

## — Armenia and the European Social Charter —

### Signatures, ratifications and accepted provisions

Armenia ratified the revised European Social Charter on 21/01/2004 and has accepted 67 of the 98 paragraphs.

It has not accepted System of Collective Complaints.

### The Charter in domestic law

Automatic incorporation into domestic law.

### Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3										
									Grey = Accepted provisions		

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. Meetings were held in 2009 and in 2015. The Committee adopted [reports concerning Armenia](#) in 2016 and in 2019.

The Committee considers that there are no major obstacles in law and in practice to Armenia's acceptance of several additional provisions of the Charter, including provisions such as Articles 9, 10 (§§1,3 and 4), 13§3, 14§1 and 15§1.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

## Monitoring the implementation of the European Social Charter <sup>1</sup>

### I. Reporting system <sup>2</sup>

#### Reports submitted by Armenia

Between 2006 and 2024, Armenia has submitted 18 reports on the application of the Revised Charter.

The [17<sup>th</sup> report](#), which was submitted on 07/02/2023, concerns the accepted provisions relating to thematic group 4 "Children, families and migrants" (Articles 7, 8, 16, 17, 16, 19, 27 and 31).

Conclusions with respect to these provisions have been published in March 2024.

On 8 January 2024, an [ad hoc report on the cost-of-living crisis was submitted by Armenia](#)<sup>3</sup>.

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<sup>1</sup> The European Committee of Social Rights ("the Committee") monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

<sup>2</sup> Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

<sup>3</sup> In accordance with the [decision of the Ministers' Deputies](#) adopted on 27 September 2022 concerning the [new system](#) for the presentation of reports under the European Social Charter, the European Committee of Social Rights and the Governmental Committee have decided to request an *ad hoc* report on the cost-of-living crisis to all State parties.

## Situations of non-conformity <sup>4</sup>

### Thematic Group 1 “Employment, training and equal opportunities” - Conclusions 2020

► *Article 151 – Right to work – Policy of full employment*

Employment policy efforts have not been adequate in combatting unemployment and promoting job creation.

► *Article 152 – Right to work – Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)*

- Indirect discrimination is not defined and prohibited by the legislation;
- Discrimination is not prohibited in connection with recruitment in employment;
- There is no protection against discrimination in employment on grounds of sexual orientation;
- The upper limit on the amount of compensation awarded in discrimination cases might preclude damages from fully compensating the loss suffered and from being a sufficient deterrent;
- It has not been established that legislation provides for a shift in the burden of proof in discrimination cases;
- All posts in the civil service are reserved to Armenian citizens;
- The duration of alternative civil service amounts to an excessive restriction of the right to earn one’s living in an occupation freely entered upon.

► *Article 153 - Right to work - Free placement services*

It has not been established that free employment services operate in an efficient manner.

► *Article 1553 – Right of persons with disabilities to independence, social integration and participation in the life of the community – Integration and participation of persons with disabilities in the life of the community*

- During the reference period, there was no legislation prohibiting discrimination on grounds of disabilities covering the fields of housing, transport, telecommunications and cultural and leisure activities;
- It has not been established that persons with disabilities have effective access to housing;
- It has not been established that persons with disabilities have effective access transport.

► *Article 1852 - Right to engage in a gainful occupation in the territory of other States Parties - Simplifying existing formalities and reducing dues and taxes*

The fees charged for work permits are excessive.

► *Article 20 – Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex*

- There is no explicit statutory guarantee of equal pay for women and men for equal work or work of equal value;
- The upper limit on the amount of compensation that may be awarded in gender discrimination cases may preclude damages from making good the loss suffered and from being sufficiently dissuasive;
- It has not been established that legislation provides for a shift in the burden of proof in gender pay discrimination cases;
- The obligation to make measurable progress in reducing the gender pay gap has not been fulfilled.

### Thematic Group 2 “Health, social security and social protection” - Conclusions 2021

► *Article 351 – Right to safe and healthy working conditions – Safety and health regulations*

- There is no clearly defined policy on occupational health and safety.
- Public authorities are not involved in research relating to occupational health and safety, training of qualified professionals, definition of training programmes or certification of processes.

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<sup>4</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

► *Article 12§1 – Right to social security – Existence of a social security system*

The right to social security is not guaranteed to all workers and their dependents.

► *Article 12§3 – Right to social security – Development of the social security system*

It has not been established that steps have been taken to raise progressively the system of social security to higher level.

► *Article 13§1 – Right to social and medical assistance – Adequate assistance for every person in need*

- The level of social assistance paid to a single person without resources is not adequate;
- The level of non-contributory social pension for the elderly persons is not adequate;
- The right to access to medical care is not sufficiently guaranteed.

► *Article 12§3 – Right to benefit from social welfare services – Public participation in the establishment and maintenance of social services*

It has not been established that public participation in creating and maintaining social services is effectively guaranteed in law and in practice.

### **Thematic Group 3 “Labour rights” - Conclusions 2022**

► *Article 2§1 – Right to just conditions of work – Reasonable working time*

The daily working time of some categories of workers can be extended to 24 hours.

► *Article 2§6 - Right to just conditions of work - Information on the employment contract*

The length of the periods of notice in case of termination of the contract or the employment relationship is not specified in the employment contract or some other document.

► *Article 4§3 – Right to a fair remuneration – Non-discrimination between women and men with respect to remuneration*

- There is no explicit statutory guarantee of equal pay for women and men for equal work or work of equal value;
- There is an upper limit on the amount of compensation that may be awarded in pay discrimination cases which may preclude damages from making good the loss suffered and from being sufficiently deterrent;
- Domestic law does not provide for a shift in the burden of proof in gender pay discrimination cases.

► *Article 4§4 – Right to a fair remuneration – Reasonable notice of termination of employment*

No notice period is provided for in cases of dismissal due to minor disciplinary offences.

► *Article 5 – Right to organise*

- The minimum membership requirements in order to form trade unions and employers’ organisations are too high;
- Members of the police force and armed forces, self-employed workers, those working in liberal professions and workers in the informal economy are prohibited from joining and forming organisations for the protection of their interests.

► *Article 6§1 - Right to bargain collectively - Joint consultation*

It has not been established that joint consultative bodies exist in the public sector.

► *Article 6§2 – Right to bargain collectively – Negotiation procedures*

The promotion of collective bargaining is not sufficient.

► *Article 6§4 – Right to bargain collectively – Collective action*

- The percentage of workers required to call a strike is too high;
- Strikes are prohibited in energy supply services;
- The police are denied the right to strike;
- Restrictions on the right to strike in some sectors go beyond the limits set by Article G of the Charter.

► *Article 28 – Right of workers’ representatives to protection in the undertaking and facilities to be accorded to them*

- The protection granted to workers’ representatives against dismissal is not effective and is not extended for a reasonable period after the end of their mandate;
- Workers’ representatives are not effectively protected against prejudicial acts short of dismissal;
- Facilities granted to workers’ representatives are not adequate.

**Thematic Group 4 “Children, families, migrants” - Conclusions 2023**

► *Article 7§1 - Right of children and young persons to protection - Prohibition of employment under the age of 15*

- The daily duration of working time of children between the ages of 7 and 14 is excessive and therefore, cannot be regarded as light;
- The prohibition of child labour is not guaranteed in practice.

► *Article 7§3 – Right of children and young persons to protection – Prohibition of employment of children subject to compulsory education*

- The duration of work permitted to children who are subject to compulsory education is excessive and therefore, may deprive them of the full benefit of education;
- The prohibition of the employment of children subject to compulsory education is not effectively enforced.

► *Article 7§4 - Right of children and young persons to protection – Working time*

- Labour inspections supervising that the regulations on work performed by young persons are respected in practice are limited;
- Labour inspectors lack the authority to conduct unannounced inspections;
- Working time for young workers who are no longer subject to compulsory schooling and the working hours permissible are excessive.

► *Article 7§5 – Right of children and young persons to protection – Fair Pay*

The young workers’ wages are not fair.

► *Article 7§6- Right of children and young persons to protection - Inclusion of time spent on vocational training in the normal working time*

The inclusion of time spent by young workers on vocational training in the normal working time is not effectively monitored in practice.

► *Article 7§10 – Right of children and young persons to protection - Special protection against physical and moral dangers*

- Measures taken to protect children against the misuse of information technologies are not adequate;
- Measures taken to protect children against economic exploitation are not adequate.

► *Article 17§1 – Right of children and young persons to social, legal and economic protection – Assistance, education and training*

- Not all forms of corporal punishment of children are prohibited in all settings;
- The rate of children at risk of poverty is too high;
- No assistance is given to children in an irregular migration situation to protect them from negligence, violence and abuse;
- The length of pre-trial detention of children is excessive.

► *Article 17§2 – Right of children and young persons to social, legal and economic protection – Free primary and secondary education; regular attendance at school*

Children from vulnerable groups have no effective right to education.

► *Article 19§4 – Right of migrant workers and their families to protection and assistance - Equality regarding employment, right to organise and accommodation*

- Adequate measures to eliminate all legal and de facto discrimination against migrant workers and their families with regard to accommodation have not been taken;
- Effective monitoring procedures and an effective right of appeal before an independent body concerning the rights secured by article 19§4 of the charter are not ensured.

► *Article 19§6 – Right of migrant workers and their families to protection and assistance – Family reunion*

- The conditions governing family reunion are not adequate.
- The exercise of the right to family reunion is not subject to an effective mechanism of appeal or review.

► *Article 19§8 - Right of migrant workers and their families to protection and assistance - Guarantees concerning deportation*

- Time-limit granted to foreigners whose residence permit expired prior to any expulsion, within which the police shall notify the person about the decision concerning his/her residency status and the time-limit for either getting a valid residence status, leave the country or lodge an appeal against that decision are not adequate;
- Courts, when examining the risk of violation of human rights in case of expulsion, do not take into account the charter's requirements under article 19§8 and assess the proportionality of expulsion be determined by considering all aspects of the non-nationals' behaviour.

► *Article 19§10 – Right of migrant workers and their families to protection and assistance – Equal treatment for the self-employed*

The grounds of non-conformity under Articles 19§4, 19§6, 19§8 and 19§11 apply also to self-employed migrants.

The Committee also considered that the failure to provide requested information on Articles 7§2, 7§5, 7§§7-9, 8§1, 8§2, 17§1, 17§2, 19§4, 19§6, 19§11 and 27§§1-3 amounts to a breach by Armenia of its reporting obligations under Article C of the Charter.

**The Committee has been unable to assess compliance with the following provisions:**

**Thematic Group 1 "Employment, training and equal opportunities"**

- ▶ Article 15§2 - Conclusions 2020
- ▶ Article 24 - Conclusions 2020

**Thematic Group 2 "Health, social security and social protection"**

- ▶ Article 13§2 - Conclusions 2021

**Thematic Group 3 "Labour rights"**

- ▶ Article 4§5 - Conclusions 2022
- ▶ Article 6§3 - Conclusions 2022

**Thematic Group 4 "Children, families, migrants"**

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## **II. Examples of progress achieved in the implementation of rights under the Charter (non-exhaustive list)**

### **Thematic Group 1 "Employment, training and equal opportunities"**

► Law on Employment, which came into force on 1 January 2014 and sets out measures to be taken to help persons with disabilities integrate into the labour market.

► On 20 May 2013 the National Assembly of the Republic of Armenia adopted the "Law on ensuring equal rights and equal opportunities for women and men", which prescribes guarantees for ensuring equal rights and equal opportunities for women and men in political, social, economic, cultural and other areas of public life.

### **Thematic Group 2 "Health, social security and social protection"**

► On 1st August 2015, the Government, the Confederation of Trade Unions of Armenia and the Republican Union of Employers of Armenia concluded the Republican Collective Agreement with a view to ensure health and safety of employees during employment. It prescribes the obligations of the parties to social partnership, which includes the improvement of the role of trade unions, as well as the legislation for the purpose of increasing the economic interest and liability of employers, assistance in the drafting and introduction of the rules and norms for ensuring the safety and health of employees, promotion of development of the policy targeted at work safety within organisations, and the introduction of modern systems for monitoring of working conditions.

► Article 148 of the Labour Code has been amended (Law No. HO-96-N of 22 June 2015) and henceforth provides that pregnant women and employees taking care of a child under the age of three may be engaged in night work only with their consent after undergoing a preliminary medical examination and submitting a medical opinion to the employer.

► The adoption, in 2011 and 2012 of a package of social security services, including compulsory medical insurance, for civil servants and employees working in state non-commercial organisations operating in the fields of education, culture and social security (Decisions No. 1923-N of 29 December 2011 and No. 1691-N of 27 December 2012).

► The extension, in 2015, of free medical care to include emergency heart surgery.

► The increase, as from 2014, of invalidity pensions of the first and second group of disability.

► The Committee notes from the report that in 2014 the Law 'On state benefits' entered into force and the Law "On social assistance" entered into force on 1 January 2015. In the course of 2012-2015, changes were introduced to the system of family (or social) benefits, mainly concerning the improvement of the procedure and administration of assessment of the level of indigence of families. As a result, families with low income, especially those with a child also acquire the right to family (or social) benefit.

### **Thematic Group 3 "Labour rights"**

► On 29 April 2020, Law No. HO-237-N was adopted, whereby the Code on Administrative Offences of the Republic of Armenia was supplemented by Article 230.1. Pursuant to this provision, the Inspection Body was granted the power to investigate cases of administrative offences and to impose administrative penalties.

► The bonuses envisaged for overtime work and for work performed on rest days and non-working days prescribed by law are irreplaceable guarantees defined in the Labour Code. Thus, if work which is performed on rest days and non-working public holidays and commemoration days defined by law also constitutes overtime work for the workers, the employer shall pay the worker both the bonuses prescribed for overtime



work and for work performed on those days. Also, where, upon the consent of the parties in question, the bonus for work performed on non-working public holidays and commemoration days defined by law takes the form of rest time, the worker shall be granted both the additional rest time as compensation for work performed on rest days and non-working days of holidays and commemoration days, and the bonus envisaged for overtime work.

#### **Thematic Group 4 "Children, families, migrants"**

▶The Labour Code as amended by Law No HO-117-N of 24 June 2010, in its Article 17 (2(1)) states that persons between the ages of 14 and 16 may be involved only in temporary works not causing damage to health, safety, education and morality.

▶Article 170 of the Labour Code has been amended by Law No. HO-117-N of 24 June 2010 and it now provides that "the replacement (giving-up) of annual holiday for financial compensation was not allowed, with the only exception of the situation when the employment contract is terminated.

▶Article 258(3) of the Labour Code, governing nursing breaks, was amended in 2010 (Law No. HO-117-N of 24 June 2010) and now applies to all employees.

▶Amendments to the Law "On general education" were introduced in 2012, which provide for inclusive education for children with special needs.

▶In December 2013, a new Law "On employment" was adopted. The new law introduces major new programmes which were not contained in the previous legal regulations. Programmes envisaged by the new Law include the organisation of vocational training, assistance in changing employment and the organisation of employment experience for persons with no professional work experience.

▶Law No. HO-160-N of 27 October 2010 was amended by Law No. HO-206- N of 1 December 2014 in order to replace "temporary incapacity benefits" for pregnant women or those on maternity leave by "maternity benefits".