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COMITÉ EUROPÉEN DES DROITS SOCIAUX

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THIRD REPORT
ON THE NON-ACCEPTED PROVISIONS OF THE REVISED
EUROPEAN SOCIAL CHARTER

Armenia

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I. OVERVIEW

1. Overview of the adjusted procedure on the non-accepted provisions of the European Social Charter

The European Social Charter is based on a ratification system, which enables States Parties, subject to certain minimum requirements, to choose the provisions they are willing to accept as binding international legal obligations. This system is provided for by Article A of the revised European Social Charter (Article 20 of the 1961 Charter) and it allows States, at any time after their ratification of the treaty, to notify the Secretary General of their acceptance of additional articles or paragraphs.

It is in the spirit of the Charter for States Parties to progressively increase their commitments, tending towards acceptance of additional and eventually all provisions of the Charter where possible, as opposed to an *à la carte* stagnancy.¹

The procedure for examining reports on the non-accepted provisions is set out in Article 22 of the European Social Charter of 1961 (ETS No. 35). According to this provision, the States Parties must send to the Secretary General, at appropriate intervals set by the Committee of Ministers, reports relating to the provisions of Part II of the Charter which they did not accept at the time of ratification or by subsequent notification. The Committee of Ministers shall determine from time to time those provisions for which such reports will be requested and the form in which the reports should be provided.

In September 2022, the ECSR adopted a decision to implement the procedure on non-accepted provisions in respect of all State Parties to either Charter, in a reinforced manner. The procedure now provides for the submission of written information by States Parties in accordance with a pre-established calendar, and additional bilateral meetings when it is deemed to represent an added value. The written information, submitted by the States Parties shall be made public upon its receipt, and the national and international social partners, non-governmental organisations, national human rights institutions, equality bodies and other stakeholders are given the possibility to provide comments within three months of receiving the written information.

2. The situation of Armenia in the context of the non-accepted provisions of the European Social Charter

Armenia ratified the revised Charter on 21 January 2004 accepting 67 of its 98 paragraphs. Thus far, the following 31 provisions have not been accepted by Armenia: Article 2§7, Article 3§2, 3 and 4, Article 4§1, Article 9, Article 10§1, 2, 3, 4 and 5, Article 11§1, 2 and 3, Article 12§2 and 4, Article 13§3 and 4, Article 14§1, Article 15§1, Article 16, Article 21, Article 23, Article 25, Article 26§1 and 2, Article 29, Article 30 and Article 31§1, 2 and 3. Armenia has not yet accepted the system of collective complaints.

The procedure on non-accepted provisions (Articles 2§7, 3§§2 to 4, 4§1, 9, 10§§1 to 5, 11§§1 to 3, 12§2 and 4, 13§3 and 4, 14§1, 15§1, 16, 21, 23, 25, 26§§1 to 2, 29, 30 and 31§§1 to 3) was applied to Armenia for the first time in 2009, in the context of a meeting

¹ The opening paragraph of Part I reads “The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised”, followed by the heading of all rights contemplated by the European Social Charter. Part III, Article A, provides that “each of the Parties undertakes [...] to consider Part I of the Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part”, followed by the rules on the choices available as regards provisions that Parties can declare to be bound by and which determine the modalities of monitoring under Part IV of the Charter. (See [CM\(2022\)196-final](#)).

between members of the ECSR and the Government. Subsequent examinations of the situation in law and practice in Armenia were organised jointly by the Council of Europe and the Ministry of Labour and Social Affairs of the Republic of Armenia on 30 September 2015 in Yerevan. Following this meeting, the ECSR concluded that, although further analysis was needed, from the point of view of the situation in law and in practice, there were no obstacles to the acceptance of the following provisions: Articles 9, 10 (§1,3 and 4), 13§3, 14§1 and 15§1. Regarding Articles 4§1 and 11§2, the ECSR considered that the legal situation and the practice raised an issue of compliance. As regards other provisions examined at the meeting, the ECSR considered that further information would be needed to properly assess the situation.

With a view to implementing the procedure in 2019, the ECSR invited Armenia to provide written information on any progress made towards accepting additional provisions and, if appropriate, the reasons for the delay in their acceptance. In response to this request, sent on 16 April 2019, the Ministry of Labour and Social Affairs of Armenia referred to the meeting held in 2015 and indicated that a large-scale reform was being implemented in the field of labour and social protection. It confirmed, in this context, that the conclusions and recommendations of the representatives of the ECSR, presented during the above-mentioned meeting, were also taken into account with a view to implementing the reforms in line with international standards and to examining the possibility of accepting additional provisions of the Charter².

In its 2019 report, the ECSR reiterated its opinion from the previous examination.³

The ECSR also invited the Government to take the necessary steps towards accepting the collective complaints procedure and more provisions of the revised Charter.

3. Current examination

This fourth examination of the non-accepted provisions is based on the adjusted procedure on non-accepted provisions. In terms of this procedure, Armenia was invited, on **7 November 2023**, to submit written information before 31 March 2024. Receipt of the requested written information was recorded on **4 September 2024**, and it was subsequently published on the [CoE website](#).⁴

Having examined the written information provided by Armenia, the ECSR considers that Articles 9 and 15§1 could be accepted without delay but that the law and practice would have to be further clarified to assess the situation with regard to Articles 10§2, 10§3, 10§4, 10§5 and 23; that the situation does not appear to be fully compatible with the requirements of Articles 10§1 and 31§§1 to 3. The written information submitted by the Government contains no information on Articles 2§7, 3§§2 to 4, 4§1, 11§§1 to 3, 12§§2 and 4, 13§§3 and 4, 14§1, 16, 21, 26§§1 and 2, 29 and 30. The ECSR is, therefore, unable to assess the situation in this regard and it invites the Government to provide information concerning these provisions.

² [2019 report on non-accepted provisions of the European Social Charter by Armenia](#)

³ [2019 report on non-accepted provisions of the European Social Charter by Armenia](#)

⁴ [National report on non-accepted provisions of the European Social Charter - September 2024](#)

The ECSR also invites Armenia to accept the collective complaints procedure, in order to increase the effectiveness, speed and impact of the Charter's implementation, to strengthen the role of the social partners and non-governmental organisations, and to make a declaration enabling national NGOs to submit collective complaints, as a step towards meeting the strong interest of domestic NGOs in the continuous strengthening of social standards at the national level.

The ECSR remains at the Government's disposal for enhanced dialogue on the provisions of the Charter and the relevant case law, and invites Armenia to accept further commitments under the Charter as soon as possible so as to consolidate the paramount role of the Charter in achieving social and economic progress and, ultimately, greater unity among the Council of Europe's Member States by guaranteeing and promoting common social human rights standards.

A table showing the provisions of the revised Charter accepted by Armenia appears in Appendix I.

The next examination of the provisions not yet accepted by Armenia will take place in 2029.

II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS

Article 9 - The right to vocational guidance

With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults.

Situation in Armenia

The Government indicates that, after 2013, vocational guidance activities have gradually become part of the education provided in vocational education institutions. The Government reports that, currently, 90% of students in primary (craft) and secondary vocational education institutions benefit from professional orientation and career guidance services. Regarding vocational guidance within general education, the ECSR notes that a pilot programme, referring to a 'professional orientation' course for 8th to 11th grade students, was introduced during the reference period in one region. As of the 2024-2025 school year, this course has been introduced as part of the curriculum in all schools across the country.

The Government indicates that, as of 2021, the activities of the State Employment Agency, including vocational guidance and career services for young persons, job seekers, and the unemployed, are carried out by the Integrated Social Service of the Ministry of Labour and Social Affairs. There are 49 territorial centres that provide these services. According to the report, vocational guidance services in this context are, among other things, addressed at: job seekers and the unemployed; adolescents receiving care at daycare and 24-hour care institutions; young people; young persons demobilised from military service; persons at risk of dismissal from work, in need of and desiring re-specialisation; young persons who have dropped out of mandatory basic education; and new business persons in need of training and counselling to initiate entrepreneurial activities.

Lastly, the Government provides information about the activities of the Professional Orientation and Capacity Development Centre (POCD) of the National Institute of Labour and Social Research, affiliated with the Ministry of Labour and Social Affairs of the Republic

of Armenia, in supporting the development of vocational guidance. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

ECSR interpretation (DIGEST)

Article 9 requires States Parties to set up and operate a service that helps all persons, free of charge, to solve their problems relating to vocational guidance.⁵

Article 9 foresees a two-fold obligation for States Parties: on one hand, the promotion and provision of guidance relating to education possibilities, and, on the other hand, guidance services for vocational opportunities.⁶ Vocational guidance is the service which assists all persons to solve problems related to occupational choice and with due regard to the individual's characteristics and their relation to occupational opportunity.⁷ Vocational guidance facilities should be placed at the disposal not only of unemployed persons but of all categories of students and particularly young people leaving school.⁸ Foreigners and stateless persons must also enjoy access to vocational guidance on an equal footing both within the education system and in the labour market.⁹

Equal treatment with respect to vocational guidance must be guaranteed to everyone, including nationals of other States Parties lawfully resident or regularly working on the territory of the State Party concerned.¹⁰ This implies that no length of residence is required from students and trainees residing in any capacity, or having authority to reside in reason of their ties with persons lawfully residing, on the territory of the State Party concerned before starting training.¹¹ To this purpose, length of residence requirements or employment requirements and/or the application of the reciprocity clause are contrary to the provisions of the Charter.¹² This does not apply to students and trainees who, without having the above-mentioned ties, entered the territory with the sole purpose of attending training.¹³

The right to vocational guidance must be guaranteed:

← within the school system (information on training and access to training);¹⁴

← within the labour market (information on vocational training and retraining, career planning, etc);

In this framework, the right to vocational guidance shall address in particular to school-leavers, jobseekers and unemployed persons.¹⁵

The following indicators are taken into consideration when assessing vocational guidance: objectives, organisation, operation, overall expenditure, number of staff and number of beneficiaries.¹⁶

⁵ [Conclusions I \(1969\), Statement of Interpretation on Article 9](#)

⁶ [Conclusions XIV-2 \(1998\), Statement of Interpretation on Article 9](#)

⁷ [Conclusions IV \(1975\), Statement of Interpretation on Article 9](#)

⁸ [Conclusions I \(1969\), Statement of Interpretation on Article 9](#)

⁹ [Conclusions 2020, Bosnia and Herzegovina](#)

¹⁰ [Conclusions 2020, 2012, Montenegro](#)

¹¹ [Conclusions 2020, 2012, Montenegro](#)

¹² [Conclusions XVI-2 \(2003\), Poland](#)

¹³ [Conclusions 2012, Montenegro](#)

¹⁴ [Conclusions 2012, Montenegro](#)

¹⁵ [Conclusions 2012, Montenegro](#)

¹⁶ [Conclusions 2012, Montenegro](#)

Vocational guidance must be provided free of charge, by a sufficient number of qualified staff, to a significant number of persons and with an adequate budget, both within the school system and within the labour market.¹⁷ During times of economic recession, vocational guidance is of great importance.¹⁸

Situations where only 50% of schools offer consistent vocational guidance services are not in conformity with Article 9 of the Charter.¹⁹

Where States Parties have accepted Article 9 and Article 15, vocational guidance of persons with disabilities is dealt with under Article 15.²⁰ A lack of information on the expenditure and staffing related to vocational guidance services offered to persons with disabilities results in a finding of non-conformity under Article 9.²¹

Opinion of the ECSR

The ECSR takes note of the Government's initiatives undertaken during the reference period. It reiterates its previous opinion that Armenia could consider accepting Article 9.

Article 10§1 - The right to vocational training

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

to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude.

Situation in Armenia

The Government indicates that the Constitution of Armenia guarantees the right to education, including free secondary education and competitive access to higher education (Article 35). Students enrolled in craft or secondary vocational education programmes may benefit from a full or partial refund of tuition fees based on academic performance. For higher education, benefits are granted to certain categories of students in free education places, subject to social status, academic performance, and other criteria (points 7, 14, 15, 18, and 22 of the Procedure for Granting Student Benefits, Refunding Tuition Fees, and Establishing Scholarships in State Educational Institutions of the Republic of Armenia Implementing Primary Vocational (craft) and/or Secondary Vocational Education Programmes).

In addition, with regard to foreign citizens' access to education, the ECSR notes that foreigners may study at Armenian educational institutions under the following conditions:

- on a contractual (fee-paying) basis;
- under interstate and inter-agency treaties or agreements, to the extent of places allocated to foreigners with a full refund of tuition fees (free) by the state in the form of student benefits;

¹⁷ [Conclusions 2020, Lithuania](#)

¹⁸ [Conclusions IV \(1975\), Statement of Interpretation on Article 9](#)

¹⁹ [Conclusions 2020, Lithuania](#)

²⁰ [Conclusions 2003, France](#)

²¹ [Conclusions 2020, Azerbaijan](#)

- within the quota set by the Government of the Republic of Armenia, with a full refund of tuition fees by the state in the form of student benefits, for the admission of Armenians from the diaspora.

According to the Procedure for Granting Student Benefits and State Scholarships at Higher Education Institutions of the Republic of Armenia, a foreign citizen admitted to a higher education institution on the same basis as Armenian citizens may apply for a tuition fee discount under the same conditions as Armenian students. In all other cases, due to various social or personal circumstances, foreign citizens may apply for tuition fee discounts in accordance with the regulations set by higher education institutions themselves. These applications are assessed by the institutions' rectors.

The Government notes that, although the higher education institutions' regulations do not preclude the possibility of tuition fee discounts for foreign citizens, there is no information available from these institutions as to whether such discounts have been granted. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

The ECSR notes from the information provided for the examination of Article 10§2 that, in 2024, Armenia adopted a series of laws relevant to vocational education and training. The draft Law on vocational education and training prescribes the legislative grounds and mechanisms for organising the vocational education and training — work-based dual learning. During dual learning, the provisions of the Labour Code shall apply to employment relations. A pilot programme on dual training was initially implemented from 2017, and, as of 2023, the model of dual training has been introduced in 20 institutions and in nearly 24 professions. Finally, in 2022, the programme “Modernising VET in Armenia in 2021-2030” was launched and coordinated by the Swiss Cooperation Office in Armenia, with the aim of developing and implementing work-based learning models; improving the quality of programmes taught by VET colleges in the agriculture sector; modernising VET legislation and mechanisms for its legal regulation, including financing and policies. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

ECSR interpretation (DIGEST)

The right to vocational training must be guaranteed to everyone.²² Article 10§1 covers all forms of higher education.²³ In view of the evolution of national systems, which tend to blur the boundaries between education and training at all levels and merge them into an approach promoting lifelong learning, the notion of vocational training of Article 10§1 covers: initial training (i.e. general and vocational secondary education), university and non-university higher education, and vocational training organised by other public or private actors (including continuing training, which is dealt with under Article 10§3 of the Charter).²⁴ University and non-university higher education are considered to be vocational training insofar as they provide students with the knowledge and skills necessary to exercise a profession.²⁵

At a time of economic recession, the importance of vocational training should be emphasised, and priority should be given to young persons who face high levels of unemployment.²⁶

²² [Conclusions I \(1969\), Statement of Interpretation on Article 10§1](#)

²³ [Conclusions 2003, France](#)

²⁴ [Conclusions 2003, France](#)

²⁵ [Conclusions 2003, France](#)

²⁶ [Conclusions IV \(1975\), Statement of Interpretation on Article 10](#)

With a view to providing for vocational training, States Parties must:

- ensure general and vocational secondary education, university and non-university higher education; apprenticeships and continuing education;²⁷
- build bridges between secondary vocational education and university and non-university higher education;²⁸
- introduce mechanisms for the recognition/validation of knowledge and experience acquired in the context of training/working activity to achieve a qualification or to gain access to general, technical and university higher education;²⁹
- take measures to make general secondary education and general higher education qualifications relevant from the perspective of professional integration in the job market.³⁰

Access to higher technical or university education on the basis of individual aptitude alone cannot be achieved solely by setting up educational structures that facilitate the recognition of knowledge and experience and the transfer from one type or level of education to another: it also implies that registration fees or other education-related costs should not constitute financial barriers for certain candidates.³¹ Other measures must be taken to facilitate access to technical or university higher education on the basis of individual aptitude alone (for example, by ensuring there are sufficient institutions, setting reasonable tuition fees and offering scholarships and other forms of assistance or benefits).³²

The main indicators of conformity with Article 10§1 include: the existence of an education and training system; the total capacity of that system (in particular, the ratio between the number of training places and the number of applicants); total spending on education and training as a percentage of GDP; the completion rate of young people enrolled in vocational training courses and of students enrolled in higher education; the employment rate of people with a higher-education qualification and the time these people have to wait to get their first job related to their qualification.³³ Strategies and measures must be adopted to match the skills acquired through vocational education and training with the demands of the labour market, and in particular taking account of technological developments and of globalisation.³⁴

According to the Appendix to the Charter, equal treatment must be granted to nationals of other States Parties who are lawfully resident or regularly employed on the territory of the State Party concerned.³⁵ This implies that no length of residence is required for students and trainees residing in any capacity, or having the right to reside in the territory of the Party concerned on the basis of their ties with persons lawfully residing in that territory before starting their training.³⁶ This does not apply to students and trainees who, without having the above-mentioned ties, entered the territory with the sole purpose of attending training.³⁷ Length of residence requirements or employment requirements and/or the application of the reciprocity clause are contrary to the provisions of the Charter.³⁸ Measures must be taken to integrate migrants and refugees into vocational education and training.³⁹ Where the law on

²⁷ [Conclusions 2007, Ireland](#)

²⁸ [Conclusions 2016, Russian Federation](#)

²⁹ [Conclusions 2016, Russian Federation](#)

³⁰ [Conclusions 2016, Russian Federation](#)

³¹ [Conclusions 2003, France](#)

³² [Conclusions I \(1969\), Statement of Interpretation on Article 10§1](#)

³³ [Conclusions 2012, Cyprus](#)

³⁴ [Conclusions 2020, Ukraine](#)

³⁵ [Conclusions 2003, Slovenia](#)

³⁶ [Conclusions 2003, Slovenia](#)

³⁷ [Conclusions 2003, Slovenia](#)

³⁸ [Conclusions 2003, Slovenia](#)

³⁹ [Conclusions 2020, Estonia](#)

employment promotion and labour market institutions does not provide for any specific instruments for vocational training or skills development for refugees, the situation is not in conformity with Article 10§1.⁴⁰ The situation is not in conformity with Article 10§1 of the Charter where nationals of other States Parties suffer from indirect discrimination due to a one-year length of residence requirement for access to higher education.⁴¹ Vocational training for persons with disabilities is dealt with under Article 15 of the Charter for those States Parties which have accepted Article 15.⁴²

Opinion of the ECSR

The ECSR welcomes the recent efforts of the Government in the field of vocational education and training. However, it also notes that precise information, for example, on the ratio between training places and applicants, the completion rate of young people enrolled in vocational training courses, the employment rate of people who hold a higher-education qualification is essential in assessing the effectiveness vocational education and training measures. This information is missing from the report submitted by the Government.

The ECSR also recalls that enrolment fees or other tuition costs should not constitute financial barriers for certain applicants. The information submitted by the Government suggests that fees are charged for studying in higher education institutions, including for vocational education, while fee exemptions and scholarships may be granted subject to social criteria and academic performance. More information on higher education fees is also required.

Lastly, the ECSR recalls that equal treatment must be guaranteed to nationals of other States Parties who are legally resident or regularly employed in the territory of the State Party concerned. On this point, the ECSR notes that information submitted by the Government implies the differential treatment of foreign citizens regarding tuition fee exemption procedures.

In light of the above information, the ECSR considers that the current legal framework and/or practice, in particular the differential treatment of foreign citizens, is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps to enable the acceptance of this provision as soon as possible.

Article 10§2 - The right to vocational training

***With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:
to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments.***

Situation in Armenia

General information on vocational training provided by the Government under Article 10§2, is summarised under Article 10§1 of this report.

The ECSR also notes that the Labour Code regulates the vocational training of newly hired employees (Article 201.1). In particular, the employer may organise the vocational training of a person before employing them ("student"), for a duration of up to five months. During this

⁴⁰ [Conclusions XXII-1 \(2020\), Poland](#)

⁴¹ [Conclusions 2007, Ireland](#)

⁴² [Conclusions 2003, Slovenia](#)

period, students are remunerated by the employer to the value of at least the minimum wage and the relationship between the employer and the student is regulated by a contract (“the student contract”) (parts 1 and 2 of Article 201.1 of the Code). During vocational training, the requirements regarding the maximum duration of working time, as well as the minimum durations of breaks for rest or eating, daily rest (between shifts), and uninterrupted weekly rest must apply (part 4 of Article 201.1 of the Code) (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

The ECSR notes, based on the information provided for the examination of Article 10§4, that the 2024-2030 Employment Strategy envisages the creation of mechanisms that will help young people (aged 18 to 29 years) who are not in education or employment to undertake internships within state institutions and within the context of public-private partnerships. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

ECSR interpretation (DIGEST)

The apprenticeship facilities referred to in the Charter should not be purely empirical or aimed solely at manual training but should be conceived in broad terms and comprise complete, co-ordinated and systematic training.⁴³ “Apprenticeship” means training based on a contract between the young person and the employer, whereas other training arrangements can be based on such a contract but also be school-based vocational training.⁴⁴ Apprenticeship must combine theoretical and practical training and close ties must be maintained between training establishments and the working world.⁴⁵

Apprenticeships are assessed on the basis of the following aspects: length of the apprenticeship and division of time between practical and theoretical learning; selection of apprentices; selection and training of trainers; and the termination of the apprenticeship contract.⁴⁶ In addition, the main indicators for assessing compliance with this provision are the existence of the apprenticeship system and other training arrangements for young people, the quality of this training, i.e. the number of apprentices, the total amount of expenditure – both public and private – devoted to these types of training, and a sufficient supply of places to meet all demand.⁴⁷

The compulsory periods of partial experience forming part of the training of students in areas such as medicine, dentistry, law and education, whether during their university studies or after, fall within the scope of Article 10§2.⁴⁸

Equal treatment with respect to access to apprenticeship and other training arrangements must be guaranteed to non-nationals on the basis of the conditions mentioned under Article 10§1.⁴⁹ This implies that no length of residence is required from students and trainees residing in any capacity, or having the right to reside due to their ties with persons lawfully residing, on the territory of the State Party concerned before starting training.⁵⁰ This does not

⁴³ [Conclusions I \(1969\), Statement of Interpretation on Article 10§2](#)

⁴⁴ [Conclusions XIX-1 \(2008\), Slovak Republic](#)

⁴⁵ [Conclusions XIV-2 \(1998\), Slovak Republic](#)

⁴⁶ [Conclusions XVI-2 \(2004\), Malta](#)

⁴⁷ [Conclusions 2020, Georgia](#)

⁴⁸ [Conclusions III \(1973\), Statement of Interpretation on Article 10§2](#)

⁴⁹ [Conclusions 2003, Slovenia](#)

⁵⁰ [Conclusions 2003, Slovenia](#)

apply to students and trainees who, without having the above-mentioned ties, entered the territory with the sole purpose of attending training.⁵¹

With respect to access to training, the length of residence or employment requirements and/or the application of the reciprocity clause are not in conformity with the Charter.⁵²

Opinion of the ECSR

The ECSR recalls that the main indicators for assessing compliance with this provision are the existence of the apprenticeship system and other training arrangements for young people, the quality of that training, i.e. the number of apprentices, the total amount of expenditure – both public and private – devoted to these types of training, and a sufficient supply of places to meet all the demand.

In view of these requirements, the ECSR considers that further relevant information, including on the outcomes of the recently developed strategy to develop apprenticeships is necessary to assess whether the situation in law and practice is in line with the standards of the Charter.

It encourages the Government to continue its efforts and to consider accepting Article 10§2 in the near future.

Article 10§3 - The right to vocational training

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

to provide or promote, as necessary:

- ***adequate and readily available training facilities for adult workers;***
- ***special facilities for the re-training of adult workers needed as a result of technological development or new trends in employment.***

Situation in Armenia

The ECSR notes from the written information submitted by Armenia that employees have the right to take study leave. The latter is regulated by the Labour Code (Articles 171 and 174). The ECSR also notes that the period of professional training and retraining, when remuneration is provided for it, is considered as working time (Article 138 of the Labour Code). Employees whose employment contract is terminated because of, among other things, the liquidation of the employer, collective redundancies due to reduced economic activity, and organisational and technological change, have access to professional training to learn a new profession and to retrain. The procedure for professional training or retraining is regulated by law. The report submitted by the Government provides no further information on the latter. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

The ECSR, however, notes from the information provided for the examination of Article 10§4 that, during the reference period, a certain number of vocational training programmes were implemented: “Organising of vocational training for the unemployed, persons at risk of redundancy and job seekers six months before the end of their prison sentence” with 1 478 participants between 2018 and 2021; “Assistance to the unemployed in acquiring professional work experience in their professional field”, with 1 575 participants between 2018-2021; “Organisation of vocational training with employers for mothers who are not

⁵¹ [Conclusions 2003, Slovenia](#)

⁵² [Conclusions 2003, Slovenia](#)

competitive in the labour market and who have no profession” (2018-2021), with 518 participants between 2019-2021; and others. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

ECSR interpretation (DIGEST)

The right to continuing vocational training must be guaranteed to employed and unemployed persons, including young unemployed persons.⁵³ Self-employed persons are also covered by this provision.⁵⁴ Article 10§3 only takes into account activation measures for unemployed people that relate strictly to training, while Article 1§1 deals with general activation measures for unemployed people.⁵⁵ Specific measures for long-term unemployed people are dealt with under Article 10§4.⁵⁶ The concept of continuing vocational training includes adult education. For both employed and unemployed persons, the main indicators of compliance with this provision are the types of continuing vocational training and education available on the labour market, training measures for certain groups (such as women), the overall participation rate of persons in training and the gender balance, the percentage of employees participating in continuing vocational training, and total expenditure.⁵⁷

As regards employed persons, the purpose of Article 10§3 of the Charter is, among other things, to oblige States Parties to provide facilities for training and retraining of adult workers, in particular to set in place arrangements for retraining redundant workers and workers affected by economic and technological change.⁵⁸ The aim is to prevent the deskilling of still active workers who are at risk of becoming unemployed as a consequence of technological and/or economic development.⁵⁹ Strategies and measures (legal, regulatory and administrative frameworks, financing and practical measures) must be put in place for training and retraining across the entire range of skills (especially digital culture, new technologies, human-machine interaction and new working environments, and the use and operation of new tools and machines) which workers need in order to be competitive in emerging labour markets.⁶⁰

Concerning unemployed persons, vocational training must be available to them.⁶¹ The activation rate – i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in active measures - is used to assess the impact of the States Parties’ policies.⁶²

In addition, the following aspects are taken into account:

- the existence of legislation on individual leave for training and its characteristics, in particular its duration, the remuneration, and the initiative to take it;⁶³
- the sharing of the burden of the cost of vocational training among public bodies (state or other collective bodies), unemployment insurance systems, enterprises, and households with regard to continuing training.⁶⁴

⁵³ [Conclusions 2012, Serbia](#)

⁵⁴ [Conclusions 2012, Serbia](#)

⁵⁵ [Conclusions 2012, Serbia](#)

⁵⁶ [Conclusions 2012, Serbia](#)

⁵⁷ [Conclusions 2012, Serbia](#)

⁵⁸ [Conclusions XIX-1 \(2008\), Spain](#)

⁵⁹ [Conclusions XIX-1 \(2008\), Spain](#)

⁶⁰ [Conclusions XXII-1 \(2021\), Luxembourg](#)

⁶¹ [Conclusions XIX-1 \(2008\), Hungary](#)

⁶² [Conclusions 2012, Serbia](#)

⁶³ [Conclusions 2012, Serbia](#)

Any requirement relating to length of residence or employment is contrary to the Charter.⁶⁵

Opinion of the ECSR

The ECSR recalls that continuing vocational training must be guaranteed to both employed and unemployed persons. It also recalls that among the main indicators of compliance with this provision is the overall participation rate of persons in training, the percentage of employees participating in continuing vocational training, and the total expenditure.

In view of these requirements, the ECSR considers that further information on the above indicators is necessary to assess whether the situation in law and practice is in line with the standards of the Charter.

It encourages the Government to continue its efforts and to consider its acceptance of Article 10§3 in the near future.

Article 10§4 - The right to vocational training

***With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:
to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed.***

Situation in Armenia

In addition to the information summarised under Article 10§3 on general vocational education and training initiatives, the ECSR takes note of the measures that specifically address vocational education and training of the long-term unemployed. The long-term unemployed are considered as those persons who are unemployed for a period of one year or more (Article 22 of Law on employment). In general, unemployed persons have the right to be included in state employment programmes in the fields of i) vocational training, and ii) support for gaining vocational work experience for persons entering the labour market for the first time with their profession (Article 21 of the Law on employment). The long-term unemployed are prioritised in the participation in state employment programmes. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

ECSR interpretation (DIGEST)

In accordance with Article 10§4, States Parties must fight long-term unemployment through retraining and reintegration measures.⁶⁶ A person who has been without work for 12 months or more is considered to be long-term unemployed.⁶⁷

The main indicators of compliance with this provision are the types of training and retraining measures available on the labour market, the number of persons in this type of training, the special attention given to young long-term unemployed persons, and the impact of the measures on reducing long-term unemployment.⁶⁸

⁶⁴ [Conclusions 2012, Serbia](#)

⁶⁵ [Conclusions XVI-2 \(2004\), Ireland](#)

⁶⁶ [Conclusions 2003, Italy](#)

⁶⁷ [Conclusions 2003, Italy](#)

⁶⁸ [Conclusions 2020, Cyprus](#)

Equal treatment with respect to access to training and retraining for long-term unemployed persons must be guaranteed to non-nationals.⁶⁹ Access to financial assistance for studies must be provided to nationals of other States Parties lawfully resident in any capacity, or having authority to reside by reason of their ties with persons lawfully residing in the territory of the Party concerned.⁷⁰ Students and trainees, who, without having the above-mentioned ties, entered the territory with the sole purpose of attending training are not covered by this provision of the Charter.⁷¹ Therefore, Article 10§4 does not require States Parties to grant financial assistance to any foreign national who does not already reside in the State Party concerned, on an equal footing with its nationals.⁷² However, it does require that nationals of other States Parties who already have resident status in the State Party concerned, be treated equally with nationals in terms of both access to vocational education (Article 10§1) and financial assistance for education (Article 10§4).⁷³ States Parties who impose a condition of permanent residence or a condition of length of residence on nationals of other States Parties for those persons to be eligible to apply for financial assistance for vocational education and training are in breach of the Charter.⁷⁴

Opinion of the ECSR

The ECSR recalls that the main indicators of compliance with this provision are the types of training and retraining measures available in the labour market, the number of persons in this type of training, the special attention given to young long-term unemployed persons, and the impact of the measures on reducing long-term unemployment.

In view of these requirements, the ECSR considers that further relevant information with a focus on long-term unemployment is necessary to assess whether the situation in law and practice is in line with the standards of the Charter.

It encourages the Government to continue its efforts and to consider acceptance of Article 10§4 in the near future.

Article 10§5 - The right to vocational training

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

to encourage the full utilisation of the facilities provided by appropriate measures such as:

a reducing or abolishing any fees or charges;

b granting financial assistance in appropriate cases;

c including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;

d ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

Situation in Armenia

⁶⁹ [Conclusions 2020, Ukraine](#)

⁷⁰ [Conclusions XXII-1 \(2020\), Luxembourg](#)

⁷¹ [Conclusions XXII-1 \(2020\), Luxembourg](#)

⁷² [Conclusions XXII-1 \(2020\), Luxembourg](#)

⁷³ [Conclusions XXII-1 \(2020\), Luxembourg](#)

⁷⁴ [Conclusions XXII-1 \(2020\), Luxembourg](#)

The ECSR notes that the period of vocational training and retraining, when remuneration is provided for it, is considered as working time (Article 138 of the Labour Code).

The ECSR notes, based on the information provided for the examination of Article 10§1, that the information submitted by Armenia implies that fees are charged for studying at higher education institutions, including for vocational education, while fee exemptions and scholarships may be granted subject to social criteria and academic performance. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

ECSR interpretation (DIGEST)

i. reducing or abolishing fees or charges.

States Parties must ensure that vocational training, as defined in paragraph 1, is provided free of charge or that fees are progressively reduced.⁷⁵ According to the Appendix to the Charter, equal treatment must be granted to nationals of other States Parties lawfully resident or regularly employed on the territory of the State Party concerned.⁷⁶ This means that no period of residence is required from students and trainees who are admitted to reside on grounds other than as students or trainees, or who are entitled to reside on the basis of their ties with persons legally residing on the territory of the Party concerned before starting their training.⁷⁷ This does not apply to students and trainees who, without having the above-mentioned ties, entered the territory with the sole purpose of attending training.⁷⁸

The situation does not comply with Article 10§5 of the Charter because of a requirement of three years of residence for eligibility for financial assistance for vocational training.⁷⁹

ii. granting of financial assistance in appropriate cases.

The granting of financial assistance in appropriate cases means providing financial assistance to persons who would not otherwise be in a position to undergo apprenticeships or training.⁸⁰ It entails, in addition to free or low-cost training, the provision of assistance in the form of grants, allowances or other arrangements where necessary.⁸¹ All issues relating to financial assistance are covered by Article 10§5, including allowances for training programmes in the context of the labour market policy.⁸² States Parties must provide financial assistance either universally, or subject to a means-test, or awarded on the basis of merit.⁸³ In any event, assistance should at least be available for those in need and must be adequate.⁸⁴ It may consist of scholarships or loans at preferential interest rates.⁸⁵ The number of beneficiaries and the amount of financial assistance are also taken into consideration for assessing compliance with this provision.⁸⁶

Equal treatment with respect to financial assistance must be guaranteed to non-nationals on the basis of the conditions mentioned under paragraph 1.⁸⁷

⁷⁵ [Conclusions 2020, Malta](#)

⁷⁶ [Conclusions XVI-2 \(2004\), United Kingdom](#)

⁷⁷ [Conclusions XVI-2 \(2004\), United Kingdom](#)

⁷⁸ [Conclusions XVI-2 \(2004\), United Kingdom](#)

⁷⁹ [Conclusions 2020, Andorra](#)

⁸⁰ [Conclusions XIII-1 \(1993\), Turkey](#)

⁸¹ [Conclusions XIII-1 \(1993\), Turkey](#)

⁸² [Conclusions 2016, Italy](#)

⁸³ [Conclusions XIX-1 \(2008\), Turkey](#)

⁸⁴ [Conclusions XIX-1 \(2008\), Turkey](#)

⁸⁵ [Conclusions 2016, Italy](#)

⁸⁶ [Conclusions 2016, Italy](#); [Conclusions XIV-2 \(1998\), Ireland](#)

⁸⁷ [Conclusions 2003, Slovenia](#)

iii. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment.

Time spent on supplementary training at the employer's request must be included in normal working hours.⁸⁸ Supplementary training means any kind of training that may be helpful in connection with an employee's current occupation and aimed at increasing their skills.⁸⁹ It does not imply any previous training.⁹⁰ The term "during employment" means that the worker must currently be in a working relationship with the employer requiring the training.⁹¹

iv. ensuring, through adequate supervision and in consultation with employers' and workers' organisations, the effectiveness of apprenticeships and other training arrangements for young workers, as well as the adequate protection of young workers in general.

States Parties must evaluate their vocational training programmes for young workers, including apprenticeships.⁹² In particular, the participation of employers' and workers' organisations is required in monitoring the effectiveness of training schemes.⁹³

Opinion of the ECSR

The ECSR takes note of the information provided by the Government.

However, in light of the requirements of this provision, the ECSR considers that further relevant detailed information on fees and charges applicable to general and vocational education is necessary to assess whether the situation in law and practice is in line with the standards of the Charter.

It encourages the Government to continue its efforts and to consider its acceptance of Article 10§5 in the near future.

Article 15§1 – The right of persons with disabilities to independence, social integration and participation in the life of the community

*With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:
to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private.*

Situation in Armenia

The ECSR notes from the report submitted by the Government that, following the adoption of relevant legislation in 2016, as of the end of 2021, Armenia has transitioned to a universal inclusive education system. In the 2023-2024 school year, there were 7 operational special schools with 545 students enrolled. In 2023, there were 10 501 children receiving pedagogical-psychological support services at pre-school and general education institutions.

⁸⁸ [Conclusions 2020, Turkey](#)

⁸⁹ [Conclusions 2020, Turkey](#)

⁹⁰ [Conclusions 2020, Turkey](#)

⁹¹ [Conclusions 2020, Turkey](#)

⁹² [Conclusions 2020, Lithuania](#)

⁹³ [Conclusions XIV-2 \(1998\), United Kingdom](#)

The ECSR takes note of a recent initiative for pre-school education (Decision of the Government of the Republic of Armenia No 598-N of 15 April 2021 on the Action Plan and the Timetable for the introduction of the system of universal inclusive education in the preschool education sector in the Republic of Armenia). It also takes note of a recent measure regarding the financing of pre-school education, including the financing of the needs of students with special educational needs (Decision of the Government of the Republic of Armenia No 1169-N of 15 July 2021 on the Procedure for financing preschool educational institutions from the State Budget per pupil, including the setting of the increased amount of financing required for ensuring the special conditions for education and development).

In addition, the ECSR takes note of a 2024 law on vocational education that declares universal inclusive education as a guarantee for ensuring the right of every student to education and work-based learning, as well as that proclaims inclusive vocational education and training among the principles of state policy on vocational education and training (Law on vocational education and training, parts 2 and 3 of Article 4).

Finally, the report provides general information about the general steps taken for protecting the rights of persons with disabilities. On this point, the ECSR takes note of: the adoption of the decision of the Government of the Republic of Armenia No 1265-N of 11 August 2022 on establishing the procedure for reasonable accommodation, which entered into force on 1 January 2023; the Law on the rights of persons with disabilities, adopted in 2021; the entry into force, on 25 January 2023, of the Optional Protocol of the Convention on the Rights of Persons with Disabilities for the Republic of Armenia; the adoption of the Complex Programme for Social Inclusion of Persons with Disabilities 2022-2027. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

ECSR interpretation (DIGEST)

Under Article 15§1, all persons with disabilities, irrespective of their age and the nature and origin of their disabilities, are entitled to guidance, education and vocational training in the context of general programmes wherever possible or, where this is not possible, through specialised public or private institutions.⁹⁴ As provided for under Article 10 of the Charter, vocational training, within the meaning of Article 15, encompasses all types of higher education, including university education.⁹⁵ The ECSR examines issues relating to Article 15§1 insofar as they apply to all persons with disabilities (and not only to children).⁹⁶

Legal framework

Securing the right to education for children and other persons with disabilities plays an important role in advancing their citizenship rights and guaranteeing their fundamental rights.⁹⁷ According to Article 15§1, anti-discrimination legislation is therefore necessary as an important tool for promoting the inclusion of children with disabilities into general or mainstream educational systems.⁹⁸ Such legislation should, as a minimum, require compelling justification for special or segregated education systems and provide effective remedies for those who are found to have been unlawfully excluded or segregated or

⁹⁴ [Conclusions 2020, Andorra](#)

⁹⁵ [Conclusions 2012, Ireland](#)

⁹⁶ [Conclusions 2020, Statement of Interpretation on Article 15§1](#)

⁹⁷ [International Association Autism Europe v. France](#), Complaint No. 13/2002, decision on the merits of 4 November 2003, §48

⁹⁸ [Conclusions 2007, Statement of Interpretation on Article 15§1](#)

otherwise denied an effective right to education.⁹⁹ Legislation may consist of general anti-discrimination legislation, specific legislation concerning education, or a combination of the two.¹⁰⁰

Article 15§1 of the Charter makes it an obligation for States Parties to provide education for persons with disabilities, together with vocational guidance and training, in one or other of the pillars of the education system, in other words mainstream or specialised schools.¹⁰¹ The priority to be given to education in mainstream establishments, which is referred to explicitly in the article, is subject to a conditionality clause which, if interpreted as it ordinarily would be and with due regard for the context and purpose of the provision, indicates to the public authorities that in order to secure the independence, social integration and participation in the life of the community of persons with disabilities through their education, they must take account of the type of disability concerned, how serious it is and a variety of individual circumstances to be examined on a case-by-case basis.¹⁰² Consequently, Article 15§1 of the Charter does not leave States Parties a wide margin of appreciation when it comes to choosing the type of school in which they will promote the independence, integration and participation of persons with disabilities, since this must clearly be a mainstream school.¹⁰³

States Parties are required to provide the human assistance necessary for the schooling of the persons concerned.¹⁰⁴ The margin of appreciation applies only to the means that States Parties deem most appropriate to ensure that this assistance is provided, bearing in mind the cultural, political or financial circumstances in which their education system operates.¹⁰⁵ However, this is subject to the provision that, in any event, the choices made and the means adopted are not such as to deprive the established right of its effectiveness and render it a purely theoretical right.¹⁰⁶ The situation is not in conformity with Article 15§1 of the Charter when it has not been established that the right of children with disabilities to mainstream education and training is effectively guaranteed.¹⁰⁷

Measures aimed at promoting inclusion and quality in education

“Integration” and “inclusion” are two different notions: integration does not necessarily lead to inclusion.¹⁰⁸ There is integration when pupils are required to adapt to the mainstream system, whereas inclusion is about the child’s right to participate in mainstream schooling and the school’s obligation to accept the child, taking into account the child’s best interests and , their abilities and educational needs as a primary consideration.¹⁰⁹

⁹⁹ [Conclusions 2007, Statement of Interpretation on Article 15§1](#)

¹⁰⁰ [Conclusions 2007, Statement of Interpretation on Article 15§1](#)

¹⁰¹ [European Action of the Disabled \(AEH\) v. France](#), Complaint No. 81/2012, decision on the merits of 11 September 2013, §78

¹⁰² [European Action of the Disabled \(AEH\) v. France](#), Complaint No. 81/2012, decision on the merits of 11 September 2013, §78

¹⁰³ [European Action of the Disabled \(AEH\) v. France](#), Complaint No. 81/2012, decision on the merits of 11 September 2013, §78

¹⁰⁴ [European Action of the Disabled \(AEH\) v. France](#), Complaint No. 81/2012, decision on the merits of 11 September 2013, §81

¹⁰⁵ [European Action of the Disabled \(AEH\) v. France](#), Complaint No. 81/2012, decision on the merits of 11 September 2013, §81

¹⁰⁶ [European Action of the Disabled \(AEH\) v. France](#), Complaint No. 81/2012, decision on the merits of 11 September 2013, §81

¹⁰⁷ [Conclusions 2020, Serbia](#)

¹⁰⁸ [Conclusions 2020, Statement of Interpretation on Article 15§1](#)

¹⁰⁹ [Mental Disability Advocacy Center \(MDAC\) v. Belgium](#), Complaint No. 109/2014, decision on the merits of 16 October 2014, §66

The ECSR noted that the UN Committee on the Rights of Persons with Disabilities, in its General Comment No. 4, (2016), on the right to inclusive education stated that “inclusion involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and the environment that best corresponds to their requirements and preferences. Placing students with disabilities within mainstream classes without accompanying structural changes to, for example, organisation, curriculum and teaching and learning strategies, does not constitute inclusion. Furthermore, integration does not automatically guarantee the transition from segregation to inclusion.”¹¹⁰

The right to inclusive education is protected under the Charter which stipulates that children must be guaranteed access to a quality education.¹¹¹ It also serves as a basis for establishing an inclusive society that protects children with intellectual disability from exclusion and isolation.¹¹² States Parties must demonstrate that tangible progress is being made in setting up inclusive and adapted education systems.¹¹³

Inclusive education implies providing support and reasonable accommodations which persons with disabilities are entitled to expect in order to effectively access school.¹¹⁴ Such reasonable accommodations relate to individuals and help to correct factual inequalities.¹¹⁵ Appropriate reasonable accommodations may include: adaptations to the classroom and its location, the provision of different forms of communication and teaching materials, the provision of human or assistive technologies in learning or assessment situations as well as non-material accommodations, such as allowing a student more time, reducing levels of background noise, sensitivity to sensory overload, alternative evaluation methods or replacing an element of the curriculum by an alternative element.¹¹⁶

Assistance at school is a particularly important way of enabling children and adolescents with autism to remain in mainstream schools.¹¹⁷

Education and training are essential foundations for obtaining employment in the open labour market and leading an independent life.¹¹⁸ Young persons with disabilities who have an education below the upper secondary level are inherently subject to various disadvantages on the employment market.¹¹⁹ States Parties must take measures to enable integration and ensure that both mainstream and specialised schools provide adequate teaching.¹²⁰ In addition, States Parties must demonstrate that tangible progress is being made in setting up inclusive and adapted education systems.¹²¹

¹¹⁰ [Conclusions 2020, Andorra](#)

¹¹¹ [International Federation for Human Rights \(FIDH\) and Inclusion Europe v. Belgium](#), Complaint No. 141/2017, decision on the merits of 9 September 2020, §181

¹¹² [International Federation for Human Rights \(FIDH\) and Inclusion Europe v. Belgium](#), Complaint No. 141/2017, decision on the merits of 9 September 2020, §181

¹¹³ [Conclusions 2020, Statement of Interpretation on Article 15§1](#)

¹¹⁴ [Conclusions 2020, Andorra](#)

¹¹⁵ [Conclusions 2020, Andorra](#)

¹¹⁶ [Conclusions 2020, Andorra](#)

¹¹⁷ [European Action of the Disabled \(AEH\) v. France](#), Complaint No. 81/2012, decision on the merits of 11 September 2013, §85

¹¹⁸ [Conclusions XX-1 \(2012\), Austria](#)

¹¹⁹ [Conclusions XX-1 \(2012\), Austria](#)

¹²⁰ [Conclusions XX-1 \(2012\), Austria](#)

¹²¹ [Conclusions XX-1 \(2012\), Austria](#)

Specialised institutions must ensure, through their internal organisation and/or working methods, the predominance of guidance, education and vocational training over other functions and tasks that they may be required to perform under domestic law, even where the law only foresees educational provision within these institutions as a subsidiary element amongst a number of other activities (pedagogical, psychological, social, medical and paramedical).¹²²

Access to education

To assess the effective equal access of children and adults with disabilities to education and vocational training, the following key figures are taken into consideration:

- ← total number of persons with disabilities, including the number of children;¹²³
- ← number of students with disabilities in mainstream classes, in special units within mainstream schools (or complementary activities in mainstream settings) in special schools and vocational facilities;¹²⁴
- ← the number and proportion of children with disabilities out of education;¹²⁵
- ← the percentage of students with disabilities entering the labour market following mainstream or special education or/and training;¹²⁶
- ← the number of persons with disabilities (children and adults) living in institutions;¹²⁷
- ← any relevant case law and complaints brought to the appropriate bodies with respect to discrimination on the ground of disability in relation to education and training;¹²⁸
- ← the number of children with disabilities who do not complete compulsory school, as compared to the total number of children who do not complete compulsory school;¹²⁹
- ← the number and proportion of children with disabilities in other types of educational settings, including home-schooled children, children attending school on a part-time basis, or in residential care institutions, whether on a temporary or long-term basis;¹³⁰
- ← the drop-out rates of children with disabilities compared to the entire school population.¹³¹

Article 15§1 is one of the rights protected by the Charter which is exceptionally complex and particularly expensive to resolve.¹³² Therefore, the measures taken by a State to achieve the Charter's objectives must meet the following three criteria: (i) a reasonable timeframe, (ii) measurable progress, and (iii) financing consistent with the maximum use of available resources.¹³³

States Parties must be particularly mindful of the impact that their choices will have for groups with heightened vulnerabilities as well as for other persons affected including,

¹²² [European Action of the Disabled \(AEH\) v. France](#), Complaint No. 81/2012, decision on the merits of 11 September 2013, §§ 111 and 116

¹²³ [Conclusions 2012, Russian Federation](#)

¹²⁴ [Conclusions 2020, Andorra](#); [Conclusions 2012, Russian Federation](#)

¹²⁵ [Conclusions 2020, Andorra](#)

¹²⁶ [Conclusions 2012, Russian Federation](#)

¹²⁷ [Conclusions 2008, Lithuania](#)

¹²⁸ [Conclusions 2008, Lithuania](#)

¹²⁹ [Conclusions 2020, Andorra](#)

¹³⁰ [Conclusions 2020, Andorra](#)

¹³¹ [Conclusions 2020, Andorra](#)

¹³² [International Association Autism Europe v. France](#), Complaint No. 13/2002, decision on the merits of 4 November 2003, §53

¹³³ [International Association Autism Europe v. France](#), Complaint No. 13/2002, decision on the merits of 4 November 2003, §53

especially, their families on whom the heaviest burden falls in the event of institutional shortcomings.¹³⁴

Opinion of the ECSR

The ECSR welcomes recent steps taken to fulfil the requirements of Article 15§1. In light of the information provided by the Government, the Committee considers that the situation in respect of Article 15§1 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 23 – The rights of elderly persons to social protection

With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organisations, appropriate measures designed in particular:

- ***to enable elderly persons to remain full members of society for as long as possible, by means of:***
 - a. ***adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;***
 - b. ***provision of information about services and facilities available for elderly persons and their opportunities to make use of them;***
- ***to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:***
 - a. ***provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;***
 - b. ***the health care and the services necessitated by their state;***
- ***to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution.***

Appendix: For the purpose of the application of this paragraph, the term “for as long as possible” refers to the elderly person’s physical, psychological and intellectual capacities.¹³⁵

Situation in Armenia

In 2022, a decision was adopted that specifies the forms and types of services provided to elderly persons and simplifying provision of care (Decision No 1744-N adopted by the Government of the Republic of Armenia on 10 November 2022). In addition, the national report states that currently there are four state and two private social protection institutions providing 24-hour care services to elderly persons in need of care. 1 340 elderly persons receive care by those institutions. There are also organisations providing home care services, and currently 1 300 elderly persons and persons with disabilities benefit from them. In 2024, home care services were expanded in all regions of Armenia, also including daily care services for the elderly in need of bedside care or with mental health problems. In

¹³⁴ [International Association Autism Europe v. France](#), Complaint No. 13/2002, decision on the merits of 4 November 2003, §53

¹³⁵ [Appendix to the European Social Charter \(Revised\)](#), *European Treaty Series - No. 163*

addition, the social housing fund (which covers seven social homes), that has been operating for two decades, provides isolated elderly persons with housing and some social support, particularly medical assistance, and if necessary, care. With regard to pension benefits, the ECSR takes note of the Government's 2021-2026 Action Plan (Decision of the Government No 1363-L of 18 August 2021), according to which the Government will take measures to adapt values of pension benefits to changes in food and consumer product prices and to eliminate extreme poverty by 2026. While the Government reports a slight increase in pension benefits since 2021, they identify the low levels of pension and corresponding benefits as a challenge. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

In its 2021 Conclusions, the ECSR notes its finding of non-conformity with Article 12§3 of the Charter, on the grounds that it has not been established that steps have been taken to progressively improve the social security system. It also notes its finding of non-conformity with Article 13§1 on the grounds that the level of social assistance paid to a single person without resources is not adequate; the level of the non-contributory social pension for older persons is not adequate; and the right to access to medical care is not sufficiently guaranteed.¹³⁶

ECSR interpretation (DIGEST)

Article 23 of the Charter is the first human rights treaty provision to specifically protect the rights of older persons.¹³⁷ The measures envisaged by this provision, both in terms of their objectives and the means of their implementation, point towards a new and progressive notion of what life should be like for older persons, obliging States Parties to devise and carry out coherent actions in the various areas covered.¹³⁸

One of the main objectives of Article 23 is to enable older persons to remain full members of society. The expression “full members” means that older persons must not be subjected to any form of ostracism on account of their age.¹³⁹ The right to take part in society's various fields of activity must be granted to everyone, whether active or retired, living in an institution or not.¹⁴⁰ The Covid-19 crisis has exposed examples of unequal treatment of older persons, such as in medical care where the rationing of scarce resources (e.g. ventilators) has sometimes been based on stereotypical perceptions of vulnerability and decline in old age.¹⁴¹ Too much space was allowed for implicit judgments about the “quality of life” or “value” of lives of older persons when defining the limits of such triage policies.¹⁴² Equal treatment calls for an approach based on the equal recognition of the value of older persons' lives.¹⁴³

Article 23 overlaps with other provisions of the Charter which protect older persons as members of the general population, such as Article 11 (Right to protection of health),¹⁴⁴ Article 12 (Right to social security),¹⁴⁵ Article 13 (Right to social and medical assistance) and

¹³⁶ [European Committee of Social Rights, Conclusions 2021 – Armenia](#)

¹³⁷ [Conclusions XIII-3 \(1995\), Statement of Interpretation on Article 4 of the Additional Protocol \(Article 23\)](#)

¹³⁸ [Conclusions XIII-3 \(1995\), Statement of Interpretation on Article 4 of the Additional Protocol \(Article 23\)](#)

¹³⁹ [Fellesforbundet for Sjøfolk \(FFFS\) v. Norway](#), Complaint No. 74/2011, decision on the merits of 2 July 2013, §116

¹⁴⁰ [Fellesforbundet for Sjøfolk \(FFFS\) v. Norway](#), Complaint No. 74/2011, decision on the merits of 2 July 2013, §116, citing [Conclusions XIII-5, Finland](#)

¹⁴¹ [Statement on Covid-19 and social rights adopted on 24 March 2021](#)

¹⁴² [Statement on Covid-19 and social rights adopted on 24 March 2021](#)

¹⁴³ [Statement on Covid-19 and social rights adopted on 24 March 2021](#)

¹⁴⁴ [Statement of Interpretation on the right to protection of health in times of pandemic](#), 20 April 2020

¹⁴⁵ [General Introduction to Conclusions 2017](#)

Article 30 (Right to protection against poverty and social exclusion).¹⁴⁶ Article 23 requires States Parties to make focused and planned provision in accordance with the specific needs of older persons.

The focus of Article 23 is on social protection of older persons outside the field of employment.¹⁴⁷ Questions of age discrimination in employment are primarily examined under Articles 1§2 (non-discrimination in employment) and 24 (right to protection in cases of termination of employment) of the Charter.¹⁴⁸

Non-discrimination legislation should exist at least in certain areas protecting persons against discrimination on the grounds of age.¹⁴⁹

Legislative framework

Article 23 requires States Parties to combat age discrimination in a range of areas beyond employment, including access to goods, facilities and services.¹⁵⁰ Pervasive age discrimination persists in many areas of society throughout Europe, including in healthcare, in education, in services such as insurance and banking products, in participation in policy making/civil dialogue, and in the allocation of resources and facilities.¹⁵¹ Therefore an adequate legal framework is a fundamental measure to combat age discrimination in these areas.¹⁵² Article 23 must be fully respected during the Covid-19 crisis.¹⁵³

Article 23 requires States Parties to make sure that they have appropriate legislation in place, firstly, to combat age discrimination outside employment and, secondly, to provide for a procedure of assisted decision making.¹⁵⁴

Legislation allowing practices resulting in a part of the older population being denied access to informal care allowances or other alternative forms of support constitutes a violation of Article 23.¹⁵⁵ At times, older persons may have reduced capacity-making powers or none at all.¹⁵⁶ Therefore, there should be a national legal framework set in place for assisted decision making for older persons guaranteeing their right to make decisions for themselves.¹⁵⁷ This means that older persons cannot be assumed to be incapable of making their own decisions simply because they have a particular medical condition or disability, or because they lack legal capacity.¹⁵⁸

An elderly person's capacity to make a particular decision must be determined based on the nature of the decision, its purpose and the state of health of the elderly person at the time it is made.¹⁵⁹ Older persons may need assistance in expressing their wishes and preferences.

¹⁴⁶ [Conclusions 2017, Ukraine](#)

¹⁴⁷ [Conclusions 2009, Andorra](#)

¹⁴⁸ [Conclusions 2009, Andorra](#)

¹⁴⁹ [Fellesforbundet for Sjøfolk \(FFFS\) v. Norway](#), Complaint No. 74/2011, decision on the merits of 2 July 2013, §115

¹⁵⁰ [Conclusions 2009, Andorra](#)

¹⁵¹ [Conclusions 2009, Andorra](#)

¹⁵² [Conclusions 2009, Andorra](#)

¹⁵³ [Statement on Covid-19 and social rights adopted on 24 March 2021](#)

¹⁵⁴ [Conclusions 2017, Andorra](#)

¹⁵⁵ [Conclusions 2003, France](#)

¹⁵⁶ [Conclusions 2003, France](#)

¹⁵⁷ [Conclusions 2013, Statement of Interpretation Article 23 – assisted decision-making](#)

¹⁵⁸ [Conclusions 2013, Statement of Interpretation Article 23 – assisted decision-making](#)

¹⁵⁹ [Conclusions 2013, Statement of Interpretation Article 23 – assisted decision-making](#)

Therefore all possible ways of communicating, including words, pictures and signs, should be used before concluding that they cannot make a particular decision on their own.¹⁶⁰

In this regard, the national legal framework must provide for appropriate safeguards to prevent the arbitrary deprivation of the decision-making autonomy of older persons, including in instances of reduced decision-making capacity.¹⁶¹ It must be ensured that any person acting on behalf of older persons interferes as little as possible with their wishes and rights.¹⁶²

Article 23 also requires States Parties to take appropriate measures against the elder abuse.¹⁶³ Abuse can take various forms: physical, psychological or emotional, sexual, financial, or simply reflect intentional or unintentional neglect.¹⁶⁴ States Parties must therefore take measures to assess the extent of the problem, raise awareness of the need to eradicate elder abuse and neglect, and adopt legislative or other measures.¹⁶⁵

to enable elderly persons to remain full members of society for as long as possible, by means of:

a. adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life

The right to adequate resources mainly focuses on pensions. Pensions and other state benefits must be sufficient to allow older persons to lead a “decent life” and play an active part in public, social and cultural life.¹⁶⁶

However, when assessing the adequacy of resources of older persons under Article 23, all social protection measures guaranteed to older persons and aimed at maintaining an income level allowing them to lead a decent life and participate actively in public, social and cultural life are taken into account.¹⁶⁷ In particular, pensions, contributory or non-contributory, and other supplementary cash benefits available to older persons are examined.¹⁶⁸ These resources are then compared with the median equivalised income.¹⁶⁹ The ECSR also takes into consideration relevant indicators relating to the at-risk-of-poverty rates for persons aged 65 and over.¹⁷⁰

b. provision of information about services and facilities available for elderly persons and their opportunities to make use of them

Although Article 23 only refers to the provision of information about services and facilities, paragraph 1b presupposes the existence of those services and facilities.¹⁷¹ Therefore, it is not only information relating to the provision of information about these services and facilities that is examined but also the services and facilities themselves.¹⁷² In doing so, the ECSR

¹⁶⁰ [Conclusions 2013, Statement of Interpretation Article 23 – assisted decision-making](#)

¹⁶¹ [Conclusions 2013, Statement of Interpretation Article 23 – assisted decision-making](#)

¹⁶² [Conclusions 2013, Statement of Interpretation Article 23 – assisted decision-making](#)

¹⁶³ [Conclusions 2009, Andorra](#)

¹⁶⁴ [Conclusions 2009, Andorra](#)

¹⁶⁵ [Conclusions 2009, Andorra](#)

¹⁶⁶ [Conclusions 2013, Statement of Interpretation Article 23 – adequate resources for the elderly](#)

¹⁶⁷ [Conclusions 2013, Statement of Interpretation Article 23 – adequate resources for the elderly](#)

¹⁶⁸ [Conclusions 2013, Statement of Interpretation Article 23 – adequate resources for the elderly](#)

¹⁶⁹ [Conclusions 2013, Statement of Interpretation Article 23 – adequate resources for the elderly](#)

¹⁷⁰ [Conclusions 2013, Statement of Interpretation Article 23 – adequate resources for the elderly](#)

¹⁷¹ [Conclusions 2003, France](#)

¹⁷² [Conclusions 2003, France](#)

examines the existence, extent and cost of home help services, community-based services, specialised day care provision for persons with dementia and related illnesses, and services such as information, training and respite care for families caring for elderly persons, in particular, highly dependent persons, as well as cultural, leisure and educational facilities available to older persons.¹⁷³

In addition, States Parties must have a system for monitoring the quality of services and a procedure for making complaints about the standard of services.¹⁷⁴ Insufficient regulation of fees for serviced accommodation and 24-hour assisted living may constitute a violation of Article 23.¹⁷⁵

to enable elderly persons to choose their lifestyle freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:

a. provision of housing suited to their needs and their state of health or of adequate support for adapting their housing

The needs of older persons must be taken into account in national or local housing policies.¹⁷⁶ The supply of housing adapted to older persons must be sufficient.¹⁷⁷ Policies should help older persons to remain in their own homes for as long as possible by providing them with sheltered/supported accommodation and assistance in adapting their homes.¹⁷⁸ Improving the housing conditions of older persons requires considerable public funding since the average older person usually cannot afford to upgrade their apartment or purchase a new, better apartment.¹⁷⁹ Improving housing conditions by moving elsewhere is not often a viable option since it uproots the older person from their “natural” environment.¹⁸⁰

b. health care and the services necessitated by their state

In the context of the right to adequate health care for older persons, Article 23 requires health care programmes and services (in particular primary health care services including domiciliary nursing/health care services) specifically aimed at the elderly to exist, together with guidelines on healthcare for older persons.¹⁸¹ In addition, there should be mental health programmes in place for any psychological problems affecting older persons, as well as adequate palliative care services.¹⁸²

to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in their institution.

The final part of Article 23 deals with the rights of older persons living in institutions. In this context, it stipulates that the following rights must be guaranteed: the right to appropriate care and adequate services, the right to privacy, the right to personal dignity, the right to participate in decisions concerning living conditions in the institution, the protection of

¹⁷³ [Conclusions 2003, France](#)

¹⁷⁴ [Conclusions 2009, Andorra](#)

¹⁷⁵ [The Central Association of Carers in Finland v. Finland](#), Complaint No 71/2011, decision on the merits of 4 December 2012, §53

¹⁷⁶ [Conclusions 2003, France](#)

¹⁷⁷ [Conclusions 2003, France](#)

¹⁷⁸ [Conclusions 2013, Andorra; International Federation of Associations of the Elderly \(FIAPA\) v. France](#), Complaint No. 145/2017, decision on the merits of 25 May 2019, §45

¹⁷⁹ [Conclusions 2009, Andorra](#)

¹⁸⁰ [Conclusions 2017, Bosnia and Herzegovina](#)

¹⁸¹ [Conclusions 2003, France; Conclusions 2017, Ukraine](#)

¹⁸² [Conclusions 2003, France](#)

property, the right to maintain personal contact with persons close to the older person, and the right to complain about treatment and care provided in institutions.¹⁸³

There should be a sufficient supply of institutional facilities for older persons (public or private); care in these institutions should be affordable; and assistance must be available to cover the costs. All institutions should be licensed, and subject to an independent inspection body.¹⁸⁴

Older persons of foreign origin in institutional care who are unable to communicate in the national language must benefit from measures ensuring that they can express themselves, communicate and be consulted in an appropriate manner.¹⁸⁵

Due to the specific risks and needs related to Covid-19 in nursing homes, States Parties must urgently allocate sufficient additional financial means to them, organise and resource the necessary personal protective equipment and ensure that nursing homes have at their disposal sufficient additional qualified staff in terms of qualified health and social workers and other staff in order to be able to adequately respond to Covid-19 and to ensure that the above-mentioned rights of older people in nursing homes are fully respected.¹⁸⁶ Older persons and their organisations must be consulted on policies and measures that concern them directly, including on *ad hoc* measures taken with regard to the current crisis.¹⁸⁷ Planning for the recovery after the pandemic must take into account the views and specific needs of older persons and be firmly based on the evidence and experience gathered so far in the context of the pandemic.¹⁸⁸

Issues such as staff qualifications, training requirements and remuneration levels, compulsory placement, social and cultural amenities, and the use of physical restraints and sedatives are also addressed under this provision.¹⁸⁹

Opinion of the ECSR

The ECSR takes note of the information provided by the Government and, in particular, the plan to take steps to address extreme poverty and adapt pension benefits for the future.

However, in light of the requirements of this provision, the ECSR needs updated detailed information on all aspects of the provision, in particular, if and how the full participation of elderly persons in social life is achieved and the resources dedicated towards making progress in this regard. The ECSR also notes its previous findings of non-conformity with Articles 12 and 13 of the Charter in its Conclusions 2021, which indicate possible obstacles for the acceptance of the provision.

On the basis of the information at its disposal, the ECSR considers that further information is necessary to assess whether the situation in law and practice is in line with the requirements of the Charter. It encourages the Government to continue its efforts and to consider its acceptance of Article 23 in the near future.

Article 31§1 – The right to housing

¹⁸³ [Conclusions 2017, Malta; Portugal](#)

¹⁸⁴ [Conclusions 2005, Slovenia; Conclusions XX-2 \(2013\), Czech Republic](#)

¹⁸⁵ [Conclusions 2005, Slovenia](#)

¹⁸⁶ [Statement on Covid-19 and social rights adopted on 24 March 2021 – link doesn't work](#)

¹⁸⁷ [Statement on Covid-19 and social rights adopted on 24 March 2021 – link doesn't work](#)

¹⁸⁸ [Statement on Covid-19 and social rights adopted on 24 March 2021](#)

¹⁸⁹ [Conclusions 2005, Slovenia; Conclusions 2003, France](#)

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard

Situation in Armenia

The Government has announced its intention to develop a concept paper that will consider mechanisms for developing housing policies for providing families in precarious situations and other vulnerable groups with permanent or temporary shelter (alternative mechanisms for purchasing accommodation — issuance of certificates for purchase of an apartment, mortgage servicing from the State Budget funds, partial reimbursement of rent payments, etc.). In this context, it is also envisaged to create mechanisms to expand the social housing fund. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

ECSR interpretation (DIGEST)

Personal scope

Refugees come under the personal scope of Article 31 and should be treated as favourably as possible and, in any event, no less favourably than the treatment accorded to aliens generally in the same circumstances.¹⁹⁰ States are not obliged to provide alternative accommodation in the form of permanent housing within the meaning of Article 31§1 to migrants in an irregular situation. However, Article 31§2 applies to migrants in an irregular situation.¹⁹¹ The right to shelter should be guaranteed to persons in an irregular situation, including children, for as long as they are within the jurisdiction of the State.¹⁹²

Material scope

The ECSR has previously stated that Article 31 cannot be interpreted as imposing on States Parties an obligation of “results”;¹⁹³ rather, it concerns an “obligation of means” (namely, the taking of suitable measures).¹⁹⁴ The rights recognised in the Social Charter must take a practical and effective, rather than a purely theoretical, form.¹⁹⁵ This implies that, for the situation to be in conformity with Article 31, States Parties must:

¹⁹⁰ [Conclusions 2015, Statement on Interpretation on the Rights of Refugees](#)

¹⁹¹ [European Federation of National Organisations working with the Homeless \(FEANTSA\) v. the Netherlands](#), Complaint No. 86/2012, decision on the merits of 2 July 2014, §61

¹⁹² [European Federation of National Organisations working with the Homeless \(FEANTSA\) v. the Netherlands](#), Complaint No. 86/2012, decision on the merits of 2 July 2014, §61

¹⁹³ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58-60; [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007 §§ 52-53; [Médecins du Monde - International v. France](#), Complaint No. 67/2011, decision on the merits 11 September 2012, §55 citing [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §59

¹⁹⁴ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007 §58; [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007 §52

¹⁹⁵ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §59; [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007 §53; [Médecins du Monde - International v. France](#), Complaint No. 67/2011, decision on the merits 11 September 2012, §55 citing [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §59

- a) adopt the necessary legal, financial and operational means for ensuring steady progress towards achieving the goals laid down by the Charter;¹⁹⁶
- b) maintain meaningful statistics on needs, resources and results;¹⁹⁷
- c) undertake regular reviews of the impact of the strategies adopted;¹⁹⁸
- d) establish a timetable and not defer indefinitely the deadline for achieving the objectives of each stage;¹⁹⁹
- e) pay close attention to the impact of the policies adopted on each of the categories of persons concerned, particularly the most vulnerable.²⁰⁰

As regards the means of ensuring steady progress towards achieving the goals laid down by the Charter, implementation of the Charter requires States Parties not merely to take legal action but also to make available the resources and introduce the operational procedures necessary to give full effect to the rights specified therein.²⁰¹

When one of the rights in question is exceptionally complex and particularly expensive to implement, States Parties must take steps to achieve the objectives of the Charter within a reasonable time, with measurable progress and by making maximum use of available resources.²⁰²

The requirement to maintain statistics is particularly important in the case of the right to housing because of the range of policy responses involved, the interaction between them and the unwanted side-effects that may result from this complexity.²⁰³ Statistics are only useful, however, if the resources made available and results achieved or progress made can be compared with identified needs.²⁰⁴

The authorities must also pay particular attention to the impact of their housing policy choices on the most vulnerable groups and, in this case, individuals and families suffering exclusion and poverty.²⁰⁵

Article 31 must be considered in the light of relevant international instruments that have inspired its authors or in conjunction with which it must be applied: the European Convention

¹⁹⁶ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58-60

¹⁹⁷ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58-60

¹⁹⁸ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58-60

¹⁹⁹ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58-60

²⁰⁰ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58-60

²⁰¹ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §61

²⁰² [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §62; [European Roma and Travellers Forum \(ERTF\) v. France](#), Complaint No. 64/2011, decision on the merits of 24 January 2012, §96

²⁰³ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §63

²⁰⁴ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §63

²⁰⁵ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §67, citing [International Association Autism Europe v. France](#), Complaint No. 13/2002, decision on the merits of 4 November 2003, §53; [European Roma and Travellers Forum \(ERTF\) v. France](#), Complaint No. 64/2011, decision on the merits of 24 January 2012, §96

on Human Rights and the United Nations Covenant on Economic, Social and Cultural Rights.²⁰⁶

The fact that the right to housing is stipulated in Article 31 of the Charter does not preclude consideration of relevant housing issues arising under Article 16, which addresses housing in the context of guaranteeing the right of families to social, legal and economic protection.²⁰⁷ The concepts of adequate housing and forced eviction are identical in Articles 16 and 31.²⁰⁸

Under Article 31§1 of the Charter, States Parties must guarantee to everyone the right to housing and promote access to adequate housing.²⁰⁹ States must take the necessary and adequate legal and practical measures to ensure the effective protection of the right in question.²¹⁰ States enjoy a margin of appreciation in determining the steps to be taken to ensure compliance with the Charter, in particular as regards the balance to be struck between the general interest and the interest of a specific group, as well as the choices which must be made in terms of priorities and resources.²¹¹

States Parties must guarantee to everyone the right to adequate housing.²¹² They should promote access to housing in particular to different groups of vulnerable persons, such as low-income persons, unemployed persons, single parent households, young persons, and persons with disabilities, including those with mental health problems.²¹³

Adequate housing

The concept of adequate housing must be defined in law. “Adequate housing” means:

1. a dwelling which is safe from a sanitary and health point of view, i.e. that possesses all basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity, etc., and where specific dangers such as the presence of lead or asbestos are under control;²¹⁴
2. a dwelling which is not overcrowded, the size of which must be suitable in light of the number of persons and the composition of the household living there;²¹⁵
3. a dwelling with secure tenure supported by the law. This issue is covered in Article 31§2.²¹⁶

The definition of adequate housing must be applied not only to new constructions, but also gradually to the existing housing stock.²¹⁷ It must also be applied to housing available for rent as well as to owner-occupied housing.²¹⁸

²⁰⁶ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 68-71

²⁰⁷ [European Roma Rights Center \(ERRC\) v. Bulgaria](#), Complaint No. 31/2005, decision on admissibility of 10 October 2005, §9

²⁰⁸ [European Roma Rights Center \(ERRC\) v. Bulgaria](#), Complaint No. 31/2005, decision on the merits of 18 October 2006, §17

²⁰⁹ [European Roma and Travellers Forum \(ERTF\) v. France](#), Complaint No. 64/2011, decision on the merits of 24 January 2012, §95

²¹⁰ [European Roma and Travellers Forum \(ERTF\) v. France](#), Complaint No. 64/2011, decision on the merits of 24 January 2012, §95

²¹¹ [European Roma and Travellers Forum \(ERTF\) v. France](#), Complaint No. 64/2011, decision on the merits of 24 January 2012, §95.

²¹² Conclusions 2003, France

²¹³ [Conclusions 2003, Italy](#)

²¹⁴ [Conclusions 2003, France](#)

²¹⁵ [Conclusions 2003, France](#)

²¹⁶ [Conclusions 2003, France](#)

²¹⁷ [Conclusions 2003, France](#)

²¹⁸ [Conclusions 2003, France](#)

Positive measures in the field of housing must be adopted in respect of vulnerable persons, paying particular attention to the situation of Roma and Travellers. As a result of their history, the Roma have become a disadvantaged group and a vulnerable minority in their own right.²¹⁹ They, therefore, require special protection.²²⁰ Special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases.²²¹

The failure to provide enough halting sites for Travellers, as well as the poor living conditions and operational failures on such sites, has led to findings of non-conformity under this provision.²²²

Likewise, housing policies which have resulted in the spatial and social segregation of Roma (poorly built housing, on the outskirts of towns, segregated from the rest of the population), have also led to breaches of the Charter.²²³

The fact that some unaccompanied refugee and asylum-seeking children may remain for long periods in temporary accommodation facilities (emergency hotels and safe zones) does not satisfy the requirements of long-term accommodation suited to their specific circumstances, needs and extreme vulnerability and thus constitutes a violation of Article 31§1.²²⁴ These facilities do not offer the quality standards necessary for the long-term accommodation of unaccompanied children.²²⁵

Effectiveness

It is the responsibility of the public authorities to ensure that housing is adequate by making use of various measures such as, in particular, an inventory of the housing stock, injunctions against owners who do not comply with their obligations, urban planning rules and maintenance obligations for landlords.²²⁶ States Parties are required to demonstrate how the adequacy of the existing housing stock (whether rented or not, privately or publicly owned) is checked, whether regular inspections are carried out and what follow-up is given to decisions finding that a dwelling does not comply with the regulations in force.²²⁷ Public authorities must also limit interruptions to essential services such as water, electricity and telephone.²²⁸

Even if, under domestic law, local or regional authorities, trade unions or professional organisations are responsible for exercising a particular function, States Parties to the Charter are responsible, in terms of their international obligations for ensuring that these

²¹⁹ [Centre on Housing Rights and Evictions \(COHRE\) v. Italy](#), Complaint No. 58/2009, decision on the merits of 25 June 2010, §§ 39-40

²²⁰ [Centre on Housing Rights and Evictions \(COHRE\) v. Italy](#), Complaint No. 58/2009, decision on the merits of 25 June 2010, §§ 39-40

²²¹ [Centre on Housing Rights and Evictions \(COHRE\) v. Italy](#), Complaint No. 58/2009, decision on the merits of 25 June 2010, §§ 39-40

²²² [European Roma Rights Centre \(ERRC\) v. France](#), Complaint No. 51/2008, decision on the merits of 19 October 2009, §§ 38, 39, 49; Conclusions 2019, France

²²³ [European Roma Rights Center \(ERRC\) v. Portugal](#), Complaint No. 61/2010, decision on the merits of 30 June 2011, §48

²²⁴ [International Commission of Jurists \(ICJ\) and European Council for Refugees and Exiles \(ECRE\) v. Greece](#), Complaint No. 173/2018, decision on the merits of 26 January 2021, §145

²²⁵ [International Commission of Jurists \(ICJ\) and European Council for Refugees and Exiles \(ECRE\) v. Greece](#), Complaint No. 173/2018, decision on the merits of 26 January 2021, §145

²²⁶ [Conclusions 2003, France](#)

²²⁷ [Conclusions 2019, Turkey, Ukraine](#)

²²⁸ [Conclusions 2003, France](#)

responsibilities are properly exercised.²²⁹ Thus, ultimate responsibility for policy implementation, involving at a minimum supervision and regulation of local action, lies with the Government which must be able to show that both itself and local authorities have taken practical steps to ensure that local action is effective.²³⁰

Legal protection

The effectiveness of the right to adequate housing requires that it is legally protected by means of adequate procedural safeguards. Occupiers must have access to affordable and impartial judicial or other remedies.²³¹ Any appeals procedure must be effective.²³²

Opinion of the ECSR

The ECSR welcomes the intention of the Government to implement measures on housing in the future. It notes, however, that the written information submitted by the Government does not indicate any measures adopted during the reference period, nor any progress compared to the previous reporting period. It, therefore, considers that the situation in Armenia is not fully compatible with the requirements of the Charter.

Article 31§2 – The right to housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

2. to prevent and reduce homelessness with a view to its gradual elimination

Situation in Armenia

Information regarding Article 31 is summarised under Article 31§1. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

ECSR interpretation (DIGEST)

Definition

Homeless persons are those persons who legally do not have at their disposal a dwelling or other form of adequate housing in the terms of Article 31§1.²³³

Article 31§2 obliges States Parties to gradually reduce homelessness with a view to its elimination.²³⁴ Reducing homelessness implies the introduction of measures such as providing immediate accommodation and care for homeless persons, as well as measures to help those persons overcome *their* difficulties and prevent a return to homelessness.²³⁵

²²⁹ [European Roma Rights Center \(ERRC\) v. Italy](#), Complaint No. 27/2004, decision on the merits of 7 December 2005, §26, citing [European Roma Rights Centre \(ERRC\) v. Greece](#), Complaint No. 15/2003, decision on the merits of 8 December 2004, §29

²³⁰ [European Roma Rights Center \(ERRC\) v. Italy](#), Complaint No. 27/2004, decision on the merits of 7 December 2005, §26; [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No. 39/2006, decision on the merits of 5 December 2007, §79

²³¹ [Conclusions 2003, France](#)

²³² [Conclusions 2015, Austria, Article 16](#)

²³³ [Conclusions 2003, Italy; Conference of European Churches \(CEC\) v. the Netherlands](#), Complaint No. 90/2013, decision on the merits of 1 July 2014, §135

²³⁴ [Conclusions 2003, Sweden](#)

²³⁵ [Conclusions 2003, Sweden](#)

Preventing homelessness

States Parties must take action to prevent certain categories of vulnerable people from becoming homeless. This requires States Parties to introduce a housing policy for all disadvantaged groups to ensure access to social housing and housing allowances. (cf. Article 31§3).²³⁶

Although State authorities enjoy a wide margin of discretion as to the measures to be taken in the field of urban planning, they must strike a balance between the general interest and the fundamental rights of the individuals and, in particular, the right to housing and its corollary of ensuring individuals do not become homeless.²³⁷

Protection against evictions

Forced eviction can be understood as covering situations involving the deprivation of housing that a person occupied due to insolvency or wrongful occupation.²³⁸ States Parties must set up procedural safeguards to limit the risk of eviction.²³⁹ Illegal occupation of a site or dwelling may justify the eviction of the illegal occupants.²⁴⁰ However, the criteria of illegal occupation must not be unduly wide, and evictions should be governed by rules of procedure sufficiently protective of the rights of the persons concerned and should be carried out according to these rules.²⁴¹

Legal protection for persons threatened by eviction must include, in particular, an obligation to consult the parties affected to find alternative solutions to eviction and an obligation to fix a reasonable notice period before eviction.²⁴² A notice period of one month in case of eviction due to insolvency or wrongful occupation is not reasonable.²⁴³

When evictions do take place, they must be carried out under conditions that respect the dignity of the persons concerned.²⁴⁴ The law must prohibit evictions carried out at night or during the winter period.²⁴⁵ When an eviction is justified by the public interest, authorities must adopt measures to re-house or financially assist the persons concerned.²⁴⁶

Domestic law must provide legal remedies and offer legal aid to those who are in need of seeking redress from the courts. Compensation for illegal evictions must also be provided.²⁴⁷

Right to shelter

In accordance with Article 31§2, homeless persons must be offered accommodation as an emergency solution.²⁴⁸ To ensure that the dignity of the persons sheltered is respected,

²³⁶ [Conclusions 2003, Sweden; Conclusions 2005, Lithuania; Conference of European Churches \(CEC\) v. the Netherlands](#), Complaint No. 90/2013, decision on the merits of 1 July 2014, §136

²³⁷ [Conclusions 2007, Italy](#)

²³⁸ [Conclusions 2003, Sweden; Conclusions 2019, Ukraine](#)

²³⁹ [Conclusions 2005, Lithuania](#)

²⁴⁰ [European Roma Rights Centre \(ERRC\) v. Greece](#), Complaint No. 15/2003, decision on the merits of 8 December 2004, §51

²⁴¹ [European Roma Rights Centre \(ERRC\) v. Greece](#), Complaint No. 15/2003, decision on the merits of 8 December 2004, §51

²⁴² [Conclusions 2003, Sweden](#)

²⁴³ [Conclusions 2019, Ukraine](#)

²⁴⁴ [Conclusions 2003, Sweden](#)

²⁴⁵ [Conclusions 2003, Sweden](#)

²⁴⁶ [Conclusions 2003, Sweden](#)

²⁴⁷ [Conclusions 2003, Sweden](#)

accommodation must meet health, safety and hygiene standards and, in particular, be equipped with basic amenities such as access to clean water and heating and sufficient lighting.²⁴⁹ Another basic requirement is the security of the immediate surroundings.²⁵⁰ However, temporary housing need not be subject to the same privacy, family life and suitability requirements as more permanent forms of standard housing, so long as the minimum requirements are met.²⁵¹

States Parties must provide sufficient places in emergency shelters²⁵² and the conditions in the shelters should be such as to enable living in keeping with human dignity.²⁵³

The temporary supply of shelter, however adequate, cannot be considered satisfactory.²⁵⁴ Individuals who are homeless should be provided with adequate housing within a reasonable period.²⁵⁵ In addition, measures should be taken to help such people overcome their difficulties and prevent them from returning to a situation of homelessness.²⁵⁶

The right to shelter should be adequately guaranteed for migrants, including unaccompanied migrant children, and asylum-seekers.²⁵⁷ States Parties are required to provide adequate shelter to children unlawfully present in their territory for as long as they are within their jurisdiction.²⁵⁸ Since the scope of Articles 31§2 and 17 overlaps to a large extent, the ECSR assesses the issue of the right to a shelter of unaccompanied foreign minors under the scope of Article 31§2 when States Parties have accepted both provisions.²⁵⁹ The housing of people in reception camps and temporary shelters which do not satisfy the standards of human dignity is in violation of the aforementioned requirements.²⁶⁰ States should develop detailed guidelines on standards of reception facilities, assuring adequate space and privacy for children and their families.²⁶¹

The exceptional nature of the situation resulting from an increasing influx of migrants and refugees and the difficulties for a State in managing the situation at its borders cannot absolve that State of its obligations under Article 31§2 of the Charter to provide shelter to

²⁴⁸ [Defence for Children International \(DCI\) v. the Netherlands](#), Complaint No. 47/2008, decision on the merits of 20 October 2009, §46

²⁴⁹ [Defence for Children International \(DCI\) v. the Netherlands](#), Complaint No. 47/2008, decision on the merits of 20 October 2009, §62

²⁵⁰ [Defence for Children International \(DCI\) v. the Netherlands](#), Complaint No. 47/2008, decision on the merits of 20 October 2009, §62

²⁵¹ [Defence for Children International \(DCI\) v. the Netherlands](#), Complaint No. 47/2008, decision on the merits of 20 October 2009, §62

²⁵² [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007, §107

²⁵³ [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007, §§ 108-109

²⁵⁴ [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007, §106

²⁵⁵ [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007, §106

²⁵⁶ [Conclusions 2003, Italy](#)

²⁵⁷ [Conclusions 2019, Greece](#)

²⁵⁸ [International Commission of Jurists \(ICJ\) and European Council for Refugees and Exiles \(ECRE\) v. Greece](#), Complaint No. 173/2018, decision on the merits of 26 January 2021, §117

²⁵⁹ [European Committee for Home-Based Priority Action for the Child and the Family \(EUROCEF\) v. France](#), Complaint No. 114/2015, decision on the merits of 24 January 2018, §173

²⁶⁰ [Defence for Children International \(DCI\) v. the Netherlands](#), Complaint No. 47/2008, decision on the merits of 20 October 2009, §62

²⁶¹ [International Commission of Jurists \(ICJ\) and European Council for Refugees and Exiles \(ECRE\) v. Greece](#), Complaint No. 173/2018, decision on the merits of 26 January 2021, §121 – link doesn't work

migrant and refugee children, in view of their specific needs and extreme vulnerability, or otherwise limit or dilute its responsibility under the Charter.²⁶²

The ECSR considers that eviction from shelters without the provision of alternative accommodation must be prohibited.²⁶³

Eviction from shelter of persons irregularly present within the territory of a State Party should be prohibited as it would place the persons concerned, particularly children, in a situation of extreme helplessness, which is contrary to the respect for their human dignity.²⁶⁴

States Parties are not obliged to provide alternative accommodation in the form of permanent housing within the meaning of Article 31§1 for migrants in an irregular situation.²⁶⁵

Opinion of the ECSR

The ECSR welcomes the Government's intention to implement measures on housing in the future. However, it notes that the written information submitted by the Government does not indicate any measure adopted during the reference period. Nor has there been any progress compared to the previous reporting period. It, therefore, considers that the situation in Armenia is not fully compatible with the requirements of the Charter.

Article 31§3 – The right to housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

3. to make the price of housing accessible to those without adequate resources

Situation in Armenia

Information regarding Article 31 is summarised under Article 31§1. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter - September 2024](#), submitted by Armenia).

ECSR interpretation (DIGEST)

An adequate supply of affordable housing must be ensured for persons with limited resources.²⁶⁶

Social housing

Housing is affordable if the household can afford to pay initial costs (deposit, advance rent), current rent and/or other housing-related costs (e.g. utility, maintenance and management charges) on a long-term basis while still being able to maintain a minimum standard of living, according to the standards defined by the society in which the household is located.²⁶⁷ In

²⁶² [International Commission of Jurists \(ICJ\) and European Council for Refugees and Exiles \(ECRE\) v. Greece](#), Complaint No. 173/2018, decision on the merits of 26 January 2021, §133 *idem*

²⁶³ [Conclusions 2015, Statement of Interpretation on Article 31§2](#)

²⁶⁴ [European Federation of National Organisations working with the Homeless \(FEANTSA\) v. the Netherlands](#), Complaint No. 86/2012, decision on the merits of 2 July 2014, §110

²⁶⁵ [European Federation of National Organisations working with the Homeless \(FEANTSA\) v. the Netherlands](#), Complaint No. 86/2012, decision on the merits of 2 July 2014, §60

²⁶⁶ [Conclusions 2003, Sweden](#)

²⁶⁷ [Conclusions 2003, Sweden](#)

order to establish that measures are being taken to make the price of housing accessible to those without adequate resources, States Parties to the Charter must show that the affordability ratio of the poorest applicants for housing is compatible with their level of income.²⁶⁸

States Parties must:

- adopt appropriate measures for the provision of housing, in particular social housing.²⁶⁹ Social housing should target, in particular, the most disadvantaged;²⁷⁰
- adopt measures to ensure that waiting periods for the allocation of housing are not excessive;²⁷¹ judicial or other remedies must be available when waiting periods are excessive.²⁷²

All the rights thus provided must be guaranteed without discrimination, in particular regarding Roma or Travellers wishing to live in mobile homes.²⁷³

Housing benefits

Under Article 31§3, States Parties are required to adopt comprehensive housing benefit systems to protect low income and disadvantaged sections of the population.²⁷⁴ Housing benefit is an individual right: all eligible households must receive it in practice; legal remedies must be available in case of refusal.²⁷⁵

The right to affordable housing must not be subject to any kind of discrimination on any grounds set out in Article E of the Charter.²⁷⁶

Opinion of the ECSR

The ECSR welcomes the Government's intention to implement measures on housing in the future. However, it notes that the written information submitted by the Government does not indicate any measure adopted during the reference period. Nor has there been any progress compared to the previous reporting period. The ECSR, therefore, considers that the situation in Armenia is not fully compatible with the requirements of the Charter.

²⁶⁸ [FEANTSA v. Slovenia](#), Complaint No. 53/2008, decision on the merits of 8 September 2009, §72.

²⁶⁹ [Conclusions 2003, Sweden](#)

²⁷⁰ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 98-100

²⁷¹ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §131

²⁷² [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §131

²⁷³ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 149155; [Conclusions 2019, France](#)

²⁷⁴ [Conclusions 2003, Sweden](#); [Conclusions 2019, Greece](#)

²⁷⁵ [Conclusions 2003, Sweden](#)

²⁷⁶ [Conclusions 2019, Turkey](#)

Appendix I

— Armenia and the European Social Charter —

Signatures, ratifications and accepted provisions

Armenia ratified the revised European Social Charter on 21 January 2004 and has accepted 67 of the 98 paragraphs. It has not accepted the collective complaints procedure.

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](#).

Update: April 2024
Charter

Department of the European Social

Factsheet - ARMENIA
Law

Directorate General Human rights and the Rule of

Monitoring the implementation of the European Social Charter²⁷⁷

²⁷⁷ 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

I. Reporting system²⁷⁸

Reports submitted by Armenia

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

The [17th report](#), which was submitted on 7 February 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](#)²⁷⁹.

Situations of non-conformity²⁸⁰

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

► *Article 1§1 – Right to work – Policy of full employment*

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

► *Article 1§2 – 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 for 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.

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.

²⁷⁸ 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](#)

²⁷⁹ 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.

²⁸⁰ Further information on the situations of non-conformity is available on the [HUDOC database](#).

► *Article 15§3 - Right to work - Free placement services*

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

► *Article 15§3 – 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 to transport.

► *Article 18§2 - 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 3§1 – 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, the training of qualified professionals, the definition of training programmes or the certification of processes.

► *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 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 the 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 harmful acts other than 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 for 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

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 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 from the misuse of information technologies are not adequate.
- Measures taken to protect children from 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 have not been taken to eliminate all legal and *de facto* discrimination against migrant workers and their families regarding accommodation.
- Effective monitoring procedures and an effective right of appeal before an independent body concerning the rights guaranteed 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*

- The period of time granted to foreigners whose residence permit expired prior to any expulsion, during which the police must notify the person about the decision concerning his/her residency status, and the time limit for obtaining a valid residence status, leaving the country or appealing that decision, are inadequate.
- The courts, when examining the risk of violation of human rights in the event of expulsion, do not take into account the Charter's requirements set out in Article 19§8 and assess the proportionality of the expulsion by taking into account all aspects of the behaviour of foreign nationals.

► *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 the 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”

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 in 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 1 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 ensuring the health and safety of employees during employment. It lays down the obligations of the parties to the social partnership, which include enhancing the role of trade unions, as well as legislation to increase the economic interest and responsibility of employers, assistance in the drafting and introducing the rules and standards to ensure the safety and health of employees, promoting the development of an occupational safety policy within organisations, and introducing modern systems for monitoring 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 non-commercial state 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, from 2014, in disability pensions for the first and second disability groups.
- ▶ The Committee notes from the report that, in 2014, the Law on social benefits entered into force and that the Law on social assistance entered into force on 1 January 2015. In the course of 2012-2015, changes were made to the family (or social) benefits system, mainly with regard to improving the procedure and administration of assessing families' level of need. As a result, low-income families, especially those with one child also became eligible for 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 must 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 only be employed for temporary work that does not harm their 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 is not permitted, with the only exception of cases where 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 jobs and the organisation of work 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 to replace “temporary incapacity benefits” for pregnant women or those on maternity leave by “maternity benefits”.

APPENDIX II



PRESIDENCY OF LITHUANIA
Council of Europe
May – November 2024

PRÉSIDENCE DE LA LITUANIE
Conseil de l'Europe
Mai – Novembre 2024



MINISTRY
OF SOCIAL SECURITY AND LABOUR
REPUBLIC OF LITHUANIA



European
Social
Charter

Charte
sociale
européenne



High-Level Conference on the European Social Charter *“a step by member States to take further commitments under the Charter”* 3-4 July 2024, Vilnius, Lithuania

VILNIUS DECLARATION

1. In the Reykjavik Declaration (May 2023), the Heads of State and Government of the Council of Europe confirmed that “[s]ocial justice is crucial for democratic stability and security” and “reaffirm[ed their] full commitment to the protection and implementation of social rights as guaranteed by the European Social Charter system”. They proposed the holding of a high-level conference on the European Social Charter (ETS No. 35, (revised) ETS No. 163, “the Charter”) “as a step to take further commitments under the Charter where possible”.
2. At the 133rd Ministerial Session on 17 May 2024, the Committee of Ministers reiterated that social justice and the Council of Europe’s action on social rights play a crucial role for democratic stability and security. The Ministers restated their commitment to the European Social Charter system and, in their decisions, underlined the importance of the Charter and its monitoring procedures, and welcomed the organisation of a high-level conference.
3. Following the principles set out in the Vienna Declaration and Programme of Action (adopted in 1993 at the World Conference on Human Rights), all “human rights are universal, indivisible, interdependent and interrelated”. These rights include social rights, such as rights related to work, education, housing, social protection, health and well-being, and the human rights aspects of the environment. Combating inequality and social exclusion is vital for all, especially for disadvantaged individuals. It is also crucial for the implementation of the Sustainable Development Goals as defined by the United Nations 2030 Agenda for Sustainable Development.
4. The Council of Europe was established in the belief “that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation”. Social progress was enshrined in the Statute of the Council of Europe (ETS No. 1) as a cornerstone of lasting peace. The Russian Federation’s ongoing war of aggression against Ukraine has had both immediate and lasting fallout as regards the enjoyment of human rights, including social rights for Ukrainians and all persons affected, and, very significantly, for women and children. The repercussions were and continue to be felt across Europe and throughout the world, including on the global economy and trade, particularly with increases in the cost of living and worsening food insecurity.
5. Social justice and the respect for, and the protection and implementation of social rights, as guaranteed in particular by the European Social Charter system, are crucial for promoting democratic security and stability. It is also very important to respond to new or emerging challenges and avoid the risk of further erosion of social rights protection and increasing inequalities, in order to maintain social cohesion in our societies.

6. Through its monitoring, reporting and collective complaints mechanisms, the Charter provides effective governance inputs, through both the European Committee of Social Rights and the Governmental Committee of the European Social Charter and European Code of Social Security ("the Governmental Committee"), in the pursuit of social justice and the protection of social rights.
7. On the occasion of this High-Level Conference, which coincides with the 25th anniversary of the entry into force of the revised European Social Charter and the 75th anniversary of the Council of Europe, the representatives of Council of Europe member States:
 - a. underline the importance of having a robust and responsive social rights framework across Europe, underpinned in particular by relevant treaty law, including the European Social Charter system. It is the collective duty of member States to promote respect for, and the continuing development of, social rights, both as human rights and also as vectors of economic growth, social progress and social cohesion, peace, security and stability;
 - b. affirm that military aggression and breaches of peace are incompatible with States' human rights obligations in general, and, in particular, with their social rights obligations; in this context, welcome the solidarity shown towards the people of Ukraine and the social protection offered by Council of Europe member States to those who are temporarily displaced;
 - c. acknowledge the possibility offered by the Charter for States Parties to increase progressively their commitments aimed at respecting, protecting and implementing social rights, a process that can and should be further strengthened through constructive and enhanced dialogue between the competent national authorities and the organs of the Charter, together with social partners;
 - d. welcome the commitment of member States of the Council of Europe to promote social justice and, in particular, the efforts made by member States to accept a high level of commitment to social rights, and the effective action taken by the States Parties to the European Social Charter to address the findings and conclusions of the European Committee of Social Rights when necessary;
 - e. recall that the Council of Europe Development Bank, in line with its unique social mandate, contributes to strengthening social cohesion through projects with social value in its member countries;
 - f. welcome the decisions adopted by the Council of Europe Committee of Ministers to improve the implementation of the Charter system and its monitoring arrangements. This includes an invitation to the European Committee of Social Rights to apply, where possible, the existing Charter provisions to new and emerging social policy challenges and to strengthen the role of the Governmental Committee in respect of follow-up and reflection;
 - g. acknowledge the crucial role of national executives and legislatures in strengthening the protection of social rights through legislative action, in particular the part parliaments play in the ratification process of international treaties, and the acceptance of additional commitments under the Charter.
8. Consequently, the representatives of Council of Europe member States:
 - a. commit to respect, protect and implement social rights in general and, for the States Parties to the Charter, to pay continued attention to the challenges and opportunities to implement the Charter's requirements and, to this end, encourage States Parties to make full use of all available possibilities for enhanced dialogue between the organs of the Charter, States Parties and social partners;
 - b. encourage member States to consider ratifying the revised European Social Charter (1996) in an effort, alongside the policy approaches of member States, to support the Council of Europe's stated aim of facilitating economic and social progress;
 - c. propose to keep under review the possibilities for acceptance of additional commitments under the Charter, including the collective complaints procedure;

- d. invite the Committee of Ministers of the Council of Europe to:
- i. enable further discussions with national as well as competent local and regional authorities, and social partners, in order to promote a rights-based approach to social policy and the sharing of knowledge and good practice in responding to persistent and emerging common problems and challenges. The following areas might be covered:
 - inequalities, low incomes and social exclusion, housing and demographic change;
 - any form of discrimination having an impact on the full enjoyment of social rights;
 - the social rights dimension related to the Reykjavik Declaration commitment “to [strengthen the] work on the human rights aspects of the environment”;
 - persistent and emerging challenges in the area of work, with the necessary attention being paid to freedom of association and collective bargaining, new forms of employment, the transition to a green economy, digitalisation, including the advent of artificial intelligence, technological change, work-life balance and, very significantly, the questions of participation and dignity (such as the protection against all forms of harassment, including sexual harassment) in the workplace;
 - ii. give increased priority to co-operation activities in the field of social rights with a view to improving the implementation of the Charter in the light of the monitoring outcomes of the European Committee of Social Rights and related Committee of Ministers recommendations. The “social rights” component of the Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026, is an inspiring example of such activities;
 - iii. ensure co-operation among Council of Europe entities and committees in the area of social rights, and continue to work together while exploring possibilities to increase co-operation with other international organisations as well as with the European Union in promoting social rights as guaranteed by the European Social Charter and its protocols;
 - iv. remain open to considering possible measures for further optimising the Charter system;
 - v. explore regularly the need to convene this High-Level Conference to address contemporary social policy challenges, also taking into account the expected outcomes.