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EUROPEAN SOCIAL CHARTER

6th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF ARMENIA

(Articles 1, 15, 18, 20 and 24
for the period 01/01/2007 – 31/12/2010)

Report registered by the Secretariat on 26 June 2012

CYCLE 2012

Annex
to the Protocol Decision of the Sitting of
the Government of the Republic of
Armenia No 14 of 12 April 2012



EUROPEAN SOCIAL CHARTER

/REVISED/

Report of the Republic of Armenia

Articles 1, 15, 18, 20, 24

Reporting period 2007-2010

Article 1. Right to work

With a view of ensuring the effective exercise of the right to work, the Parties undertake:

1. to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible;
2. to protect effectively the right of the worker to earn his living in an occupation freely entered upon;
3. to establish or maintain free employment services for all workers;
4. to provide or promote appropriate vocational guidance, training and rehabilitation.

Annex to Article 1.2

This provision shall not be interpreted as prohibiting or authorising any union security clause or practice.

Article 1.1

1) Please describe the national employment policy and general legal framework. Please indicate the nature of, reasons for and framework of any implemented reform.

In the sphere of employment the aim of state policy is to create conditions for ensuring full and efficient employment of population. It is aimed at defusing tension in the labour market, enhancing the competitiveness of job seekers, maintaining the current jobs, promoting job creation by the employers and recruitment of high-quality professionals.

The Law of the Republic of Armenia “On making amendments and supplements to the Law of the Republic of Armenia ‘On the employment of population and social protection in case of unemployment’” was adopted on 22 December 2010 and was signed by the President of the Republic of Armenia on 15 January 2011. The aim of the amendment was to promote the implementation of active and efficient policy in the sphere of employment, the partial transfer of financial means — allocated to passive employment programmes — to active programmes implemented in the sphere of employment, as well as to change the conditions of implementation of certain programmes in the sphere of employment and to introduce new programmes.

The introduced amendments and supplements have contributed to the clarification of several provisions of the law, regulation of certain issues revealed following the implementation of the

law and promotion of implementation of active and efficient policy in the sphere of employment. In particular:

- the types of activities deemed as employment have been clarified taking into account the requirements of Article 16 of the Labour Code of the Republic of Armenia;
- upon the amendment to the law the issue of employment of persons considered as owners of agricultural lands has been regulated as far as possible. They have been given an opportunity to get involved in the vocational training programme implemented by the state employment service and receive a scholarship during the whole period of training. The concept of the unemployed person has been clarified: the fact of not being a retiree has been taken into account when defining the unemployed person;
- the structure of the annual state programme for the employment of population and the list of measures included in the programme have been clarified;
- legislative regulation of job fair organisation processes has been carried out with the purpose of making the link between the employer and employee more visible and efficient in the context of matching the supply and demand;
- uncompetitive groups in the labour market and the additional safeguards provided thereto have been supplemented (Article 20); in particular, an opportunity to benefit from additional safeguards of social protection has been provided to persons registered with the narcological service, who are in remission, and to victims of trafficking;
- conditions for involvement in the groups considered as uncompetitive in the labour market have been improved, in particular:

(a) persons returned from remand facilities or institutions applying medical coercive measures have been given an opportunity to be involved after their return in the above mentioned groups in case of applying to the state employment service within one year instead of the six months;

(b) children having reached the working age and deprived of parental care and persons falling under the category of children deprived of parental care, as well as persons registered with the state employment service within three years following the discharge from military service, will be involved in the uncompetitive groups in case of retaining the status of the unemployed person for at least six consecutive months (instead of the previous one year).

- the issue of providing unemployment benefits to persons holding the status of unemployed person more than once has been clarified. It is envisaged that if the person receives unemployment benefits more than once, each next time the unemployment benefits shall be

provided in case of at least one year of pensionable service accumulated after the removal from registration with the state employment service; moreover, the period of provision of unemployment benefits shall be calculated in accordance with the amount of pensionable service accumulated after the last removal from registration with the state employment service. The purpose of this amendment is to stress the importance of employment and to promote it;

- the assistance to the organisation of working practice at the employer's office for unemployed persons having a profession but lacking work experience and for not employed job seekers with disabilities has given opportunity to unemployed persons having a profession but lacking work experience and not employed job seekers with disabilities to obtain work experience corresponding to the vocational qualification thereof, become more competitive in the labour market and engage in suitable employment;
- by means of implementation of the programme for the adjustment of workstations of not employed job seekers with disabilities at the employer's office, the state employment service assists the extension of their opportunities of engaging in employment as well as ensuring employment.

Taking into account the constitutional right of the unemployed person (Article 37 of the Constitution of the Republic of Armenia), the law has provided for a possibility of recalculation of unemployment benefits in respect of emergence of new grounds for receiving benefits. In particular, not employed job seekers with disabilities have been given the opportunity to benefit from the programme for the compensation of material expenses in respect of secondment to work in another place.

New programmes for regulating employment proposed by the amendment of law have been implemented since 2011.

Amendments made to the Law resulted in the necessity of making amendments and supplements to a number of decisions of the Government of the Republic of Armenia. For that purpose, the Decision of the Prime Minister of the Republic of Armenia No 174-A of 9 March 2011 was adopted, on the basis whereof the Decision of the Government of the Republic of Armenia No 818-N of 10 June 2011 "On approving the procedure for granting or recalculating unemployment benefits by reason of emergence of new grounds for granting and recalculating unemployment benefits and on making amendments and supplements to a number of decisions of the Government of the Republic of Armenia" and the Order of the Minister of Labour and Social Affairs of the Republic of Armenia No 48-N of 1 June 2011 "On approving procedures for organising job fairs, organising

work practice at the employer’s office for unemployed persons having a profession but lacking work experience and for not employed job seekers with disabilities, adjusting work stations for not employed job seekers with disabilities at the employer’s office” were adopted and put into effect. The latter has laid down clear mechanisms for the application of above-mentioned procedures.

Upon the amendment to the Law, 2 further groups were added to 7 uncompetitive groups, *i.e.* persons registered with the narcological service, who are in remission, and victims of trafficking.

2) Please indicate measures (administrative mechanisms, programmes, action plans, projects, etc) aimed at implementation of legal framework.

State employment policy is developed by the public administration body authorised by the Government of the Republic of Armenia — the Ministry of Labour and Social Affairs of the Republic of Armenia, and is implemented by the state employment service operating within the structure thereof.

The state employment service carries out the state regulation of employment of population in compliance with annual state programmes for the employment of population.

The results of implemented measures and programmes are presented below as of years:

Actual financing of state programmes for the employment of population in the Republic of Armenia for 2008-2010

		<p>Actual financing of state programmes for the employment of population for 2008-2010, the number of persons involved in the activity/amount spent (mln drams)</p>
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Number	NUMBER OF PERSONS INVOLVED IN THE ACTIVITY CONTENT OF SUBPROGRAMMES PROVIDED FOR BY PROGRAMMES	2008	2009	2010
		1.	Payment of unemployment benefits	21043 /2752.5 mln drams /
2.	Organisation of vocational training	1316 /134.4 mln drams /	1436 /179,3(mln drams)	1513 /184.6(mln drams)
3.	Compensation of material expenses for unemployed persons in respect of secondment to work in another place	7 /1.14mln drams/	10 /4.1mln drams/	19 /6.5mln drams/
4.	Re-specialisation of not employed job seekers receiving long-service and preferential benefits	9 /0.67mln drams/	3 /0.4mln drams/	8 /0.8mln drams/
6.	Organisation of vocational training for disabled persons, restoration of working abilities	90 /9.3mln drams/	79 /10.03mln drams/	82 /9.8mln drams/
7.	Organisation of activities regarding the research and forecasting of labour market	1 /5.0mln drams/	1 /5.0mln drams/	1 /5.0mln drams/

		Actual financing of state programmes for the employment of population for 2008-2010, the number of persons involved in the activity/amount spent (mln drams)		
Number	NUMBER OF PERSONS INVOLVED IN THE ACTIVITY			
	CONTENT OF SUBPROGRAMMES PROVIDED FOR BY PROGRAMMES	2008	2009	2010
8.	Partial compensation of salary to the employer in case of recruitment of persons considered as uncompetitive in the labour market	167 /42.3mln drams/	229 /58.8mln drams/	194 /70.4mln drams/
9.	Organisation of job fairs for vacant positions	0	6 /4.2mln drams/	6 /4.2mln drams/
10.	Financial assistance to unemployed persons with regard to state registration for the purpose of engaging in entrepreneurial activities	64 /0.5mln drams/	104 /0.75mln drams/	117 /0.83mln drams/
11.	Payment of funeral benefits	97 /4.3mln drams/	113 /6.4mln drams/	126 /6.8mln drams/

		Actual financing of state programmes for the employment of population for 2008-2010, the number of persons involved in the activity/amount spent (mln drams)		
Number	NUMBER OF PERSONS INVOLVED IN THE ACTIVITY			
	CONTENT OF SUBPROGRAMMES PROVIDED FOR BY PROGRAMMES	2008	2009	2010
12.	Organisation of paid public works	7006 /685.4mln drams/	4200 /540.6mln drams/	6254 /625.5mln drams/

In addition to state programmes, international programmes have also been implemented:

13	UN Organisation of public works under "Food-for-work"	1013	0	0
14.	UN vocational training courses	0	0	395

3) Please provide relevant figures, statistics (for instance, Eurostat data) or other relevant data, in particular GDP growth rate, employment trends in all branches of economy, level of employment (percentage ratio of employed persons in relation to the number of population aged 15-64), the level of employment among young people, level of economic activity (proportion of total labour force in relation to the number of population aged 15 and

up), level of unemployment, level of long-term unemployment, level of unemployment of young people, status of employment (employed, self-employed). All the data must be provided as of gender. Furthermore, expenses related to employment policy must be provided in form of share in the GDP, including in form of relevant shares of expenses related to “active” (job creation, trainings, etc) and “passive”(financial compensation, etc.) measures.

GDP growth rates, levels employment and economic activity of youth as of years:

%

	2008	2009	2010
GDP growth rate	106.9	85.9	102.1
Level of employment of young people (aged 16-29)	31.4	29.8	31.6
Level of economic activity of young people (aged 16-29)	44.5	44.9	46.6

* Calculated in relation to the number of population of relevant age group.

The official level of unemployment for 2008-2010, including the number and proportions of long-term and young unemployed persons, is as follows:

	2008	2009	2010
Number of job seekers	90244	99308	93230
Number of unemployed persons	74900	81400	78804
Number of long-term unemployed persons (persons retaining the status of unemployed persons for more than one year)	47739	45342	45327

Proportion of long-term unemployed persons in the number of unemployed persons (percentage)	63.7	55.7	57.5
Number of young people aged 16-30 in the number of unemployed persons	13484	15948	15083
Proportion of young people aged 16-30 (percentage)	18.0	19.6	19.1
Level of registered unemployment (annual average)	6.3	7.0	7.0
male	3.2	4.0	4.2
female	9.3	9.8	9.8

Conditioned by the global economic crisis, a decline was registered also in the economy of Armenia starting from 2008. The level of unemployment started growing (see table).

In 2010, the level of unemployment within the Republic constituted 7,0%, in 2009 — 7.0%, in 2008 — 6.3 %.

The level of unemployment as of years (annual average)

At the year-end	Officially registered	Complete data of research carried out by NSS in respect of standard of living of households, which have been calculated by the methodology offered by ILO
2008	6.3	17.3
2009	7.0	19.7
2010	7,0	19.9

Distribution of unemployed persons engaged in employment, as of the duration of unemployment spell

at the year-end thousand people

	2008	2009	2010
Persons engaged in employment	7.656	8.293	10.021
as of the duration of unemployment spell			
<3 months	0,56	0.979	1.241
3-6 months	0,792	0.983	1.265
6-12 months	1,474	1.499	2.526
12 >	4.824	4.832	4.989
Average duration of completed unemployment spell, month	25.7	22.6	19.0

Distribution of officially registered unemployed persons as of gender

Annual average

	Unemployed persons, thousand people			Growth rate, %		
	Total	male	female	Total	male	female
2008	74.9	18.8	56.1	90.5	82.1	93.7
2009	81.4	23.2	58.2	108.7	123.4	103.7
2010	83.3	24.9	58.4	102.3	107.3	100.3

The number of officially registered unemployed persons, as of marzes [regions] of the Republic of Armenia

Annual average

	Unemployed persons, thousand people			Growth rate, %		
	2008	2009	2010	2008	2009	2010
Total	74.9	81.4	83.3	90.5	108.7	102.3
City of Yerevan	18.0	22.7	28.1	102.3	126.1	123.8
Aragatsotn	1.3	1.4	1.4	86.7	107.7	100.0
Ararat	3.0	3.3	3.5	107.1	110.0	106.1
Armavir	3.4	3.5	3.8	113.3	102.9	108.6
Gegharkuniq	5.8	6.0	6.0	103.6	103.4	100.0
Lori	11.4	11.4	11.2	74.0	100.0	98.2
Kotayk	6.4	7.6	7.8	120.8	118.8	102.6
Shirak	12.4	12.5	9.6	74.3	100.8	76.8
Syunik	7.5	6.9	5.9	81.5	92.0	85.5
Vayots-Dzor	1.1	1.1	1.1	91.7	100.0	100.0
Tavush	4.8	4.8	4.8	109.1	102.1	98.0

Distribution of unemployed persons as of gender and age groups (according to the results of complete research on the standard of living (living conditions) of households)

thousand people

	Total			including as of gender					
				male			female		
	2008	2009	2010	2008	2009	2010	2008	2009	2010
Unemployed persons	231.6	265.9	278.2	108.5	133.3	132.5	123.1	132.6	145.7
15-19	16.1	21.5	17.0	6.9	9.0	7.3	9.2	12.5	9.7

20-24	53.1	53.9	59.5	29.5	28.6	28.4	23.6	25.4	31.1
25-29	33.2	41.5	41.1	18.9	21.9	22.3	14.2	19.6	18.8
30-34	21.1	25.2	25.7	9.6	13.4	12.8	11.5	11.9	12.9
35-39	18.6	26.0	23.7	9.3	11.1	10.9	9.3	14.9	12.8
40-44	20.2	20.9	20.2	6.5	9.8	8.9	13.7	11.1	11.3
45-49	23.7	27.4	28.4	6.8	13.5	12.1	16.9	14.0	16.4
50-54	19.5	25.1	29.1	7.1	12.0	13.5	12.5	13.2	15.6
55-59	16.8	12.5	20.6	8.3	7.0	8.9	8.4	5.5	11.7
60-64	5.6	7.1	8.4	3.0	3.8	4.3	2.6	3.3	4.0
65>	3.7	4.7	4.4	2.6	3.4	3.0	1.1	1.4	1.4
Average age	35.5	34.8	34.5	34.3	35.5	33.7	36.6	35.1	34.5

Distribution of employed persons as of gender

Annual average

	Employed persons, thousand people			Growth rate, %		
	Total	male	female	Total	male	female
2008	1117.6	570.9	546.7	101.5	99.9	103.1
2009	1089.4	552.0	537.4	97.5	96.7	98.3
2010	1104.8	564.9	539.9	101.4	102.3	100.5

Distribution of employed persons as of marzes of the Republic of Armenia

Annual average

	Employed persons, thousand people	Growth rate, %
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	2008	2009	2010	2008	2009	2010
Total	1117.6	1089.4	1104.8	101.5	97.5	101.4
City of Yerevan	338.0	316.1	319.2	104.9	96.4	101.0
Aragatsotn	65.8	64.8	65.5	104.3	98.5	101.1
Ararat	118.0	116.3	116.1	101.0	98.6	99.8
Armavir	119.2	118.3	120.8	99.2	99.2	102.1
Gegharkuniq	103.1	97.6	100.4	99.6	94.7	102.9
Lori	91.3	91.1	92.2	99.5	99.8	101.2
Kotayk	76.2	75.8	76.6	99.9	99.5	101.1
Shirak	86.0	84.2	85.3	98.4	97.9	101.3
Syunik	53.3	49.5	51.6	104.7	92.9	104.2
Vayots-Dzor	26.2	25.2	25.3	97.8	96.2	100.4
Tavush	50.5	50.5	51.8	102.6	100.0	102.6

Distribution of employed persons as of the types of economic activities

Annual average

	Total, thousand people			In relation to the total, %		
	2008	2009	2010	2008	2009	2010
Employed persons, total	1117.6	1089.4	1104.8	100	100	100
Agriculture, hunting and forestry	493.0	496.2	500.7	44.1	45.6	45.3
Fishing, fishery	0.5	0.3	0.6	0.0	0.0	0.05
Mining industry	8.3	7.3	7.6	0.7	0.7	0.7
Manufacturing industry	94.8	83.9	77.8	8.5	7.7	7.0
Production and distribution of electricity, gas and water	24.5	23.9	25.3	2.2	2.2	2.3
Construction	60.4	49.5	56.3	5.4	4.6	5.1

	Total, thousand people			In relation to the total, %		
	2008	2009	2010	2008	2009	2010
Trade, reparation of cars, household products and goods for personal use	113.2	104.2	106.3	10.1	9.6	9.6
Hotels and restaurants	12.4	12.5	14.3	1.1	1.1	1.3
Transport and communications	51.6	53.8	54.1	4.6	4.9	5.0
Financial activities	10.6	11.0	11.7	1.0	1.0	1.1
Operations related to immovable property, renting and provision of customer services	26.7	26.6	27.0	2.4	2.4	2.4
Public administration	39.7	40.4	43.9	3.6	3.7	4.0
Education	100.9	100.6	103.2	9.0	9.2	9.3
Health care and provision of social services	44.5	45.7	43.0	4.0	4.2	3.9
Provision of public utilities, social and individual services	36.3	33.5	33.1	3.3	3.1	3.0

Distribution of employed persons as of the employment status and gender

	Total	Hired employee	Not hired employee	Including		
				employer	self-employed person	Other

Total %

2008	100	58.0	42.0	0.5	29.4	12.1
2009	100	56.8	43.2	0.5	25.2	17.4
2010	100	56.9	36.8	0.5	27.5	15.2

Male

2008	100	63.1	36.9	0.7	28.9	7.3
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2009	100	60.4	39.6	0.9	27.6	11.0
2010	100	61.3	37.7	0.8	27.5	9.4

Female

2008	100	51.9	48.1	0.1	30.0	17.9
2009	100	52.7	47.3	0.1	22.4	24.9
2010	100	50.3	49.7	0.1	27.5	22.0

Proportion of total financial means in GDP, envisaged for employment programmes/ mln drams

	2008	2009	2010
GDP	3568228.0	3141651.0	3501637.8
Total financial means envisaged for employment programmes	3566.2	5442.2	5691.2
Proportion of total financial means in GDP, envisaged for employment programmes	0.1	0.17	0.16
Financial means envisaged for active employment programmes	784.0	633.2	907.6
Proportion of total financial means in GDP, envisaged for active employment programmes	0.02	0.02	0.025

Questions posed by the Committee with regard to Article 1.1

1. *The Committee requires to submit information concerning amendments made to the legislation and passive measures implemented during the reporting period.*

Pursuant to the above-mentioned Law of the Republic of Armenia "On making amendments and supplements to the Law of the Republic of Armenia 'On the employment of population and social

protection in case of unemployment”, the determination of the amount of unemployment benefits has been reserved to the Government of the Republic of Armenia (before making the amendment, the amount of unemployment benefits was defined by law; it constituted 60% of the minimum monthly salary defined by Article 1 of the Law of the Republic of Armenia “On minimum monthly salary”).

Taking into account the constitutional right of an unemployed person (Constitution of the Republic of Armenia, Article 37), the law has provided for a possibility of recalculation of the unemployment benefit by reason of emergence of new grounds for receiving benefits.

2. *The Committee, referring to another source, also indicates that the number of long-term unemployed persons constituted 78% in 2005, whereas the average EU-15 constituted 42,1% in 2006. The Committee indicates that this rate is too high and asks for information concerning measures implemented with the purpose of regulating the issue of long-term unemployment in Armenia. According to the report the number of employed persons with disabilities reached 1928 in 2006 as compared to 1039 in 2005. The Committee requires information concerning unemployment among disabled persons.*

Opportunities for integration of disabled persons into open labour market are in our country strictly limited.

In order to enter the labour market the disabled persons have to compete on equal grounds with other job seekers. Conditioned by the global economic crisis, the economy of Armenia declined within the last two years; an increase in unemployment was registered in the labour market, which in its turn caused double difficult integration of disabled persons into the labour market.

The total 62% of disabled persons are at working age, the 21,4% or 22.700 wherefrom are employed persons (source: NSS website, Report on labour force and informal employment in Armenia, on the results of one-off sample survey, June 2009).

The proportion of employed persons with disabilities in the total number of employed persons constitutes 1,8%, whereas that of those engaged in purely employment activities constitutes 0,7%.

The distribution of disabled persons as of the sectors of economy is as follows:

Employees with disabilities as of the sectors of economy

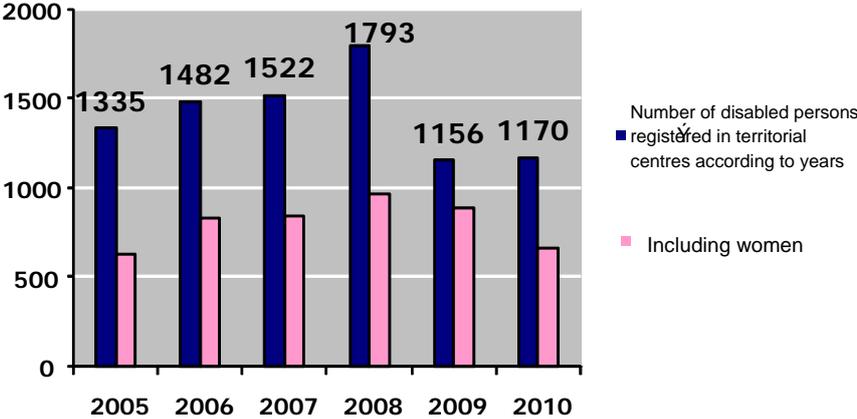
	Employees with disabilities, people					% in relation to the number of employees of the corresponding sector				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
<i>Total</i>	1039	1928	2136	2266	2385	0.3	0.6	0.6	0.7	0.7
Agriculture	-	10	30	15	23	-	0.4	0.8	0.4	0.6
Industry	513	542	628	582	591	0.7	0.8	0.9	0.9	1.0
Construction	17	44	43	41	43	0.1	0.5	0.4	0.3	0.3
Services	509	1332	1435	1628	1728	0.2	0.5	0.5	0.6	0.7
<i>Including</i>										
Transport and communications	49	137	162	109	150	0.2	0.5	0.6	0.4	0.6
Financial activities	-	21	20	23	25	-	0.3	0.3	0.3	0.3
Education	84	381	335	451	380	0.1	0.4	0.3	0.5	0.4
Health care and provision of social services	180	476	483	634	752	0.4	1.2	1.1	1.6	1.9
Other	196	317	435	411	421	0.2	0.4	0.5	0.4	0.5

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According to the results of sample survey carried out by the state employment service among employers the proportion of disabled persons in the inquired organisations constituted 1,6% in 2009, whereas in 2010 this rate decreased to 0,9%. It is absolutely clear that, conditioned by the global economic crisis, the proportion of disabled persons among persons having lost jobs was high.

As of 1 January 2011, the number of jobseekers in territorial centres of State Employment Service Agency constituted 93,2 thousand, the 84,6% or 78.8 thousand wherefrom are unemployed persons. The number of disabled persons registered as jobseekers constituted 1170 (664 wherefrom were female) or 1,3% of all jobseekers. Amongst them, first degree disabled persons constitute 1,6%, second degree disabled persons — 34%, third degree disabled persons — 64%, and 0,6% therefrom have status of disabled children. Those aged 16-24 among registered disabled persons constitute 4,7%, those aged 25-30 — 5,9 %, those aged 31-50 — 41,9%, and those above 50 — 47,5 %. 63 % of registered persons has work experience.

The number of registered disabled persons as of years is as follows:



These statistical data show that only 1,0% of not employed persons with disabilities at working age are registered with the state employment service. In recent years the reason for decrease in the number of disabled persons registered with employment centres is the following: by reason of imperfection of databases of state employment service the disabled persons registered before 2008 remained as registered for many years even in the cases where they failed to apply to the employment

centre within the 6 months required by law. Starting from 2008, along with improvement of databases, only active jobseekers remained as registered who periodically appear in employment centres.

Why is the number of disabled persons registering with the state employment service so small? In order to answer this question and reveal the problems of vulnerable groups, the following issues were revealed in result of the survey on the labour market of Armenia, carried out in 2007 with the assistance of the World Bank:

- lack of awareness both among employers and disabled persons;
- insufficient social safeguards;
- discrimination in the legislation (disabled persons with pensionable service are not entitled to be granted with the status of unemployed person or to receive unemployment benefits)
- non-accessible employment centres (only 10 centres out of 51 are equipped with wheelchair ramps);
- stereotypes and prejudices that are not overcome;
- imbalanced labour market (supply of labour force exceeds by several times the demand);
- lack of resources at employment centres and lack of relevant tools for working with this group;
- lack of work motivation .

The difficulty of integration of disabled persons into the labour market is also conditioned by different subjective and objective factors.

They include:

- insufficient programmes and measures aimed at promoting employment;
- lack of vocational skills and (or) working experience of disabled persons;
- buildings and transportation means are not accessible;
- workstations are not adjusted as of the needs of disabled persons;
- employers are not aware of the privileges granted by the State in case of having an employee with disabilities;
- diversified treatment by the society;
- employers are not willing to recruit a disabled person;

- low self-esteem of the disabled person; the person is not psychologically ready to work;
- too much attention by the family members, which hinders the development of the individual, the independent activities thereof;
- employers do not observe the safeguards (working hours, rest, etc.) guaranteed by law for disabled persons.

And the most important thing is the general lack of social responsibility among employers.

The above-mentioned is supported by the results of social inquiry carried out by the HDP Charitable Foundation in 2009 among employers of the City of Yerevan. Out of 60 surveyed organisations only 22 (36,7%) employed disabled persons (*see table*).

Out of 10082 persons working at the organisations, 59 persons (0,6%) were disabled. Only 3,3% of employers employed the biggest number of disabled persons — 9 employees, whereas 16,7% of employers employed only 1 such person.

Table: Number of disabled employees

<i>Number of disabled employees</i>	Percentage from the number of employees
1 disabled employee	16.7
2 disabled employees	6.7
3 disabled employees	6.7
6 disabled employees	1.7
7 disabled employees	1.7
9 disabled employees	3.3
Do not employ disabled persons	63.3
Total	100.0

Only 5,0% of the inquired employers have indicated that they had vacant positions which they may fill with disabled employees.

According to the results of survey, employers are particularly worried about the danger of decrease of productivity mainly conditioned by health problems of disabled persons. The others indicate as an obstacle for recruiting disabled workers the peculiarities of the field of activities of the organisation (service sector, manual labour, etc.).

The results of the same survey prove that 20,3% of the employed persons with disabilities hold managerial positions of organisations. This fact proves that along with existing difficulties, among disabled persons, initiating individuals, those engaged in business and those motivated to work do not form a little number.

3. *The Committee requires to include in the next report comments concerning the low level of employment among females.*

In the reporting period the number of women in the total number of employed persons is almost equal to the number of men (see table):

	2008	2009	2010
Employed persons, according to the NSS	1117,6	1089,4	1104,8
including women	546,7	537,4	539.9
the number of women, expressed in percentage	48,9	49,3	48.9

According to the data of state employment service, the rate of placing women in employment has increased in the reporting period.

	2008	2009	2010
Persons placed in employment through SESA	8657	9394	11341
including women	5349	5722	6520
the number of women, expressed in percentage	61,8	60,9	57,5

4. The Committee requires information concerning the total number of persons involved in active programmes and the indicator of activity (it is the percentage ratio of number of persons involved in active programmes in relation to the total number of jobseekers).

The number of jobseekers registered with territorial employment centres constituted, as of 31 December 2010, 93230 persons the 78804 wherefrom were unemployed persons. In 2010 the indicator of those involved in employment programmes constituted 38,6% of jobseekers, whereas that of those placed in employment — 11315 persons or 12,1% of jobseekers.

	<i>Number of jobseekers registered with SESA</i>	<i>Number of persons involved in active programmes</i>	<i>Indicator of activity /percentage ratio of the number of persons involved in active programmes in relation to the total number of jobseekers/</i>
2008	90244	8659	9,6
2009	93308	6061	6,5
2010	93230	8187	8,8

Performance indicator of state programmes on employment regulation for 2008-2010

	Envisaged		Implemented		Performance indicator	
	number of persons involved in the	Financial means (mln)	number of persons involved in the	Financial means spent	Performance indicator of those involved in the	Performance indicator of financial means

	activity	drams)	activity	(mln drams)	activity /by /	/by /
2008	23389	3566.2*	29705	3752.9	127.0	105.2
2009	37551	5442.2	37551	5405.7	100	99.3
2010	31736	5691.2	36071	5681.99	113.66	99.8

* additional 142,5 mln drams allocated

5. The Committee requires to submit in the next report detailed data concerning the total costs necessary for the employment policy as percentage of GDP, indicating the proportionality of allocation thereof to active and passive programmes.

**Proportion of total financial means in GDP, envisaged for employment programmes/
mln drams/**

	2008	2009	2010
GDP	3568228.0	3141651.0	3501637.8
Total financial means envisaged for employment programmes	3566.2	5442.2	5691.2
Proportion of total financial means in GDP, envisaged for employment programmes	0.1	0.17	0.16
Financial means envisaged for active employment programmes	784.0	633.2	907.6
Proportion of total financial means in GDP, envisaged for active employment programmes	0.02	0.02	0.025

Article 1.2

1) **Please provide the description of general legal framework. Please indicate the nature of, reasons for and framework of any implemented reform.** The Law of the Republic of Armenia "On making amendments and supplements to the Labour Code of the Republic of

Armenia”, (hereinafter referred to as “the Law”) was adopted on 15 July 2010, by taking into account the necessity of regulating certain issues having emerged in the law enforcement practice after putting into effect the Labour Code of the Republic of Armenia (hereinafter referred to also as “the Code”) as well as the requirement of point 8 of the Decision of the Government of the Republic of Armenia No 775-N of 26 June 2008 on the implementation of measures aimed at improving the business environment. Amendments and supplements proposed for the Labour Code of the Republic of Armenia have also had their aim to simplify and clarify the mechanisms for emergence of employment relations and regulation thereof and bring them into compliance with the requirements of certain provisions set forth in the Constitution of the Republic of Armenia, international treaties — the UN conventions and European Social Charter (revised).

After putting into effect the Labour Code of the Republic of Armenia a number of issues have emerged in the law enforcement practice, which may be classified into the following groups:

- issues emerging as a result of internal conflict of certain legal norms existing in the Code, ambiguous, different perception thereof in result of not fluent formulation of legal provisions;
- issues emerging where certain relations are not regulated and mechanisms for the regulation of individual relations are not clear.

The Law involves the following main approaches and solutions for regulating issues set forth in the Labour Code of the Republic of Armenia and having emerged following the implementation thereof:

1. Regulation of employment relations with the participation of citizens serving their punishment in penitentiary institutions, relating to the arrangements on working time and rest, remuneration for work, safety and health of employees;

2. Introduction of the institute of verbal employment contracts: the introduction of this institute aims to reduce to a possible extent the documentation formalities during the recruitment process, by stipulating that the employment contract shall be concluded orally where it contains the minimum conditions defined only by the Labour Code, except for the amount of salary, and that otherwise the contract shall be concluded in writing. The employment contract shall in any case be concluded in writing (even in case of inclusion of minimum conditions), where so required by one of the parties.

3. Provision for conditions for engaging persons under the age of 16 in the types of temporary employment, taking as a basis the provision stipulated by Article 32 of the Constitution of the Republic of Armenia; the Law also defines the peculiarities of recruitment of persons under the age of 16, whereas the Labour Code in force prohibited the conclusion of employment contract with

persons under the age of 14 or the recruitment thereof. Providing for a possibility to recruit persons under the age of 14, the Law at the same time indicates the exhaustive list of types of employment wherein the latter may be engaged.

4. Integrated regulation of relations related to the validity period of the collective agreement in case of reorganisation of the organisation;

5. Reduction and clarification of additional payments for overtime and night work in relevant provisions of the Code, inclusion of a more realistic definition of night work; in particular, under Article 184 the amount of remuneration for overtime and night work has been reduced by defining 50% additional payments for the first case, and 30% — for the second case, instead of the previous amount not less than one and half times of the hourly rate defined by the Code in force.

6. Provision for additional safeguards with regard to certain types of employment and professions, in case of deviations from normal working conditions;

7. Full regulation of relations pertaining to issues related to the provision and payment of annual leave, financial compensation for unused annual leave in case of removal from office, remuneration of employees for the days worked in case of recall from the leave, and compensation for unused days of the leave during the given year;

8. Regulation of relations pertaining to salaries of employees of state and local self-government bodies, exempted from the performance of employment duties for the fulfilment of state or social obligations;

9. Clarification of mechanisms for the calculation of monthly average salary;

10. Provision for conditions for vocational training of employees.

The Law also provides for new mechanisms for notification of the dissolution of employment contract, for the payment of severance pay, end-of-service payment in case of transfer to another work offered by the same employer, and remuneration for work carried out during probation period. In particular, Article 28 of the Law represents the Article 95 under new edition, whereby the restriction on the time limits for concluding temporary contracts is removed from the Code.

Article 45 of the Law represents, under new edition, Article 120 of the Code in force, which gives the employer an opportunity to dissolve the employment contract where the employee is unable to perform his or her employment duties, or the employee's professional skills or practical qualities are not compatible with the requirements for the position held or the work performed, which are envisaged by the legislation and (or) internal legal act of the employer.

Another Article of the Law repeals Article 117, whereas Article 114 defines that employment contract concluded with pregnant women may not be dissolved solely at the initiative of the employer.

Article 53 of the Law represents, with new edition, Article 129 of the Code in force, which clearly defines the amount of severance pay which is paid in case of dissolution of the employment contract depending on the employee's consecutive term of service at the employer's office concerned: the longer is the service, the bigger is the amount paid.

The Law has repealed part 3 of Article 100, part 3 of Article 101 and Article 177, with the purpose of not granting annual leave and not paying financial compensation for annual leave to persons not having obtained the right to annual leave. At the same time, based on the requirement referred to in subpoint (b) of point 1 of part 1 of Article 72 of the Law of the Republic of Armenia "On legal acts", the Law of the Republic of Armenia "On remuneration for work" was repealed, taking into account the fact that certain provisions laid down therein are in conflict with the requirements of the Labour Code of the Republic of Armenia and that the relations defined by the Law of the Republic of Armenia "On remuneration for work" are regulated as a result of amendments and supplements made to the Labour Code of the Republic of Armenia by the Law.

Questions of the Committee with regard to Article 1.2

Elimination of all forms of employment discrimination

1. The Committee asks to submit information on how prohibitions of direct and indirect discrimination are applied.

According to the Law of the Republic of Armenia "On State Labour Inspectorate" (Article 10), the State Labour Inspectorate examines the cases of discrimination based on gender during the recruitment process, and undertakes measures with the purpose of protecting the violated rights of employees.

Pursuant to the Labour Code of the Republic of Armenia (Article 178), equal amount of salary shall be paid to men and women for the same or equivalent work.

2. Pursuant to point 2 Article 3 of the Labour Code, employment rights may be restricted only by law, where it is necessary for the protection of state and public security, public order, public health

and morals, rights and freedoms, honour and good reputation of others. The Committee asks to submit information concerning the application and interpretation of the above-mentioned Article.

In practice, any cases of application of the Article have not been registered.

3. Article 41 of the Code of Administrative Offences of the Republic of Armenia provides for fines in the amount of 100-fold and 200-fold of the minimum salary defined, where the violations of the labour legislation continue to be committed by the employer for the following 12 months. The Committee asks to submit information on whether these fines are paid to the Government or to the employees deemed as victims. If they do not appear as compensation, how are the damages compensated in case of revealing discrimination? What are the legal remedies available to persons who think they have suffered from discrimination?

Within the Republic of Armenia the amount of minimum salary is defined 1000 drams/calculation unit; it is not identical with the minimum salary defined by law of the Republic of Armenia.

Pursuant to the Code of Administrative Offences, fines for violations of labour legislation are paid to the State Budget of the Republic of Armenia. The rights of persons deemed as victims are restored through judicial procedure.

4. In compliance with the provisions of the Charter, burden of proof for violations based on relevant discrimination does not fully rest with the plaintiff; it must be fulfilled through relevant arrangement. The Committee requires to describe in the next report the procedure for fulfilling the burden of proof for violations based on discrimination.

Burden of proof for violations based on discrimination is fulfilled by the State Labour Inspectorate of the Republic of Armenia in compliance with the Law of the Republic of Armenia "On fundamentals of administration action and administrative proceedings" (adopted on 18 February 2004, HO-41-N), as well as by the courts.

5. The Committee considers that according to point 2 of Article 1 of the Charter (revised), measures on the fight against discrimination include:

- the recognition — within the framework of employment — of the right of trade unions to interfere in the cases of discrimination, including in the cases involving individuals (Conclusions XV-1, Iceland). The Committee requires to inform whether trade unions have such a right.*

This right of trade unions is defined by Article 33 of the Labour Code of the Republic of Armenia, according where to state oversight and supervision over the compliance with the requirements of labour legislation, other regulatory legal acts containing norms of labour law, collective agreements shall be carried out by relevant public authorities, whereas non-state supervision — by the representatives of employees and employers (representatives of employers).

- *to raise interest in the groups aimed at drawing up rules of procedure relating to the violation of the right to undertake collective actions by prohibition of discrimination. The Committee requires to inform of the possibility of such collective actions.*

Yes, they are communicated through mass media as well as are stipulated by collective agreements and form a part thereof.

- *establish a specialised independent body which will encourage equal treatment, particularly will provide assistance to the victims of discrimination in filing a judicial claim (Conclusions XVI-1, Iceland). The Committee requires to inform of the existence of such a body.*

The institute of Human Rights Defender

In the Republic of Armenia operates the institute of Human Rights Defender. The Human Rights Defender is considered as an independent official who, in accordance with the Constitution of the Republic of Armenia and laws as well as well-known principles and norms of the international law, carries out the protection of human rights and fundamental freedoms violated by state and local self-government bodies and officials thereof.

State Labour Inspectorate

Pursuant to point 15 of Article 10 of the Law of the Republic of Armenia “On State Labour Inspectorate”, the State Labour Inspectorate examines the cases of discrimination based on gender during the recruitment process and undertakes measures aimed at protecting the violated rights of employees.

Non-governmental organisations

Within the Republic also operate non-governmental organisations — with the involvement of different groups — in respect of matters on human rights protection.

Prohibition of forced or compulsory labour

1. Whether may the imprisoned person be forced to work (involuntary)?

A. For a private undertaking;

i. In the remand facility;

ii. Outside the remand facility;

B. For a public/state undertaking

i. In the remand facility;

ii. Outside the remand facility;

What type of work may the imprisoned person be forced to do? What are the existing working conditions and how are they defined?

The Law “On making amendments to the Penitentiary Code of the Republic of Armenia” HO-120-N of 1 June 2006 repealed the Chapter 10 of the Criminal Code of the Republic of Armenia, which related to correctional work.

Currently public works are regulated by Article 32 of the Penitentiary Code of the Republic of Armenia. According to Article 54 of the Criminal Code of the Republic of Armenia public works are considered as publicly useful and not paid works which are imposed by the court, carried out by the convict and in the place designated by competent authority.

Public works may be imposed on persons having committed crimes of minor or medium gravity, having been sentenced to imprisonment for a term of maximum two years. Public works shall be imposed for a term of two hundred seventy to two thousand two hundred hours. Public works shall be imposed as a type of punishment alternative to a fixed-term imprisonment, within a period of twenty days following the receipt of the executive order on the enforcement of criminal judgment of the court entered into legal force — upon the submission of a written application by the convict as well as in the cases referred to in point 4 of Article 51 of the Code.

Article 51. Fine

Fine shall be deemed as a pecuniary penalty imposed for crimes of minor or medium gravity in the cases envisaged by the Special part of the Penitentiary Code of the Republic of Armenia and to

the extent provided for by the Penitentiary Code of the Republic of Armenia — in the amount of thirty-fold to three-thousand-fold the minimum salary (hereinafter referred to as “the minimum salary”) defined by law in the Republic of Armenia at the moment of imposing punishment.

The amount of fine shall be determined by the court taking into account the gravity of the crime committed and the property status of the person being convicted.

If the person being convicted is unable to immediately and fully pay the fine imposed, the court shall define a payment period for maximum one year or shall permit to pay the fine by instalments within the same time period. In this case a fine payment schedule as well as the amount of fine subject to payment shall be defined. The mentioned privilege shall be cancelled upon the court decision, where the convict fails to fulfil the obligations defined by fine payment schedule. Where the convict fails to fulfil the obligations defined by the fine payment schedule, the fine or the unpaid proportion of fine shall be replaced by public works as prescribed by part 4 of this Article.

In case of impossibility to pay the fine the court shall replace the fine or the unpaid proportion of fine by public works, *e. i.* five hours of public works against minimum salary. Where the fine or the unpaid proportion of fine, as a result of calculation made for replacing by public works, constitutes less than two hundred and seventy hours, two hundred and seventy hours shall be imposed, whereas in case it exceeds two thousand and two hundred hours, two thousand and two hundred hours shall be imposed.

The court shall reject the application, where the prescribed procedure for the submission thereof has not been complied with.

Public works shall not be imposed on first or second degree disabled persons, persons below the age of sixteen at the moment of rendering criminal judgment, persons having reached the pensionable age, pregnant women and servicemen undergoing compulsory military service.

In case of malicious evasion from performing public works the court shall replace the unperformed part of public works by remand detention or fixed-term imprisonment by calculating one day of remand detention or fixed-term imprisonment against three hours of public works.

Chapter 7 of the Penitentiary Code of the Republic of Armenia regulates the performance of public works, *i.e.*:

“Article 32. Performance of public works

1. The performance of public works on the basis of a judicial act shall be ensured by the Unit for Execution of Non-Custodial Punishments in the places determined thereby.

2. A person sentenced to public works (under this Chapter hereinafter referred to as “the convict”) shall be obliged to appear to the Unit for Execution of Non-Custodial Punishments within seven days following the entry into legal force of the criminal judgment of the court.

The convict shall be involved in the public works and the punishment imposed shall be executed within two years following the entry into legal force of the criminal judgment of the court. During the performance of public works the execution of punishment may be suspended for a period of up to one year but not more than once.

The procedure and time limits for involvement in public works shall be established by the Government of the Republic of Armenia.

3. The registration of the convict, oversight over the compliance with the procedure and conditions for serving the punishment shall be exercised as well as the procedure and conditions for serving the punishment shall be explained thereto by the Unit for Execution of Non-Custodial Punishments.

4. The beginning of the term for performance of public works shall be calculated from the moment of *de facto* involvement of the convict in public works.

Article 33. Procedure for performing public works

1. The convict shall, during the whole period referred to in the criminal judgment, be obliged to comply with the internal rules of operation of the bodies or organisations wherein he or she performs public works, to treat the work in good faith, to work in the places designated for him or her as well as to notify the Unit for Execution of Non-Custodial Punishments of any changes in the place of residence thereof.

2. Granting the convict regular annual leave in the main workplace, shall not result in suspension of execution of punishment in form of public works.

3. Where the convict reaches the pensionable age or is recognised as having first or second degree of disability, or has got another serious disease obstructing the serving of punishment, as well as in case of pregnancy, the Unit for Execution of Non-Custodial Punishments shall file a motion with the court with a purpose of releasing from punishment or postponing it.

4. Compensation for injuries inflicted in course of performing public works shall be provided as prescribed by the Civil Code of the Republic of Armenia.

5. In case of a call up of the convict for compulsory military or alternative service, the execution of punishment in the form of public works shall be suspended for a time period corresponding to that of military service or alternative service.

Where the convict serves a custodial punishment, the execution of punishment in the form of public works imposed by part 4 of Article 51 of the Criminal Code of the Republic of Armenia, shall be suspended for a time period corresponding to that for serving the custodial punishment.

Article 34. Supervision over the performance of public works

1. For the purpose of exercising supervision over the performance of works determined for the convict, the Unit for Execution of Non-Custodial Punishments shall maintain a registration card on public working hours, which shall be filled out, signed, and sealed by the administration of the body or organisation organising the works concerned.

2. The convict shall be obliged to notify the Unit for Execution of Non-Custodial Punishments of the performance of public works. The Unit for Execution of Non-Custodial Punishments may be notified of the performance of public works, improper performance thereof or evasion from serving the punishment by the convict also by the administration of the body or organisation organising the works concerned.

3. The procedure for calculating the working hours of public works shall be established by the Government of the Republic of Armenia.

Article 35. Liability of the convict

1. In case of non-compliance with the procedure and conditions for serving the sentence, the Unit for Enforcement of Non-Custodial Sentences shall warn the convict of the liability prescribed by law.

2. Where the convict maliciously evades the performance of community works, the Unit for Enforcement of Non-Custodial Sentences shall file a motion with the court requesting to replace the non-performed portion of community works by detention or imprisonment for a certain period, subject to the time limits defined by the Criminal Code of the Republic of Armenia.

3. The convict shall be deemed to be evading community service maliciously, where he or she:

(1) has performed less than 90 % of community works prescribed by the community service work time log during one month with no good cause;

(2) has acted in violation of the work discipline rules more than twice within one month in the course of performance of community works;

(3) has failed to appear at the Unit for Enforcement of Non-Custodial Sentences more than twice upon being notified, or in cases prescribed by law."

2. The Committee asks to provide in the next report information concerning legal safeguards of part-time employment and on ways in which they are applied.

Pursuant to Article 141 of the Labour Code of the Republic of Armenia (Article 141), incomplete working day or incomplete working week shall be defined:

(1) upon employee's and employer's consent;

(2) upon employee's request related to his or her health condition, or based on medical conclusion;

(3) upon request of a pregnant woman or employee taking care of a child under the age of one;

(4) upon request of the disabled person, based on medical conclusion;

(5) upon request of an employee taking care of a sick member of the family, based on medical conclusion, but for not more than six months, and not more than half of the working time defined for one day with regard to each day;

2. Upon consent of the parties, incomplete working time may be defined by reducing the working days of the week or the working day (shift), or applying both at the same time, unless otherwise provided for by the medical conclusion. The incomplete working time may during the working day be divided into parts. Duration of the incomplete working time defined by points 1-4 of part 1 of this Article and the procedure for providing it shall be defined upon consent of the parties and may be included in the employment contract.

3. When defining the duration of the annual leave, calculating the length of service, appointing to a higher position, enhancing the qualification, as well as exercising other rights of the employee, work performed during the incomplete working time shall be no basis for applying restrictions.

3. The Committee defines that effective protection of employee's right to efficiently earn his living in an occupation freely entered upon allows the jobseeker to turn down at the initial stage any offer

where it is inconsistent with his or her qualification and job experience without being deprived of the right to unemployment benefits. The Committee asks to provide information concerning the above-mentioned in the next report.

Pursuant to Article 8 of the Law of the Republic of Armenia "On population employment and social protection in case of unemployment", the status of unemployed shall be terminated where he or she has turned down different job and vocational training offers, save for unemployed persons parent taking care of a child under three. The definition of a "suitable job" is provided in Article 9 of this Law, according whereof the job shall be deemed suitable where it is consistent with the persons' vocational education and qualification, taking into account the amount of remuneration and accessibility of the workplace.

4. The Committee asks to provide information on the basis whereof it would be possible to define to what extent person's freedom and honour are protected by legislation and the available legal remedies against intrusion into private life, which may be a result of employment relations.

Pursuant to the Labour Code of the Republic of Armenia (Article 30):

1. Statute of limitations is the period for protection of the right through the claim of the person whose right has been violated.

2. The general statute of limitations with regard to relations regulated by the Labour Code of the Republic of Armenia is three years, save for cases envisaged by the Labour Code of the Republic of Armenia. With regard to certain types of claims shorter or longer special statute of limitations, compared to the general statute of limitations, may be defined.

3. Statute of limitations shall not cover claims for protection of employee's honour and dignity, salary, compensation of damages caused to person's life or health.

4. Provisions concerning statute of limitations of Civil and Civil Procedure Codes of the Republic of Armenia may be applied to employment relations where the labour legislation does not provide for any provisions concerning the application of statute of limitations.

5. The Committee asks the Government to answer whether there is legislation on fight against terrorism and whether or not it hinders people to be involved in certain types of employment.

Within the Republic of Armenia there is a Law "On fight against terrorism", which defines the legal and organisational grounds for the fight against terrorism, regulates relations with regard to

implementation of fight against terrorism. Articles of the Criminal Code related to terrorism have been fully harmonized with international standards to comply with the commitments of the Republic of Armenia under international treaties.

Article 1.3

Please provide indices calculated, where necessary, concerning activities and performance of employment services, including number of vacancies registered by employment services, level of job placement (percentage of job placements by employment services against the number of registered vacancies).

The Law of the Republic of Armenia "On population employment and social protection in case of unemployment" (Articles 12 and 15) defines that state regulation of population employment is implemented by the authorised body, namely the Ministry of Labour and Social Affairs of the Republic of Armenia, represented by the separated subdivision of the Ministry of "State employment service" agency.

Functions of the "State employment service" agency include:

- provision of advice to job seekers;
- registration, granting of the status of unemployed;
- provision of information concerning vacancies;
- referral of job seekers to employers;
- implementation of programmes aiming to regulate employment.

"State employment service" agency carries out the referred activities by means of the State Budget of the Republic of Armenia through 51 territorial bodies.

Citizens having applied to "State employment service" agency are not charged any fees or duties for the provided services.

The number of jobseekers registered with territorial employment centres is, as of 31 December 2010, 93230 persons, with 78804 being unemployed. In 2010, 38,6% of jobseekers were involved in employment programmes, 11315 persons or 12,1% of jobseekers were placed to jobs.

Performance indicator of 2008-2010 state programmes of employment regulation

	Envisaged		Implemented		Performance indicator	
	number of people involved in the activity	Financial means (mln drams)	number of people involved in the activity	Financial means spent (mln drams)	Performance indicator based on the percentage of people involved in the activity /%/	Performance indicator based on the percentage of financial means
2008	23389	3566.2*	29705	3752.9	127.0	105.2
2009	37551	5442.2	37551	5405.7	100	99.3
2010	31736	5691.2	36071	5681.99	113.66	99.8

*Additional 142,5 mln drams allocated

Number of vacancies based on years

At the year-end

Vacancies	2008	2009	2010
based on data provided by state employment service	1400	1210	1404
based on data provided by organisations involved in statistical monitoring	1174	992	1429

The labour market in the Republic is characterised by strong disbalance.

In the labour market of the capital city, there is a high demand for civil servants, specialists of the services sector and a big number of labourers, whereas in marzes there is a continuous demand of doctors with different specialisations, and of teachers (especially of foreign languages). Within the last two years in some of the marzes there has also been a demand of specialists of services sector, and of labourers.

Monthly annual number of vacancies based on years and percentage of job placements in relation to vacancies

	2008	2009	2010
Total, including	1400	1210	1404
Labourers	758	738	898
Monthly average number of persons placed to jobs	721	783	943
percentage of job placement in relation to the number of registered vacancies	51.5	64.7	67.2

Questions of the committee with regard to Article 1.3

1. *The Committee asks to provide information on whether there is available information from private employment agencies.*

There is no such information available.

2. *The Committee asks for information concerning the average time required for receiving an active offer through the state employment service following the registration.*

The table below shows that in the reporting period the average duration of unemployment spell reduced from year to year; in 2008 it amounted 27,4 months, and to 17,7 months - in 2010 (see table).

DISTRIBUTION OF UNEMPLOYED PERSONS PLACED TO JOBS BASED ON DURATION OF UNEMPLOYMENT SPELL

At the year-end thousand people

	2008	2009	2010

Persons placed to jobs	7.656	8.293	10.021
Based on duration of unemployment spell			
<3 months	0,56	0.979	1.241
3-6 months	0,792	0.983	1.265
6-12 months	1,474	1.499	2.526
12 >	4.824	4.832	4.989
<i>Average duration of completed unemployment spell, month</i>	25.7	22.6	19.0

3. The Committee asks to provide as well information on the share of the labour market demand satisfied by the state employment service, i.e. the number of job placements in relation to the total recruitment in the labour market.

There is no information available concerning the total recruitment in the labour market on annual basis.

Monthly annual number of vacancies based on years and percentage ratio of job placements in relation to vacancies

	2008	2009	2010
Total, including	1400	1210	1404
Labourers	758	738	898
Monthly average number	721	783	943

of persons placed to jobs			
percentage ratio of job placements in relation to the number of registered vacancies	51.5	64.7	67.2

4. *The Committee asks to inform whether private agencies function under the supervision of the Ministry and whether they have to submit annual reports.*

Activities of non-governmental organisations providing job placement services are not subject to licensing, and therefore these organisations do not submit reports to the Ministry.

The legislative field regulating the activities of private employment agencies in the Republic of Armenia is open. Currently steps are undertaken with the purpose of regulating the legislative field and enhancing the efficiency of activities of private agencies.

Article 1.4

All services provided by state employment service, including registration of jobseekers, provision information on vacancies, and advice provision, are free of charge.

Advice provision with regard to vocational guidance of jobseekers is one of the main functions of the State employment service agency of the Ministry of Labour and Social Issues of the Republic of Armenia. Vocational referral is carried out in 51 territorial employment centres through referral of individuals and groups. Like other services, this service is, too, free of charge. The number of persons provided with advice and involved in vocational training programmes within the reporting period is, based on years, as follows:

Year	number of persons provided with vocational guidance advice	number of unemployed involved in vocational training programmes	Financial means spent (mln drams)
2008	21647	1415	144.37

2009	19005	1518	189.73
2010	21599	1603	195.2

Questions of the committee with regard to Article 1.4

1. Does the labour market provide vocational guidance and training to employees and unemployed, as well as vocational guidance and training to unemployed and disabled persons?

Within the scope of state employment programmes vocational guidance and training is provided only to jobseekers, including disabled persons, but not to those who are employed.

2. Availability of legislation on prohibition of discrimination based on disability in the sphere of training.

The Ministry of Labour and Social Affairs of the Republic of Armenia has developed a draft law "On protection of rights of disabled persons and their social inclusion" which will be submitted to the Government of the Republic of Armenia on November of 2011. Article 10 of the draft law defines the following: "Any discrimination based on disability shall be prohibited. The state shall guarantee equal and efficient protection of disabled persons from discrimination and stigma".

3. The Committee asks to indicate the source of financial means used for vocational guidance.

Vocational guidance of jobseekers, including of disabled persons, is not as a separate programme financed by the state budget; it is, among other functions, one of the main functions of the state employment service. Like other services, this service is, too, free of charge. Vocational guidance is followed by vocational training courses.

The Centre for vocational guidance of young people also exists which provides services only to young people. The Centre functions and provides services by means of the state budget.

4. The Committee asks to provide information concerning the situation related particularly to vocational guidance of disabled persons.

"Vocational training and development of working skills of disabled persons" is one of the first SESA programmes (1995) and one of the most important elements of vocational rehabilitation. The purpose of vocational training is to assist the participant in issues related to finding a suitable job through acquisition of new abilities and skills in compliance with the labour market requirements, as well as to carrying out of entrepreneurial activities. Persons involved in vocational training, working skills development programmes receive a monthly scholarship in the amount of 50% of the minimum salary, amounting to 16250 drams.

The table below shows the indices of programme implementation in 2008-2010:

<i>Year</i>	<i>Disabled persons involved</i>	<i>Persons placed to jobs</i>	<i>Financial means spent</i>
2008	90	14	14,8
2009	79	29	13,9
2010	81	20	13,9

The analysis shows that around 50 percent of unemployed persons are placed to jobs with the help of the programmes, whereas in case of disabled persons the index varies in between 30-35 percent.

5. *The Committee asks to provide information concerning the number of persons having participated in the training.*

The number of persons provided with advice and involved in vocational training programmes within the reporting period is, based on years, as follows:

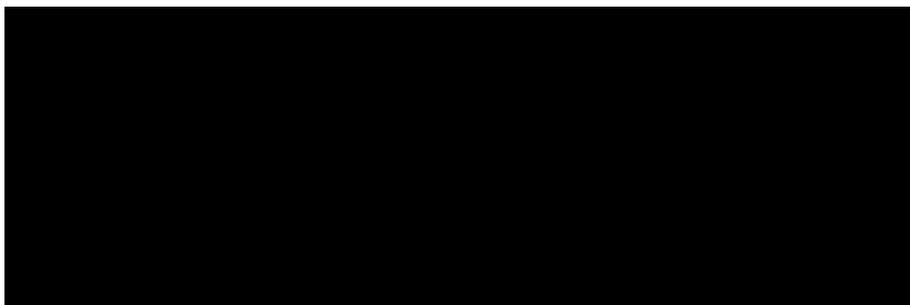
<i>Year</i>	<i>number of persons provided with vocational guidance advice</i>	<i>number of unemployed involved in vocational training programmes</i>	<i>Financial means spent (mln drams)</i>
2008	21647	1415	144.37
2009	19005	1518	189.73
2010	21599	1603	195.2

6. *The Committee asks to inform whether the companies or the trainees cover the costs of trainings when organised by the companies.*

Vocational training courses are organised by the state employment service or with the help of educational institutions and companies. In both cases costs (including the scholarships provided to trainees) are covered within the framework of state employment programme.

7. The Committee asks to provide in the next report information concerning the measures undertaken for providing vocational guidance, training and retraining to disabled persons in the labour market through general system. The Committee asks to provide information concerning the number of persons benefiting from these services.

The comparative description of indicators of unemployed and disabled persons involved in vocational training programmes is shown in the table below:



involved

sons involved

Article 15. The right of disabled persons to self-dependence, social integration and participation in the life of the community

With a view to ensuring to disabled persons, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

2. to ensure effective exercise of the right to self-dependence, social integration and participation in the life of the community with the purpose of promoting their access to employment tending to encourage employers to hire and keep in employment disabled persons in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;
3. to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.

Article 15.2

1) Please provide the description of general legal field. Please indicate the nature of, reasons for and extent of any reform.

Issues related to disability are regulated by the Law of the Republic of Armenia "On social protection of disabled persons in the Republic of Armenia". The main issues and aims of the sphere are stipulated by the protocol decision of the Government of the Republic of Armenia of 3 November 2005 "On 2006-2015 strategy for the social protection of disabled persons".

Provisions ensuring the employment of disabled persons are stipulated by the Law of the Republic of Armenia "On employment of the population and social protection in case of unemployment".

The procedure for declaring the person disabled is defined by the Decision No 276-N of the Government of the Republic of Armenia "On approving the procedure for carrying out a medical and social examination" of 2 March 2006. The classifiers used during the medical and social examination and disability degree determination criteria are defined by the Government of the Republic of Armenia No 780-N of 13 June 2003 "On approving classifiers used during the medical and social examination and disability degree determination criteria".

On 30 March 2007 the Republic of Armenia signed the UN Convention on the Rights of Disabled persons of 13 December 2006 and the Protocol to it. On 17 May 2010 the Republic of Armenia ratified the referred Convention which entered into force on 22 October 2010.

Currently the Government of the Republic of Armenia is elaborating a new draft law of the Republic of Armenia "On protection of rights of disabled persons and their social inclusion" with the purpose of harmonizing the legislation in force with the requirements of the Convention.

The adoption of the new law arises from the need to transfer from the medical model of disability to the social model, social protection and social inclusion of disabled persons and development of policy for prohibition of any discrimination with regard to them. The main aim of the draft law is to ensure access of disabled persons to education, healthcare, social protection, sports and culture through creation of equal and accessible conditions.

A concept "On transfer to the model of disability determination on the basis of level of person's capacity for work" has been developed for transfer to the new model of determination of disability on the basis of level of person's preserved capacity for work. The new model involves evaluation of disabled person's preserved capacity for work and organisation of the rehabilitation process,

assignment of pension, as well as stipulation of other types of social assistance on the basis thereof.

2) Please indicate measures (administrative mechanisms, programmes, action plans, projects, etc) aimed at implementing the legal field.

A number of target programmes are implemented in the Republic aiming to ensure the employment of disabled persons. They include:

1. vocational guidance, development of working skills of not employed job seekers with disabilities;
2. compensation of material costs of unemployed persons and not employed job seekers with disabilities shifted to another workplace;
3. financial assistance provided to unemployed and not employed job seekers with disabilities with regard to state registration for the purpose of carrying out entrepreneurial activities;
4. partial compensation of salary to employers for recruitment of persons uncompetitive in the labour market;
5. organisation of working practice of unemployed persons having a profession but lacking work experience and of not employed job seekers with disabilities at the employer's office;
6. adjusting work stations to the needs of not employed job seekers with disabilities at the employer's office.

Programmes referred to in points 5 and 6 have been implemented since 2011 following the amendments and supplements to the Law of the Republic of Armenia "On employment of the population and social protection in case of unemployment".

Besides annual state employment programmes, programmes aiming to promote employment of disabled persons are also implemented through the assistance of different international organisations.

The programme "Assistance to Armenian authorities for improving the active policy in the labour market" implemented by the Swedish National Labour Market Board through the financing of Swedish International Development Agency" played the biggest role in integration of disabled persons in the labour market. The legislation was improved within this programme, disabled persons were classified as a group uncompetitive in the labour market, new ideas and programmes, and modern methods (assisted

employment, method of support, communication skills) of work with disabled persons were launched. But the biggest contribution of this programme was the change of the way of thinking of specialists working in this sphere which was positively reflected in the way they handle disabled persons.

Since 2008 the state employment service has been actively cooperating with the Armenian HDP benevolent foundation. As a result, two projects were implemented; one project was "Equal opportunities of employment for disabled young people" implemented through the financing of the Ministry of Foreign Affairs of the Netherlands (Matra KAP), in the framework whereof, among other activities, a survey concerning employment rights of disabled persons was carried out.

Since 2010 the SESA and HDP, through financing of the Matra PP programme of the Ministry of Foreign Affairs of the Netherlands have been jointly implementing the programme "Disabled of Armenia – promising workforce". New tools, approaches of assisting employment of disabled persons, such as assessment of capacity for work, work station analysis and adjustment to person's needs, are introduced within the framework of the programme. The programme is tested in 2 employment centres, with 120 disabled persons and employers being handled in each centre; it is expected that at the end of the year (end of 2012) 20 persons from each centre will be placed to jobs.

Similar goals are pursued within the framework of the MOF programme "From economic crisis to decent work", which has been tested in 3 centres since 2011. Professionals working at the centres have been trained during this year. In every centre 4 disabled persons and a number of employers will be handled.

It is planned to apply the successful experience gained through the two programmes to the whole system.

Social partners, namely the unions of employers and labour unions, too, actively participate in these two programmes.

Since 2009 the state employment service, along with 8 educational organisations, has been included in the programme "Institutional building and development of human resources in the sphere of electronic teaching (e-Learning)" implemented by the German Inwent organisation. Distance learning network has been established within the framework of the programme which pursues the goal of organizing distance learning courses for disabled persons. Particularly such topics are stressed which can create possibilities for self-employment, like development of websites and text design. Through the assistance of the programme specialists working at the employment service have developed electronic teaching courses on "How to look for a job". It is a free internet resource and is available to all the users, including disabled persons.

With the help of the social protection systems enhancement programme of the USAID, pilot social undertakings have been established at Etchmiadzin educational organisation of "Armenian Association of the Blind" NGO and at Chambarak's "Astghacolq" NGO. Etchmiadzin organisation has 16 disabled employees, 8 out of whom have undergone training within the framework of the programme. Chambarak undertaking has 11 employees, 5 out of whom are disabled. The undertakings are fully adjusted to the needs of disabled persons.

To promote the process of employment of disabled persons, to involve them in the life of the community, a memorandum of understanding was signed by the Ministry of Labour and Social Affairs of the Republic of Armenia and "Human Dignity and Peace" benevolent fund on 02 July 2010, within the framework of the programme "Disabled of Armenia – promising workforce". The programme is implemented in the city of Hrazdan of Kotayk marz and Erebuni and Nubarashen communities of Yerevan. It is mainly aimed at assessing the working capabilities of disabled persons, adjustment of work stations, organisation of training courses for disabled persons, as well as raising the level of awareness.

3) Please provide relevant numbers, statistics or other appropriate information on working age, as well as on the number of disabled persons carrying out works designed for usual and disabled employees (where necessary in approximate numbers). Please indicate whether main provisions of the labour legislation cover disabled persons performing works designed for disabled persons in cases where the main activity of the employer involves production.

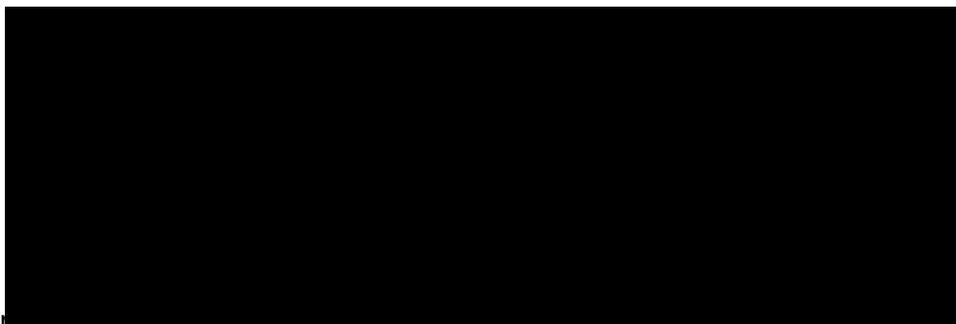
Since 2006 seven uncompetitive groups have been defined in the Law of the Republic of Armenia "On employment of population and social protection in case of unemployment" (and 2 since 2011), including disabled persons.

All the programmes aimed at ensuring employment of disabled persons are implemented taking into account the individual rehabilitation plan of the disabled person drawn up by the MLSA MEA of the Republic of Armenia.

Programmes implemented by the SESA for the employment of disabled persons:

Partial compensation of salary for the employer when recruiting groups uncompetitive in the labour market - The programme has been launched in 2006 following the study of the Swedish experience. For recruiting representatives of uncompetitive groups the employer shall receive

compensation in the amount 50% of the defined minimum salary, but not more than the amount of minimum monthly salary. Compensation for recruiting first degree and second degree disabled persons shall be provided to employers for a period of 2 years, whereas for third category disabled it shall be provided for one year.



The diagram shows that the number of persons involved in the programme tends to grow; in 2009 and 2010 it was respectively 47% and 48%.

Professional training of disabled persons, restoration of working skills; this programme is one of the first programmes of SESA (since 1995) and is one of the important elements of vocational rehabilitation. The purpose of vocational training is to assist the participant in recruitment through acquisition of new abilities and skills in compliance with the requirements of the labour market, as well as in implementation of entrepreneurial activities. Persons involved in the programmes of vocational training and restoration of working skills are provided a monthly scholarship in the amount of 50% of the minimum salary, amounting to 16250 AMD.

Detailed statistics on this is provided in explanations of Article 1.4.

Provision of financial assistance to unemployed and disabled persons with regard to state registration for the purpose of carrying out entrepreneurial activities; – in 2009 and 2010 within the framework of this programme respectively 4 and 8 disabled persons have been registered as individual entrepreneurs. It amounts to respectively 4 and 7 percent in the total number of persons involved in the programme.

Besides the above-mentioned programmes, with the purpose of resolving the issue of temporary employment of disabled persons and mitigating the social tension, employment centres in marzes and

regional centres involve them also in paid social works programmes (in 2010 it amounted to 6254 or 5 % of all the persons involved).

The table below shows the number of persons involved in programmes of employment regulation

Name	2008		2009		2010	
	number of persons	Financial means spent	number of persons	Financial means spent	number of persons	Financial means spent
Total number of persons involved in active employment programmes	8659	883710.14	6551	779097.9	8187	898317.4
Including disabled persons	471	39884.5	391	48774	431	57220.6
Comparison %	5.4%	4.5%	6.0%	6.3%	5.3%	6.4%

within the last three years and financial means spent, including with regard to disabled persons involved.

As a result of amendments to the Law of the Republic of Armenia "On employment of population and social protection in case of unemployment", starting from 2011 disabled persons will be included in 3 new programmes aimed at ensuring employment (compensation of financial expenses of disabled jobseekers not employed due to shifting to another workplace, adjustment of workstations at the employer's office).

Out of the referred 3 programmes, the programme "Adjustment of workstations to the needs of not employed jobseekers with disabilities at the employer's office" has been launched taking into account the difficulties the disabled persons face at their workplaces, which often result in failure to be taken to a job from the part of the employer, as well as dismissal. For the purpose of adjustment of the workstation of every person involved in the programme, the expenses employer incur with regard to acquisition of working tools and equipment, assembly and installation, shall be compensated.

Involvement of disabled persons in the labour market

Based on the data provided by the national statistical service, in 2011 the percentage of disabled persons amounted to 5,8% in the total number of population.

According to the above-mentioned source, at the end of 2010 around 185000 disabled persons have been registered within the Republic, 14355 out of them have 1 degree disability, 96198 have 2 degree disability, whereas 8045 have the status of a disabled child.

Distribution of number of registered disabled persons based on sex and age

(person)

	Total	out of them- female
Number of disabled persons	185081	83941
out of them – for an indefinite term	116821	49801
up to 18 years old	8045	2521
from 18 to 40 years old	27301	8401
out of them – for an indefinite term	18201	49801
from 40 to pensionable age	92521	40571
out of them – for an indefinite term	41941	14491
pensionable age and older	57201	32431
out of them – for an indefinite term	56671	30321

The share of disabled persons in the total number of employed persons amounts to 1,8%, and to 0,7% in the number of persons carrying out purely employment activities.

Distribution of employed disabled persons based on spheres of economy is as follows:

Employees with disabilities based on spheres of economy

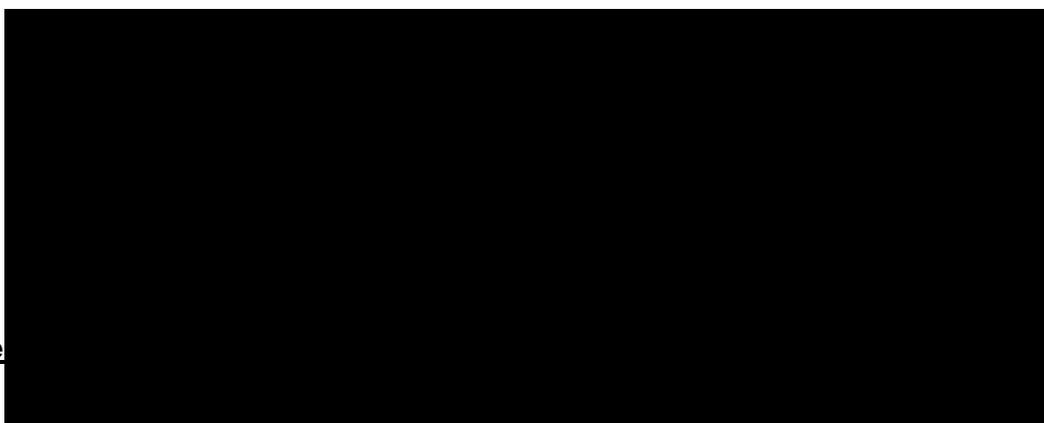
	<i>Employees with disabilities, persons</i>					<i>share in relation to the number of employees of the corresponding spheres, %</i>				
	2005	2006	2007	2008	2009	2005	2006	2007	2008	2009
<i>Total</i>	1039	1928	2136	2266	2385	0.3	0.6	0.6	0.7	0.7
Agriculture	-	10	30	15	23	-	0.4	0.8	0.4	0.6
Industry	513	542	628	582	591	0.7	0.8	0.9	0.9	1.0
Construction	17	44	43	41	43	0.1	0.5	0.4	0.3	0.3
Services	509	1332	1435	1628	1728	0.2	0.5	0.5	0.6	0.7
Including										
Transport and communications	49	137	162	109	150	0.2	0.5	0.6	0.4	0.6
Financial activities	-	21	20	23	25	-	0.3	0.3	0.3	0.3

Education	84	381	335	451	380	0.1	0.4	0.3	0.5	0.4
Health care and provision of social services	180	476	483	634	752	0.4	1.2	1.1	1.6	1.9
Other	196	317	435	411	421	0.2	0.4	0.5	0.4	0.5

According to the results of sample survey carried out by the state employment service, the share of disabled persons employed in the surveyed organisations amounted to 1,6% in 2009, and in 2010 the index fell amounting to 0,9%. It is clear that by reason of global economic crisis, among those who lost their jobs there was a substantial number of disabled persons.

As of 1 January 2011, the number of jobseekers registered with the "State employment service" agency amounted to 93,2 thousand, 78,8 thousand persons out of whom are unemployed, amounting to 84,6% of the jobseekers. The number of registered disabled jobseekers amounted to 1170 (664 out of whom are female) or 1,3% of jobseekers. Among them, first degree disabled comprise 1,6%, second degree disabled amount to 34%, third degree disabled are 64%, and 0,6% have the status of disabled children. Those aged 16-24 among registered disabled persons make 4,7%, those aged 25-30 make 5,9 %, those aged 31-50 – 41,9%, and those above 50 - 47,5 %. Among registered persons 63 % have job experience.

The number of registered disabled persons according to years is as follows:



Que

1. The Committee would like to be informed whether the World Health Organisation ICF 2001 classifier of functioning, disability and health has been included in Decision N780 of the Government (2003) which defines the classifiers used for determining the degree of disability during the medical and social examination.

Decision No 78-N adopted by the Government of the Republic of Armenia is based on "The International Nomenclature on disorders, restriction of life vitality and social insufficiency" developed by the World Health Organisation (WHO) and the UN. Within the Republic of Armenia, criteria for disability determination include determination of disability, health and health disorders, main types of life vitality and classification of restriction degrees, classification of disorders of functions of the organism and the degree of their intensity, assessment of vitality restriction criteria with regard to children, disability determination criteria and rehabilitation of the person with disability.

But as mentioned above, a concept for transferring to a new model for determination of disability on the basis of assessment of degree of work capacity has been already developed.

2. Is there any specific legislation on prohibition of discrimination in the sphere of employment?

Within the Republic of Armenia there is no specific law or legal act on prohibition of discrimination in the sphere of employment, but it is regulated by separate provisions of different legal acts. Such provisions are defined by the Constitution of the Republic of Armenia (Article 14.1), Labour Code of the Republic of Armenia (Article 3, point 3), Law of the Republic of Armenia "On employment of population and social protection in case of unemployment", and Article 10 of the draft law of the Republic of Armenia "On Protection of rights of disabled persons and their social inclusion" defines: "Any discrimination on the basis of discrimination shall be prohibited. The state shall guarantee equal and efficient protection of disabled persons from discrimination and stigma". The draft law will be submitted to the Government on November, 2011.

3. The Committee asks for clarifications on Article 17 of the Law of the Republic of Armenia "On social protection of disabled persons" which prohibits to refuse the recruitment of, or dismiss the disabled person, assist in latter's transfer to another job save for cases where the medical and social examination drew the conclusion that the disabled person's health condition hinders the

performance of employment duties or jeopardises person's health and work safety. The Committee asks to inform whether the legislation covers only the public sector.

With regard to the question on Article 17 of the Law of the Republic of Armenia "On social protection of disabled persons", we would like to inform that it covers both the public and private sector. Pursuant to point 2 of Article 7 of the Labour Code of the Republic of Armenia, "provisions of all normative legal acts containing norms of labour legislation and labour law of the Republic of Armenia shall be subject to compulsory enforcement by all employers (citizens or organisations) irrespective of legal and ownership form thereof." We would also like to inform that the above-mentioned Article has been amended and it is not reflected in the new draft law, since transfer to the new disability model is envisaged, and in that case determination of disability will be based on preserved capacity for work of the person, expressed in percentage terms. It will be used to determine whether the person is able to perform any work.

4. The Committee asks to inform in the next report how the obligation of ensuring appropriate housing defined by the Law "On social protection of disabled persons" is applied in practice.

Issue with regard to ensuring housing for all the disabled persons is not fully regulated. This issue is partially regulated through social homes. Social homes have existed in Goris starting since 2008 (24 apartments), with 50% of residents being disabled persons; in Kanaqer-Zeytun community of Yerevan with 27 apartments (40% of residents are disabled persons). A new social home with 35 apartments will be built also in the city of Maralik at the end of 2011. It is envisaged that 50% of residents will be disabled persons.

5. The Committee asks to provide in the next report information concerning the results of activities of the Centre for vocational rehabilitation of disabled persons.

"Gyumri Centre for Vocational Rehabilitation of Disabled persons" has been functioning since 2010 providing vocational rehabilitation, professional training and advice services to disabled jobseekers.

The main goals of activities of the centre include:

(a) vocational guidance for the purpose of increasing the competitiveness of disabled persons in the labour market and choice of a profession in compliance with the demand of the labour market;

(b) research and analysis of level of inclusion of disabled persons in the labour market;

(c) implementation of measures aimed at social adaptation and vocational rehabilitation of disabled persons, raising of awareness of employers and society concerning the issues of disabled persons.

The Centre performs a number of functions:

(a) assesses vocational abilities of disabled persons;

(b) provides information to disabled persons concerning education, training, labour market and different spheres of professional activities;

(c) provides information to disabled persons with regard to professional orientation;

(d) provides psychological assistance to disabled persons for revealing their vocational abilities;

(e) a personal activities plan is drawn up for every disabled person;

(f) trainings for disabled persons are organised for the purpose of developing vocational skills;

(g) assists the disabled person in finding a job;

(h) develops and implements educational programmes for employers concerning adjustment of work stations and training sites to the needs of disabled persons, as well as social rehabilitation of disabled persons and employment peculiarities;

(i) organises training courses for disabled persons placed to jobs for the purpose of developing and improving vocational abilities;

(j) provides continuous assistance to disabled persons placed to jobs.

The Centre provides services to 700-800 beneficiaries who visit the centre, or are, along with the members of their family, served in their homes (social and psychological assistance through home visits).

6. The Committee reiterates that to verify compliance of the situation with Article 15(2), it should be informed of the number of disabled persons benefiting from measures undertaken for integration in the common labour market, as well as of the number of disabled persons transferred from work under protected conditions to common labour market.

The table below shows the number of disabled persons placed to jobs by the state employment service during the reporting period:

Year	Number of disabled persons placed to jobs	Out of them – due to implemented programmes
2008	125	70
2009	98	94
2010	110	96

7. The Committee asks again whether the labour unions are actively participating in the process of creation of protected employment conditions.

On 27 October 2009 a tripartite treaty was signed between the Government of the Republic of Armenia, confederation of labour unions of Armenia and the Republican Association of Employers of Armenia. Priority goals defined by the parties under the Treaty include:

- 1) Maintenance of employment safety and health;
- 2) Jobs, salary and standard of living of population;
- 3) Labour market and employment.

With the purpose of ensuring compliance with the obligations under the tripartite treaty, conducting collective negotiations at the republican level, discussing issues emerged in the course of application of the treaty and submitting proposal to the parties, based on principles of social partnership the parties have established a tripartite commission where all the parties are equally

represented. The head of the Commission is the Minister of Labour and Social Affairs of the Republic of Armenia. Particularly in 2010- 2011, the Commission's activities were efficient.

Article 15.3

Questions of the committee with regard to Article 15.3

Technical support and communication

The Committee asks whether disabled persons have access to free technical means, or whether they have to pay for them. The Committee also asks whether disabled persons have access to free support services, for instance personal assistance or home assistance, where necessary, or certain payment to benefit from these services is required.

Finally, the Committee asks whether there are mechanisms for assessing the barriers for communication and mobility of disabled persons and for defining the technical and support means which might be necessary for overcoming the barriers. The Committee requests to provide information concerning the measures to be implemented for promoting access to information and communication technologies.

Prosthetic and orthotic, and rehabilitation articles are provided on the basis of the Decision of the Government of the Republic of Armenia N 453-N of 12 April 2007. Pursuant to the Decision of the Government of the Republic of Armenia N 888-N of 15 July 2010, supplements and amendments have been made to the referred decision simplifying the procedure for providing the disabled persons with prosthetic and orthotic, and rehabilitation articles.

Pursuant to these decisions, prosthetic and orthotic, and rehabilitation articles are provided to disabled persons free of charge, and the repair of those articles is also done free of charge at the expense of the State Budget of the Republic of Armenia. Articles are provided to disabled persons on the basis of individual rehabilitation programmes (IRP), developed by the specialists of the medical and social expert examination commissions. IRPs include the types, scale of rehabilitation measures, working conditions necessary for the disabled person, types of rehabilitation articles, etc.

Within the scope of implemented state target programmes, the disabled persons are provided with prosthetic and orthotic articles, wheelchairs, hearing devices and with other rehabilitation articles. The state expands every year the list of provided articles paying attention to the improvement of quality of those articles.

Since 2007 better quality hearing devices manufactured in Europe have been purchased for children and young disabled persons.

Programmes on provision of ocular prosthesis and sound-generating devices were implemented in 2008.

A programme on provision of computers with "Arev" software has been implemented at the expense of state budget since 2008 for persons with visual impairments, which envisages computer training and providing the disabled persons with computers.

Programme on publication of books and production of notebooks with special Braille script, and on recording of "Talking Books" has been implemented. As a programme delegated by the state to a non-governmental organisation, the service has been provided by the "Association of the Blind of Armenia" NGO.

The NGO "Association of the Blind of Armenia" receives reimbursement for value added tax payments, as well as partial reimbursement (of 81,5%) for mandatory social security contributions.

With regard to the question of the Committee concerning provision of free-of-charge personal assistance or home services to disabled persons, we would like to inform that care and social services are provided to disabled persons both at twenty-four-hour care establishments and in home.

Social services are provided to disabled persons at twenty-four-hour care establishments through 4 state nursing homes (all the services are provided free-of-charge at the expense of the state budget), as well as at some private nursing homes.

Furthermore, private nursing homes in the town of Vanadzor and Artzvanik village of Syunik Marz are provided with state assistance in a form of compensation of salaries of employees. Around 40% of 1090 persons served at the referred nursing homes are disabled persons. Vardenis neurological nursing home provides care and services to disabled persons with mental disorders. Nursing homes provide the following services:

1. accommodation;
2. meals 3 times daily;
3. clothes, bedding;

4. medical aid and medical service, including provision of prosthetic and orthotic rehabilitation assistance;
5. social-psychological assistance;
6. legal advice;
7. organisation of leisure (cultural events, etc).

Social services to disabled persons are provided at day care centres of social rehabilitation. Thus, services at Vardenis mental health day care centre are provided (50 beneficiaries) at the expense of state budget.

Stressing the importance of activities of community day care centres providing social services to disabled persons, since 2007 the state has delegated the provision of social services to non-governmental organisations. In particular, state support has been provided to “Mission Armenia”, “Bridge of Hope” and “Salvation” NGOs (refund of salaries at the expense of the state budget).

The NGO “Salvation” is providing services to 50 beneficiaries in Yerevan with mental disorders. The NGO “Mission Armenia” has 27 day care centres in 8 marzes of the Republic of Armenia, providing services to 2000 persons, 30% of whom are disabled. The NGO “Bridge of Hope” has established 4 child development centres providing community services in Dilijan, Ijevan, Berd and Noyemberyan. The centres provide services to 250 children with social-psychological problems, with special needs and with disabilities (disabled children constitute 35% of all the beneficiaries). The programme is built entirely on the principles of social model of disability with the active participation of disabled children and their family members.

Services provided to disabled persons at day care centres include meals once a day, medical aid, social-psychological assistance, legal advice, teaching of handicraft, different crafts and arts, leisure activities (cultural events, etc).

“In home social services centre for lonely elderly and disabled persons” provides social services in home to lonely disabled persons living without relatives. The Centre is functioning within the state system and is fully financed by the state budget of the Republic of Armenia. The Centre provides services to around 1500 beneficiaries in Yerevan. The NGO “Mission Armenia” provides such services to 2200 people in 8 marzes of the Republic of Armenia.

Around 30% of those served under home conditions receive the following services:

- social-psychological aid;

- household services;
- legal advice;
- medical aid;
- delivery of humanitarian aid to houses.

Mobility and transport

One of the goals of the Decision of the Government of the Republic of Armenia N 392-N of 16 February 2006 is to improve the traffic for disabled persons adapting the streets, underground passages, as well as installing lightning and audio signal systems. The Committee asks to provide in the next report information concerning the application of this decision in practice. Pursuant to the report, there are special groups to assist disabled persons at the airport. The Committee asks for information about the steps undertaken for ensuring access to other means of transport (rail, terrestrial and marine transportation).

There are still many things to be done in this sphere. However, certain streets, underground passages, building entrances have been adapted for transfer of the disabled persons. To promote the mechanisms for regulating this issue, the issue has been covered periodically by mass media, monitoring groups have been formed for the purpose of overview of the implemented works, and a contest “Accessible community” has been organised between the communities of the Republic of Armenia. Other measures have also been implemented.

The measures undertaken for the purpose of ensuring the disabled persons with accessible transport have to be expanded. Structural changes have been made to 2 buses, which were allotted to non-governmental organisations addressing the issues of disabled persons. Two out of 36 trolley buses imported to the capital in 2007-2008 have been structurally adjusted to the needs of disabled persons, providing services in Yerevan. Such trolley buses will also be in the consignment of trolley buses to be imported in the coming years. We also would like to inform that the draft law of the Republic of Armenia “On protection of rights of disabled persons and their social inclusion” contains provisions regulating transport and communication issues with regard to disabled persons. Article 25 of the draft law defines that “The procedure for the tender for organising provision of transportation services by automobile transport of common use shall, as a mandatory condition, include the minimum number of transportation means adapted for disabled

persons.” Article 11 relates to ensuring accessible environment for disabled persons with the purpose of their social inclusion.

Culture and Leisure

Cultural and sports events are also organised for the purpose of integrating disabled persons into the society. State assistance is provided to the “Armenian National Paralympic Committee” NGO, “Armenian Association of the Blind” NGO, “Armenian Special Olympiads” NGO, “Armenian Sports Committee of the Deaf” NGO, for ensuring the participation of around 600 disabled persons in sports events.

Creative education, free instruction of arts and crafts for disabled children are organised at orphanages and special schools for disabled, orphaned and socially vulnerable children through “Special Creative Centre for Children” SNCO in Yerevan and Vanadzor.

In Lori and Shirak marzes, within the framework of the programme “Family librarian” library in home services are provided to disabled persons with mobility problems.

Article 26 of the Law of the Republic of Armenia “On social protection of rights of disabled persons and their social inclusion” contains provisions on ensuring the participation of disabled persons in cultural and sports events.

Article 18. The right to engage in a gainful occupation in the territory of other Parties

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

1. to apply existing regulations in a spirit of liberality;
2. to simplify existing formalities and to reduce or abolish state duties and other charges payable by foreign workers or by their employers;
3. to liberalise, individually or collectively, secondary legislation acts governing the employment of foreign workers and recognise
4. the right of their nationals to leave the country to engage in a gainful occupation in the territories of other Parties.

Questions of the Committee with regard to Article 18.1

1. The report indicates the authorised body responsible for issue related to work permits is the same body considering the residency status, but the body is not indicated. The Committee repeats its question.

The authorised body issuing work permits has not been yet recognised by the Government of the Republic of Armenia. Therefore, foreign nationals work within the Republic of Armenia without work permits.

2. The Committee asks the Government to provide statistical data on applications filed by representatives of the COE member states on obtaining residence status or extension thereof, as well as granting or refusal of the latter.

The Passport and Visa Department of the Republic of Armenia has, in the period from 01.01.2010 to 01.06.2011, granted to representatives of the COE member states 271 temporary residence statuses and 58 permanent residence statuses.

Questions of the Committee with regard to Article 18.2

1. The Committee requests an information on whether foreigners, who are no longer stay in Armenia, may apply for obtaining residence status and undertake the necessary formalities in their country. How long is the average period between the filing of application to the relevant body on obtaining the status and granting of the status?

The following types of residence statuses shall be defined for foreigners within the Republic of Armenia:

- (a) temporary;
- (b) permanent;
- (c) special.

The decision on granting temporary or permanent residence status to a foreigner in the Republic of Armenia or extending it shall be adopted by the Passport and Visa Department adjunct to the Government of the Republic of Armenia, within a 30-day period following the receipt of the documents referred to in Annex N 1 to the Decision of the Government of the Republic of Armenia N 134-N of 7 February 2008.

The Passport and Visa Department shall, in writing or electronically, coordinate the issue with regard to granting permanent residence status to a foreigner in the Republic of Armenia with the National Security Service adjunct to the Government of the Republic of Armenia, forwarding to the National Security Service the copies of the passport and application of the foreigner.

The National Security Service shall, with regard to the issue of granting temporary or permanent residence status to a foreigner or extending the residence status, submit to the Passport and Visa Department information on its consent or objection, within a period of seven days. The Passport and Visa Department shall adopt the decision on granting permanent residence status to the foreigner upon availability of grounds envisaged by Article 15 and Article 16(1) of the Law of the Republic of Armenia "On foreigners" (adopted on 25 December 2006), and the decision on extending the status shall be adopted upon availability of grounds envisaged by points (a), (c) and (d) of the Article 21(1) of the Law of the Republic of Armenia "On foreigners".

Special residence status shall be granted to foreigners of Armenian origin. Special residence status may also be granted to other foreigners carrying out economic and cultural activities in the Republic of Armenia

Within the Republic of Armenia application on special residence status shall be filed with the authorised public administration body in the sphere of police of the Republic of Armenia, whereas in a foreign state it shall be filed with the diplomatic representation or consular office of the Republic of Armenia. The procedure and time limits for considering the application on special residence status, and the list of documents to be attached to the application shall be defined by the President of the Republic of Armenia.

2. The Committee would like to receive information on whether there are certain circumstances under which fees for receiving special residence status may be reduced or not charged.

Exemption from state duties charged for filing of documents related to residence status of foreigners in the Republic of Armenia, and services for providing entrance visa of the Republic of Armenia, shall be provided to:

(a) foreign specialists and their family members invited by the President, National Assembly and Government of the Republic of Armenia;

(b) persons arriving to the Republic of Armenia for the purpose of providing humanitarian and technical support;

(c) immediate relatives of the citizen of the Republic of Armenia (spouse, child, father, mother, sister, brother);

(d) foreign nationals studying, working (teachers, lecturers) at educational institutions implementing general education and vocational education programmes in the Republic of Armenia;

(e) persons under 18.

State duty for granting temporary residence status and residence card to, extending the period of temporary residence, as well as for registering the parents, the spouse, the child, the sister or the brother of a foreigner studying or working as a teacher, lecturer at educational institutions implementing general education and vocational education programmes in the Republic of Armenia shall be subject to 60% reduction. The list of documents, verifying the fact of being the parent, the spouse, the child, the sister or the brother of the foreign national studying or working as a teacher or lecturer within the Republic of Armenia, required to benefit from the privilege envisaged by this part, shall be defined by the decision of the Government of the Republic of Armenia which is currently in circulation.

Questions of the Committee with regard to Article 18.3

1. The Committee would like to be informed of whether there are occupations not accessible to foreigners.

Pursuant to Article 7 of the Labour Code of the Republic of Armenia, employment (official) relations of persons holding political, discretionary or civil positions, officers of other state (special) services or local self-government bodies, as well as employees of the Central Bank of the Republic of Armenia shall be governed by this Code, unless otherwise provided for by relevant laws. Pursuant to the legislation of the Republic of Armenia governing the above-mentioned spheres, the

referred positions may be filled only by citizens of the Republic of Armenia except for the positions of the Central Bank of the Republic of Armenia, where the requirement of being a citizen of the Republic of Armenia shall extend only to the members of the Board, whereas other employees are not affected by this restriction.

Questions of the Committee with regard to Article 18.4

1. The Committee indicates that according to the previous report every citizen of the Republic of Armenia having attained the age of 16 shall possess a passport of the Republic of Armenia. The Committee would like to be informed of cases where the application for a passport may be refused, and asks also to provide information concerning the legislative reforms implemented in this sphere.

Pursuant to point 14 of the Order of the Head of the Police N 12-N of 15 August 2008 “On approving the clarifications of the procedure for passport-related formalities”, issue or replacement of the passport shall be refused where:

- (a) the applicant has failed to submit the documents envisaged by the legislation;
- (b) the applicant is not registered with the state register of the population;
- (c) the applicant is in search.

Article 20. The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake an obligation to recognise that right and to take appropriate steps to ensure or promote its exercise in the following fields:

- (a) access to employment, protection against dismissal and occupational reintegration;
- (b) vocational guidance, training, retraining and rehabilitation;
- (c) terms of employment and working conditions, including remuneration;
- (d) career development, including promotion.

Annex to Article 20

1. It is presumed that social security issues, as well as other provisions relating to unemployment, old age and survivor's benefits, may be excluded from the scope of this article.

2. Provisions concerning the protection of women, particularly as regards pregnancy, confinement and the post-natal period, shall not be deemed to be discrimination as referred to in this Article.

3. This Article shall not prevent the adoption of specific measures aimed at abolishing *de facto* inequalities.

4. Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular sex, may be excluded from the scope of this Article or from some of its provisions.

Questions of the committee with regard to Article 20

Equal rights

1. The Committee asks whether there is specific legislation defining remuneration equivalent to work done by all.

Pursuant to Article 32 of the Constitution of the Republic of Armenia every worker shall have a right to just remuneration.

Article 3 of the Labour Code of the Republic of Armenia lays down the principles of labour legislation on the basis whereof the main principles of the labour legislation include:

- prohibition of forced labour of any form (nature) and violence towards the employees;
- equality of parties to employment relations, irrespective of their gender, race, nationality, language, origin, citizenship, social status, religion, marital and family statuses, age, convictions or views, membership to political parties, labour unions or non-governmental organisations, other circumstances not related to the employee's practical qualities;
- ensuring the right to fair work conditions for every employee (including conditions meeting the requirements of safety and hygiene, the right to rest);

- equal rights and opportunities for employees;
- ensuring the right to timely and full remuneration for every employee, which may not be less than the minimum salary defined by law.

Pursuant to Article 178 of the Labour Code of the Republic of Armenia equal remuneration shall be paid to men and women for the same or equal amount of work.

2. The Committee asks to provide in the next report detailed information on promotion of equal treatment to men and women through collective agreements, in particular with regard to remuneration.

Section II (Occupation, remuneration and standard of living of population) of the collective agreement signed on 27 April 2009 between the Government of the Republic of Armenia, Confederation of the Labour Unions of Armenia and the Republican Association of Employers of Armenia, defines the obligation of the parties to ensure gender equality in the issues of employment and remuneration.

The sitting of the tripartite republican commission of 23 July 2010 approved the action plan ensuring the application of the collective agreement, which envisages the measure of "Equal terms, equal opportunities and equal access to economic resources to women and men in labour market and employment".

3. Article 20 guarantees equal treatment from the point of view of social security. It implies prohibition of any discrimination on the basis of sex, in particular as far as it relates to the system, terms for access to the system, calculation of benefits and benefit periods. The Committee asks whether equal treatment with regard to social security is ensured.

In the social security sphere there is no discrimination on the basis of sex.

4. The Committee asks whether the labour unions may apply to court on behalf of the workers who think they suffered from discrimination. The Committee asks whether the clear consent of the

alleged victim is mandatory. The Committee indicates that discrimination complaints with regard to state bodies may be filed also with the Human Rights Defender.

Pursuant to Article 25(1)(6) of the Labour Code of the Republic of Armenia representatives of employees may appeal, through judicial procedure, the decisions and actions of the employer and his or her authorised person which contradict to the legislation of the Republic of Armenia, to collective agreements and employment contracts, or which violate the rights of the representative of the employees.

Pursuant to Article 2 of the Civil Procedure Code of the Republic of Armenia, the interested party shall have a right to file a claim with the court as prescribed by the Civil Procedure Code of the Republic of Armenia for the purpose of protection of his or her rights, freedoms and legitimate interests envisaged by the Constitution, laws and other legal acts. In cases provided for by the Civil Procedure Code of the Republic of Armenia and other laws, claims on protection of rights, freedoms and legitimate interests of others may be filed with the court by persons vested with such powers.

At the same time, pursuant to Article 38(2) of the Labour Code of the Republic of Armenia, protection of employment rights shall be exercised by representatives of employees.

Pursuant to Article 8(1) of the Law of the Republic of Armenia "On protection of human rights", any natural person may apply to the Defender irrespective of nationality, citizenship, place of residence, sex, race, age, political and other views and working capacity. Pursuant to part 3 of the same Article, applications on protection of rights of others may be submitted to the Human Rights Defender only by representatives of those persons, as well as by the family members and the heirs of deceased persons.

5. Where the Labour Inspectorate reveals, while performing its duties, that the employment contract contains discrimination on the basis of sex, the contract shall be deemed unlawful. The Committee asks for information concerning consequences of such revelation.

Pursuant to Article 10(15) of the Law of the Republic of Armenia "On State Labour Inspectorate", the State Labour Inspectorate of the Republic of Armenia examines cases of discrimination on grounds of sex in the process of recruitment and takes measures with the purpose of protection of the violated rights of employees. The state labour inspector of the

Republic of Armenia, pursuant to Article 15 of the Law of the Republic of Armenia “On State Labour Inspectorate”, shall have a right:

- part 7 - to submit to employers (their representatives) motions subject to mandatory consideration on abolishing the breaches of the labour legislation of the Republic of Armenia and other legal acts containing norms of labour law and on restoration of violated rights of employees;
- part 9 – to issue written recommendations subject to mandatory enforcement regarding the abolishment of the revealed breaches and deficiencies of the labour legislation of the Republic of Armenia and of other legal acts containing norms of labour law, and to follow-up the implementation thereof;
- part 12 – file a petition with the official authorised to impose administrative penalties as prescribed by the Administrative Offences Code of the Republic of Armenia in case where breaches of the labour legislation of the Republic of Armenia and other legal acts containing norms of labour law are administered,.

Pursuant to Article 41 of the Administrative Offences Code of the Republic of Armenia, breaches of the labour legislation of the Republic of Armenia and other legal acts containing norms of labour law (excluding the cases prescribed by Articles 41.1, 41.2, 41.3, 96.1, Article 158 (part 17) and Articles 169.5, 169.7, 169.8 of the Administrative Offences Code of the Republic of Armenia) give rise to a warning with regard to the person responsible for the breach. Breaches of requirements of the labour legislation of the Republic of Armenia and other legal acts containing norms of labour law, committed within one year following the imposition of administrative penalty shall give rise to an imposition of a fine with regard to the employer, in an amount of 50-fold of the minimum salary.

6. The Committee would like to receive detailed information concerning the compensation; in particular, Article 20 obliges to pay compensation to every person having suffered from discrimination on the basis of sex.

Pursuant to Article 38(3) of the Labour Code of the Republic of Armenia, protection of employment rights is exercised through:

- (1) recognition of the right;

- (2) restitution of the situation existing prior to violation;
- (3) prevention or elimination of actions violating or giving rise to danger of violation of the right;
- (4) invalidating the legal act of state or local self-government body or the employer;
- (5) non-application by the court of the unlawful legal act of the state and local self-government body, *i.e.* the employer;
- (6) independent protection of the right;
- (7) enforcing to perform the obligation by in-kind compensation;
- (8) compensation of the damage;
- (9) charging a fine (penalty);
- (10) termination of or alteration of legal relations;
- (11) in other ways envisaged by law.

In case of disagreement with the change of employment terms, termination of the employment contract on the employer's initiative or dissolution of the employment contract the employee shall have a right to apply to court within one month following the receipt of the individual legal act (document). Where it is revealed that employment terms have been changed, employment contract with the employee has been dissolved upon absence of lawful grounds or in violation of the procedure defined by the legislation, the violated rights of the employee shall be restored. In that case the average salary shall be charged from the employer for the benefit of the employee for the entire period of forced idleness, or the difference of the salary shall be charged for the period during which the employee did work with minimum pay, except for cases envisaged by part 2 of this Article. Average salary shall be calculated by multiplying the relevant number of the days by average daily salary of the employee.

7. The report does not indicate whether there are occupations designed exclusively for one of the sexes.

One of the principles of the labour legislation defined by Article 3 of the Labour Code of the Republic of Armenia is the freedom of occupation, including the right to occupation (freely entered upon, or freely accepted), disposal of occupational abilities, choice of the type of profession and activity.

The role of women in employment and retraining

1. The Committee would like to receive information concerning possible differentiation between men and women in the labour market and differences of their remuneration

Employed men and women based on types of economic activities

(Annual average, 1000 people)

	2006		2007		2008		2009	
	men	women	men	women	men	women	men	women
Employed, total	593.1	499.4	571.4	530.1	570.9	546.7	552.0	537.4
Agriculture, hunting and forestry	274.2	230.1	248.6	258.1	224.5	268.5	228.8	267.5
Fishing, fish-breeding	0.1	-	0.2	-	0.4	0.1	0.2	0.1
Mining industry	6.3	1.3	7.2	1.4	6.9	1.4	6.1	1.2
Manufacturing	71.2	39.2	67.8	35.9	61.1	33.8	56.6	27.3
Production and distribution of electricity, gas and water	18.7	4.1	18.6	4.2	19.7	4.8	19.3	4.6
Construction	27.1	2.6	28.5	2.6	57.2	3.2	46.3	3.2
Trade, repairing of cars, household appliances and goods for personal use	68.0	37.9	66.5	39.6	68.2	45.0	60.3	43.9
Hotels and restaurants	3.8	3.9	3.9	4.5	5.8	6.6	5.4	7.0
Transport and communications	33.4	15.2	33.0	14.6	36.4	15.2	38.8	14.9
Financial activities	3.1	3.5	4.0	4.8	4.5	6.1	4.8	6.2
Operations related to immovable property, leasing and provision of services	13.9	9.5	16.1	10.2	15.6	11.2	15.8	10.8

Public administration	19.5	15.4	20.8	17.1	21.5	18.2	22.1	18.3
Education	23.9	76.9	25.0	76.3	23.7	77.2	24.3	76.4
Health care and provision of social services	11.4	37.4	11.9	38.3	8.5	36.1	8.8	36.9
Provision of public utilities, social and individual services	18.4	22.5	19.4	22.6	17.0	19.3	14.4	19.1

Average monthly nominal salary based on gender

(Dram)

	2006	2007	2008	2009
Total	62293	74227	87406	96019
male	81581	97257	116787	126765
female	48319	57574	68010	77127
In relation to the total, %	100	100	100	100
male	131.0	131.0	133.6	132.0
female	77.6	77.6	77.8	80.3

Measures for promoting equal opportunities

1. The Committee asks to provide in the next report all the measures undertaken for the promotion of equal opportunities, including for ensuring equal remuneration.

Measures envisaged by the Decision N 645-N of 8 April 2004 "On approving the 2004-2010 national plan for improving the situation with regard to women and enhancing their role in the society, and the list of measures of the 2004-2010 national plan for improving the situation with regard to women and enhancing their role in the society" have been implemented.

Protocol Decision of the Government of the Republic of Armenia N5 “On approving the concept for gender policy” was approved at the sitting of 11 February 2010 of the Government of the Republic of Armenia.

Protocol decision of the Government of the Republic of Armenia N19 «On approving the 2011-2015 strategy programme of gender policy and the 2011 action plan of gender policy” was approved at the sitting of the Government of the Republic of Armenia of 10 May 2011.

The draft law of the Republic of Armenia “On ensuring equal rights and opportunities for women and men” was approved at the Sitting of the Government of the Republic of Armenia of 17 October 2011.

Article 24 . The right to protection in cases of dismissal

With a view to ensuring the effective exercise of the right of workers to protection in cases of dismissal,

the Parties undertake to recognise:

(a) the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;

(b) the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief

To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.

Annex to Article 24

1. It is presumed that for the purposes of this article the terms “dismissal” and “dismissed” mean termination of employment by the initiative of the employer.
2. It is presumed that this article covers all workers but that a Party may exclude from some or all of its protection the following categories of employed persons:

(a) workers engaged under a contract of employment for a specified period of time or a specified task;

(b) workers undergoing a period of probation or a qualifying period of employment, provided that this is determined in advance and is of a reasonable duration;

(c) workers engaged on a casual basis for a short period.

3. For the purpose of this Article the following, in particular, shall not constitute valid reasons for termination of employment :

(a) trade union membership or participation in union activities not during working hours, or, upon the consent of the employer, during working hours;

(b) seeking for a certain position while acting in the capacity of a workers' representative;

(c) the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;

(d) race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;

(e) maternity or parental leave;

(f) temporary leave from work due to disease or corporal injury.

4. It is presumed that compensation or other appropriate relief in case of termination of employment without valid reasons shall be determined by national laws or secondary legislation acts, collective agreements or other means appropriate to national conditions.

1) Please describe the general legal framework, including decisions of courts or other judicial bodies (where possible). Please indicate the nature of, reasons for and extent of any reform.

2) Please indicate measures (administrative mechanisms, programmes, action plans, projects, etc) aimed at implementing the legal framework.

(3) Please provide relevant figures, statistics or any other relevant information.

The legal framework is described in Article 1.

Study of the judicial acts with regard to examined cases concerning employment disputes at the courts of the Republic of Armenia as of 21 April 2008-2011 revealed the following indices based on nature of separate acts.

Demands for unpaid salary:

- 201 claims granted in 2008, 58 claims – in 2009 (71,1% reduction compared to the previous year), 58 claims – in 2010 (remained unchanged compared to the previous year), 1 claim – as of 21 April 2011;
- 9 claims were rejected in 2008, 10 claims – in 2009 (11,1% growth as compared to the previous year), 10 claims – in 2010 (remained unchanged as compared to the previous year), 3 claims – as of 21 April 2011;
- 39 claims were suspended in 2008; 23 claims – in 2009 (41,1% reduction as compared to the previous year), 36 claims – in 2010 (56,5% growth as compared to the previous year), 6 claims as of 21 April 2011;
- in 2010, 6 statements of claim were not considered and were remanded to the plaintiff .

As of 21 April 2008-2011, the total number of filed claims on payment of unpaid salary amounted to 460.

Demands for dismissal pay:

- 17 claims were granted in 2008; 14 claims – in 2009 (17.6% reduction as compared to the previous year), 16 claims – in 2010 (14.3% reduction as compared to the previous year);
- 2 claims were rejected in 2008; 3 claims – in 2009 (50% growth as compared to the previous year), 1 claim – in 2010 (66.7% reduction as compared to the previous year);
- 3 claims were suspended in 2008; 3 claims – in 2009 (unchanged as compared to the previous year), 13 claims – in 2010 (4.33 times growth as compared to the previous year);
- in 2010, 1 statement of claim was not considered and was remanded to the plaintiff .

As of 21 April 2008-2011, the total number of filed claims on dismissal pays amounted to 73.

Demands for pecuniary compensation of unpaid salary and unused leave

- 5 claims granted in 2008; 10 claims – in 2009 (twice more as compared to the previous year), 9 claims – in 2010 (10% reduction as compared to the previous year);
- 1 claim was rejected in 2008; 2 claims – in 2009 (it has grown twice as compared to the previous year), 2 claims – in 2010 (unchanged as compared to the previous year);
- 7 claims were suspended in 2010.

As of 21 April 2008-2011, the total number of filed claims on pecuniary compensation of unpaid salary and unused leave amounted to 36.

Demands for pecuniary compensation of unpaid salary, forced idleness and unused leave

- 4 claims were granted in 2009; 2 claims – in 2010 (twice less as compared to the previous year), 1 claim as of 21 April 2011;
- 2 claims were rejected in 2009;
- 4 claims were suspended in 2009.

As of 21 April 2008-2011, the total number of claims demanding pecuniary compensation of unpaid salary, forced idleness and unused leave amounted to 13.

Demands for levy of unpaid salary and interest amount

- 9 claims were granted in 2008, 4 claims –in 2009 (55,6% reduction as compared to the previous year), 1 claim – in 2010 (4 times less as compared to the previous year); 2 claims were granted as of 21 April 2011;
- 5 claims were suspended in 2009.

As of 21 April 2008-2011, the total number of claims for compensation of unpaid salary and for interest amount levy amounted to 21.

Demands for remuneration for forced idleness

- 2 claims were granted in 2009, 4 claims – in 2010 (twice more as compared to the previous year);
- 2 claims were rejected in 2010;
- in 2010, 1 statement of claim was not considered and was remanded to the plaintiff .

As of 21 April 2008-2011, the total number of filed claims on remuneration for forced idleness amounted to 10.

Demands for approving the term of employment

- 3 claims were granted in 2008; 59 claims – in 2009 (19.7 times more as compared to the previous year), 11 claims – in 2010 (81.4% reduction as compared to the previous year);
- 3 claims were rejected in 2008; 1 claim – in 2009 (66.7% reduction as compared to the previous year), 3 claims – in 2010 (three times more as compared to the previous year);
- 2 claims were rejected in 2009, 1 claim – in 2010 (twice less as compared to the previous year).

As of 21 April 2008-2011, the total number of claims for approving the term of employment amounted to 83.

Demands for reinstatement

- 5 claims were granted in 2008; 13 claims – in 2009 (2.6 times more as compared to the previous year), 10 claims – in 2010 (23.1% reduction as compared to the previous year);

- 11 claims were rejected in 2008; 15 claims – in 2009 (36.4% growth as compared to the previous year), 14 claims – in 2010 (6.67% growth as compared to the previous year);
- 2 claims were suspended in 2008; 3 claims – in 2009 (50% increase as compared to the previous year), 8 claims – in 2010 (2.7 times more as compared to the previous year);

As of 21 April 2008-2011, the total number of claims on reinstatement amounted to 83.

Demands for reinstatement and remuneration for forced idleness

- 14 claims were granted in 2008, 11 claims – in 2009 (21.4% reduction as compared to the previous year), 9 claims – in 2010 (18.2% reduction as compared to the previous year), 2 claims – as of 21 April 2011;
- 4 claims were rejected in 2008, 8 claims – in 2009 (twice more as compared to the previous year), 6 claims – in 2010 (25% reduction as compared to the previous year), 2 claims – as of 21 April 2011;
- 8 claims were suspended in 2008; 3 claims – in 2009 (62.5% reduction as compared to the previous year), 10 claims – in 2010 (3.33 times increase as compared to the previous year);

As of 21 April 2008-2011, the total number of claims on reinstatement and remuneration for forced idleness amounted to 77.

Requests for compensation of damage (including review of the amount of damage caused to life or health, confiscation of unpaid payments, benefit for physical impairment which is a result of professional disease, etc)

- 30 claims granted in 2009, 2 claims – in 2010 (15 times less as compared to the previous year);
- 1 claim rejected in 2009.

As of 21 April 2008-2011, the total number of claims on damage compensation (including review of the amount of damage caused to life or health, confiscation of unpaid payments, benefits for physical impairment which is a result of professional disease, etc) amounted to 34.

Demands for declaring the actions of the director unlawful, forcing to perform the work envisaged by the employment contract and confiscation of payments:

- 4 claims were granted in 2008, 1 claim- in 2010.
- 2 claims were rejected in 2008, 1 claim – in 2009 (twice less as compared to the previous year);
- 1 claim was suspended in 2008.

As of 21 April 2008-2011, the total number of claims on declaring the actions of the director as unlawful, forcing to perform the work envisaged by the employment contract and confiscation of payments amounted to 9.

In 2010, 2 claims on obligating to conclude an employment contract were granted.

Demands for declaring invalid the orders on imposing disciplinary penalty

- 1 claim was granted in 2008, 1 claim- in 2010.
- 1 claim was rejected in 2009, 2 claims – in 2010 (twice more as compared to the previous year);
- 2 claims suspended in 2010.

As of 21 April 2008-2011, the total number of claims on declaring invalid the orders on imposing disciplinary penalty amounted to 7.

Demands for recognising the employment contract as concluded for an indefinite period

- 1 claim was granted in 2009;
- 2 claims were rejected in 2009, 1 claim – in 2010 (twice less as compared to the previous year);
- 2 claims were suspended in 2010.

As of 21 April 2008-2011, the total number of claims on recognising the employment contract as concluded for an indefinite period amounted to 6.

Requests for providing with an employment record book

- 1 claim was granted in 2008; 2 claims – in 2009 (twice more as compared to the previous year), 2 claims – in 2010 (unchanged as compared to the previous year).

As of 21 April 2008-2011, the total number of claims on recognising the employment contract concluded for an indefinite period amounted to 5.

In 2010, 1 claim on declaring the strike as unlawful was suspended.

As of 21 April 2008-2011, the total number of claims concerning employment disputes at the courts of the Republic of Armenia amounted to 920.

Questions of the committee with regard to Article 24

1. The Committee adverts to its evaluation concerning the grounded reasons for dismissal defined by Article 113 of the Labour Code. The Committee asks to provide additional information on the way Article 113 of the Labour Code is interpreted by the courts and asks, in particular, to provide information on economic reasons (Article 113(3)), and health condition (Article 120) as basis for dissolving the employment contract.

According to the Law of the Republic of Armenia HO-117-N of 15 July 2010, Article 120 of the Labour Code of the Republic of Armenia was amended as follows:

1. The employer shall have a right to dissolve the employment contract on grounds envisaged by Article 113(1)(3) of this Code, where by reason of inadequacy of the professional knowledge or the health condition the employee cannot perform his or her employment duties.

2. Deterioration of the health condition of the employee may serve as a ground for termination of the employment contract, where it is of sustainable nature and hinders the process of work or excludes the possibility to continue it.
3. Compatibility of the employee's professional abilities to the assumed position or to the undertaken work is assessed by the employer; whereas assessment of the employee's health condition is determined by the conclusion of the medical and social expert examination.

Pursuant to Article 115 of the Labour Code of the Republic of Armenia (edited and amended by Law HO-117-N of 15 July 2010), in case of dissolution of the employment contract on grounds envisaged by Article 113(1)(1) and (2) of the Labour Code, the employer shall be obliged to notify about it the employee in writing not later than two months prior to the dissolution.

In case of dissolution of the employment contract on grounds envisaged by Article 109(1)(9) and Article 113(1)(3),(7) and (11), the employer shall be obliged to notify the employee about it in writing; the employees working for up to one year shall be notified not later than 14 days before, employees working from one to five years – 35 days before, employees working from five to ten years – 42 days before, employees working from ten to fifteen years – 49 days before, employees working for more than fifteen years – 60 days before the dissolution.

Collective agreements and employment contracts may define longer period for notification as compared to the period envisaged by this part.

Pursuant to Article 129 of the Labour Code of the Republic of Armenia (edited by Law HO-117-N of 15 July 2010), in case of dissolution of the employment contract on grounds envisaged by Article 113 part 1 points 1, 2 and 4 the employer shall pay to the employee dismissal benefits in the amount of his or her average monthly salary, whereas in case of dissolution of the employment contract on grounds envisaged by Article 113(3),(7) and (11), and also by Article 109(1)(9) and by Article 124, the employer, taking into account the length of consequent service at the employer's office, shall pay the employee dismissal benefits:

(1) in case of employment of up to one year – in the amount of average daily salary of ten working days;

(2) in case of employment of one to five years – in the amount of average daily salary of 25 working days;

(3) in case of employment of five to ten years – in the amount of average daily salary of 30 working days;

(4) in case of employment of ten to fifteen years – in the amount of average daily salary of 35 working days;

(5) in case of employment of fifteen years and more– in the amount of average daily salary of 44 working days.

2. Collective agreements or employment contracts may provide for payment of dismissal benefits for a longer period.

2. The Committee asks whether the law envisages dismissal where the person has reached retirement age, and whether there are processes to be carried out or conditions to be complied with where the employee reaches retirement age, or whether persons having reached that age are automatically dismissed.

Pursuant to Article 113 of the Labour Code of the Republic of Armenia, the employer shall have a right to dissolve the employment contract concluded with the employee for an indefinite term, as well as employment contract concluded for a certain period, prior to expiry thereof where the employee reaches retirement age unless otherwise provided for by the employment contract.

3. The Committee indicated previously that employee who considers that he or she has been unlawfully dismissed may apply to court and is entitled to receive compensation. The report indicates that the court may reinstate the person and the Committee asks to confirm that it is the case. The Committee asks whether the compensation provided to the employee in case of unfair dismissal is the highest form of compensation.

Article 265 of the Labour Code of the Republic of Armenia has been amended and supplemented by the law of the Republic of Armenia (HO-117-N of 15 July 2010), according to which:

1. In case of disagreement with the change of employment terms, termination of employment contract on the employer's initiative or dissolution of the employment contract, the employee shall have a right to apply to court within one month following the receipt of the individual legal act (document). Where it is revealed that employment terms have been changed, employment contract with the employee has been dissolved upon absence of lawful grounds or in violation of the

procedure defined by the legislation, the violated rights of the employee shall be restored. In that case the employer shall be charged with a minimum salary for the whole period of forced idleness, or the difference of the salary for the period during the employee performed work with minimum remuneration, except for the cases envisaged by part 2 of this Article. Average salary shall be calculated by multiplying the relevant number of the days by average daily salary of the employee.

2. Where it is impossible to restore employment relations between the employer and employee by virtue of economic, technological, organisational reasons, the court may refrain from reinstating the employee to his or her previous job, obliging the employer to pay compensation to the employee for the entire period of forced idleness, in the amount not less than the double of the average salary, but not more than 12-fold of the average salary, prior to entry into legal force of the court judgment. In this case the employment contract shall be deemed to be dissolved starting from the day of entry into legal force of the court judgment.