Armenia;*
- Police of the Republic of Armenia;*

- *Ministry of Education and Science of the Republic of Armenia;*
- *Ministry of Labour and Social Issues of the Republic of Armenia;*
- *other agencies.*

International and local non-governmental organisations

- *The UNICEF Armenia office consistently implements numerous programmes targeted at protection of children in the Republic of Armenia, including protection against neglect, violence and exploitation.*
- *Helsinki Committee of Armenia –human rights non-governmental organisation. The Organisation regularly implements programmes aimed at enlightenment of the rights of children, addresses the processes of protection of children’s rights.*
- *In 2009, the Open Society Institute organised two regional consultations within the framework of the programme on Cooperation against Child Exploitation and Neglect, with participation of representatives of governments of three countries, Armenia, Georgia and Azerbaijan, and non-governmental organisations.*
- *In 2009, Children of Armenia Fund (CoAF), with the support of the UNICEF, initiated and implemented elaboration and publishing of the “Protection of Children” teaching manual in Armenian for specialists in the field of child protection. The Manual covers materials on child birth registration, violence against children, protection of children against trafficking and sexual exploitation, and other actual problems.*
- *A series of other organisations operate in the field concerned, particularly:*
 - *Children’s Support Foundation Centre of the Fund for Armenian Relief – benevolent non-governmental organisation,*
 - *“People in Need” Armenian Mission – non-governmental organisation,*
 - *“Arevamanuk” - family and child care fund,*
 - *World Vision Armenia – international organisation,*
 - *Civil Society Institute – non-governmental organisation,*
 - *“Against Legal Arbitrariness” – non-governmental organisation,*

- *Helsinki Citizens' Assembly Vanadzor Office – non-governmental organisation, and the like.*

Children's issues are always in the centre of attention of the Human Rights Defender of the Republic of Armenia. On 31 May 2006, the National Assembly of the Republic of Armenia ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 18 December 2002. The Human Rights Defender of the Republic of Armenia was designated as the independent national preventive mechanism established by the Optional Protocol to the Convention, and a relevant Council adjunct to the Human Rights Defender of the Republic of Armenia was set up, which will also examine children's homes, child care and protection boarding institutions, children's social care centres operating within the system of the Ministry of Labour and Social Issues of the Republic of Armenia.

9. The Committee further wishes to know whether Armenian law provides for a possibility to lodge an appeal against a decision to restrict parental rights, to take a child into public care or to restrict the right of access of the child's closest families.

Part 1 of Article 66 on "Lifting a restriction of parental rights" of the Family Code of the Republic of Armenia states: "If the circumstances on the basis of which parental rights of the parents or of one of them were restricted, are no longer present, the court may, on the basis of an action filed by the parents or one of the parents, rule on returning the child to his or her parents or to one of them and on lifting the restrictions provided for by this Code".

As regards access to the child, it should be mentioned that parents whose rights were restricted, may be allowed to have access to the child upon the consent of the guardian (curator).

A parent (parents) may file an action with a court on issues relating to deprivation of parental rights, restriction of parental rights, protection of parental rights and restoration of parental rights.

10. The Government has approved a series of secondary legislation acts regulating the processes of adoption, curatorship, and guardianship. In this respect the Committee asks that the next report covers information on the subject and content of mentioned secondary legislation acts, particularly with regard to child care, on legal or other role of a curator or guardian.

Adoption.

- *In 2005, the Family Code of the Republic of Armenia entered into force. Chapter 18 on “Adoption of children” of the Code includes the following articles (112-133).*

“Adoptable children”, “Child adoption procedure”, “Record keeping of adoptable children and persons willing to adopt children”, “Persons eligible for adoption”, “Child adoption secret”, “Consent of a child being adopted for adoption”, “Cancellation of child adoption”, “Effects of cancellation of child adoption”, and other concepts relating to the adoption process.

According to Article 112 of the Code, “Adoption is a legal act whereby adopters and adoptees acquire rights and responsibilities provided for by law for parents and children. Adoption is regarded as the preferred form of placing children left without parental care”.

The Code regulates the entire process of child adoption in the Republic of Armenia, specifies the necessary requirements for adoption, defines mechanisms for adoption of children — who are citizens of the Republic of Armenia — by citizens of the Republic of Armenia, foreign citizens, stateless persons as well as citizens of the Republic of Armenia residing outside the Republic of Armenia.

- *Having regard to the requirements of the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and of the Family Code of the Republic of Armenia, the Government of the Republic of Armenia approved the Decision No 269-N of 18 March 2010 “On approving the procedure for adoption and the procedure for registration in diplomatic representations and consular offices of the Republic of Armenia of children — who are citizens of the Republic of Armenia — adopted by foreign citizens, stateless persons and citizens of the Republic of Armenia residing outside the Republic of Armenia; on making a supplement to the decision of the Government of the Republic of Armenia No 1919-N of 28 November 2002 and on repealing several decisions of the Government of the Republic of Armenia”.*
- *On 7 July 2005, the Law of the Republic of Armenia “On making a supplement to the Civil Procedure Code of the Republic of Armenia” was adopted. The Code was supplemented by Chapter 29¹ on “Child adoption proceedings”. It includes Article 173¹ on “Filing an application”, Article 173² on “Requirements for an application”, Article 173³ on “Examination of an application”, Article 173⁴ on “Judgment of the court” and Article 173⁵ “Cancellation of adoption”.*

The introduction of the institution of foster family largely contributes to the resolution of the issue of deinstitutionalisation of children. Steps were also made in this direction in terms of improvement of the legislative framework.

According to Article 139 of the Family Code of the Republic of Armenia, children deprived of parental care are placed with foster families for upbringing.

The procedure for placing a child with a foster family has been elaborated; relations pertaining to placing a child left without parental care with a foster family for upbringing are established.

The legal grounds of the process are laid down in the Decision of the Republic of Armenia No 459 of 8 May 2008 "On approving the procedure for placing a child with a foster family, the procedure for payment and the amount of the monthly pay to the foster family for taking care of the child and of remuneration of the foster parents for the care and upbringing of the child, as well as the form of the contract on placing a child with a foster family".

The Procedure establishes the relations pertaining to placing a child left without parental care with a foster family for upbringing.

Guardianship and curatorship

The Family Code of the Republic of Armenia entered into force in 2005; Chapter 19 on "Guardianship and curatorship of children" of the Code contains the following articles:

- Article 134 on "Children over whom guardianship and curatorship is established";

- Article 135 on "Guardians (curators) of children" lays down the persons which may be appointed and which may not be appointed as a guardian (curator), given that guardianship or curatorship is established for children left without parental care for taking care of, upbringing and educating them, as well as protecting their rights and interests.

- Article 136 covers guardianship (curatorship) of children in upbringing, medical, social protection or other similar institutions".

In general, adapted mechanisms for establishing guardianship and curatorship over children are defined in the Code.

Civil rights and obligations of a guardian (curator) are defined by the Civil Code.

In Armenia, guardians and curators fulfil their obligations towards a child under guardianship (curatorship) gratuitously.

Local self-government bodies — represented by guardianship and curatorship authorities and guardianship and curatorship committees under those authorities — play a key role in the country in the protection of the rights of the child.

Attaching importance to the activities of guardianship and curatorship authorities under local self-government bodies, the Statute of the Guardianship and Curatorship Committee was approved by the Decision of the Government of the Republic of Armenia No 922-N of 22 June 2006. It outlines the framework of the activities of the guardianship and curatorship authority, clarifies various functions and powers of guardianship and curatorship authorities.

Guardianship and curatorship authorities identify children left without parental care, carry out record keeping of children left without parental care and of persons having equal status to them, select the forms of placing children with families (placing with a foster family for care and upbringing; appointing a guardian or curator) based on certain circumstances of a child's deprivation of parental care, participate in the examination in a court of cases on approving the adoption of children and on cancellation of adoption, appoint and dismiss guardians as prescribed by law.

These authorities carry out the protection of the rights and interests of the child in case of violation of his or her rights and interests, threat to the health and life of the child, failure to fulfil or improper fulfilment by the parents or by one of the parents of the duty of upbringing, educating the child, or abuses of parental rights, as well as other functions.

11. The Committee asks the next report to provide details on the criteria with respect to child care in institutions as introduced by the aforementioned Decree as well as information on the rules governing their supervision by the inspector and whether in practice it provides for an adequate and systematic review of the situation and conditions of children living in institutions. The Committee wishes in particular to know what is the size of units in child welfare institutions, what are the regulations concerning staff qualifications and training and wage levels of staff in institutions. It further asks for information on the procedure for complaining about care or treatment in such institutions and on the conditions under which an institution may interfere with a child's property, mail, personal integrity and the right to meet with persons close to the child and how the corresponding rules are applied in practice.

- *According to the Decision of the Government of the Republic of Armenia No 1324-N of 5 August 2004 "On designating a state body authorised by the Government of the Republic of Armenia and approving the minimum state social criteria necessary for the care and upbringing of children in child care and protection institutions". These criteria are being applied in child care and protection institutions as per the Decision of the Government.*

The process is under the strict control of the management of the institutions, Ministry of Labour and Social Issues of the Republic of Armenia, within the system of which the institutions operate, as well as of various agencies and non-governmental organisations regularly supervising the activities of the institutions.

- *Each institution ensures, throughout the entire period of a child's being there, the principle of continuity of the care, by creating conditions resembling — to the fullest possible extent — the home environment and by being guided by a case-by-case approach. Children placed and cared for in child care and protection institutions actually enjoy the guarantees for the rights to satisfy their psychological needs, preservation of physical health, protection, to receive necessary assistance, as well as the appropriate conditions.*

The main criteria for securing the needs for child care, food as well as other needs in institutions are established.

1. *Information*
2. *Protection of Children's Rights*
3. *Enrolment and integration of a child in a child care and protection institution*
4. *Care*
5. *Food*
6. *Clothes*
7. *Needs and requirements*
8. *Minor expenses of the child*
9. *Premises, safety of the premises*
10. *Health*
11. *Education and upbringing*
12. *Leisure*
13. *Communication with cultural values*
14. *Interrelations between the staff and children*
15. *Communication of the child with the family, relatives*
16. *Visits to the child*
17. *Means of communication*

18. *Individual plan for future*

19. *Consultation - information to the graduate*

20. *Documents of a child leaving a children's home.*

21. *Education and training of employees*

Sub-points of the main criteria presented practically cover all main issues — addressed by the Committee — relating to the procedure for filing complaints on the care for the child or treatment towards him or her, child's property, correspondence, the right to maintain contacts with relatives, and, in general, relating to realisation of children's right to protection; the regulations concerning education and training of the staff of the institutions are also established.

The types and scope of the criteria are continuously expanded and clarified.

Criterion II on "Protection of the rights of the child" specifically states that child care and protection institutions ensure the realisation of the right of a child and persons acting in his or her interests (parents not deprived of parental rights or legal representatives, relatives) to file a complaint against the unlawful actions of the staff; they also establish an internal complaint procedure complying with the law and keep a special box for complaints and proposals.

The results of examination of received complaints and proposals as well as measures aimed at their elimination are discussed in advance jointly with the Ministry of Labour and Social Issues of the Republic of Armenia and the staff of the institution.

- *Child care and protection institutions ensure the safety of children in compliance with the safety rules established by the legislation of the Republic of Armenia.*

The institution ensures, as prescribed by the legislation of the Republic of Armenia, protection of children against:

(a) psychological and physical violence, including sexual exploitation and perversion;

(b) cruel treatment;

(c) labour exploitation;

(d) crimes;

(e) neglect and unfair treatment;

(f) substances dangerous for health, and life-threatening conditions.

In case a complaint is filed by persons acting in the interests of a child against the unlawful actions of the staff of a children's home, the child care and protection institution takes adequate measures for the protection of the right of the child.

Child care and protection institutions must maintain a register for recording alleged or confirmed cases of violence against and among children and for reporting on those cases to competent authorities.

Pursuant to the Order of the Minister, the Supervision and Social Monitoring Department of the Staff of the Ministry of Labour and Social Issues of the Republic of Armenia conducts annual thematic inspections — according to a relevant timetable and based on a specially drafted questionnaire — for assuring that criteria for arranging the care and upbringing of children deprived of parental care, life safety and health, other criteria, as well as the minimum state social criteria required for meeting sanitary norms and rules are satisfied.

- *Meanwhile, the number of children in the units exceeds the recommended number of 10. In this context, it should be mentioned that 6 to 11 children are included in certain age groups, and 15 or more - in others.*

The process of decreasing the number of children in the units is ongoing. This process is in place since 2007, within the framework of fundamental reforms carried out in the system of child care and protection in the country. The goal is to assure — to the fullest possible extent — full care and upbringing of a child deprived of parental care in conditions resembling home environment, as well as the protection of the rights and lawful interests of the child.

- *With regard to the salary of employees of the institutions:*

for those employed at children's homes of general type (for children without disabilities):

- *the monthly salary of a practitioner is AMD 85,000;*
- *the monthly salary of a psychologist is AMD 70,000;*
- *the monthly salary of a social worker is AMD 70,000.*

In specialised children's homes (for children with physical or mental disabilities):

- *the monthly salary of a practitioner is AMD 120,000;*
- *the monthly salary of a psychologist is AMD 128,000;*

- the monthly salary of a social worker is AMD 115,000.

12. The Committee requests information as to how many minors are subject to pre-trial detention, for what type of offences, what is the length of pre-trial detention and under which conditions it is carried out, in particular as regards the possibility of visits during this period.

The Committee notes from another source that it is prohibited to keep children in custody together with adults. It wishes to know whether minors can be detained in isolation and under what conditions.

The Committee notes that there is no specific system of juvenile justice and no particular procedures and juvenile courts. However, the aforementioned 2004-2015 National Action Plan of Republic of Armenia for the Protection of Children's Rights, mentions as one of its aims the establishment of a juvenile justice system. And the Committee wishes to be kept informed on any development in this respect.

The Law of the Republic of Armenia "On holding of arrested and detained persons" is a result of reforms of legislative framework, which was adopted by the National Assembly of the Republic of Armenia on 6 February 2002.

The Law defines the general principles, conditions of and the procedure for holding an arrested person under custody and for holding a detained persons under detention in a manner prescribed by the Criminal Procedure Code of the Republic of Armenia, the rights of arrested and detained persons, guarantees thereof, their responsibilities, as well as the procedure for releasing from arrest or detention.

Article 27 of the aforementioned law defines the peculiarities of holding women and minors under custody or detention. Concurrently, improved material living conditions are created in confinement facilities and detention facilities for arrested or detained women and minors. Minors enjoy the right to a daily walk for not less than two-hours during which they are provided an opportunity to do physical exercises.

According to Article 31 of the Law, arrestees are held separately in solitary confinements of confinement facilities, whereas minor detainees are held separately from adults in detention facilities.

The Penitentiary Code of the Republic of Armenia also stems from reforms, which was adopted by the National Assembly of the Republic of Armenia on 24 December 2004.

The tasks of the Penitentiary Code of the Republic of Armenia are the following.

-to define the terms and conditions for executing criminal punishments (hereinafter referred to as "punishments") and for applying and undergoing medical coercive measures attached to the execution of the punishment;

-to ensure conditions necessary for the correction of convicts; to protect the rights and freedoms thereof.

A minor convict is provided a four-hour long short-term visit once in a month with the parents or other legal representatives thereof.

A convict enjoys the right to a daily walk for at least one hour, whereas a minor convict — for at least two hours.

According to Article 68 of the Code, both men from women and minors from adults are held separately in the correctional facility.

Article 109 of the Code defines the peculiarities of undergoing a punishment by a minor convict. That is, a minor who is sentenced to imprisonment for a specific time period, serves his/her punishment only in the correctional facility before the time period for punishment expires but not later than he/she attains twenty-one years of age.

If a convict of 18 years of age displays a negative behavior, the peculiarity referred to in part 1 of this Article has not effect.

Sending a minor sentenced to imprisonment for a certain time period to a closed correctional facility for undergoing the punishment shall be prohibited.

Pursuant to Article 76 of the Code, a minor convict is provided with additional food, the portions whereof are established by the Government of the Republic of Armenia (Article 76).

Whereas, in accordance with the Law of the Republic of Armenia “On holding arrested and detained persons”, minor arrestees or detainees are provided with special food free of charge, the variety and the minimum portions whereof are also established by the Government of the Republic of Armenia.

Preliminary vocational education for a minor convict in the correctional facility is carried out to the extent of the duration of one working day (Article 90).

The administration of correctional facility provides a person, released from punishment, with free transport to reach his/her place of residence or with money necessary for that purpose, at least within the territory of the Republic of Armenia, with food needed during the transportation, as well as, in case of absence of any means — with necessary seasonal clothing.

A lump-sum financial aid may also be provided to him/her.

When releasing a minor from punishment who needs care for the reason of health condition, the administration of the establishment executing the punishment informs his/her relatives or

other persons thereof in advance, whereas in case of absence of such persons, the necessary aid is provided by the administration of the correctional establishment.

Besides, a minor convict is sent to the place of residence, accompanied by a relative or other person or an officer of the correctional establishment (Article 122). The same relates to arrestees and detainees as well.

The “Abovyan” penitentiary establishment of the Ministry of Justice of the Republic of Armenia is an establishment for undergoing punishment by minors, where, as of 27 May 2010, 13 minor detainees and 32 minor convicts are held.

Seven of the detainees were born in 1992, whereas six of them — in 1993.

Four persons are charged with under Article 177 (theft) of the Criminal Code of the Republic of Armenia; 4 persons— under Article 176 (larceny); 3 persons — under Article 175 (robbery); 1 person — under Article 104 (murder); 1 person — under Article 112 (intentional infliction of grave injury to health).

Twelve of the convicts were born in 1993, 15 of them — in 1992, two of them — in 1994, three of them — in 1991.

Fourteen minors were convicted under Article 177 (theft) of the Criminal Code of the Republic of Armenia, four of them – under Article 176 (larceny), four of them — under Article 175–(robbery), nine of them — under Article 112 (intentional infliction of grave injury to health), one of them — under Articles 138 and 139 (rape and sexual assault).

In order to increase the degree of employment, small workshops have been established in existing penitentiary establishments (activities are carried out since 2007), which will meet the minimum conditions for detainees and convicts to ply a trade.

For this purpose, upon the decision N 709-A of 26 June 2009, the Government of the Republic of Armenia has attached the building under the state ownership and the land necessary for the maintenance thereof, which are situated in the production area of “Abovyan” penitentiary establishment of the Ministry of Justice of the Republic of Armenia, to the “Special Creative Centre for Juveniles Offenders” State Non-Commercial Organisation for permanent (unlimited) gratuitous right to use.

For the purposes of settling the problems existing in the sphere concerned, the 2009-2011 Strategic Action Plan for Judicial Reforms was approved on 21 April 2009 upon the executive order of the President of the Republic of Armenia and is being implemented.

Chapter 50 of the Criminal Procedure Code of the Republic of Armenia provides for the specifics of proceedings on juvenile cases. The procedure for the proceedings on juvenile cases

is regulated by the general rules of the mentioned Code, as well as by the articles of Chapter 50. The legal representative of a juvenile suspect or accused participates in the examination of cases on juvenile delinquencies.

Article 205¹ of the Criminal Procedure Code of the Republic of Armenia lays down the duration of interrogation, according to which it may not exceed four consecutive hours, and interrogation of a minor as well as of a person suffering from mental or other serious disease may not exceed two consecutive hours.

According to Article 38(3) of the Criminal Procedure Code of the Republic of Armenia, the detention term in pre-trial criminal proceedings may not exceed two months, except for cases provided for by the Code, whilst part 4 of the same article lays down that the term of keeping the accused in detention in pre-trial proceedings, taking into consideration the particular complexity of the case, may be extended up to six months by court, and in special cases, when the person is charged with grave or particularly grave crime — up to 12 months.

Article 267 of the Criminal Code of the Republic of Armenia stipulates punishment for violation of manufacture, acquisition, storage, registration, issuance, transportation or delivery rules of narcotic drugs or psychotropic substances, as well as of substances, equipment or instruments used for the manufacture thereof and placed under special control, while Article 268 stipulates punishment for illicit trafficking of drugs and psychotropic substances without a purpose of the sales thereof.

Article 269 of the Criminal Code ascribes criminal liability for persons having attained the age of fourteen for stealing or extorting narcotic drugs or psychotropic substances.

Article 441 of the Criminal Procedure Code of the Republic of Armenia prescribes that the legal representative of a juvenile suspect or accused participates in the examination of cases on juvenile delinquencies.

The legal representative of a witness not having attained the age of fourteen, and, upon the permission of the body conducting the criminal proceedings, the legal representative of an older minor, shall have the right to know that the person represented by him or her has been summoned to the body conducting the criminal proceedings and to participate in the investigative operation or other procedural actions, by accompanying the minor.

By participating in investigative operation and other procedural steps, the legal representative of the witness has rights and obligations which are laid down in Article 87 of the Criminal Procedure Code of the Republic of Armenia.

A minor witness or minor victim, irrespective of age, may be interrogated provided that he or she may provide information relevant for the case.

Interrogation of a witness or a victim under the age of sixteen is carried out with the participation of a pedagogue. The legal representative of a juvenile witness or victim has the right to be present at his or her interrogation.

Prior to commencing the interrogation, the rights of the legal representative to be present at the interrogation, to state his or her observations and to ask questions upon permission of the investigator, as well as his or her obligations are explained to him or her. The investigator has the right not to accept the questions posed, but they must be included in the protocol.

The obligation to truly tell everything related to the case shall be explained to a witness or victim under the age of 16, but he or she shall not be warned about criminal liability prescribed by law for refusal or avoidance to testify and for giving obviously false testimony (Article 207 of Criminal Procedure Code).

In the Republic of Armenia, criminal proceedings shall be conducted in the Armenian language, as provided for by Article 15 of the Criminal Procedure Code of the Republic of Armenia. During criminal proceedings, each person, except for the body conducting the criminal proceedings, shall have the right to express himself or herself in the language he or she has a command of. Upon the decision of a body conducting the criminal proceedings, persons participating in criminal proceedings, who do not have a command of the language of the criminal proceedings, shall be provided with the possibility — free of charge — of exercising their rights prescribed by the Criminal Procedure Code through the assistance of an interpreter. Relevant persons lacking command of the language of criminal proceedings shall be provided with the certified copies of documents subject to service, as provided for by this Code, in the language they have a command of. Documents in other languages shall be attached to a criminal case with their Armenian translations.

The legislature has attached a special importance to the interrogation of deaf, mute or blind witness and laid down the following: the interrogation of deaf, mute or blind witness shall be conducted with participation of an interpreter understanding his or her signs or capable of communicating with him or her by means of signs. A note on the participation of the interpreter shall be made in the protocol. In case a witness has a mental or other serious disease, the interrogation of the witness shall be conducted upon permission and in the presence of a doctor (Article 208 of the Criminal Procedure Code).

It shall be mentioned that the interrogation of a juvenile witness, if it is necessary for complete, comprehensive and objective examination of the circumstances of the case, may, upon the motion of the parties or at the initiative of the court, be conducted in the absence of the defendant. The testimony of the minor witness is made available to the defendant after he or she returns to the courtroom, and he or she is given the opportunity of addressing questions to such witness and giving testimony concerning the information provided by the witness. The

witness under the age of sixteen shall be removed from the courtroom after his or her interrogation is over, except for cases when the court, by motion of a party or at its own initiative, considers as necessary the further presence of such witness (Article 341 of the Criminal Procedure Code).

Article 440 of the Criminal Procedure Code provides that apart from the circumstances subject to approval in all cases, in juvenile cases the following is to be clarified with regard to the minor:

1. age of the minor (day, month, and year of birth);
2. conditions of life and upbringing;
3. condition of health and general development.

According to Article 443 of the Criminal Procedure Code, the court, when delivering a judgement and arriving at a conclusion that a juvenile may be reformed without criminal punishment measures, may exempt the juvenile from punishment and impose educational coercive measures against him or her.

The difference between educational coercive measures and punishment is that the former do not entail a conviction and are applied with regard to minors.

As a general rule, educational coercive measures may be applied only with regard to persons not having attained maturity (persons fourteen to eighteen years of age).

Educational coercive measures are listed in Article 91(2) of the Criminal Code.

Imposing remand detention against a juvenile suspect or accused as a measure of restraint is permitted solely where he or she is implicated for committing a crime of medium gravity, grave or particularly grave crimes (Article 442 of the Criminal Procedure Code).

According to Article 148(1) of the Criminal Procedure Code, placing under supervision shall be to charge the parents, guardians, curators of a juvenile suspect or accused, or the administration of closed child care centres where they are kept, with ensuring the proper behaviour of a suspect or accused, his or her appearance upon summons of the body conducting criminal proceedings and fulfilment of other procedural obligations.

Such obligation may be placed upon the parents or persons surrogating them by virtue of norms of marriage and family law and upon Article 92(2) of the Criminal Code.

It shall be mentioned that, when applying a measure of restraint against a juvenile in the form of placing under supervision according to Article 148(2) of the Penitentiary Code, the body conducting criminal proceedings shall familiarise his parents, guardians, curators, representative of the administration of a closed child care centre with the decision made and

shall hand them over the copy of the decision, shall familiarise them with the content of a suspicion or charge, shall explain to them their rights, obligations and responsibilities, all of which shall be reflected in the protocol.

Parents, guardians, curators have the right to refuse to perform supervision over the juvenile suspect or accused. For the failure to perform their obligations, the persons who have assumed the obligation of supervision bear liability as provided by law.

The suspect, the accused, their counsels and legal representatives, other interested participants of the proceedings may appeal the decision of the investigator and the investigative body on applying, or changing, a measure of restraint to the relevant prosecutor, and the decision of a prosecutor may be appealed to a superior prosecutor.

The court decision on applying, or rejecting, a measure of restraint in the course of pre-trial proceedings, or on extending or rejecting the term of applying remand detention as a measure of restraint may be appealed to the Court of Appeal (Article 150 of the Criminal Procedure Code).

13. Education

With regard to the inquiries by the Committee on the education sector, we would like to provide the following information.

According to 2009-2010 academic year data.

- The total number of public and private schools in the country is 1,457, out of which 1,404 are public and 53 are private;*
- there are 585 schools in urban settlements;*
- there are 872 schools in rural settlements;*
- the number of pupils at elementary schools is 117,140;*
- the number of pupils at secondary schools is 392,946;*
- teacher-pupil ratio as according to 2008-2009 academic year data is 9.7.*

On the number of children dropping out of school and prevention of such cases

According to official statistics of Armenia, the number of cases of leaving school is relatively small as compared to other developed and developing countries, yet those kept

increasing year after year. In 2002, 2003 and 2004, the total number of children not attending schools equalled to 1,531, 4,823 and 7,630 respectively, and the index of non-attendance of schools was 0,3%, 1,0% and 1,6% respectively. The increase in the number of cases of non-attendance of schools in the mentioned three years in average annually made 250%. Due to dropping out of schools, the number of students graduating from elementary schools made 97,2% of those admitted to school in the reporting year, whilst the number of those graduating from the basic school made 96,4% as against those admitted. The reasons for these occurrences still need to be researched and prevented through relevant measures, as Armenia has, in connection with 2-nd Millennium Development Goal, set to reach 99% of gross enrolment in basic schools and 95% of enrolment in high schools by 2015.

In Armenia, there is not an essential problem with regard to enrolment in general education. Gross enrolment in secondary education is quite high.

In recent years in average it made 90%. Enrolment in basic education system in 2008 was 93,5%, which is homogeneous in terms of territorial distribution and gender or social groups, and there are no essential inequalities to this effect. At the same time, the index of gross enrolment in the high school is much lower – 81,9% in 2008. But it shall be taken into consideration that after the basic education around 10% of students continue their education in initial and secondary vocational education sphere. That is, the low level of enrolment in high schools does not imply that a considerable part of students discontinue education after the basic school. Different is the matter as to children of which social group continue education in high school - that is, have an opportunity to get a higher level of education.

The creation of high schools operating separately is aimed at promoting the enrolment of students in high schools. The high school is the main link ensuring the pre-vocational education, the functioning of which largely depends on the correct professional orientation of students and the future success of studies. In 2008 the Government of the Republic of Armenia approved the "Strategic programme on establishment of high school system" and "Pilot stage programme". In the first stage the project was implemented in 10 pilot high schools. As of 2001, the number of separately operating high schools in Armenia reached 91. The high schools were furnished with necessary school equipment, computer equipment, laboratories of physics, chemistry and biology, as well as modern libraries stocked with books. The conditions of high school premises were improved. Extensive thematic trainings of high school teachers were organised aimed at improving teachers' professional knowledge and skills, enhancing their knowledge and gaining practical skills. The efforts of expanding the network of high schools will continue in the upcoming year as well, and in 2012 a net of some 130 three-year high schools operating separately will function in the country, which will offer domain-based education. An important issue of general education sphere is the introduction of modern information and communication

technologies in the general education schools and furnishing the latter with state-of-the-art computer technologies.

Information on measures taken for improving the quality of education and technical facilities of schools

The education process is supported with IT technologies, the latter is applied in educational institutions in the process of teaching mandatory subjects as a new method of teaching and learning; also, a Mobile Internet-Computer Station was created. A total of 880 schools in the country are connected to the Internet. Currently 641 schools are included the Internet Network of Armenian Schools, which makes 72,8% of the total number of schools. It is envisaged that in upcoming years all schools of the country will join the network. Electronic libraries with 14 electronic manuals were set up in all general education schools of the Republic; also a pilot project of introducing distance learning was carried out. The majority of schools were furnished with computer equipment; also, the Armenian online educational portal was set up. It is planned to expand the introduction of information and communication technologies in general education institutions and make the new educational technologies accessible to all schools irrespective of their geographical location.

The student-computer ratio in 2009 was 35, whilst it was 250 in 2004.

On measures ensuring equal opportunities to receive education for children belonging to national minorities from vulnerable groups.

For ensuring the integration of children belonging to national minorities in the education process and mainstream curricula, the “Model curriculum of general education school (class) for national minorities” is in place and operating, according to which 43 classes weekly are allocated for teaching the native language and literature of minorities in grades 1 to 10.

– In 2009, the curriculum for grades 1 to 10 in the Assyrian language underwent examination and was approved, and the first grade textbook entitled “Speak the Assyrian language” and manual-exercise book for the second grade entitled “Write and read in the Assyrian language” were published;

- The “Yezidi language - 6” textbook underwent an expertise and was published;
- the curriculum of the Kurdish language for grades 1 to 12 underwent expertise and was approved by the Ministry of Education and Science;
- trainings have been held for 10 Yezidi teachers (23.02.09-27.02.09).

In 2010, It is planned to publish the “Kurdish ABC”, republish the “Yezidi language-1” and the “Yezidi language- 7” textbooks, for which necessary funds from state budget were allocated;

- *upon the request of national minorities of the Republic of Armenia, Armenian language training courses are planned to be held for 10 representatives of minorities;*
- *by the decision of the Council tasked with implementing the strategic programme of pre-school education reforms, Dimitrov and Verin Dvin villages of Ararat marz with large Assyrian communities were included in the 2010 grants programme for organising the teaching of pre-school short-term curricula for children aged 5 to 6.*

Information on the overall process of inclusion of disabled children in education.

A coordinated process of protection of children’s rights in the Republic of Armenia started after acceding to UN Declaration of the Rights of the Child.

In 1999, the Law of the Republic of Armenia “On education” was adopted, according to Article 19 of which:

- *“the education of children with special educational needs, upon the choice of parents, may be carried out both in mainstream general education and in special schools- through special programmes”.*

In 2005, the Law of the Republic of Armenia “On education of persons with special educational needs” which:

- *defines the concept of «inclusive education» ;*
- *lays down the categories of children with special educational needs.*

According to the order of the Minister of Education and Science, currently the number of schools practicing inclusive education in Armenia is 65. Some 1200 children with special educational needs study at the mentioned schools.

The said schools, according to the regulation approved by the government, receive additional funds from the state budget for arranging the education of children with special educational needs.

Article 17«2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Article 39 of the Constitution of the Republic of Armenia lays down that secondary education in state educational institutions shall be free of charge. Based on this constitutional clause, among state guarantees laid down by Article 6 of the Law of the Republic of Armenia "On education" adopted by the National Assembly of the Republic of Armenia on 14 April 1999 the guarantee of receiving free general secondary education at state educational institutions and free preliminary (technical), intermediary, higher and post-graduate vocational education on competitive basis is also envisaged.

According to Article 18 of the Law of the Republic of Armenia "On education", the goal of general education is the comprehensive and harmonious development of students' intellectual, spiritual, physical and social qualities, formation of a person as a future citizen, his or her professional orientation and preparation for independent life and vocational education.

The secondary general education in the Republic of Armenia is implemented in three-level secondary general education school with twelve years of total duration - with the following successive levels:

(1) elementary school (1-4 grades);

(2) middle school (5-9 grades);

(3) high school (10-12 grades).

The first two levels of the secondary general school are the basic school. Basic general education is compulsory.

The state, from funds of state budget, ensures that students of 1 to 3 grades of state general schools are provided with textbooks free of charge, except for textbooks of foreign languages and music, and that children of socially vulnerable families are provided with textbooks envisaged by primary general education programmes.

It shall be mentioned that the issue of arranging the general education of juvenile convicts was regulated. the Minister of Education and Science of the Republic of Armenia has authorised Abovyan city's Technical College No. 2 on 1 December 2006 to arrange the general education of juvenile convicts, as a result of which the lessons at the college are currently held in accordance with the general education programmes that are effective in the country.

Secondary general education in Armenia is implemented at state general education and special general education schools.

Also 51 non-state schools function.

Satisfactory conditions are created for arrangement of education for children with special educational needs. Special education is carried out in 24 state special educational institutions and 49 general education schools practicing inclusive education, where children receive basic and secondary education based on their educational needs.

Children included in inclusive education live in their families and usually attend the general education school located nearby their place of residence.

According to the Law of the Republic of Armenia "On education", the student that has missed classes for 20 to 30 days or 120-160 hours by May 1 of the school year, shall, by the decision of the pedagogical council of the educational institution, take examinations in 5 subjects envisaged by the curriculum. A student that has received an unsatisfactory mark in exams or has missed classes for more than 160 class hours shall repeat the year.

Most of the children attending school successfully graduate from the secondary school. In the school year of 2007-2008 an estimated 46,638 students have graduated from 9-th grade and received graduation certificate, whilst 45,735 students graduated from the 11-th grade.

Local self-government bodies deal with the issues of children that do not attend schools or have dropped out of the compulsory education.

In the school year of 2008-2009, some 2,072 students did not attend school or dropped out of education.

For failure to meet the disciplinary rules of the educational institution or improper performance of those, in the manner stipulated in the charter of the educational institution, the following disciplinary penalties may be applied to students of intermediary and high schools: reprimand, severe reprimand.

For performing disciplinary rules of the educational institution in good faith, attending classes regularly and having high attainment, moral and material promotions are envisaged for students: certificate of acknowledgment, certificate of appraisal, monetary incentives or other means laid down in the charter of the educational institution.

3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of children failing to complete compulsory schooling dropping out of education without qualifications and on measures to combat absenteeism.

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Local self-government bodies deal with the issues of children that do not attend schools or have dropped out of the compulsory education.

In the school year of 2008-2009, some 2,072 students did not attend school or dropped out of education.

For failure to meet the disciplinary rules of the educational institution or improper performance of those, in the manner stipulated in the charter of the educational institution, the following disciplinary penalties may be applied to students of intermediary and high schools: reprimand, severe reprimand.

For performing disciplinary rules of the educational institution in good faith, attending classes regularly and having high attainment, moral and material promotions are envisaged for students: certificate of acknowledgment, certificate of appraisal, monetary incentives or other means laid down in the charter of the educational institution.

The Committee recalls that hidden costs such as books or uniforms must be reasonable and assistance must be available to limit their impact on the most vulnerable groups.

The Ministry of Labour and Social Issues of the Republic of Armenia holds the programme "When September Comes" every year for children from vulnerable families included

in the Family Benefit System. Within the framework of the programme, in cooperation with various charitable organisations, stationary, clothing and other accessories are provided to children coming from families with 3 or more children and which are registered with the mentioned System. The ministry conducts relevant analysis based on existing databases, the results of which are also provided to local self-government bodies and various donor organisations. Within the framework of 2009 programme support was rendered to an estimated 12,000 children.

Article 19. The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;

2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;

3. to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;

4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:

a. remuneration and other employment and working conditions;

b. membership of trade unions and enjoyment of the benefits of collective bargaining;

c. accommodation;

5. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;

6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;
7. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;
8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;
9. to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;
10. to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply;
11. to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;
12. to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

Article 14.1 of Chapter 5 of the Constitution of the Republic of Armenia prescribes that discrimination on the ground of gender, race, colour, ethnic or social origin, genetic features, language, religion, world outlook, political or other views, membership to a national minority, property status, birth, disability, age or other circumstances of a personal or social nature shall be prohibited.

Pursuant to Article 3 of the Labour Code of the Republic of Armenia, one of the basic principles of the labour legislation is "the equality of parties to employment relations irrespective of their gender, race, national origin, language, origin, nationality, social status, age, beliefs or views, other circumstances not associated with the professional skills of an employee".

Article 3 of the Law of the Republic of Armenia "On social protection in case of employment and unemployment of the population" defines the following:

- Citizens of the Republic of Armenia, foreign nationals residing in the Republic of Armenia and stateless persons shall have the right to choose between being employed and being unemployed, except for the cases prescribed by the laws of the Republic of Armenia.

- The issue of the employment of foreign nationals residing in the Republic of Armenia and of stateless persons shall be regulated by this Law, the Law of the Republic of Armenia and international agreements.

The Republic of Armenia has concluded almost 25 bilateral treaties and agreements with almost 20 countries around the world, which may be divided into several basic groups. Agreements on establishing visa-free regime for holders of diplomatic and service passports⁷, under which the Republic of Armenia assumes responsibility to release the nationals holding valid diplomatic and service passports from the obligation of receiving a visa necessary for entry to the Republic of Armenia and regulates the relations in connection with restricting and prohibiting the entry of personas non grata to the country. Readmission agreements⁸ that regulate the relations pertaining to readmission and extradition of persons staying in the territory of the contracting parties without relevant authorisation. In this context, the Republic of Armenia has assumed responsibility, immediately and without unnecessary formalities, to admit the person, who does not meet the conditions necessary for entry to or stay in the territory of the state of the other Party, to cooperate with the Parties in connection with delivery of documents and copies thereof, and the communication of information, to ensure the due accompanying of a national of a third country or a stateless person exiled from the territory of the state of the other Party, to ensure the provision of accurate and appropriate information about the persons and the circumstances of extradition or those impeding the extradition. With the agreements on mutual visits of nationals, on movement of nationals through their territory without visas, on mutual recognition of visas⁹, the Republic of Armenia assumes responsibility to establish visa-free regime for persons holding relevant documents, to grant visas free of charge, to ensure the entry to the territory of the Republic of Armenia without restrictions, to carry out the legal formalities properly, to grant right of residence, to recognise the entry, exit and transit visas of foreign nationals granted by competent authorities of the Parties, to cooperate in the spheres of exchange and regulation of information and to ensure the fulfilment of the requirements with regard to pass control system.

⁷ Such agreements were concluded between the Government of the Republic of Armenia and the Islamic Republic of Iran, signed on 7 May 1992 and entered into force on 7 May 1992; the Government of the Republic of Croatia, signed on 16 June 1997 and entered into force on 25 December 1999; the Government of the Republic of Hungary, signed on 24 March 1998 and entered into force on 24 December 1999; the Government of the Republic of Poland, signed on 24 November 1998 and entered into force on 1 January 2000; the Government of the Republic of Argentina, signed on 30 June 1998 and entered into force on 1 January 2000; the Government of the Oriental Republic of Uruguay, signed on 21 October 1997 and entered into force on 27 June 2001; the Government of the Republic of Bulgaria, signed on 16 September 2002 and entered into force on 7 November 2003; the Government of the Federal Republic of Brazil, signed on 7 May 2002 and entered into force on 17 May 2003; the Government of the Republic of Latvia, signed on 26 June 2002 and entered into force on 17 May 2003; the Government of the Republic of Romania, signed on 17 November 2003 and entered into force on 23 July 2004; the Government of the Republic of India, signed on 31 October 2003 and entered into force on 24 September 2004; the Government of the United States of Mexico, signed on 22 August 2002 and entered into force on 15 March 2004

⁸ Such agreements were concluded between the Government of the Republic of Armenia and the Government of the Kingdom of Denmark, signed on 30 April 2003 and entered into force on 1 January 2004; the Government of the Republic of Latvia, signed on 26 June 2002 and entered into force on 17 May 2003; the Government of the Republic of Lithuania, signed on 15 September 2003 and entered into force on 22 May 2004; the Swiss Federal Council, signed on 30 October 2003 and entered into force on 1 March 2005; the Federal Republic of Germany, signed on 12 November 2006 and entered into force on 17 November 2008; the Government of the Kingdom of Sweden, signed on 8 November 2008 and entered into force on 19 April 2009; the Benelux States (the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of Netherlands), signed on 3 June 2009; the Government of the Kingdom of Norway, signed on 23 January 2010 and entered into force on 26 June 2010; the Czech Republic, signed on 17 May 2010; the Government of the Russian Federation, signed on 20 August 2010.

⁹ Such agreements were concluded between the Government of the Republic of Armenia and the Republic of Georgia “On visa-free movement of citizens through their countries”, signed on 19 May 1993 and “On mutual recognition of visas”, signed on 19 May 1993; the Cabinet of Ministers of Ukraine “On visa-free visits of citizens”, signed on 24 December 1999.

From among the mentioned series, it is appropriate to underline the agreements “On the regulation of the process of voluntary resettlement”¹⁰ and “On legal status of the citizens of the Republic of Armenia permanently residing in the territory of the Russian Federation and the citizens of the Russian Federation residing in the territory of the Republic of Armenia”¹¹ signed between the Government of the Republic of Armenia and the Government of the Russian Federation. With these acts, the Republic of Armenia, pursuant to the national legislation, has undertaken an obligation to grant authorisation for transportation, to provide free migration services and information to settlers and their families, to recognise the right to ownership of settlers and permanent residents, to ensure necessary conditions for exercise of the rights of permanent residents, to assist in issues connected with transportation of property and personal belongings, to exchange documents.

In the context of the exercise of the employment right of migrants, of particular importance is the bilateral agreement concluded with the Government of the Republic of Belarus¹², by which the Government of the Republic of Armenia has assumed the responsibility to recognise the right to work of the citizens of the Republic of Belarus in the Republic of Armenia, to ensure the exercise of the rights of employees, to regulate the issues connected with employment and social aid in the manner prescribed by the national legislation. Within the framework of the agreement concluded between the Government of the Republic of Armenia and the Government of the United States of America¹³, the Republic of Armenia has been obliged to grant right to work to dependants of officers carrying out their official duties.

Effective state administration, particularly, the prevention of irregular migration, has been recognised as one of the targets of the National Security Strategy of the Republic of Armenia. The National Security Strategy of the Republic of Armenia stipulates that the Republic of Armenia will take part in the international projects and undertakings of key international organisations in the field of migration as well as will take part in the integration processes in the sphere of migration regulation in Europe and post-Soviet area.

To raise the awareness of foreign nationals arriving to the Republic of Armenia, the Police of the Republic of Armenia, within the framework of state program on crime prevention in the Republic of Armenia, has developed a summary on the legislation of the Republic of Armenia regulating the procedure of issuing visas and residency statuses for foreign nationals, which has been posted at the official home page of the Police of the Republic of Armenia.

¹⁰ Agreement, signed on 29 August 1997 and entered into force on 4 March 1999.

¹¹ Agreement, signed on 29 August 1997 and entered into force on 17 October 2000.

¹² Agreement between the Government of the Republic of Armenia and the Government of the Republic of Belarus on Temporary Working Activity and Social Protection of the Citizens Working outside their States, signed in 19 July 2000 and entered into force on 24 May 2001.

¹³ Agreement between the Government of the Republic of Armenia and the Government of the United States of America on the Right to Work of the Dependents of Officials Performing their Official Duties in the Host Country, signed on 30 December 2005 and entered into force on 16 October 2006.

The laws of the Republic of Armenia "On social assistance" and "On state benefits" regulate matters pertaining to social assistance of foreign nationals and stateless persons. In accordance with these laws, foreign nationals, stateless persons with status of residency in the Republic of Armenia as well as persons with the status of refugee in the Republic of Armenia are entitled to state benefits and social assistance in case there are legal grounds for that.

The Law of the Republic of Armenia "On foreign nationals" was adopted on 25 December 2006. This law regulates the matters of work permit, engagement in labour activities, employment relations with the employers of the foreign nationals in the Republic of Armenia. In particular categories of persons, who are entitled to work in the Republic of Armenia without a work permit, are defined. Among such are persons with permanent or special residency status as well as persons with temporary residency status based on grounds of having relatives in the Republic of Armenia. Such categories include also the family members of officials of diplomatic representations and consular services accredited to the Republic of Armenia, of international organisations and their representations (in accordance with the principle of reciprocity), foreign nationals with a status of refugee that have been accorded political asylum in the Republic of Armenia and stateless persons (for a period not exceeding their term of residence), other foreign nationals.

The draft law of the Republic of Armenia "On making amendments and supplements to the Law the Republic of Armenia 'On foreign nationals'" foresees to prolong the period of work permit granted to foreign nationals, particularly, to issue a work permit and temporary residency status to a foreign employee on a term stipulated by the employment contract signed with the employer. In practice, the mechanisms to implement the key provisions of the legislation with regard to the residence and permits on grounds of employment are still lacking, including the procedures for the activities of a state authorised body in charge of work permits and the procedures for the registration of foreign employees.

Article 29 of the Law of the Republic of Armenia "On foreign nationals" defines that the authorised state administration body of the Republic of Armenia provides free assistance and service in the field of work and employment of foreign nationals with the aim to provide accurate information to foreign workers, as well as provides consultations aimed to combat misinformation. In the field of work and employment of foreign nationals, the authorised state administration body of the Republic of Armenia is obliged to provide free of charge consultations to a foreign national on the provisions of the employment contract concluded between that foreign national and the employer before he or she enters the Republic of Armenia, as well as is obliged to check the factual compliance of such provisions after that foreign national enters the Republic of Armenia.

According to the Law of the Republic of Armenia on Foreign Nationals, the employers are entitled to conclude an employment/service contract with a foreign employee and use his or

her services upon a work permit issued by the authorised body to the foreign national. The needs and developments of the Armenian labour market have to be taken into account when issuing a work permit to a foreign national. If an employer does not provide work to a foreign national that has lawfully entered Armenia (for which the latter has been issued a work permit), that employer is obliged to compensate him or her (and the family members who have been issued a permit to accompany him or her) the costs relating to his or her return to the country of origin and the costs relating to the transportation of his or her personal property (Article 29).

Currently, several agreements are being elaborated and negotiated with the aim to regulate work migration with different countries.

The number of foreign nationals with residency status in the Republic of Armenia as per country of citizenship and type of residency status

Citizenship	2006			2007				2008			2009 /05.11.09/		
	temporary	common	special	temporary	common	special	permanent	temporary	permanent	special	temporary	permanent	special
Total	9	6	2803	1836	10	2075	6	2344	185	1626	122	86	736
Of which													
CIS nationals	0	0	52	33	0	36	1	308	23	50	34	2	24
Of which													
<i>Russian nationals</i>		1	35	4		29	0	217	20	29		1	9
<i>Ukrainian nationals</i>			1					21	1	3	22		2
<i>Turkmenistani nationals</i>			16	27		7	1	38	2	17	11	1	12
<i>Other</i>				2				32		1	1		1
Nationals of other	9	4	2741	1799	10	2023	5	2025	161	1571	88	83	706

countries													
Of which													
<i>Iraqi nationals</i>			116	14		148		10	2	266			114
<i>Iranian nationals</i>	8	1	922	808	3	640	1	759	49	378		38	180
<i>Lebanese nationals</i>			167	38		146		44	8	127		2	42
<i>Syrian nationals</i>	1		568	132		316		160	9	194		4	78
<i>USA nationals</i>		1	462	174		332	3	176	31	226	82	8	145
<i>French nationals</i>			91	46		118		38	3	84		4	41
<i>Other</i>		2	415	587	7	323	1	838	59	296	6	27	106
<i>Stateless persons</i>		2	10	4		16		11	1	5		1	6

Article 27. The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

1. to take appropriate measures:

a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;

b. to take account of their needs in terms of conditions of employment and social security;

c. to develop or promote services, public or private, in particular child day-care services and other childcare arrangements;

2. to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;

3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Article 27«1

Article 141 of the Labour Code of the Republic of Armenia provides, that a part-time working day or a part-time working week is set on the request of a pregnant woman and an employee rearing a child under one year of age, upon request of the employee taking care of a sick member of the family based on a medical opinion but for not more than six months and for each day no longer than the half of the set working time. Part-time work shall not serve as a basis for applying restrictions when setting the duration of the annual leave, calculating the seniority, appointing to a higher position, raising qualifications, as well as exercise of other labour rights of the employee.

Article 117 of the Code establishes that an employment contract may not be rescinded with a pregnant woman during the overall pregnancy period (if necessary, in case of an available medical opinion), delivery leave and the month thereafter, as well as with an employee rearing a child under one year of age. It is specified in Article 141(1)(3) that a part-time working day or a part-time working week is set upon the request of a pregnant woman and an employee rearing a child under one year of age. Article 172 regulates the issues concerning pregnancy and maternity leave.

Dismissal from work based on reasons pertaining to maternity is prohibited. Every employed woman shall have the right to paid pre- and post-natal leave, and the right to parental leave following the birth or adoption of a child.

The Committee also wishes to know whether periods of leave due to family responsibilities are taken into account for determining the right to pension and for calculating the amount of pension.

Yes, the leave taken due to family responsibilities is taken into account in determining the right to pension and in calculating the amount of pension.

Child day care services

Attaching importance to the issue of supporting families having a socially disadvantaged child, as well as for the purpose of supporting families in child care and upbringing, two (2) state-run social care centres are established in Gyumri and Yerevan cities, where some 200 children are cared for, according to the relevant decisions of the Government of the Republic of Armenia. Ninety payroll positions are allocated to the centres.

“Child Social Care Centre of Ajapnyak Community of Yerevan” SNCO operates since 2005.

“Child Social Care Centre of Gyumry” SNCO operates since 2006.

There are 23 specialists dealing with the children, their families and their social conditions: pedagogue, lawyer, doctor, psychologist, social worker, pathologist, who provide them with professional advice, support and various intermediary services, taking into account the peculiarities of problems of each child and his family.

2004-2015 National Programme on the Protection of Children’s Rights in the Republic of Armenia provides for bringing the number of child day care community centres up to 25 with the support of state and international non-governmental organisations by 2015.

The Committee states, that according to Article 176 of the Labour Code unpaid leave shall be granted at the request of the employee for taking care of a sick member of his family for not longer than 30 days in a year. The Committee wishes to ask whether, in addition to the above mentioned, Armenia legislation provides for special arrangements enabling parents to reduce or cease their professional activity because of the serious illness of a child.

According to the Law of the Republic of Armenia "On mandatory social insurance in case of temporary incapacity for work" (Article 12):

1. Hired employee is granted family member care benefit.

(1) for not more than seven calendar days in case an ill adult family member needs an out-patient care;

(2) not more than 24 calendar days in case an ill child needs an out-patient care, whilst not more than 28 calendar days in case a child needs care due to contagious diseases;

(3) for the entire period of staying at in-patient medical establishment in case of exercising care of an ill child staying at an in-patient medical establishment;

(4) for the entire period of sanatorium treatment of a child but not more than the period mentioned in the referral in case of exercising care of a child under the age of eighteen in need of individual care or during sanatorium treatment of a disabled child. Moreover, the benefit is granted once in the calendar year.

2. For the care of a child under the age of three or of a disabled child under the age of eighteen, where the mother (guardian, curator), due to illness or being at an in-patient medical establishment with the other family member that is ill, is unable to exercise the care of a child, family member care benefit is granted to a hired employee taking care of a child for the entire period of illness of the child's mother (guardian, curator) or of her being at in-patient medical establishment.

Article 27«2

With regard to the inquiries by the Committee on Article 27«2, the following information is provided.

The leave provided for by Article 173 of the Labour Code of the Republic of Armenia for the care of a child under the age of three is a paid leave, whereas according to Article 176 of the Labour Code of the Republic of Armenia, the leave granted to a husband of a woman on a maternity leave, as well as a leave of the husband of a woman on leave for the care of a child under the age of one is an unpaid leave. The two leaves may be granted to the same person at his will.

The leave for the care of a child is — by turn — granted to persons provided for by the legislation at their will - until the child attains the age of three. The payment is made in the manner prescribed by the legislation of the Republic of Armenia from the place the relevant person is employed.

The mentioned provisions apply to all categories of employees.

According to information provided by Trade Union Confederation of the Republic of Armenia, there are no cases of including special provisions on the leave for the care of a child in collective contracts concluded at branch and territorial levels.

Article 27«3

With regard to the inquiries by the Committee on Article 27«3, the following information is provided.

According to Article 109 of the Labour Code of the Republic of Armenia, an employment contract is rescinded upon the consent of the parties, in case of expiry of a contract, at the initiative of an employee, in other cases provided for by the Code. The Labour Code of the Republic of Armenia does not stipulate any provision which may allow the rescission of an employment contract due to fulfilment of family responsibilities.

Article 117 of the Labour Code of the Republic of Armenia was amended by the Law No HO-39-N of 27 February 2006, according to which an employment contract may not be rescinded with a pregnant woman during the overall pregnancy period (if necessary, in case of an available medical opinion), delivery leave and the month thereafter, as well as with an employee rearing a child under the age of one, except for cases of liquidation of the organisation /termination of activities of an individual entrepreneur/, bankruptcy of an employer, losing confidence towards an employee and upon availability of civil judgement having entered into force, according to which an employee has been subjected to such liability that prevents him or her from continuing his or her work.

According to Article 114(1) of the Labour Code of the Republic of Armenia, rescission of an employment contract on the initiative of an employer is prohibited during the leave of an employee, which also includes the following types of special-purpose leave provided for in Article 171 of the Labour Code of the Republic of Armenia.

- 1. pregnancy and delivery (maternity) leave;*
- 2. leave granted for the care of a child under the age of three;*
- 3. educational leave;*
- 4. leave for fulfilment of state or public duties;*
- 5. unpaid leave.*

The amendments of the Labour Code of the Republic of Armenia were adopted on 9 August 2010, according to which (Article 265 of the Labour Code of the Republic of Armenia), an employee, who disagrees with the termination or rescission of an employment contract at the initiative of an employer, is entitled to apply to court within one month from the day of receipt of the appropriate notice (document). If it is established that an employment contract with the

employee is rescinded without legal grounds or in violation of the procedure established by the legislation, the violated rights of the employee may be reinstated. In this case, an employer pays the average salary to an employee for the entire period of the enforced idleness. The court may not reinstate an employee in his previous job due to impossibility to recover further employment relations between an employer and an employee by obliging an employer to pay compensation for the entire period of enforced idleness in the amount of average salary until the entry into force of civil judgement. In this case, the employment contract is considered rescinded upon the entry into force of the civil judgement.