



16/03/2015

RAP/RCha/ARM/9(2015)

EUROPEAN SOCIAL CHARTER

9th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF ARMENIA

- Article 7, 8, 17, 19, 27
for the period 01/01/2010 – 31/12/2013
- Complementary information on Articles 3§1 and
13§1 (Conclusions 2013)

Report registered by the Secretariat on
16 March 2015

CYCLE 2015

Annex
to the Protocol Decision No 7 of the sitting of the
Government of the Republic of Armenia of 19
February 2015



**EUROPEAN SOCIAL CHARTER
(REVISED)**

Report of the Republic of Armenia

Articles 3, 7, 8, 13, 17, 19, 27

Reporting period: 2010 – 2013

Article 3 – The right to safe and healthy working conditions

Article 3.1.

Information with regard to questions submitted by the European Committee of Social Rights (hereinafter referred to as the Committee)

In compliance with the Decision of the Government of the Republic No 857-N of 25 July 2013, the State Hygiene and Anti-Epidemic Inspectorate of the Ministry of Health of the Republic of Armenia and the State Labour Inspectorate of the Republic of Armenia of the Ministry of Labour and Social Affairs were reorganised by way of merger as the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia (hereinafter referred to as the Inspectorate), and the Statute of the Inspectorate was approved. According to point 3 of the Statute of the Inspectorate, the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia is the legal successor of the State Hygiene and Anti-Epidemic Service and the State Hygiene and Anti-Epidemic Inspectorate of the Republic of Armenia and the State Labour Inspectorate of the Republic of Armenia. The ensuring of state control and supervision over the implementation of labour legislation of the Republic of Armenia and other regulatory legal acts containing norms of labour law, organisation of measures for preventing workplace accidents and occupational diseases, ensuring of observance and protection of working conditions, employment rights and freedoms of employees, including the right to safe working conditions, were established by point 7 of the Statute as goals and objectives of the Inspectorate. To achieve the mentioned goals and objectives, the Inspectorate performs the following functions of control and supervision over the implementation of norms of labour legislation envisaged by point 8(10) of the Statute, among them:

- 1. organising seminars on implementation of labour legislation and other legal acts containing norms of labour law for employers, their unions, representatives of teams of employees;*
- 2. organising — with a view to ensuring implementation of labour legislation and other legal acts containing norms of labour law — methodical assistance in occupational safety protection for employers and trade unions by providing relevant information and consultancy;*
- 3. submitting proposals to the Ministry of Labour and Social Affairs of the Republic of Armenia with regard to improvement of implementation of the labour legislation and other legal acts containing norms of labour law;*
- 4. analysing the reasons for violations of the labour legislation and submitting proposals to the employer on elimination thereof, restoration of violated rights of employees;*

5. *studying and analysing the reasons for accidents and occupational diseases and submitting written motions to the employer on prevention thereof;*
6. *studying the availability, maintenance and exploitation of collective and individual protective means for occupational safety at workplace;*
7. *defining the terms for elimination of violations according to the standards approved, where there is an expert opinion on violation of requirements for occupational safety and health standards or an act on deficiencies detected; temporarily terminating — in case of failing to eliminate the deficiencies within the prescribed term — activities of the organisation or its separate subdivision until the elimination of the violations;*
8. *exercising control and supervision over observance of the mandatory requirements prescribed by law for occupational safety and health protection at workplace;*
9. *exercising control and supervision over compliance with the procedure prescribed by the Government of the Republic of Armenia for registration and investigation of cases of workplace accidents and over timely payment of amounts due to be paid as reimbursement of damage as prescribed by law;*
10. *exercising control and supervision over ensuring of the guarantees established by the labour legislation for persons under 18 years of age as well as pregnant or breast-feeding women and employees taking care of a child;*
11. *requiring from the employers to take relevant measures for eliminating the violations and deficiencies in the course of work organisation detected as a result of examination and (or) inspections, which may endanger the life or health of the employee;*

The Inspection performs control and supervision in compliance with the Law of the Republic of Armenia "On fundamentals of administration action and administrative proceedings", the Law of the Republic of Armenia "On organising and conducting inspections in the Republic of Armenia", the Code of the Republic of Armenia "On administrative offences".

The methodology for risk-based inspections of the State Labour Inspectorate of the Republic of Armenia and the general description of standards determining the riskiness, as well as the questionnaire of inspections were approved by the Decision of the Government of the Republic of Armenia No 1486-N of 22 November 2012. According to the methodology for risk-based inspections, workplace accidents and occupational diseases are a key standard for evaluating the riskiness of organisations. The frequency of accidents at an organisation and the degree of gravity are standards for evaluating riskiness of organisations and determining frequency of inspections planned to be carried out at the organisation. The questionnaire includes questions on supervision over compliance with the legislative requirements with

regard to employment rights of employees, guarantees thereof enshrined by the labour legislation of the Republic of Armenia, official investigation of accidents, reimbursement prescribed by law for damages caused to health in consequence thereof, as well as supervision over compliance with the guarantees prescribed by the legislation for persons under 18 years of age, pregnant women and women taking care of a child.

The methodology for risk-based inspections conducted by the State Hygiene and Anti-Epidemic Inspectorate of the Ministry of Health of Republic of Armenia and the general description of standards determining the riskiness were approved by the Decision of the Government of the Republic of Armenia No 522-N of 19 April 2012, pursuant to which preliminary classification of organisations on the basis of riskiness is carried out based on outputs of sector-specific evaluation, taking account of the impacts on health of people and environment. The questionnaire of risk-based inspections conducted by the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia was approved by the Decision of the Government of the Republic of Armenia No 349-N of 4 April 2013. The questionnaires include questions on supervision over the compliance with legislative requirements of legal norms of sanitary legislation of the Republic of Armenia, regulating various fields of economic activity, with regard to health and hygiene of employees.

Administrative proceedings are instituted at the Inspectorate for the purpose of studying workplace accidents and preventing them. Within the framework of the administrative proceedings the reasons of workplace accidents are studied and analysed, and the employers are given binding instructions on elimination of violations of requirements defined by law with regard to prevention of accidents, ensuring of safety and health of employees.

The action plan stemming from the National Strategy for the protection of Human Rights, approved by the Decision of the Government of the Republic of Armenia No 303-N of 27 February 2014, envisages drafting of the Decision of "National programme for protection of work safety and health of employees at workplace" and submission thereof to the Government of the Republic of Armenia until the first quarter of 2015.

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

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Article 7.1.

According to the Law of the Republic of Armenia "On the rights of the child" (Article 1), everyone who has not attained the age of 18 is regarded as a child, except for cases where he or she acquires legal capacity or has been declared legally capable earlier, as prescribed by law.

Article 19 of the same Law stipulates that the child has the right to privileged conditions of work. Peculiarities, privileges and conditions with regard to admitting children to employment are prescribed by the Labour Code of the Republic of Armenia.

It is prohibited to engage a child in production, use or realisation of alcoholic beverages, narcotic drugs and psychotropic substances, tobacco, literature and videos with erotic and horror content, as well as in such work that may cause harm to his or her health, physical and mental development, hinder him or her from receiving education.

Amendments and supplements have been made to the Labour Code of the Republic of Armenia (hereinafter referred to as the Code) by the Law of the Republic of Armenia "On making amendments and supplements to the Labour Code of the Republic of Armenia" (HO-117-N) adopted on 24 June 2010. The mentioned Law was adopted taking account of the necessity of regulating individual issues revealed in the enforcement practice following the entry into effect of the Code, besides the aim of the mentioned amendments and supplements was to simplify and clarify the mechanisms for emergence of labour relations and regulation thereof and bring them into compliance with the requirements of certain provisions enshrined by the Constitution of the Republic of Armenia, international treaties, namely the ILO Conventions and the Revised European Social Charter.

Parts 2 and 3 of Article 17 of the Labour Code of the Republic of Armenia were edited by the Law No HO-117-N of 24 June 2010; moreover, the Article was supplemented by new parts 2.1 and 4, which refer to the labour regulations with regard to persons from fourteen to eighteen years old.

According to Article 32 of the Constitution of the Republic of Armenia, "it shall be prohibited to admit to permanent employment children under sixteen years of age. The procedure and conditions for admitting them to temporary employment shall be prescribed by law".

According to part 2 of Article 15 of the Labour Code of the Republic of Armenia, "labour passive legal capacity of citizens, their capacity to obtain and exercise employment rights through their activities, to create employment duties and to fulfil them (labour active legal capacity) shall arise in full scale from the moment of attainment of the age of 16, except for cases provided for by the Labour Code and other laws".

According to part 1 of Article 17 of the Code, the employee is the capable citizen having attained the age defined by the Labour Code of the Republic of Armenia who performs — on the basis of an employment contract — certain work for the benefit of the employer based on certain profession, qualification or in a certain position.

According to part 2 of Article 17 of the Code, "persons at the age of fourteen to sixteen working under an employment contract by the consent of one of the parents or an adopter or a guardian shall be considered employees".

A number of restrictions for working persons from fourteen to sixteen years old are envisaged by the legislation of the Republic of Armenia. In particular, according to part 2.1 of Article 17 of the Code, persons at the age of fourteen to sixteen may be involved only in temporary works not causing damage to health, safety, education and morality thereof in compliance with Article 101, part 1(1) of Article 140, Article 155 of the Code. According to part 3 of Article 17 of the Code, persons at the age of fourteen to eighteen may not be involved in work on days off, non-working days — holidays and commemoration days — except for the cases of participation in sport and cultural events.

According to Article 101 of the Code, a temporary employment contract is concluded with persons at the age of fourteen to sixteen for a period of up to two months.

According to part 1(1) of Article 140 of the Code, shorter working time is set for employees from fourteen to sixteen years old — 24 hours a week; for employees from sixteen to eighteen years old — 36 hours a week.

According to part 7 of Article 155 of the Code, employees under 18 years of age are granted at least two rest days per week.

The provisions on minimum working age provided for by the legislation of the Republic of Armenia refer to all fields of economic activity.

According to part 1(1) of Article 140 of the Code, shorter working time is set for employees from fourteen to sixteen years old — 24 hours a week.

According to part 3(1) of Article 144 of the Code, employees under 18 years of age may not be engaged in overtime work.

According to Article 148 of the Code, persons under 18 years of age are not allowed to be employed in night work (night time is considered the period between 22:00 and 6:00).

According to part 2 of Article 154, the duration of daily uninterrupted rest for employees between the ages of fourteen and sixteen may not be less than 14 hours. The mentioned legal norms do not imply that

employees of the mentioned age may be engaged in work ten hours a day, firstly because part 2 of Article 139 clearly stipulates that daily working time may not exceed eight working hours; besides, the requirement of part 1(1) of Article 140 of the Code is imperative, and the violation of the mentioned norm gives rise to administrative liability. In this respect, it is necessary to invoke the requirement of Article 37 of the Code, according to which employers, employees and their representatives, upon exercising their rights and fulfilling their obligations, are obliged to adhere to the law, act in good faith and in a reasonable manner. Abuse of employment rights is prohibited. Upon exercise of employment rights and fulfilment of obligations, other persons' rights and interests protected by law must not be violated.

According to Article 34 of the Labour Code of the Republic of Armenia, "state control and supervision over the implementation by employers of the labour legislation, other regulatory legal acts containing norms of labour law and regulatory provisions of collective agreement shall be exercised by the State Labour Inspectorate, and in other cases provided for by law, by other state authorities.

Functions, rights and obligations of the State Labour Inspectorate are established by law".

In compliance with the Decision of the Government of the Republic of Armenia No 857-N of 25 July 2013 (hereinafter referred to as the Decision), the State Hygiene and Anti-Epidemic Inspectorate of the Ministry of Health of the Republic of Armenia and the State Labour Inspectorate of the Republic of Armenia of the Ministry of Labour and Social Affairs were reorganised by way of merger as the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia, which — pursuant to its Statute — exercises control and supervision over the implementation by employers of the labour legislation, other regulatory legal acts containing norms of labour law and regulatory provisions of collective agreement.

Within the framework of exercising state control and supervision as prescribed by law, the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia, among the criteria — defined by the state — of the labour legislation of the Republic of Armenia, inspects issues concerning the employment rights and privileges of employees under eighteen years of age, the guarantees for respect thereof.

The questionnaire of inspections conducted by the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia was approved by the Decision of the Government of the Republic of Armenia No 1486-N of 22 November 2012. The following questions were included in the questionnaire — approved by Annex No 2 to the Decision — of inspections conducted by the State Health Inspectorate of the Republic of Armenia:

- a temporary employment contract concluded with an employee from 14 to 16 years old;
- employees from 14 to 16 years old working not more than 24 hours a week;

- *the prohibition of engaging persons under 18 years of age, persons studying in general education and vocational schools without interrupting work in production, employees under the influence of factors that are harmful and (or) dangerous to the health, in overtime work adhered;*
- *the prohibition on engaging persons under 18 years of age in night work adhered;*
- *the duration of daily uninterrupted rest for employees between the ages of 14 and 16 not less than 14 hours, and for employees between the ages of 16 and 18 — not less than 12 hours;*
- *employees under 18 years of age granted at least two rest days per week;*
- *the prohibition on engaging persons under 18 years of age in heavy, harmful, especially heavy, especially harmful works adhered.*

According to Article 2.1 of the Law of the Republic of Armenia "On organising and conducting inspections in the Republic of Armenia", bodies conducting inspections conduct the inspections based on the schedule of inspections approved for each year.

According to part 2 of Article 7 of the Code, provisions of the labour legislation of the Republic of Armenia and of other regulatory legal acts containing norms of labour law are mandatory for adherence by all employers (citizens or organisations) regardless of their legal form and form of ownership.

Administrative liability is envisaged by the Administrative Offences Code of the Republic of Armenia for violation of requirements of the provisions of the Code referred to above.

The supervision over the involvement of minors at workplace, productions, works, occupations, positions which are especially heavy, especially heavy and harmful, especially harmful for health, as well as the supervision over issues with regard to conducting medical inspections is exercised solely through inspections. However, given the importance of the problem, the process of observations with a view to exercising supervision over the above-mentioned issues is currently under discussion.

In 2013, the Ministry of Labour and Social Affairs of the Republic of Armenia requested the International Labour Organization to conduct a study on the worst forms of child labour in Armenia, which was approved in 2014 and is to be realised in the nearest future with relevant ILO methodology. The findings of the study will serve as a basis for further developing and implementation of fact-based policy.

Article 7.2.

Article 257 of the Code, according to which engaging persons under 18 years of age in heavy, harmful, especially heavy, especially harmful works established by the legislation of the Republic of Armenia, as well as in other cases prescribed by law is prohibited, was edited by the Law of the Republic of Armenia "On making amendments and supplements to the Labour Code of the Republic of Armenia" No HO-117-N of 24

June 2010. The list of such works was approved by the Decision of the Government of the Republic of Armenia "On approving the list of works deemed heavy and harmful for persons under 18 years of age, pregnant women and women taking care of a child" No 2308-N of 29 December 2005, according to which hundreds of harmful works based on various factors have been defined.

Articles 242-262 of the Labour Code of the Republic of Armenia clearly prescribe an obligation for the employer to adopt internal legal acts with a view to ensuring the healthy and safe working conditions, in particular to provide employees with collective and internal and individual protective means, to conduct mandatory medical examination, to organise regular instructions on health and safe conditions, etc.

According to part 2 of Article 85 of the Code, before commencing work, the employer or his or her authorised person is obliged to properly introduce the hired employee to the conditions of employment, the collective agreement (if it exists), the internal regulatory rules and other legal acts of the employer regulating the employee's work at the workplace.

Article 7.3.

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

A labour contract may be concluded with a child after he or she attains the age of 16, except for the fixed-term labour contracts.

A child under the age of 16 may be admitted to temporary employment with the written consent of one of the parents (adopter) or guardian (custodian) and the custody and guardianship authority, where this does not hinder their educational process.

The child has the right to privileged conditions of work. Peculiarities, privileges and conditions with regard to admitting children to work are prescribed by the Labour Code of the Republic of Armenia.

It is prohibited to engage a child in production, use and realisation of alcoholic beverages, narcotic drugs and psychotropic substances, tobacco, literature and videos with erotic and horror content, as well as in such work that may cause harm to his or her health, physical and mental development, hinder him or her from receiving education.

The above-mentioned requirements enshrined by the Law of the Republic of Armenia "On the rights of the child" are included in Article 17 of the Code as well.

According to part 3 of the mentioned Article, persons at the age of fourteen to eighteen may not be involved in work on days off, non-working days — holidays and commemoration days — except for the cases of participation in sport and cultural events.

According to part 4 of Article 17 of the Code, a temporary employment contract is concluded with persons from fourteen to sixteen years old for a period of up to two months.

Information as to the mentioned point has been provided under 7§1.

The description of the current legislation on regulation of employment of employees from fourteen to sixteen years old has been provided in the previous questions.

The provisions of the Labour Code of the Republic of Armenia with regard to regulation of employment of employees from fourteen to sixteen years old may not affect the implementation of children's compulsory education. This is also clearly defined by the Labour Code of the Republic of Armenia. Amendments were made to the Labour Code of the Republic of Armenia in 2010. In particular, according to part 2.1 of Article 17 of the Code, persons at the age of fourteen to sixteen may be involved only in temporary works not causing harm to health, safety, education and morality thereof in compliance with Article 101, part 1(1) of

Article 140, part 7 of Article 155 of the Code. According to part 3 of Article 17 of the Code, persons at the age of fourteen to eighteen may not be involved in work on days off, non-working days — holidays and commemoration days — except for the cases of participation in sport and cultural events.

According to Article 101 of the Code, a temporary employment contract is concluded with persons from fourteen to sixteen years old for a period of up to two months.

According to part 1(1) of Article 140 of the Code, shorter working time is set for employees from fourteen to sixteen years old — 24 hours a week; for employees from sixteen to eighteen years old — 36 hours a week.

According to part 7 of Article 155 of the Code, employees under 18 years of age are granted at least two rest days per week.

Part 2 of Article 139 of the Code stipulates that daily working time may not exceed eight working hours.

Under the conditions of working time regime of 24 hours a week defined by part 1 of Article 140 of the Code for children from fourteen to sixteen years old, the duration of daily working time for a 5-day working week defined by part 7 of Article 155 of the Code makes 4.8 hours a day.

Article 7.4.

Part 3 of Article 209 of the Code, which particularly stipulates that persons under eighteen years of age are prohibited to be sent on a business trip alone, was edited by the Law of the Republic of Armenia "On making amendments and supplements to the Labour Code of the Republic of Armenia" No HO-117-N of 24 June 2010.

The Law HO-117-N (hereinafter referred to as the Law) also amended part 2 of Article 156 of the Code by removing the provision on engaging employees under eighteen years of age in work on non-working days — holidays and commemoration days — upon their consent.

A requirement was included in part 3 of Article 17 of the Code specifying that persons from fourteen to eighteen years old may not be involved in work on days off, non-working days — holidays and commemoration days — except for the cases of participation in sport and cultural events.

Part 3 of Article 144 of the Code enshrines that employees under 18 years of age, as well as, on the days of classes, employees studying at general education and vocational schools without interrupting work in production, are not allowed to be engaged in overtime work.

Part 3 of Article 148 and part 4 of Article 149 of the Code stipulate that it is not allowed to engage persons under 18 years of age in night work, as well as on duty at home or in an organisation.

The following regulations with regard to the rest time of employed children are prescribed by the Code:

Part 2 of Article 153 of the Code stipulates that employees under 18 years of age, whose working time exceeds four hours, are granted additional break for at least 30 minutes for rest during the working time.

According to Part 2 of Article 154 of the Code, the duration of daily uninterrupted rest for employees from fourteen to sixteen years old may not be less than 14 hours, whereas for employees from sixteen to eighteen years old it may not be less than 12 hours and must include the period from 22:00 to 6:00.

Part 7 of Article 155 of the Code stipulates that employees under 18 years of age are granted at least two rest days per week.

According to Article 164 of the Code, after six months of uninterrupted work, employees under 18 years of age have the right to choose the time of annual leave.

The mentioned provisions of the Code are binding for all employees of the mentioned age being in employment relations with employers (regardless of their legal form and form of ownership, field of economic activity).

Article 7.5.

According to the Law of the Republic of Armenia "On the minimum salary", the minimum hourly tariff rate for employees paid based on task rate and hourly pay rate for the period of 2011-2012 made, correspondingly:

1) AMD 196 (0.36 euros) for one hour in the case of 40-hour working week, AMD 218 (0.41 euros) in the case of 36-hour working week, and AMD 326 (0.61 euros) in the case of 24-hour working week (2011);

2) AMD 196 (0,38 euros) for one hour in the case of 40-hour working week, AMD 218 (0,43 euros) in the case of 36-hour working week, and AMD 326 (0,64 euros) in the case of 24-hour working week (2012).

According to Article 4 of the Law of the Republic of Armenia "On the minimum salary", the amount of minimum monthly salary does not include taxes paid from salary, supplements, additional payments, rewards and other incentive payments.

According to the data of Integrated Household Living Conditions Survey conducted by the National Statistical Service of the Republic of Armenia, the average monthly net salary of the age group from 15 to 19 in 2011 was AMD 41 456, and in 2012 it made AMD 67 943.

The minimum hourly tariff rates in the first half of 2013 were as follows: AMD 210 /0,39 euros/ in the case of 40-hour working week;

AMD 234 /0,44 euros/ in the case of 36-hour working week; AMD 350 /0,65 euros/ in the case of 24-hour working week.

The following minimum hourly tariff rates have been effective since 1 July 2013:

AMD 270 /0,50 euros/ in the case of 40-hour working week;

AMD 300 /0,56 euros/ in the case of 36-hour working week;

AMD 450 /0,84 euros/ in the case of 24-hour working week.

The following minimum hourly tariff rates are to be set starting from 1 July 2014:

AMD 300 /0,53 euros/ in the case of 40-hour working week; AMD 334 /0,59 euros/ in the case of 36-hour working week and AMD 500 /0,89 euros/ in the case of 24-hour working week.

Article 7.6.

Amendments and supplements were made to Article 174 of the Code by the Law of the Republic of Armenia "On making amendments and supplements to the Labour Code of the Republic of Armenia" No HO-117-N of 24 June 2010.

Part 1 of Article 174 of the Code stipulates that "employees shall be granted a leave in order to prepare for examinations for admission to secondary vocational and higher education institutions, three working days for each examination".

According to part 2 of Article 174 of the Code, employees studying at general education, secondary vocational or higher education institutions are granted a study leave upon the motion of the educational institution:

(1) to prepare for and take current examinations — three working days for each examination;

(2) to prepare for and take a test — two working days for each test;

(3) for laboratory work — according to the number of working days envisaged by the curriculum;

(4) to prepare and defend a graduation paper — 30 working days;

(5) to prepare for and take each state (graduation) examination — six working days.

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

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

According to Article 137 of the Code, working time is the period when the employee is obliged to perform work envisaged by the employment contract, as well as other equivalent periods.

According to Article 138 of the Code, working time includes the period necessary for raising the level of qualification at the workplace or at educational institutions.

According to Article 178 of the Code, the salary is the compensation paid for works performed by an employee under law, other legal acts or an employment contract.

Thus, being included in the working time, the time for the improvement of qualification at workplace or educational institutions is regarded as a part of the working day and is remunerated as working time.

The regulations referred to are binding and apply to all the employees.

Article 7.7.

Part 3 of Article 209 of the Code, which particularly stipulates that employees under eighteen years of age are prohibited to be sent on a business trip alone, was edited by the Law of the Republic of Armenia "On making amendments and supplements to the Labour Code of the Republic of Armenia" No HO-117-N of 24 June 2010.

The Law HO-117-N (hereinafter referred to as the Law) also amended part 2 of Article 156 of the Code by removing the provision on engaging employees under eighteen years of age in work on non-working days — holidays and commemoration days — upon their consent.

The Law incorporated a requirement into part 3 of Article 17 of the Code specifying that persons from fourteen to eighteen years old may not be involved in work on days off, non-working days — holidays and commemoration days — except for the cases of participation in sport and cultural events.

The Law HO-117-N also amended Articles 158, 159, 164, 167 and 169 of the Code.

According to Article 158 of the Code, the "annual leave is a period calculated in working days, which is provided to employees for rest and for recovering their working capacity. During this time, his or her workplace (position) shall be retained, and average salary shall be paid.

Annual leave shall be minimum, extended and additional".

According to Article 159 of the Code, "the duration of the minimum annual leave, in the case of the five-day working week, is 20 working days, and in the case of the six-day working week, 24 working days. The annual leave for employees with incomplete working time shall not be reduced.

Leaves with longer duration may be prescribed by a collective agreement or employment contract or by legal acts of the employer, except for the organisations funded from state and community budget, the Central Bank of the Republic of Armenia".

Article 164 of the Code stipulates that annual leave for each working year is granted in the same working year.

According to Article 169 of the Labour Code of the Republic of Armenia, the employee is paid average salary for annual leave.

The supplement made to part 1 of Article 169 of the Code provides that payments which are larger than those defined by this Code may be defined for the annual leave by the collective agreement or the employment contract or legal acts of the employer, except for the organisations funded from state and community budget, as well as the Central Bank of the Republic of Armenia.

Article 169 of the Code was supplemented with new part 3, which stipulates that the employee recalled from annual leave and involved in work is paid a salary, regardless of the fact that the payment for the annual leave has been made. Where the employee subsequently uses the paid, but not used days of the annual leave, the employer pays for these days the average salary through the procedure established by this Code.

Article 167 of the Code stipulates that transfer of the annual leave is allowed only through the mediation of or upon the consent of the employee. The annual leave may also be transferred, if the employee is temporarily incapable to work or becomes entitled to a special purpose leave provided for by this Code or takes part in operations for prevention of natural disasters, technological accidents, epidemics, accidents, fires and other emergency cases or in operations for immediate elimination of their consequences, irrespective of the procedure, according to which he or she was involved in these operations.

Meanwhile, part 2 of Article 167 of the Code stipulates that where the reasons specified above or any other reasons (due to which annual leave could not be used) arose before the commencement of annual leave, annual leave is transferred to some other time upon the consent of the employee and the employer. Where these reasons arose during the annual leave, the annual leave is extended in the amount of the corresponding days.

According to part 3 Article 167 of the Code, the transferred annual leave, as a rule, is granted in the same working year, but not later than within 18 months, starting from the end of the working year, for which the annual leave has not been granted or has been partially granted. Through the mediation or upon the consent of the employee, the unused part of annual leave may be transferred and added to the annual leave of the subsequent year.

According to part 1 of Article 170 of the Code, "replacing the annual leave with monetary compensation shall not be allowed. Where due to rescission of the employment contract the annual leave cannot be granted to the employee, who was granted the right to annual leave, or where the employee does not want the leave to be granted, he or she shall be paid monetary compensation. The monetary compensation for the unused annual leave shall be paid when the employment contract is rescinded. The amount of compensation shall be determined in accordance with the number of days of the unused annual leave to be granted for the given period. Where the employee has not been granted annual leave for a period longer than one year, the compensation shall be paid for all the unused annual leaves.

The possibility of choosing between being granted unused annual leave or receiving monetary compensation therefor refers solely to the cases of rescission of the employment contract. That is, the employee as of the day of rescission of the employment contract may choose between using the annual leave not used previously and the contract being rescinded as of the day of the end of annual leave, or receiving monetary compensation for the unused annual leave as of the day of rescission of the employment contract. The mentioned rule is excluded during employment relations, the violation whereof envisages administrative liability for the employer.

According to Article 34 of the Code, "state control and supervision over the implementation by employers of the labour legislation, other regulatory legal acts containing norms of labour law and regulatory provisions of collective agreement shall be exercised by the State Labour Inspectorate, and in other cases provided for by law, by other state authorities.

Functions, rights and obligations of the State Labour Inspectorate are established by law".

In compliance with point 1 of the Decision of the Government of the Republic of Armenia No 857-N of 25 July 2013 (hereinafter referred to as the Decision), the State Hygiene and Anti-Epidemic Inspectorate of the Ministry of Health of the Republic of Armenia and the State Labour Inspectorate of the Republic of Armenia

of the Ministry of Labour and Social Affairs were reorganised by way of merger as the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia, which — pursuant to its Statute — exercises control and supervision over the implementation by employers of the labour legislation, other regulatory legal acts containing norms of labour law and regulatory provisions of collective agreement.

Within the framework of exercising state control and supervision as prescribed by law, the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia, among the criteria — defined by the state — of the labour legislation of the Republic of Armenia, inspects issues concerning the employment rights and privileges of employees under eighteen years of age, the guarantees for respect thereof.

The questionnaire of inspections conducted by the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia was approved by the Decision of the Government of the Republic of Armenia No 1486-N of 22 November 2012.

The inspections are conducted by the Inspectorate based on the schedule of inspections approved for each year, irrespective of the legal form and form of ownership of the employers.

Article 7.8.

According to part 3(1) of Article 144 of the Code, employees under 18 years of age are not engaged in overtime work.

According to part 3 of Article 148 of the Code, persons under 18 years of age are not allowed to be employed in night work.

The restrictions enshrined by the mentioned articles of the Code refer to all the employees under 18 years of age, regardless of the field of activity.

According to Article 34 of the Code, "state control and supervision over the implementation by employers of the labour legislation, other regulatory legal acts containing norms of labour law and regulatory provisions of collective agreement shall be exercised by the State Labour Inspectorate, and in other cases provided for by law, by other state authorities.

Functions, rights and obligations of the State Labour Inspectorate are established by law".

In compliance with point 1 of the Decision of the Government of the Republic of Armenia No 857-N of 25 July 2013 (hereinafter referred to as the Decision), the State Hygiene and Anti-Epidemic Inspectorate of the Ministry of Health of the Republic of Armenia and the State Labour Inspectorate of the Republic of Armenia

of the Ministry of Labour and Social Affairs were reorganised by way of merger as the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia, which — pursuant to its Statute — exercises control and supervision over the implementation by employers of the labour legislation, other regulatory legal acts containing norms of labour law and regulatory provisions of collective agreement.

Within the framework of exercising state control and supervision as prescribed by law, the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia, among the criteria — defined by the state — of the labour legislation of the Republic of Armenia, inspects issues concerning the employment rights and privileges of employees under eighteen years of age, the guarantees for respect thereof.

The questionnaire of inspections conducted by the State Health Inspectorate of the Staff of the Ministry of Health of the Republic of Armenia was approved by the Decision of the Government of the Republic of Armenia No 1486-N of 22 November 2012.

The inspections are conducted by the Inspectorate based on the schedule of inspections approved for each year, irrespective of the legal form and form of ownership of the employers.

Article 7.9.

According to part 7 of Article 249 of the Code, the list of occupations and jobs subject to preliminary and periodic mandatory medical examination, as well as the procedure for conducting medical examination are defined by the Government of the Republic of Armenia (the Decision of the Government of the Republic of Armenia "On approving the procedure for compulsory preliminary (when being admitted to employment) and periodic medical examination of the health state; the list of fields of activity, persons employed wherein are subject to compulsory examination of the health state, and of the scope and periodicity of medical examination; the forms of the individual medical record, of the list of persons subject to medical examination and of the decision on temporarily excluding a person from work" No 347-N of 27 March 2003).

According to the Decision of the Government of the Republic of Armenia No 347-N of 27 March 2003, persons admitted to employment and working at organisations that are referred to in the list of compulsory medical examination approved by the Government of the Republic of Armenia, as well as individual entrepreneurs are subject to compulsory medical examination.

The process of medical examination is carried out by physicians-specialists, in compliance with the list of compulsory medical examination approved by the Government of the Republic of Armenia.

Annex No 2 to the mentioned Decision of the Government of the Republic of Armenia approves the list of fields of activity, persons employed wherein are subject to compulsory medical examination of the health state, as well as of the scope and periodicity of medical examination.

LIST

OF FIELDS OF ACTIVITY, PERSONS EMPLOYED WHEREIN ARE SUBJECT TO COMPULSORY MEDICAL EXAMINATION OF THE HEALTH STATE, AND OF THE SCOPE AND PERIODICITY OF MEDICAL EXAMINATION

1	2	3	4	5	6	7	8	9	10	11
1.	Employees of the food industry sector, rural livestock farming businesses, food warehouses and bases, who deal with food during their production, preservation and realisation, as well as persons directly dealing with food during their transportation by all types of transport	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	-	only for employees working in production of cream confectionery products and baby food, when admitted to employment and subsequently once each term	only for employees working in production of cream confectionery products and baby food, milk processing, when admitted to employment and subsequently once each term
2.	Employees working in public food service establishments	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once	when admitted to employment and subsequently once each term	-	only for employees working in production of cream confectionery products and baby food, when admitted to	only for employees working in production of cream confectionery products, when admitted to

						each term			employment and subsequently once each term	employment and subsequently once each term
3.	Employees of food trade establishments	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	-	only for employees working in production of cream confectionery products and baby food, when admitted to employment and subsequently once each term	only for persons selling cream confectionery products, when admitted to employment and subsequently once each term
4.	Students of colleges, specialized schools, general education schools, higher education institutions, who receive on-the-job training in establishments whose employees are subject to compulsory medical examination (tests) of the health state	when admitted to employment and subsequently once each term	prior to on-the-job training	prior to on-the-job training, where no tests have been conducted within previous 6 months	persons over 15 years of age — prior to the practical training; persons under 15 years of age — according to epidemiological and medical indications	prior to on-the-job training and subsequently once each term in the case of continuation of on-the-job training	prior to on-the-job training and subsequently once each term	-	prior to on-the-job training, for those receiving on-the-job training for the profession of candy-maker and in obstetric, paediatric and surgical units of maternity hospitals	prior to on-the-job training, for those receiving on-the-job training for the profession of candy-maker and in obstetric, paediatric and surgical units of maternity hospitals
5.	healthcare workers of maternity hospitals (units), children's hospitals (units), dental, gynaecology units, gynaecology rooms of polyclinics, surgical medical preventive institutions and units (including surgical	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once a year, upon epidemiological indications	test when being admitted to employment for detecting syphilis (once a year), gonorrhoea (swab — once each term)	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	staff of blood service establishments, those healthcare workers of medical preventive institutions who, due to their professional activities, deal with	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term

	rooms of polyclinics), children's polyclinics, infectious hospitals (units, infectious disease wards), dental rooms, intensive care, hemodialysis, laboratory, central disinfection units of polyclinics, blood service establishments, manipulation rooms							blood and its components through the blood serology method — when admitted to employment and subsequently once a year		
6.	Employees of pharmaceutical organisations and pharmacies who are engaged in preparation and packaging of medicine	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once a year	when admitted to employment	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	-	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term
7.	Employees of pharmacies, pharmacy booth who are engaged in realisation of medicine	when admitted to employment and subsequently once a year	-	when admitted to employment and subsequently once a year	-	-	-	-	-	-
8.	Producers of cosmetics, personal hygiene means and baby care items	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	-	when admitted to employment and subsequently once each term	-
9	Employees of educational and upbringing	when admitted to employment and subsequently	-	when admitted to employment and	-	-	-	-	-	-

	institutions (higher education institutions, general education schools, colleges, gymnasia, sports schools, specialized schools, pre-vocational and vocational education institutions, art schools, computer teaching courses) dealing with educational and upbringing activities	once a year		subsequently once a year						
10.	Employees directly dealing with production and realisation of children's games and toys	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	-	-	-
11.	Employees of summer camps for school students and other resort establishments offering child entertainment who are involved in the service sector	when admitted to employment	when admitted to employment	when admitted to employment	when admitted to employment	when admitted to employment	when admitted to employment	-	-	-
12.	Employees of pre-school child institutions (crèche, kindergartens, etc., special training education	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once a year	when admitted to employment and subsequently blood test for detecting syphilis (once each	when admitted to employment and subsequently once each	when admitted to employment and subsequently once each term	-	-	-

	institutions), orphanages, 24-hour temporary accommodation institutions for children, child care and protection boarding institutions who are directly engaged in service of children, persons under treatment, persons having a rest				term), gonorrhoea (swab — once each term)	term				
13.	Employees of health resorts, rest houses, sports resort organisations, retirement homes who are directly engaged in service of persons under treatment and persons having a rest	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once a year	test when admitted to employment for detecting syphilis (once each term), gonorrhoea (swab — once each term)	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	-	-	-
14.	Employees of population utility service organisations (baths, steam rooms, laundries, dry cleaning shops and dry cleaning reception points) who are involved in technological processes or in the service sector (including massage therapists)	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	-	-	-
15.	Employees	when	when admitted	when	when	when	when	manicuri	-	-

	of population utility service organisations (hairdressers, pedicurists, manicurists, cosmetologists)	admitted to employment and subsequently once each term	to employment and subsequently once each term	admitted to employment and subsequently once a year	admitted to employment and subsequently once each term	admitted to employment and subsequently once each term	admitted to employment and subsequently once each term	admitted to employment and subsequently once each term	pedicurists and cosmetologists — when admitted to employment and subsequently once a year		
16.	Employees engaged in service of hotel industry establishments, dormitories	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	-	-	-	
17.	Swimming coaches, instructors, employees of swimming pool service sector, massage therapists	when admitted to employment and subsequently once each term	when admitted to employment, when attending a swimming pool and subsequently once each term	when admitted to employment, when attending a swimming pool and subsequently once a year	when admitted to employment, when attending a swimming pool and subsequently once a year	when admitted to employment, when attending a swimming pool and subsequently once each term	when admitted to employment, when attending a swimming pool and subsequently once each term	-	-	-	
18.	Passenger train, airline stewards/stewardesses	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once a year	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	when admitted to employment and subsequently once each term	-	-	-	
19.	Drivers of long-distance passenger transport means	when admitted to employment and subsequently once a year	-	when admitted to employment and subsequently once a year	-	-	-	-	-	-	
20.	Employees of water	-	-	-	-	when admitted	when admitted	-	-	-	

supply facilities who directly deal with purification of drinking water, disinfection and maintenance of water supply network						d to employment and subsequently once each term	to employment and subsequently once each term			
---	--	--	--	--	--	---	---	--	--	--

According to the aforementioned Decision, persons to be admitted to employment and those working at organisations included in the list of compulsory medical examination approved by the Government of the Republic of Armenia, are subject to compulsory medical examination irrespective of their age.

"The procedure for compulsory preliminary (when being admitted to employment) and periodic medical examination of the health state of separate groups of population subject to the effects of harmful and dangerous factors in the production environment and working process, the lists of factors, nature of activities to be performed, volume of the examination, medical contra-indications and the procedure for hygienic working conditions" were approved by Decision of the Government of the Republic of Armenia No 1089-N of 15 July 2004.

Article 7.10.

The Republic of Armenia signed on 23 November 2001 the Convention on Cybercrime, which was ratified on 23 March 2006 by the Decision of the National Assembly of the Republic of Armenia No N-258-3 and entered into force on 1 February 2007. In compliance with the requirements of Article 35 of the Convention, with a view to ensuring international mutual legal assistance, the 24/7 point of contact was established in 2008 at the General Department on Combating Organised Crime of the Police of the Republic of Armenia.

The Police of the Republic of Armenia registered 36 cases of IT security-related crimes in 2009-2011, 38 cases in 2012 and 82 cases in 2013.

A number of events have been organised in co-operation with interested institutions, legal persons operating in the IT sphere, representatives of the private sector and NGOs. The level of participation of the IT sphere in various social relations, level of protection, issues of information security were discussed during the events. In particular, conferences and seminars related to IT security and protection of citizens have been organised in assistance with the OSCE.

The "Secure Internet" programme aimed at awareness raising among teenagers and children about basics of use of the internet, as well as mechanisms for protection against infringements has been implemented in cooperation with international organisations and NGOs.

Public awareness mechanisms have been used; in particular, awareness campaigns aimed at awareness raising among citizens with regard to forms of possible protection against IT security-related crimes have been carried out through television programmes, publications in the press.

The list of works deemed heavy and harmful was approved by the Decision of the Government of the Republic of Armenia "On approving the list of works deemed heavy and harmful for persons under 18 years of age, pregnant women and women taking care of a child under one year of age" No 2308-N of 29 December 2005.

National Referral Mechanism for victims of human trafficking, approved by another Decision of the Government of the Republic of Armenia (No 1385-A of 20 November 2008), regulates the identification and support of child victims of trafficking or exploitation.

The Police of the Republic of Armenia drafted Law of the Republic of Armenia "On identification and support of victims of human trafficking or exploitation", which specifies minor victims as an individual category, as well as includes special sections and articles. The draft was adopted by the National Assembly of the Republic of Armenia at the first reading.

Training courses on issues of fight against child trafficking were organised in 2012-2013 for about 640 police officers, including officers holding middle level positions at the General Investigation Department of the Police of the Republic of Armenia.

In 2012-2013, preliminary investigation by elements of Articles 132.2, 166, 168 and 263 of the Criminal Code of the Republic of Armenia was carried out under 25 criminal cases, of which 20 ones are cases instituted in the mentioned period. Preliminary investigation by elements of Article 166.1 of the Criminal Code of the Republic of Armenia was carried out under 2 criminal cases. 26 of the persons, declared victim or involved in the criminal proceedings which were conducted by elements of Articles 132.2, 166, 168 and 263 of the Criminal Code of the Republic of Armenia in 2012-2013, were minors at the time of committal of the crime.

13 out of 14 victims, declared so through the preliminary investigation of criminal cases instituted by elements of Article 132.2 of the Criminal Code of the Republic of Armenia were referred to "UMCOR-Armenia" and "Hope and Help" NGOs, as well as Fund for Armenian Relief (FAR) and "Zatik" Children's Support Centres. Besides, 2 minors subjected to the risk of being a victim of trafficking were referred to these NGOs.

In 2012-2013, a criminal charge was brought against 11 persons by elements of Article 132.2 of the Criminal Code of the Republic of Armenia; the indictments with regard to these persons were referred to the court. 5 persons accused on trial were sentenced in 2012-2013 under the criminal cases instituted by

elements of subjecting a child to trafficking or exploitation. In average, they were sentenced to a term of imprisonment of 8 and a half years.

Article 8 – The right of employed women to protection of maternity

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Article 8.1.

According to Article 172 of the Labour Code of the Republic of Armenia, "employed women shall be granted pregnancy and maternity leave: 140 days (70 days for pregnancy leave, 70 days for maternity leave), 155 days (70 days for pregnancy leave, 85 days for maternity leave) in case of hard delivery, 180 days (70 days for pregnancy leave, 110 days for maternity leave) in case of simultaneous delivery of more than one child.

These types of leave shall be calculated in total and granted to the woman in full length. In case of early delivery, unused days of pregnancy leave shall be added to the days of maternity leave". This provision of the Code applies to all employed women.

Article 22 of the Law of the Republic of Armenia "On temporary incapacity benefits" (adopted on 27 October 2010) stipulates that the average monthly salary of a hired employee is calculated dividing by twelve the income paid by the given employer to the hired employee for twelve consecutive calendar months preceding the month of occurrence of the temporary incapacity for work (hereinafter referred to as the "calculation period").

The income, paid for the respective number of consecutive calendar months preceding the month of commencement of the leave for care of a child under three years of age, is taken into account instead of those months of the calculation period, during which the hired employee was on a leave for care of a child under three years of age.

Where the period during which the hired employee worked for the given employer is less than twelve months as of the day of occurrence of the temporary incapacity for work, the income paid by another employer in the calculation period — prior to being hired by the given employer — is taken into account when calculating the average monthly salary of the hired employee.

According to Article 6 of the same Law, the benefits of the self-employed persons, as well as the maternity benefit of the hired employee is paid entirely from the funds of the state budget.

Article 8.2.

The legal regulation of the issue of dismissing women on a pregnancy and maternity leave from work is provided by Article 114 of the Labour Code of the Republic of Armenia (as amended on 07 August 2010), according to which rescission of the employment contract upon the initiative of the employer is prohibited in the case of pregnant women, from the day of submitting a reference to the employer with regard to pregnancy until one month after the pregnancy and maternity leave.

That is, according to the new amendments of the Labour Code of the Republic of Armenia, the rescission of the employment contract upon the initiative of the employer is prohibited in the given case, without additional conditions.

Article 265 of the Code was amended and supplemented by the Law No HO-117-N of 24 June 2010. Article 265 of the Code stipulates that:

1. In case of disagreement with the change of employment conditions, termination or rescission of the employment contract upon the initiative of the employer, the employee shall have the right to apply to court within one month following the receipt of the respective individual legal act (document). Where it is revealed that employment conditions have been changed, employment contract with the employee rescinded 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 the average salary for the whole period of forced idleness, or the difference of the salary for the period during which the employee performed work with less remuneration, except for cases envisaged by part 2 of this Article. The average salary shall be calculated by multiplying the relevant number of the days by average daily salary of the employee.

2. For economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee, the court need not reinstate the employee to his or her former office, obliging the employer to pay compensation for the entire period of forced idleness prior to the entry into force of the court judgement in the amount of not less than two-fold, but not more than twelve-fold of the average salary. In this case the employment contract shall be deemed rescinded starting from the day of entry into legal force of the court judgement.

The requirements of the mentioned articles of the Code apply to all the employees.

Article 8.3.

Part 5 of Article 258 of the Code was edited by the Law of the Republic of Armenia "On making amendments and supplements to the Labour Code of the Republic of Armenia" No HO-117-N of 24 June 2010. The edited Article stipulates that "apart from general break for rest and meal, a breast-feeding woman shall be granted an additional break of at least 30 minutes once every three hours to feed a child until the child is one and a half years old. In the period of breaks prescribed for feeding the child, the employee shall be paid in the amount of the average hourly salary".

The requirement of the mentioned Article of the Code is binding for all the employees of the given category.

Article 8.4.

According to Article 148 of the Code (as amended by the Law No HO-117-N of 24 June 2010):

- Night time shall be deemed the period between 22:00 and 6:00.*
- The work performed at night time shall be deemed night work.*
- Persons under 18 years of age, as well as employees who are not allowed to be employed in night work according to a medical conclusion, shall not be allowed to be employed in night work.*
- Pregnant women and employees taking care of a child under the age of three may be employed in night work only upon their consent.*
- Where it is confirmed that the night work has harmed or may cause harm to the health of the employee, the employer shall be obliged to transfer the employee only to day work.*

According to Article 258 of the Code:

- 1. Engaging pregnant women or women taking care of a child under the age of one in heavy, harmful, especially heavy and especially harmful works established by the legislation of the Republic of Armenia shall be prohibited.*
- 2. Based on the list of harmful conditions and dangerous factors of work, as well as the findings of workplace evaluation, the employer shall be obliged to determine the duration and nature of dangerous factors affecting safety and health of pregnant women and women taking care of a child under the age of one. After identification of the potential effect, the employer shall be obliged to undertake temporary measures to ensure the elimination of the risk of effect of the dangerous factors.*
- 3. Where the dangerous factors are impossible to eliminate, the employer shall undertake measures to improve the working conditions so that pregnant women and women taking care of a child under the age of one are not exposed to the effect of such factors. Where it is impossible to eliminate such effect as a result*

of improvement of working conditions, the employer shall be obliged to transfer the woman (upon her consent) to another job within the organisation. In case of absence of such possibility, the woman shall be provided with a paid leave prior to granting pregnancy and maternity leave.

4. Where a pregnant woman and a woman taking care of a child under the age of one needs to undergo medical test during the working time, the employer shall be obliged to release her from the performance of employment duties by maintaining the average salary, which is calculated on the basis of the average hourly salary rate.

5. Apart from general break for rest and meal, a breast-feeding woman shall be granted an additional break of at least 30 minutes once every three hours to feed a child until the child is one and a half years old. In the period of breaks prescribed for feeding the child, the employee shall be paid in the amount of the average hourly salary.

Part 4 of Article 249 of the Code stipulates that employees working at night and on shift must undergo medical examination before being admitted to employment and periodically in the course of employment, according to the medical examination schedule approved by the employer.

The mentioned provision of the Code applies to all the employees working at night and on shift, and in this regard individual employee categories are not specified.

Article 8.5.

The protection of maternity is enshrined by Article 258 of the Code. The legal regulations of Article 258 of the Code apply to women employed at all the organisations, irrespective of the legal form and form of ownership and field of activity of these organisations. See also information provided under Article 8.4.

Article 13 – The right to medical and social assistance

Information with regard to questions submitted by the European Committee of Social Rights (hereinafter referred to as the "Committee")

As per the amendments made to the pension legislation of the Republic of Armenia, starting from 1 January 2014 old-age, disability social pensions and social pensions in case of loss of the breadwinner have been renamed to old-age, disability benefits and benefits in case of loss of the breadwinner, respectively.

Thus, elderly people having reached the age of 65 (including lonely elderly people) who do not have the service record required by law (5 years - until 2011, 6 years - until 2012, 7 years - until 2013, 8 years -until 2014, 9 years until 2015 and 10 years – starting from 2016) are entitled to receive old-age benefits (until 2014 - old-age social pension), the amount of which was equal to AMD 10500 starting from 1 January 2011, to AMD 13000 starting from 1 January 2012, and has been equal to AMD 14000 since 1 January 2014 according to the legislation of the Republic of Armenia.

Disability benefits (disability social pensions) are awarded in case of absence of service record provided for by law, irrespective of age, and covers the whole period of disability.

In this case, the amount of disability benefits is determined based on the disability group.

Table

The amount of disability benefits (disability social pensions) according to years

Disability group	Amount of benefits (drams)		
	2011	2012-2013	2014
1 st	14700	18200	19600
2 nd	12600	15600	16800
3 rd	10500	13000	14000

In case of loss of the breadwinner, elderly people do not receive benefits.

In cases provided for by the legislation of the Republic of Armenia, they may receive pension for the loss of the breadwinner and in this case they do not receive old-age or disability benefits (they may choose between pensions or benefits).

In 2011-2013 and until July 2014 inclusive the amount of social benefits for a family composed only of adult members was equal to AMD 16000, and starting from August 2014 it has been equal to AMD 17000.

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

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

Article 17.1.

According to Article 30(1) and (2) of the Hague Convention On Protection of Children and Co-operation in Respect of Intercountry Adoption, "The competent authorities of a Contracting State shall ensure that information held by them concerning the child's origin, in particular information concerning the identity of his or her parents, as well as the medical history, is preserved.

They shall ensure that the child or his or her representative has access to such information, under appropriate guidance, in so far as is permitted by the law of that State."

Confidentiality of adoption is provided for by Article 128 of the Family Code of the Republic of Armenia: "Confidentiality of child adoption shall be protected by law.

Judges who have delivered a decision on adoption of a child, or the head and the staff of the agency for state registration of civil status acts carrying out state registration of adoption, as well as other persons informed of the adoption shall be obliged to observe the confidentiality of child adoption.

Persons referred to in this Article, who infringe the confidentiality of the adoption against the will of the adopters, shall be held liable as prescribed by law."

According to Article 1216 of the Civil Code of the Republic of Armenia, lineal heirs shall include the children, spouse and parents of a testator.

To reveal issues related to registration of child birth and registration of non-registered children, registration of child mortality and to regulate the legal framework, an inter-agency working group was established in 2010 for the purpose of developing and introducing mechanisms in the referred field with the view to preventing, to the extent possible, non-registration of child birth and detecting children and adults, whose birth has not been registered, and providing the latter with relevant documents, as well as excluding, to the extent possible, cases of not registering child mortality.

As per the new mechanisms introduced, currently detection of and informing about instances of non-registration of child birth as prescribed by law, as well as instances of child mortality has become a statutory function of the custody and guardianship bodies, and assisting in obtaining birth certificates for children not having such birth certificates has become a statutory function of departments of marzpetarans /Yerevan municipality/ for the protection of rights of a family, women and children.

According to Article 59 of the Family Code of the Republic of Armenia, both parents or one of the parents may be deprived of parental rights where they:

(a) maliciously avoid fulfilling their parental duties, including payment of alimony;

(b) without good cause refuse to take their child from the maternity hospital or other medical institutions, as well as from fostering institutions, organisations for the social protection of population or other similar organisations;

(c) abuse their parental rights, including by adversely affecting children as a result of their immoral behaviour;

(d) treat their children cruelly, including by exercising physical or psychological violence against them, violating their sexual integrity;

(e) suffer from alcohol, narcotic drug or toxic chronic addiction;

(f) have committed intended crime against their children.

The Family Code of the Republic of Armenia also contains a provision on recovering the parental rights. According to Article 62:

1. Parental rights may be recovered if parents have changed their behaviour, lifestyle and/or attitude to upbringing of a child or one of the parents has done so.

2. Parental rights shall be recovered in a court of law upon application of the parent who has been deprived of parental rights. Cases on recovering parental rights shall be considered with mandatory participation of the custody and guardianship body.

The Court, having regard to the opinion of the child who has reached the age of ten, shall be entitled to deny the claim for recovering parental rights where the recovery of parental rights contradicts the interests of the child.

Recovery of parental rights shall not be allowed where the child is adopted and the adoption has not been revoked in the prescribed manner.

The policy adopted by the Government of the Republic of Armenia mainly aims at ensuring child care and upbringing in a family by means of reducing the number of children in orphanages and boarding institutions for child care and protection and preventing the flow of children to such institutions.

With the view to returning children to their biological families and placing them in foster families, the programmes "Services related to the return of children in the care of institutions providing twenty-four-hour child care and protection in the Republic of Armenia to their families (deinstitutionalisation and prevention)" and "Introduction of the institute of foster family" are being implemented at the expense of the State Budget of the Republic of Armenia starting from 2006 and 2008, respectively.

Within the framework of the policy of social reforms in fields related to children, every year 50 children return back to their biological families from the institutions, and the placement of 50 children in an institution is prevented.

Decision N 1273-N of 13 November 2014 introduced amendments to the 2013-2016 Strategy Plan for the Protection of Rights of Children in the Republic of Armenia, the main purpose of which is to establish various institutions in the country providing alternative services of care and protection for children left without parental care, to reduce the number of children placed in centralised large institutions of child care and protection.

As of 2014, the number of children under care in state orphanages amounts to 730, and the number of children in charitable orphanages amounts to 143.

As a result of reforms that have been implemented since 2009 until now, the number of children in state and charitable orphanages has reduced by 117; the number of children in boarding institutions of child care and protection has also reduced.

For the purpose of ensuring the compliance of the legislation of the Republic of Armenia with the Revised European Social Charter, as well as having regard to the priority of protection of interests of a child, a provision has been introduced to the Family Code of the Republic of Armenia on excluding beating as a means of child upbringing.

The draft Protocol Decision of the Government of the Republic of Armenia "On approving the concept on preventing violence against, negligence of children, and the list of measures deriving from the concept" has been developed and presented for the consideration of concerned organisations in the prescribed manner.

At the same time, the draft of the new Criminal Procedure Code of the Republic of Armenia, which has already been submitted to the National Assembly of the Republic of Armenia, provides that detention as a measure of restraint may be imposed on an accused who is a minor only in case of grave or particularly grave crimes, as an extreme measure and for a shortest period of time.

The question at issue is regulated under Article 421 of the Draft according to which:

- 1. Any decision on restricting the freedom of a minor must be adopted upon a detailed discussion of all the circumstances of proceedings for the purpose of minimising the restriction to the extent possible.*
- 2. The legal representative of a minor shall be immediately informed of the arrest, detention or extension of the term of detention of a minor.*
- 3. Where there is a need to impose detention, home arrest or administrative control on a minor arrested by reason of immediate substantiated suspicion of commission of a criminal offence, he or she must be brought before a court within 48 hours after the arrest.*

Where an arrested minor is not detained upon a court decision within 12 hours after being brought before a court, he or she shall be immediately released.

- 4. When deciding on the issue of imposing detention on an accused who is a minor, in any case the possibility of placing him or her under educational supervision, as prescribed by Article 129 of the Code, must be considered.*
- 5. Detention may be imposed on a minor who is accused of commission of a minor or medium-gravity criminal offence only in cases where he or she has breached the conditions of the alternative measure of restraint imposed on him or her.*

In any case detention as a measure of restraint may be imposed on an accused who is a minor in extreme cases and for the shortest period of time.

- 6. In any case the duration of detention or home arrest imposed on a minor during pre-trial proceedings may not exceed one month. The overall duration of detention imposed on a minor during pre-trial proceedings may not exceed:*

- 1) two months - when being accused of a minor or medium-gravity crime;*
- 2) six months - when being accused of a grave or particularly grave crime.*

- 7. Detention imposed on a minor who is accused of a particularly grave crime may, in exceptional cases, be prolonged for two months at most.*

- 8. Any lawful motion for releasing a minor must be discussed and decided upon by the body conducting the proceedings.*

Article 17.2.

In the Republic of Armenia the right to education is provided for by the Constitution of the Republic of Armenia, Laws of the Republic of Armenia "On the rights of the child" and "On education". Pursuant to

Article 39 of the Constitution of the Republic of Armenia “every person shall have the right to education”. Basic general education shall be compulsory. Secondary education in state educational institutions shall be free of charge. Every citizen shall have the right to education in state higher and other vocational educational institutions free of charge on competitive basis, as prescribed by law. The State shall — in cases and in the manner prescribed by law — provide financial and other assistance to educational institutions implementing higher and other vocational education programmes and to students studying there.

In 1999, the National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia “On Education” which, based on constitutional provisions, to a certain extent guides the development of the educational system. This Law lays down state guarantees for the right to education according to which “the Republic of Armenia shall guarantee the right to education, irrespective of national origin, race, gender, language, belief, political or other opinion, social origin, property status or other circumstances”. The respective Law also guarantees equal rights for women and men.

Following the implementation of the Law of the Republic of Armenia "On education" legal acts regulating specific spheres of education have been adopted.

In particular, the Laws of the Republic of Armenia "On higher and post-graduate professional education", "Primary vocational (handicraft) and secondary vocational education" and "On general education" have been adopted. The Law of the Republic of Armenia "On general education" prescribes that “secondary education of 12 years shall be implemented in the Republic of Armenia. Basic general education shall be compulsory, except for cases provided for by law. Secondary education in state educational institutions shall be free of charge.”

Enrolment at different levels of education

Based on the enrolment index by gender at different levels of general education, the following remarks may be made. Armenia does not face significant problems with regard to enrolment in general education. Comparably, the gross enrolment ratio in secondary education is relatively high: in recent years it has comprised approximately 90% on average.

In 2012, the highest enrolment ratio of pupils was recorded at the level of elementary education (grades 1-4) comprising 95,2%. This may be explained by the fact that the literacy of pupils mainly develops at primary schools.

The enrolment ratio in basic education system (grades 1-9) slightly reduces comprising 94,8%, which is homogeneous in terms of regional, gender and poverty groups, and there are no significant disparities in

this regard. The gross enrolment ratio at high schools is comparably low comprising 74,1%. However, it is necessary to note that after completing basic education 15% of pupils continue their education at primary vocational and secondary vocational education institutions, and, as a matter of fact, nearly 10% of pupils do not continue their education in high schools.

Basic general education is compulsory for every person, except for cases prescribed by law, and this is perhaps the reason why the enrolment ratio at basic schools is high. Thus, in general, it may be stated that basic education is available for all groups of the population, and there have been no significant disparities in this regard. Accordingly, the enrolment of all children in basic schools is ensured in Armenia.

Secondary education in Armenia is also free of charge. Enrolment ratio in the system of secondary education (grades 1-12) comprises 89.2%.

With respect to overcoming the mentioned problems, the goals defined by the "United Nations Millennium Declaration" and the "Education for All" global movement are benchmarks for the development of Armenia by 2015. In particular, with regard to the 2nd Millennium Development goal, Armenia aims at achieving 99% of gross enrolment ratio in basic schools and 95% of gross enrolment ratio in high schools by 2015. According to time series of indicators of Millennium Development goals relating to the field of education in the Republic of Armenia published by the State Statistical Service of the Republic of Armenia, in 2012 the Gender Equality Index (the coefficient of correlation of the gross enrolment ratio of girls against the gross enrolment ratio of boys) has comprised 1,06 at the level of secondary education; in elementary and basic schools it has comprised 1,02 and in high schools - 1,21.

However, at the same time in recent years, in 2007-2012, the gross enrolment ratio of students has significantly increased in the field of vocational education.

In particular, the gross enrolment ratio in the field of primary vocational education has reached 4.1 from 1.7, in the field of secondary vocational education it has reached 11.0 from 8.2; this increase has been insignificant for the Bachelor's programme, reaching 44.9 from 44.4, whereas for the Master's programme this ratio has increased almost three times reaching 10.2 from 3.4. Moreover, the referred changes have equally impacted the enrolment ratios of both women and men.

According to statistical data of 2012, the Gender Equality Index (the coefficient of correlation of the gross enrolment ratio of women against the gross enrolment ratio of man)" is 0,40 at the level of primary vocational (handicraft) education, while at the level of secondary vocational education this index is equal to 1,17.

Measures for ensuring equally accessible quality education and for increasing the efficiency of the educational sector

In previous years reforms have been undertaken at all levels of education. These reforms are also supported by separate strategy and concept papers.

The Government of the Republic of Armenia approved the "Sustainable Development Programme" (previously known as the "Poverty Reduction Strategy Paper") in 2008, which was later changed to "Prospective Development Strategic Programme of the Republic of Armenia for 2014-2025". Ensuring the quality of education and equally accessible education at all levels is recognised as priority aim in the mentioned programmes.

In 2011, the National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia "State programme for the development of education for 2011-2015", which was based on strategic programmes and development concepts approved by the Government of the Republic of Armenia in various fields of education.

Based on the achievements in the system of education, the programme aims at their gradual development by outlining priority directions and strategies for the development of the field. In particular, this programme envisages the following goals:

1. to increase access to education at all levels; to create equal opportunities so that every person is able to obtain quality education based on his or her preferences and abilities, particularly:

- to increase the gross enrolment ratio in elementary and middle schools up to 99%;*
- to expand the opportunities for all children of school-age, including the children in need of special conditions for education, children belonging to national minorities and to all other vulnerable groups to receive quality basic education by creating opportunities for inclusive education in all general education schools;*
- to increase the gross enrolment ration in high schools, including in primary vocational education programmes, up to 95%;*
- to increase the enrolment ratio in vocational education programmes by 10%, especially on account of young people from vulnerable groups;*

2. to improve the quality of education bringing it in line with internationally recognised standards to ensure the contentment of the public and business community with educational services provided;

3. to ensure continuous increase of funds allocated from the State Budget for education and mechanisms for their efficient use, particularly to increase the funds allocated from the State Budget for education up to 4% of GDP.

In the context of reforms undertaken in the field of education the following measures implemented in the field of general education are of key importance.

To increase the enrolment ratio in high schools and to improve the quality of education, a separately functioning high school system was introduced in 2008. The three-year high school program will provide the school graduates with the opportunity to get ready for entering the labour market and to receive appropriate vocational education according to their inclinations and abilities. The increase of enrolment ratio in high schools will subsequently contribute to a greater enrolment ratio of students in the vocational education system. Currently, a network of separately functioning high schools exists in the country comprising of 107 schools.

For the purpose of providing the children of elementary classes, as well as from socially vulnerable families with free textbooks and academic literature, every year relevant means are allocated from the State Budget. In certain marzes of the country, based on the geographical distribution of general education schools in rural areas, relevant means are allocated from the State Budget of the Republic of Armenia to provide transportation services to children of school-age.

With the support of the United Nations World Food Programme the school food programme is being implemented, and for the purpose of ensuring the continuation of the programme means will be allocated from the State Budget of the Republic of Armenia starting from 2014. The number of pupils of elementary schools included in the programme is to be increased every year.

Steps are undertaken to improve the existing procedures and to facilitate the enrolment of children excluded from general education in general education schools. Under the 12-year education system the child starts attending school at the age of 6, but the "Procedure for admission to, transfer from and removal of a student from a general education institution of the Republic of Armenia" also regulates the enrolment in schools of those children who have not attended school in due time for different reasons. In particular, the child is enrolled in school later than the time specified:

1) in case of delay for up to 2 years- in the first grade on general basis;

2) in case of delay for more than 2 years (before attaining the age of 13)- in the grade corresponding to his or her age group or, at the suggestion of the parent, one or two grades lower. In this case, programs of individual instruction based on subjects envisaged in the educational plan and a timetable of supplementary courses are drawn up for the respective pupil;

3) children from ages 13 to 16 who have not attended school are enrolled in a grade one or two grades lower than the grade envisaged for their age group. In this case, also, programs of individual instruction based on subjects envisaged in the educational plan and a timetable of supplementary courses are drawn up for the respective pupil. In compliance with the procedure specified, children above 16 years of age who have not attended school may master general education programmes through self-education and obtain a basic education certificate (or academic certificate of secondary education) in an expedited manner.

Besides, for the purpose of ensuring the continuation of education, short-term (1-6 months) programs of instruction are implemented at primary vocational (handicraft) and secondary vocational education institutions for specific professions in demand in the labour market. Persons having completed those courses are granted a document of completion, namely a certificate.

At the same time, starting from the academic year of 2012-2013 all state educational institutions implementing primary vocational (handicraft) and secondary vocational education programs carry out the admission process without entrance examinations on a competitive basis, except for professions in the fields of arts, healthcare and sport (the same principle will apply during the subsequent academic years). In 2012, as compared to 2011, the number of tuition fee waivers at colleges have increased by 50%; this change was retained in the subsequent years. These circumstances resulted in an increase of the number of students in primary and secondary vocational education institutions in recent years.

With the view to ensuring equal access to and inclusion in high schools, as well as at the level of primary and secondary vocational education, a transfer from the guaranteed education of minimum nine years to free-of-charge twelve-year (including vocational education) educational system is envisaged for September, 2014. As a result of this initiative, free secondary general or primary (handicraft) or secondary vocational education will be mandatory in Armenia, providing the children of school-age with the opportunity to exercise their right to free education (including secondary vocational education) laid down in the Constitution of the Republic of Armenia before reaching the age of 18. For this purpose, amendments have been made to the Laws of the Republic of Armenia "On education" and "On general education".

Steps are undertaken also to improve the current statistics. Particularly, in the light of the introduction of a 12-year system and changes to the duration of education, the methodology for calculating indexes for inclusion at different levels of education is being reconsidered. Measures are also taken to expand the information system for education management by including all the levels of education, to complete the information including individual data, to increase the access to information for different groups of stakeholders. The information system for management operating within the system of the Ministry of Education and Science of the Republic of Armenia only covered the field of general education, and since

2014 vocational educational institutions have also been included in the information system for management.

Access to quality education for children belonging to national minorities

The 2012-2017 Programme of the Government of the Republic of Armenia was approved by the Decision of the Government of the Republic of Armenia N 730-A of 18 June 2012, setting forth the following as one of its goals in the field of education - the expansion of opportunities for representatives of national minorities to receive quality basic education.

Every year 2 titles of text-books are published for schools of national minorities, as well as trainings for teachers of schools of national minorities are carried out under the mentioned Programme.

For ensuring access to education and equal opportunities, issues relating to the inclusion in education of children in need of special conditions and to improving the quality of providing educational services have been underlined. Reforms have been undertaken in the field of special education aimed at structural improvements, development of the admissions system, decentralisation of the implemented services, introduction of new management and financing mechanisms, improvement of the quality of childcare and education. As a result of structural reforms, currently 23 special general education schools for children in need of special conditions for education are operating in the country, as compared to 52 special schools previously operating in the country.

According to the Law of the Republic of Armenia "On education", "education for children in need of special conditions for education may be provided both at general education institutions and special institutions through special programmes, upon the choice of parents". In line with this provision of the Law, works have been undertaken to organise the education of children in need of special conditions for education in general education schools, and to fully integrate them in the society. Currently, inclusive education is provided in 101 general education schools, where 2612 children in need of special conditions for education are studying. The programme aims at organising the constitutionally guaranteed education of children with mental and (or) physical development problems at general education schools which are the closest to a child's place of residence not to distance the child from the family. Schools implementing inclusive education receive additional funds from the State Budget for organising the education of children in need of special conditions for education, according to the procedure approved by the Government. Schools are equipped with parental and resource centres where individual classes are organised for children in need of special conditions for education in line with individual educational plans. To assess the educational needs

of children the Yerevan Medico-Psychological and Pedagogical Assessment Centre has been established. Every year the list of general education schools implementing inclusive education expands. At the same time, structural reforms in the field of special education and a transfer to universal inclusive education in the system of general education are envisaged.

The National Assembly of the Republic of Armenia has adopted in the first reading the draft Law of the Republic of Armenia "On supplementing and amending the Law of the Republic of Armenia on general education", which envisages a transfer to universal inclusive education. The necessity of a legislative initiative was conditioned by the requirements of the Declaration On Education for All, of the Convention on the Rights of Persons with Disabilities and of the Social Charter, by acceding to which Armenia has undertaken to ensure equal opportunities of education for all, including for children in need of special conditions for education. In the context of the Law, a transfer to uniform inclusive education in the system of general education is envisaged by providing assistance in organising education to those involved in the educational process at 3 levels, namely at school level - by the educational institution where the child is studying; at regional level - by a regional pedagogical and psychological support centre; at the state level - by a state pedagogical and psychological support centre.

The necessity of a legislative initiative was conditioned not only by international commitments, but also by the intention to expand inclusive education, to optimise special schools, to reveal and assess needs of special conditions for education of every child and to introduce effective mechanisms for organising education based thereon, envisaged by the 2011-2015 state programme for the development of education of the Republic of Armenia. Consequently, a uniform legal regulation of the right to education irrespective of individual differences and disabilities of the child will be established, which will guarantee equal right to education for all.

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

Information with regard to changes undertaken during the reporting period and to questions submitted by the Committee

The Government of the Republic of Armenia adopted the Policy Concept for State Regulation of Migration of the Republic of Armenia in 2010, and the 2012-2016 Action Plan for the Implementation of the Policy Concept for State Regulation of Migration of the Republic of Armenia in 2011. At the end of 2009, the State Migration Service of the Ministry of Territorial Administration of the Republic of Armenia was established within the structure of which an integration department has been recently created, as well as a policy

concept for the integration of long-term migrants residing in the Republic of Armenia and then, an action plan for the implementation thereof are to be developed in the nearest future.

In 2010-2013, Migration Resource Centres have been established.

The Migration Resource Centre (MRC) aims at:

Informing, orienting and training persons intending to leave for abroad and to work abroad (mostly migrant workers), as well as to support their reintegration upon return.

Services by MRCs are provided:

- to potential migrant workers;*
- to actual migrant workers;*
- persons looking for a job abroad on temporary contractual basis.*

The functions of MRCs include:

- 1. providing of free consultation on migration and labour legislation of different countries;*
- 2. introducing job placement opportunities in the destination country and orientation;*
- 3. cooperating with and acting as a reliable and linking partner between foreign organisations and labour migrants to the extent possible;*
- 4. informing about dangers of unlawful labour migration or means of avoiding them and protection against them;*
- 5. introducing the representatives of the Republic of Armenia in other countries, Armenian communities (Diaspora), international organisations, other non-governmental organisations and the services provided by them;*
- 6. preparing the necessary informational materials and disseminating them among public;*
- 7. introducing the opportunities of finding employment in the internal labour market and the guarantees provided;*
- 8. organising, where necessary, courses for professional education, re-qualification or improving the qualification;*
- 9. introducing the programs of reintegration to remigrants;*
- 10. organising meetings in the communities as movable carriers of information and introducing their services;*

11. *creating and keeping a database of migrant workers.*

MRC provides information on:

- *opportunities of lawful migration;*
- *migration and labour legislation of foreign countries;*
- *dangers of irregular migration.*

In 2010-2013, the sphere of employment was regulated by the Law of the Republic of Armenia "On the employment of population and social protection in case of unemployment" which envisaged the voluntary nature and free choice of employment excluding discrimination as the first principle among the main principles of state employment policy provided for in the Law.

Article 3 of the same Law prescribes:

- *RA citizens, foreign nationals and stateless persons residing in the RA shall have the right to choose between being employed and being unemployed, except for the cases prescribed by the laws of the RA.*
- *The employment of foreign nationals and stateless persons residing in the RA shall be regulated by this Law, RA laws and international agreements.*

Thus, the state programmes regulating the sphere of employment were also accessible for migrants staying in the Republic of Armenia. They must have a residence status and be registered with the territorial centres of the State Employment Agency of the Ministry of Labour and Social Affairs of the Republic of Armenia.

Comprehensive reforms have been undertaken in the last three years in the sphere of state regulation of employment conditioned by the necessity to introduce a new policy model. In this context:

- *In 2012 the 2013-2018 Employment Strategy was approved by the Government of the Republic of Armenia;*
- *In 2013 the Government of the Republic of Armenia approved the Concept of the Law of the Republic of Armenia "On employment".*

...For the purpose of establishing a thorough and efficient legislative framework for the main mechanisms of achieving the priority goals of the employment strategy the new Law of the Republic of Armenia "On employment" was developed and adopted by the National Assembly of the Republic of Armenia on 11 December 2013, which entered into force on 1 January 2014. In this new Law the relevant article referred to above reads as follows:

"Article 3. Employment of citizens of the Republic of Armenia, foreign nationals and stateless persons

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

2. *The employment of foreign nationals and stateless persons having the right to residence in the Republic of Armenia (residence status) shall be regulated by this Law, other laws of the Republic of Armenia and international treaties of the Republic of Armenia.*

3. *The state regulation of employment of citizens of the Republic of Armenia, foreign nationals and stateless persons residing in the Republic of Armenia shall be carried out through social security."*

Programs envisaged by the new Law include:

1. *Organisation of vocational training;*
2. *Assistance in changing employment;*
3. *Assistance to small businesses for the purpose of promoting self-employment;*
4. *Partial compensation of salary to the employer;*
5. *Organisation of activities related to labour market research;*
6. *Support to rural economy through promotion of temporary employment;*
7. *Organisation of job fairs;*
8. *Organisation of employment experience for persons with no professional work experience;*
9. *Lump-sum compensation to the employer for hiring persons not competitive in the labour market;*
10. *Assistance for benefiting from services of local non-state employment agencies;*
11. *Reimbursement of expenses for visits to employers for the purpose of finding a suitable employment;*
12. *Paid social activities.*

The major part of the enumerated effective programs was not provided for by the previous legal regulation, and their inclusion in the new law aims at further differentiating and supplementing of the opportunities and the set of instruments for effective regulation required by the situation.

State programs regulating the sphere of employment are accessible also to migrants staying in the Republic of Armenia where they have a residence status and have been registered with territorial centres of the State Employment Agency.

The new model of employment envisages replacing the program of payment of unemployment benefits with such new instruments which must, to the extent possible, promote the active engagement of unemployed persons in the labour market in the processes of looking for an employment and finding a suitable employment, and effectively filling the existing vacancies. Furthermore, in terms of the content, the new approaches to regulation place an emphasis on the fact that real opportunities are created for significantly expanding the scope of inclusion of unemployed persons in the effective employment programmes.

In this context the most striking example is the new program of reimbursement of expenses for visits to employers for the purpose of finding a suitable employment with the assistance of the state employment service envisaged for unemployed persons, as provided for by the Law. The mentioned new programme objectively aims at providing the person not competitive in the labour market with the opportunity of covering the minimum expenses necessary for the initial period of looking for an employment (a three-month period). In particular, the mentioned monetary assistance is provided so that the unemployed person can actively look for an employment, as a certain reimbursement of transportation or other relevant expenses.

The Ministry of Labour and Social Affairs of the Republic of Armenia has developed the draft Law of the Republic of Armenia "On amending and supplementing the Law of the Republic of Armenia on foreigners" which has been submitted to the National Assembly of the Republic of Armenia.

In quite a few general education schools of the Republic of Armenia additional educational programs for the instruction of foreign languages are organised (English, French, German, Italian, Spanish, Persian, Georgian). Schools with Russian classes and advanced instruction of the Russian language also exist in the country. Children of migrant workers may also study at these schools. At the same time, Armenian language classes are also organised.

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

Information with regard to changes having taken place during the reporting period and to the questions submitted by the Committee

Article 27.1.

Part 1(3) of Article 3 of the Code defines as one of the main principles of labour legislation the equal rights of parties to an employment relationship, irrespective of their gender, race, national origin, language, origin, nationality, social status, religion, marital and family status, age, beliefs or views, affiliation to parties, trade unions or non-governmental organisations, other circumstances not associated with the professional skills of employees.

Part 1 of Article 141 of the Code stipulates that:

An incomplete working day or an incomplete working week is set:

- (1) upon the consent of the employee and the employer;*
- (2) upon employee's request, related to his or her health state, 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 an ill member of the family, based on medical conclusion, but for a period not exceeding six months, and not more than half of the working time defined for one day with regard to each day.*

According to part 2 of Article 141 of the Code “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 be divided into parts during the working day.

According to part 3 of Article 141 of the Code, when defining the duration of the annual leave, calculating the length of service, appointing to a higher position, raising the qualification, as well as exercising other rights of the employee, the work performed in the conditions of incomplete working time shall be no basis for applying restrictions.

The aforementioned provision of the Code is general and does not contain individual regulations with regard to male and female employees.

As a result of supplements made to the Code in 2013 (HO-151-N, entered into force on 1 January 2014), a supplement has been made to Article 172 of the Code which defines that the employee (biological mother of the child) having given birth to a child through a surrogate shall be granted a leave for the period starting from the day of birth of the child until the infant attains the age of 70 days (in case of birth of two or more infants — until the infant is 110 days old).

Article 176 of the Code defines cases for granting unpaid leave upon request of the employee according to which unpaid leave upon request of the employee shall be provided:

(1) the spouse of a woman on pregnancy and maternity leave, as well as taking care of a child under the age of one. The total duration of the leave may not exceed 2 months;

(2) the disabled employee or the employee taking care of an ill member of the family, in periods defined by the medical conclusion, but not more than 30 days within a year;

(3) for marriage, three working days;

(4) in case of funeral of deceased member of family, not less than three days.

Meanwhile, it is stipulated that other reasons for unpaid leave may be defined by the collective agreement. In the cases prescribed by the collective agreements or employment contracts or upon the consent of the parties, the employee may be granted an unpaid leave for duration of not more than 60 days within one year. An unpaid leave for not more than 30 days within one year may be granted to officials working for civil, other state (special) services established by law and local self-government bodies.

According to Article 12 of the Law of the Republic of Armenia "On temporary incapacity benefits":

1. Benefit for the care of an ill family member shall be provided to hired employees:

(1) in case of the need for care of an adult ill family member under home (out-patient) conditions — for the working days of the period of time, which does not exceed seven calendar days starting from the second working day;

(2) where there is a need to take care of an ill child under home (out-patient) conditions — for a period not exceeding 24 calendar days, and where there is a need to take care of a child due to infectious diseases — for a period not exceeding 28 calendar days starting from the second working day;

(3) in case of taking care of a child at a medical treatment (in-patient) facility — for the working days of the whole period of staying at the hospital starting from the second working day;

(4) in case of taking care of a child under 18 years of age who is in need of individual care or is disabled, during his or her health resort treatment — for the working days of the whole period of health resort treatment of the child starting from the second working day, but not exceeding the period mentioned in the referral. Furthermore, the benefit shall be provided once in a calendar year.

2. For the care of a child under 3 or of a disabled child under 18 years of age, where the mother (custodian, guardian) is not able to take care of the child due to illness or by reason of staying at a medical treatment (in-patient) facility with another ill family member, benefit for the care of an ill family member shall be

provided to another hired employee, who takes care of a child, for the working days of the whole period of illness of the mother (custodian, guardian) of the child, or her stay at a medical treatment (in-patient) facility starting from the second working day.

Article 27.2.

As a result of amendments and supplements made to the Labour Code of the Republic of Armenia by the Laws of the Republic of Armenia No HO-117-N of 24 June 2010, No HO-33-N of 30 April 2013:

Article 173 of the Code provides that leave for taking care of a child under the age of three shall be granted upon the request of the mother (step-mother), father (step-father) of the family, or the custodian actually taking care of the child. The leave may be taken as a single period or be used in parts. The employees entitled to such leave may take it out of turn.

At the same time, Article 171 of the Code defines that during the period of special purpose leave (including leave granted for the care of a child under the age of three) the position of the employee shall be retained.

According to Article 27 of the Law of the Republic of Armenia "On state benefits", one of the parents or the only parent or a custodian of a child (hereinafter referred to as "the parent"), who is on leave for taking care of a child under the age of three as prescribed by the Labour Code of the Republic of Armenia, shall have the right to receive benefit for the care of a child under the age of two (hereinafter referred to as "the child care benefit").

The right of the parent to child care benefits arises starting from the month referred to in the legal act of the relevant employer on being on leave for taking care of a child under the age of three, and in case of working concurrently — starting from the month referred to in relevant legal acts of the employers (hereinafter referred to as "the employer") (in case of discrepancies — starting from the month of being on leave for taking care of a child under the age of three simultaneously at both jobs).

The Law of the Republic of Armenia "On employment" having entered into force since 1 January 2014 provides for a new subprogramme within the framework of the "Organisation of Professional Teaching" programme for persons facing the risk of dismissal. The beneficiaries of the programme include also women (or men) registered by the authorised body as a job-seeker within three months following the end of leave for taking care of child under the age of three. Starting from 2014 professional teaching courses will be organised for them to reduce the risk of dismissal, and to help avoid losing the job.

Article 27.3.

According to Article 114 of the Labour Code of the Republic of Armenia (as amended on 7 August 2010):

Rescission of the employment contract upon the initiative of the employer shall be prohibited:

(1) in the time period of temporary incapacity for work of the employee, except for the cases provided for by Article 113(1)(7) of this Code (in consequence of long-term incapacity for work of the employee (in case the employee has failed to come to work, due to temporary incapacity for work, for more than 120 consecutive days or for more than 140 days during the last 12 months unless it is prescribed by law and other regulatory legal acts that the job and position are retained for a longer period in case of certain diseases);

(2) during the period of leave of the employee;

(2.1) in the case of pregnant women, from the day of submitting a reference to the employer with regard to pregnancy until one month after the pregnancy and maternity leave;

(2.2) during the whole period of taking care of the child below one.

Article 171 of the Code (as amended on 7 August 2010) defines the types of special purpose leaves:

(1) pregnancy and maternity leave;

(2) leave granted for taking care of a child under the age of three;

(3) study leave;

(4) leave granted for fulfilment of state or social duties;

(5) unpaid leave.

Article 176 of the Code defines the cases of unpaid leave:

1. Upon request of the employee, the unpaid leave shall be granted to:

(1) the spouse of a woman on pregnancy and maternity leave, as well as on leave for taking care of a child under the age of one. The duration of the leave may not exceed 2 months;

(2) the disabled employee or the employee taking care of an ill member of the family, in periods defined by the medical conclusion, but not more than 30 days within a year;

(3) for marriage, three working days.

(4) in case of funeral of deceased member of family, not less than three days.

Other reasons for unpaid leave may be defined by the collective agreement.

According to Article 171 of the Code, during the period of special purpose leave the position of the employee shall be retained.

The legal provisions of the mentioned norm are mandatory for all employees.

According to Article 265 of the Labour Code of the Republic of Armenia, the employee may appeal to the court against rescission of the employment contract upon absence of lawful grounds within two months after having been informed about dismissal (amendment made by the Law No HO-5-N of 12 March 2014). According to part 2 of the same Article (amendment made by HO-5-N of 12 March 2014), for economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee, the court need not reinstate the employee to his or her former office, obliging the employer to pay compensation for the entire period of forced idleness in the amount of the average salary, prior to entry into force of the court judgement, and pay compensation in exchange for non reinstatement of the employee to office in the amount of not less than the average salary, but not more than twelve-fold of the average salary. The employment contract shall be deemed rescinded starting from the day of entry into legal force of the court judgement.

Rules and time limits for entry into force of the judicial act of the court on reinstatement of the employee to the previous office, payment of salary for the whole period of forced idleness, as well as on payment of compensation to the employee are regulated by the provisions of the Civil Procedure Code of the Republic of Armenia.

For cases where the employer fails to voluntarily comply with the judicial act, the Civil Procedure Code of the Republic of Armenia defines that the judicial act may be executed through a compulsory enforcement procedure on the basis of writ of execution issued by the court through the Service of Compulsory Enforcement of Judicial Acts of the Ministry of Justice of the Republic of Armenia.

The writ of execution is issued by the court upon written application of the employee reinstated to his or her position and is subject to compulsory enforcement within one year from the day of entry into force of the judicial act.