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EUROPEAN SOCIAL CHARTER

13

13th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF ARMENIA

Article 7, 8, 17, 19 and 27

for the period 01/01/2014 - 31/12/2017

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Annex
to Decision of the Government of
the Republic of Armenia
No 104-L of 15 February 2019

EUROPEAN SOCIAL CHARTER

(REVISED)

Report of the Republic of Armenia

Articles 7, 8, 17, 19, 27

Reporting period: 2014-2017

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

Article 7.1.

Information with regard to developments undertaken during the reporting period and to questions submitted by the European Committee of Social Rights (hereinafter referred to as "the Committee")

Part 4 of Article 57 of the Constitution of the Republic of Armenia in the wording of 6 December 2015 prescribes that admission of children under the age of sixteen to permanent employment shall be prohibited. The procedure and conditions for admission to temporary employment shall be prescribed by law.

On 22 June 2015 Law HO-96-N "On making supplements and amendments to the Labour Code of the Republic of Armenia" was adopted (entered into force on 22 October 2015) whereby amendments and supplements were made to the Labour Code of the Republic of Armenia in respect of the regulations concerning the employment of children. In particular:

- part 2.1 of Article 17 of the Code has been amended, pursuant to which, persons between the ages of fourteen and sixteen may be involved only in temporary works not causing damage to health, safety, education and morality thereof in compliance with points 4 and 5 of part 1 of Article 89, point 1 of part 3 of Article 91, Article 101, point 4 of part 1 of Article 140, part 1.1 of Article 143, part 3 of Article 148, part 4 of Article 149, part 2 of Article 153, part 2 of Article 154, part 7 of Article 155, point 1 of part 4 of Article 164, part 3 of Article 209, part 2 of Article 240, part 1 of Article 249 and Article 257 of this Code;
- Article 17 of the Code has been supplemented by part 2.2, which prescribes that persons under the age of fourteen may be involved in the creation of works (creative work) and/or performance within organisations for cinematography, sports, the performing arts and concerts, the circus, television and radio, in case of written consent of one of the parents, or adopter, or guardian, or guardianship or curatorship body, which must not cause harm to their health and morality, as well as must not impede their education and safety;
- part 4 of Article 17 of the Code has been amended and prescribed that a temporary employment

contract shall be concluded with persons under the age of 16;

- the amendment made to part 1 of Article 85 of the Code has prescribed that written employment contract shall be concluded in two copies, through the preparation of one document signed by the parties, and in case of employment contracts concluded with workers under the age of fourteen, the employment contract shall be signed by one of the parents, or adopter, or guardian, one copy of which the employer shall hand to the employee, and, in case employment relations arise with the participation of a person under the age of fourteen, to one of the parents, or to the adopter, or to the guardian;
- following the amendment made to part 1 of Article 140 of the Code it has been stipulated that shorter working time shall be set for:

  (1) children under the age of seven — up to two hours a day, but not more than four hours a week;

  (2) children between the ages of seven and twelve — up to three hours a day, but not more than six hours a week;

  (3) children between the ages of twelve and fourteen — up to four hours a day, but not more than twelve hours a week;

  (4) employees between the ages of fourteen and sixteen — up to 24 hours a week;

  (5) employees between the ages of sixteen and eighteen — up to 36 hours a week;

- Article 143 of the Code has been supplemented by part 1.1, pursuant to which, calculation of the working time may not be applied to employees under the age of eighteen;
- part 2 of Article 154 of the Code has been amended and it has prescribed that the duration of daily uninterrupted rest for employees between the ages of fourteen and sixteen may not be less than 16 hours, whereas for employees between the ages of sixteen and eighteen it may not be less than 12 hours and shall include the period from 22:00 to 06:00.

Thus, based on the fact that a temporary employment contract is concluded with persons under the age of sixteen (pursuant to Article 101 of the Labour Code, a temporary

employment contract shall be an employment contract concluded for a period of up to two months), persons under the age of sixteen may perform works in compliance with the requirements of the Code for a period of up to two months.

Part 2 of Article 154 of the Labour Code prescribes that the duration of daily uninterrupted rest for employees between the ages of fourteen and sixteen may not be less than 16 hours, whereas for employees between the ages of sixteen and eighteen it may not be less than 12 hours and shall include the period from 22:00 to 06:00.

Pursuant to part 1 of Article 152 of the Code, after the end of the first half of the working day (shift) but not later than four hours after starting the work the employees shall be provided with a break for rest and meal for no longer than two hours and not less than half an hour. The mentioned requirement refers to all employees.

At the same time, part 2 of Article 153 (Additional and special breaks) of the Labour Code prescribes that employees under the age of eighteen, whose working time exceeds 4 hours, shall be granted additional break for at least 30 minutes for rest during the working time.

It is obvious from the comparison of the mentioned provisions of the Labour Code that in all cases when the working time of the employees under the age of 18 exceeds 4 hours, besides the break for rest and meal (which, pursuant to part 1 of Article 152 of the Code, must be at least half an hour and at most 2 hours), they shall be granted additional break for at least 30 minutes for rest during the working time, pursuant to part 2 of Article 153 of the Code.

As a result of comparison of the requirements of part 1 of Article 152, part 2 of Article 153, part 2 of Article 154 of the Code, it becomes obvious that for employees between the ages of fourteen and sixteen the working time may be at most 7 hours and this is due to the fact when, for instance, the working time of the employees exceeds 4 hours, he or she is granted, for instance, a break for not less than thirty minutes for rest and meal and additional break for not less than thirty minutes. Whereas, concurrently taking into

consideration also the requirement of part 2.1 of Article 17 of the Code particularly concerning the fact that persons between the ages of fourteen and sixteen may be involved only in temporary works not causing damage to health, safety, education and morality, thereof, it follows that the persons of the mentioned age must perform the works during the hours that do not cause damage to their education, *i.e.* beyond the hours of mandatory education. Therefore, taking into consideration also this requirement, it follows that for children at the age of compulsory education the daily working time will be less than 7 hours.

For persons under the age of fourteen and between the ages of fourteen and sixteen the legislation of the Republic of Armenia stipulates the following regulations:

1. the Labour Code prescribes that written employment contract shall be concluded in two copies, through the preparation of one document signed by the parties, and in case of employment contracts concluded with workers under the age of fourteen, the employment contract shall be signed by one of the parents, or adopter, or guardian, one copy of which the employer shall hand to the employee, and, in case employment relations arise with the participation of a person under the age of fourteen, to one of the parents, or to the adopter, or to the guardian (part 1 of Article 85).
2. When accepting for employment persons under the age of eighteen, the employer shall be obliged to request a statement on health condition, as well as written consent of one of the parents, an adopter or a curator or a guardian (parts 4 and 5 of Article 89(1)).
3. The probation period may not be set in case of accepting for employment persons under the age of eighteen (point 1 of part 3 of Article 91).
4. A temporary employment contract shall be concluded with them for a period of up to two months (Article 101).
5. Shorter working time shall be set for:

(1) children under the age of seven — up to two hours a day, but not more than four hours a week;

(2) children between the ages of seven and twelve — up to three hours a day, but not more than six hours a week;

(3) children between the ages of twelve and fourteen — up to four hours a day, but not more than twelve hours a week;

(4) employees between the ages of fourteen and sixteen — up to 24 hours a week (part 1 of Article 140).

6. Calculation of the working time shall be prohibited for employees under the age of eighteen (part 1.1 of Article 143).

7. Persons under the age of eighteen shall not be allowed to be engaged in night work (part 3 of Article 148).

8. Employees under the age of eighteen shall not be allowed to be engaged in duty work (part 4 of Article 149).

9. Employees under the age of eighteen, whose working time exceeds 4 hours, must be granted additional break for at least 30 minutes for rest during the working time (part 2 of Article 153).

10. Employees under the age of eighteen are granted at least two rest days per week (part 7 of Article 155).

11. After six months of uninterrupted work, the employees under the age of eighteen shall have the right to choose the time of the annual leave (point 1 of part 4 of Article 164).

12. Employees under the age of eighteen shall be prohibited to be sent on a business trip alone (part 3 of Article 209).

13. An agreement on full material liability may not be concluded with employees under the age of eighteen (part 2 of Article 240).

14. Employees under the age of eighteen shall be obliged to undergo a medical examination when being accepted for employment, whereas until reaching the age of eighteen — with prescribed periodicity.

    The periodic medical examination of employees under the age of eighteen is conducted at the expense of the employer (part 1 of Article 249).

15. The employment contract shall be rescinded where the employee is under the age of sixteen, and one of the parents, an adopter or a curator, or a guardian, a physician carrying out medical control over his or her health or an officer of the authorised body of the Government of the Republic of Armenia for the assurance of labour safety requires rescission of the employment contract.

16. Engaging persons under the age of eighteen in heavy, harmful, especially heavy, especially harmful works established by the legislation of the Republic of Armenia, as well as in other cases prescribed by law, shall be prohibited (Article 257).

Within the framework of point 1 of Article 7 of the Charter it is stated that the Committee considers that the situation does not comply with point 1 of Article 7 of the Charter as the definition of the light work is not clear as there is no description of types of works deemed light or list of works not deemed light.

In the comment on point 1 of Article 7 in the Analytical Summary of Case Law of the Charter it is stated that point 1 of Article 7 envisages an exception in relation to light work, *i.e.* work that does not create risks to health, morality, well-being, development and education of children. States are obliged to define the types of works that may be deemed light, or at least draw up the list of works that are not light.

In relation to the regulations pertaining to the light work it should be mentioned that Article 257 of the Labour Code prescribes that engaging persons under the age of eighteen in heavy, harmful, especially heavy, especially harmful works established by the legislation of the Republic of Armenia, as well as in other cases prescribed by law, shall be prohibited.

At the same time, Article 183 of the Labour Code prescribes that the employee shall be paid a bonus for performing heavy, harmful, especially heavy and especially harmful works prescribed by the legislation of the Republic of Armenia. The employee shall be paid a bonus not less than 30 percent of his or her tariff salary for performing works prescribed by the list of heavy and harmful productions, works, occupations and positions, and not less than 50 percent for performing works prescribed by the list of especially heavy, especially harmful productions, works, occupations and positions.

For all employees in general, pursuant to Article 183 of the Labour Code, the lists of heavy and harmful productions, works, occupations and positions and of especially heavy, especially harmful productions, works, occupations and positions have been approved by Decision of the Government of the Republic of Armenia No 1698-N of 2 December 2010 and for the works included therein bonuses are paid to employees under Article 183 of the Labour Code.

In addition to the above-mentioned list, the list of occupations deemed heavy and harmful for persons under the age of 18, pregnant women and women taking care of a child under the age of one year has been approved by Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005.

Thus, the legislation of the Republic of Armenia prescribes the lists of heavy and harmful productions, works, occupations and positions and of especially heavy, especially harmful productions, works, occupations and positions (for the works included wherein bonuses are paid to employees under Article 183 of the Labour Code) for all employees, as well as prescribes a separate list of works deemed heavy and harmful for persons under the age of 18, pregnant women and women taking care of a child under the age of one year.

Engaging persons under the age of eighteen in the works indicated in the lists approved by the above-mentioned two decisions (Decision of the Government of the Republic of Armenia No 1698-N of 2 December 2010 and Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005) shall be prohibited.

It should also be mentioned that the State Healthcare Inspectorate of the Staff of the Ministry of Healthcare of the Republic of Armenia, established as a result of reorganisation in the form of a merger between Hygiene and Anti-Epidemiological Inspectorate of the Ministry of Healthcare of the Republic of Armenia and the State Labour Inspectorate of the Republic of Armenia of the Ministry of Labour and Social Affairs of the Republic of Armenia upon Decision of the Government of the Republic of Armenia No 857-N of 25 July 2013, has been liquidated by Decision of the Government of the Republic of Armenia No 444-N of 27 April 2017, and pursuant to the mentioned Decision, the Healthcare Inspection Body (Inspection Body) of the Ministry of Healthcare of the Republic of Armenia was established. The Statute of the Healthcare Inspection Body of the Ministry of Healthcare of the Republic of Armenia reserved thereto the supervision over the relations pertaining to the maintenance of health and ensuring of safety of employees and the supervision over ensuring the guarantees prescribed by the labour legislation for persons under the age of 18, as well as pregnant women or breast-feeding women and employees taking care of a child.

At the same time, it is worth mentioning that the Law of the Republic of Armenia "On bodies of state administration system" adopted on 23 March 2018 by the National Assembly of the Republic of Armenia (entered into force on 9 April 2018) has provided that the Healthcare and Labour Inspection Body would function within the composition of the bodies subordinate to the Government.

Pursuant to the above-mentioned Law, Decision of the Government of the Republic of Armenia No 444-N of 27 April 2017 “On establishing the Healthcare Inspection Body of the Ministry of Healthcare of the Republic of Armenia, approving the Statute and structure of the Healthcare Inspection Body of the Ministry of Healthcare of the Republic of Armenia, making amendments and supplements to Decision of the Government of the Republic of Armenia No 1300-N of 15 August 2002, on making amendments to Decision No 857-N of 25 July 2013 and repealing Decision No 1293-A of 14 November 2013” and thus the Statute of the Healthcare Inspection Body of the Ministry of Healthcare of the Republic of Armenia approved thereby have been repealed by Decision of the

Government of the Republic of Armenia No 705-N of 8 June 2018.

Then, the Statute of the Healthcare and Labour Inspection Body of the Republic of Armenia has been approved by Decision of the Prime Minister of the Republic of Armenia No 755-L of 11 June 2018 (entered into force on 19 July 2018). Pursuant to the Statute, the supervision over the relations pertaining to the maintenance of health and ensuring the safety of employees and the supervision over ensuring the guarantees prescribed by the labour legislation for persons under the age of 18, as well as pregnant women or breast-feeding women and employees taking care of a child have been reserved to the Healthcare and Labour Inspection Body.

Within the framework of inspection reforms carried out in the Republic of Armenia, the State Hygiene and Anti-Epidemic Inspectorate of the Ministry of Healthcare of the Republic of Armenia and the State Labour Inspectorate of the Republic of Armenia of the Ministry of Labour and Social Affairs of the Republic of Armenia were reorganised by way of merging into the State Healthcare Inspectorate of the Staff of the Ministry of Healthcare of the Republic of Armenia by Decision of the Government of the Republic of Armenia No 857-N of 25 July 2013 and was the legal successor of the State Labour Inspectorate of the Republic of Armenia.

In 2014-2015, the State Healthcare Inspectorate of the Staff of the Ministry of Healthcare of the Republic of Armenia conducted inspections related to the application of norms of the labour legislation to employees, as a result of which 4 cases of breach of guarantees prescribed by the labour legislation of the Republic of Armenia for persons under the age of 18 were registered, in 2 cases out of which the employees under the age of 18 were engaged in harmful works, and in other 2 cases the requirement for observing the prescribed working time was violated.

An administrative penalty was imposed on the employers for the recorded violations under Article 41 of the Code of the Republic of Armenia "On administrative offences", by applying a warning.

In compliance with the Law of the Republic of Armenia "On inspection bodies", the Healthcare Inspection Body of the Ministry of Healthcare of the Republic of Armenia has been established under point 1 of Decision of the Government of the Republic of Armenia No 444 of 27 April 2017, and the State Healthcare Inspectorate of the Ministry of Healthcare of the Republic of Armenia has been liquidated since 21 August 2017 under point 10 of the same Decision.

Pursuant to Decision of the Prime Minister of the Republic of Armenia No 755-L of 11 June 2018, the Healthcare Inspection Body of the Ministry of Healthcare of the Republic of Armenia has been reorganised into Healthcare and Labour Inspection Body subordinate to the Government of the Republic of Armenia (Inspection Body).

Sub-point 10 of point 11 of the Statute of the Inspection Body approved by Decision of the Prime Minister of the Republic of Armenia No 755-L of 11 June 2018 prescribes the powers of the Inspection Body to exercise supervision over the application of norms of maintaining the health and ensuring the safety of employees in cases and in the manner prescribed by law, of which, according to paragraph (d) of the same sub-point, the power to exercise supervision over ensuring the guarantees prescribed by the labour legislation for persons under the age of 18, as well as pregnant or breast-feeding women and employees taking care of a child.

The Inspection Body shall exercise the supervision in compliance with the Law of the Republic of Armenia "On organising and conducting inspections in the Republic of Armenia". Pursuant to part 1 of Article 1 of the same Law, "This Law shall regulate the relations pertaining to the organisation and conduct of inspections and examinations in commercial and non-commercial organisations, institutions (including a foreign legal person), a branch of a legal person or representative office registered in the Republic of Armenia or in foreign states and carrying out activities in the territory of the Republic of Armenia, local self-government bodies, as well as of the activities of individual entrepreneurs (economic operators), and shall prescribe the unified procedure for conducting them." Thus, inspections shall be conducted with the economic operators —

employers that have received a state registration only as prescribed by law.

The Inspection Body shall examine and impose administrative fines under part 19 of Article 158 of the Code of the Republic of Armenia "On administrative offences" (with amendments of 23 March 2018), pursuant to which, engaging persons under the age of 18 in the sale of tobacco, alcoholic beverages, narcotic drugs and psychotropic substances, literature and videotapes containing horror or pornography shall entail the imposition of a fine in the amount of hundred-fold of the prescribed minimum salary.

Article 7.2.

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

Article 257 of the Labour Code of the Republic of Armenia prescribes that engaging persons under the age of eighteen in heavy, harmful, especially heavy, especially harmful works established by the legislation of the Republic of Armenia, as well as in other cases prescribed by law, shall be prohibited.

At the same time, Article 183 of the Code prescribes that the employee shall be paid an additional payment for performing heavy, harmful, especially heavy and especially harmful works prescribed by the legislation of the Republic of Armenia. The employee shall be paid a bonus not less than 30 percent of his or her tariff salary for performing works prescribed by the list of heavy and harmful productions, works, occupations and positions, and not less than 50 percent for performing works prescribed by the list of especially heavy, especially harmful productions, works, occupations and positions.

For all employees in general, pursuant to Article 183 of the Labour Code, the lists of heavy and harmful productions, works, occupations and positions and of especially heavy, especially harmful productions, works, occupations and positions have been approved by Decision of the Government of the Republic of Armenia No 1698-N of 2 December 2010 and for the works included therein bonuses are paid to employees

under Article 183 of the Labour Code.

In addition to the above-mentioned list, the list of occupations deemed heavy and harmful for persons under the age of 18, pregnant women and women taking care of a child under the age of one year has been approved by Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005.

Thus, the legislation of the Republic of Armenia prescribes the lists of heavy and harmful productions, works, occupations and positions and of especially heavy, especially harmful productions, works, occupations and positions (for the works included wherein bonuses are paid to employees under Article 183 of the Labour Code) for all employees, as well as prescribes a separate list of works deemed heavy and harmful for persons under the age of 18, pregnant women and women taking care of a child under the age of one year.

Engaging persons under the age of eighteen in the works indicated in the lists approved by the above-mentioned two decisions (Decision of the Government of the Republic of Armenia No 1698-N of 2 December 2010 and Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005) shall be prohibited.

Pursuant to Article 19 of the Law of the Republic of Armenia “On the rights of the child”, "Engaging a child in the production, use or sales of alcoholic beverages, narcotic drugs and psychotropic substances, tobacco, literature and video tapes containing erotica and horror, as well as in such works which may harm his or her health, physical and mental development, hinder him or her from receiving education shall be prohibited."

The technical regulations in force in the Republic of Armenia also prescribe a minimum age — 18 years old — for the performance of certain works. For instance, Technical Regulation "Rules of operation safety of steam power equipment of power stations and heat network" approved by Decision of the Government of the Republic of Armenia No 144-N of 15 January 2009 prescribes that performance of independent climbing works shall be allowed to persons having attained the age of 18. Technical Regulation "The

minimum requirements for the construction and operation of NGV-refuelling compressor station (NGVRCS)" approved by Decision of the Government of the Republic of Armenia No 1101-N of 28 August 2008 prescribes that for the performance of gas hazardous works the employee must be a person having attained the age of 18.

The information on the processes carried out within the framework of inspection reforms, as well as the information concerning the supervision is introduced under point 1 of Article 7 of the Charter.

Article 7.3.

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

Part 4 of Article 57 of the Constitution of the Republic of Armenia in the wording of 6 December 2015 prescribes that admission of children under the age of sixteen to permanent employment shall be prohibited. The procedure and conditions for admission to temporary employment shall be prescribed by law.

On 22 June 2015 Law HO-96-N "On making supplements and amendments to the Labour Code of the Republic of Armenia" was adopted (entered into force on 22 October 2015) whereby amendments and supplements were made to the Labour Code of the Republic of Armenia in respect of the regulations concerning the employment of children. In particular:

- part 2.1 of Article 17 of the Labour Code has been amended, pursuant to which, persons between the ages of fourteen and sixteen may be involved only in temporary works not causing damage to health, safety, education and morality thereof in compliance with points 4 and 5 of part 1 of Article 89, point 1 of part 3 of Article 91, Article 101, point 4 of part 1 of Article 140, part 1.1 of Article

143, part 3 of Article 148, part 4 of Article 149, part 2 of Article 153, part 2 of Article 154, part 7 of Article 155, point 1 of part 4 of Article 164, part 3 of Article 209, part 2 of Article 240, part 1 of Article 249 and Article 257 of this Code;

- part 2.2 has been added to Article 17 of the Labour Code which prescribes that persons under the age of fourteen may be involved in the creation of works (creative work) and/or performance within organisations for cinematography, sports, the performing arts and concerts, the circus, television and radio, in case of written consent of one of the parents, or adopter, or guardian, or guardianship or curatorship body which must not cause harm to their health and morality, as well as must not impede their education and safety;
- part 4 of Article 17 of the Labour Code has been amended, which prescribes that a temporary employment contract shall be concluded with persons under the age of sixteen;
- the amendment made to part 1 of Article 85 of the Labour Code has prescribed that written employment contract shall be concluded in two copies, through the preparation of one document signed by the parties, and in case of employment contracts concluded with workers under the age of fourteen, the employment contract shall be signed by one of the parents, or adopter, or guardian, one copy of which the employer shall hand to the employee, and, in case employment relations arise with the participation of a person under the age of fourteen, to one of the parents, or to the adopter, or to the guardian;
- following the amendment made to part 1 of Article 140 of the Labour Code it has been stipulated that shorter working time shall be set for:

(1) children under the age of seven — up to two hours a day, but not more than four hours a week;

(2) children between the ages of seven and twelve — up to three hours a day, but not more than six hours a week;

(3) children between the ages of twelve and fourteen — up to four hours a day, but not more than twelve hours a week;

(4) employees between the ages of fourteen and sixteen — up to 24 hours a week;

(5) employees between the ages of sixteen and eighteen — up to 36 hours a week.

- Article 143 of the Labour Code has been supplemented by Part 1.1, pursuant to which, calculation of the working time may not be applied to employees under the age of eighteen;

- part 2 of Article 154 of the Code has been amended. It prescribes that the duration of daily uninterrupted rest for employees between the ages of fourteen and sixteen may not be less than 16 hours, whereas for employees between the ages of sixteen and eighteen it may not be less than 12 hours and shall include the period from 22:00 to 06:00.

Thus, based on the fact that a temporary employment contract is concluded with persons under the age of sixteen (pursuant to Article 101 of the Code, a temporary employment contract shall be an employment contract concluded for a period of up to two months), persons under the age of sixteen may perform works in compliance with the requirements of the Code for a period of up to two months.

In response to the question of the Committee whether during the summer vacations the duration of the rest lasts at least two consecutive weeks, it should be mentioned that during the three-month summer vacations an employment contract for a period of maximum two months shall be concluded based on the requirements of part 4 of Article 17 and part 1 of Article 101 of the Code, in which case the duration of the leave of the employee may constitute 3 working days in case of the five-day working week and 4 working days in case of the six-day working week (pursuant to part 1 of Article 159 of the Code, the duration of the minimum annual leave, in the case of the five-day working week, is 20 working days, and in the case of the six-day working week, 24 working days.)

Where the temporary employment contract has been concluded with the employee in summer months, the leave with the above-mentioned duration (3 working days in case of the five-day working week and 4 working days in case the six-day working week) will be granted in those months.

Part 2 of Article 154 of the Labour Code prescribes that the duration of daily uninterrupted rest for employees between the ages of fourteen and sixteen may not be

less than 16 hours, whereas for employees between the ages of sixteen and eighteen it may not be less than 12 hours and shall include the period from 22:00 to 06:00.

Pursuant to part 1 of Article 152 of the Labour Code, after the end of the first half of the working day (shift) but not later than four hours after starting the work the employees shall be provided with a break for rest and meal for no longer than two hours and not less than half an hour. The mentioned requirement refers to all employees.

At the same time, part 2 of Article 153 (Additional and special breaks) of the Labour Code prescribes that employees under the age of eighteen, whose working time exceeds four hours, shall be granted additional break for at least 30 minutes for rest during the working time.

It is obvious from the comparison of the mentioned provisions of the Labour Code that in all cases when the working time of the employees under the age of 18 exceeds 4 hours, besides the break for rest and meal (which, pursuant to part 1 of Article 152 of the Code, must be at least half an hour, at most 2 hours), they are required to be granted additional break for at least 30 minutes for rest during the working time.

As a result of comparison of the requirements of part 1 of Article 152, part 2 of Article 153, part 2 of Article 154 of the Labour Code, it becomes obvious that for employees between the ages of fourteen and sixteen the working time may be at most 7 hours and this is due to the fact, when, for instance, the working time of the employees exceeds 4 hours, he or she is granted, for instance, a break for not less than thirty minutes for rest and meal and additional break for not less than thirty minutes. Whereas, concurrently taking into consideration also the requirement of part 2.1 of Article 17 of the Code particularly concerning the fact that persons between the ages of fourteen and sixteen may be involved only in temporary works not causing damage to health, safety, education and morality thereof, it follows that the persons of the mentioned age must perform the works during the hours that do not cause damage to their education. This means beyond the hours of compulsory education. Therefore, taking into consideration also this requirement, it follows that for children at the age of compulsory education the

daily working time will be less than 7 hours.

With regard to the question of the Committee under what conditions children subject to compulsory education participate in sporting events or artistic activities (for instance, whether the consent of the parent or coordinator is required), it should be mentioned that the participation of a child in sporting, cultural or other events is ensured if the child wishes so and the parent consents. Pursuant to part 2 of Article 17 of the Labour Code, persons between the ages of fourteen and sixteen working under an employment contract by the written consent of one of the parents or an adopter or a curator shall be considered as employees.

Pursuant to point 5 of part 1 of Article 89 of the Labour Code, for concluding an employment contract the employer shall be obliged to require also the written consent of one of the parents, or of an adopter, or a curator, or a guardian where a juvenile citizen under the age of sixteen is accepted for employment.

As regards the regulations on light work, the relevant information is introduced within the framework of questions submitted with regard to point 1 of Article 7 of the Charter.

The information on the processes carried out within the framework of inspection reforms is introduced under point 1 of Article 7 of the Charter.

On 1 June 2017, the relevant provision of part 7 of Article 18 of the Law of the Republic of Armenia "On education" entered into force, pursuant to which, "In the Republic of Armenia twelve-year education or primary vocational (handicraft) or secondary vocational education shall be mandatory until the learner attains the age of 19, where that right has not been exercised earlier.".

Attaching importance to the right of the child to education and the role of education, it has been prescribed that the child may complete the compulsory education until attaining the ages between 18 and 19, which gives an opportunity to fully ensure the involvement of the child in education, concurrently not excluding his or her right to employment in compliance with the norms prescribed by the international instruments and labour

legislation of the Republic of Armenia.

Making a reference to the vacation of schoolchildren, it should be mentioned that for each academic year the time limits for and duration of the vacations of schoolchildren are established by the order of the Minister of Education and Science of the Republic of Armenia.

During the academic classes the learners in the 3rd-12th grades are granted autumn, winter, spring vacations with the duration of about 1 week, summer vacations with the duration of about 3 months.

Article 7.4.

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

Amendments and supplements have been made to the Labour Code in relation to the regulations concerning the employment of children by Law HO-96-N "On making supplements and amendments to the Labour Code of the Republic of Armenia" adopted on 22 June 2015 (entered into force on 22 October 2015) and detailed information thereon is introduced within the framework of the questions submitted with regard to point 1 of part 7 of the Charter.

The information on the processes carried out within the framework of inspection reforms, as well as the information on the activities carried out by the Inspection Body is introduced under point 1 of Article 7 of the Charter.

Article 7.5.

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

Pursuant to Article 140 of the Labour Code of the Republic of Armenia, shorter working time shall be set for the following employees:

- employees between the ages of fourteen and sixteen — up to 24 hours a week.
- employees between the ages of sixteen and eighteen — up to 36 hours a week.

Pursuant to Article 139 of the Code, normal duration of the working time may not exceed 40 hours a week. Thus, for the employees over the age of 18 the normal duration of the working time may not exceed 40 hours.

Under Article 1 of the Law "On minimum monthly salary", the minimum monthly salary has been set at AMD 50 000 in Armenia since 1 July 2014. Pursuant to Article 2 of the same Law, since 1 July 2014 the amount of the minimum hourly tariff rate for employees paid based on task rate and hourly pay rate has been set as follows:

in case of normal duration of the working time (40-hour working week) — AMD 300;

in case of short duration of the working time (36-hour working week) — AMD 334;

in case of short duration of the working time (24-hour working week) — 500 drams.

Since 1 July 2015, the minimum monthly salary has been set at AMD 55 000 in Armenia, which was maintained also in 2016 and 2017.

Since 1 July 2015, the minimum amount of hourly tariff rate for the employees paid based on task rate and hourly pay rate has been set as follows:

in case of normal duration of the working time (40-hour working week) — AMD 330;

in case of short duration of the working time (36-hour working week) — AMD 367;

in case of short duration of the working time (24-hour working week) — AMD 550.

Pursuant to Article 4 of the Law "On minimum monthly salary", the minimum monthly salary, the minimum amounts of the hourly tariff rate set for employees paid based on task rate and hourly pay rate shall not include the taxes paid from the salary, targeted social payments, bonuses, additional payments, awards and other incentive payments.

Thus, the above-mentioned amounts of the salary show the amounts of the income at disposal of employees — the net amounts of the minimum salary.

According to the data published by the Statistical Committee:

in 2014, the average monthly salary constituted AMD 158580 in Armenia;

in 2015, the average monthly salary constituted AMD 171615 in Armenia;

in 2016, the average monthly salary constituted AMD 174445 in Armenia;

in 2017, the average monthly salary constituted AMD 195074 in Armenia.

Taking into consideration the fact that the Committee requires the comparison of minimum net salary and average net salary, the net values of the monthly average salary are introduced on monthly basis below:

Article 10 of the Law "On income tax" in force until 1 January 2018 prescribed the following monthly rates of the income tax:

Amount of monthly taxable income	Tax amount
Up to AMD 120 000	24.4 per cent of the taxable income
AMD 120 000-2 000 000	AMD 29 280 plus 26 per cent of the amount exceeding AMD 120 000

Therefore, in 2014 the average monthly net salary constituted AMD 118951 in the Republic of Armenia;

in 2015, the average monthly net salary constituted AMD 128915.1 in the Republic of Armenia;

in 2016, the average monthly net salary constituted AMD 131009.3 in the Republic of Armenia;

in 2017, the average monthly net salary constituted AMD 146274.7 in the Republic of Armenia.

The correlation of the minimum monthly net salary and average monthly net salary in 2014-2017 is introduced below.

Thus, in the 1st semester of 2014, the correlation of the minimum monthly net salary and average monthly net salary constituted 37.8 percent and in the 2nd semester — 42 percent.

In the 1st semester of 2015, the correlation of the minimum monthly net salary and average monthly net salary constituted 38.7 percent and in the 2nd semester — 42.6 percent.

In 2016, the correlation of the minimum monthly net salary and average monthly net salary constituted 41.9 percent.

In 2017, the correlation of the minimum monthly net salary and average monthly net salary constituted 37.6.

Moreover, it should be mentioned that the indicators of average monthly salary published for 2017 by the Statistical Committee are provisional, they do not include the indicators of small and extra small organisations. The indicator with the above-mentioned indicators included will be summarised in September 2018.

In addition, since January 2018 the Statistical Committee of the Republic of Armenia, relying on the personalised record-keeping database of income tax and social payments of the State Revenue Committee of the Republic of Armenia, has switched to, the application of a new information source for calculation of average salary — an administrative register. This means that the new tool provides an opportunity to use more accurate data for the calculation of average salary. As a result, the data of average monthly salary calculated upon the above-mentioned base has essentially decreased. For instance, in January 2018 the average monthly salary constituted AMD 168152, in case when in January-December 2017 it constituted AMD 195074.

In January-June 2018 the average monthly salary constituted AMD 168367 (source: the

website of the Statistical Committee — http://armstat.am/am/?nid=12&id=08001).

From 1 January 2018, other income tax rates apply. In particular, Article 150 of the Tax Code of the Republic of Armenia prescribes the following monthly rates of the income tax:

Monthly value of tax base	Income tax rate
up to AMD 150 000 inclusive	23 percent
from AMD 150 000 to 2 000 000 inclusive	AMD 34 500 plus 28 percent of the amount exceeding AMD 150 000
more than AMD 2 000 000	AMD 552 500 plus 36 percent of the amount exceeding AMD 2 000 000

If we calculate the net value of the average monthly salary as of January 2015 based on Article 150 of the Tax Code, it will constitute AMD 128569.4. Thus, the correlation of the minimum net salary and average net salary as of January 2018 constitutes 42.7 percent.

By this logic it can be inferred that in previous years the application of the personalised record-keeping database of income tax and social payment of the State Revenue Committee for the calculation of the average salary would result in lower indicators of the average salary.

As regards the remuneration of students, it is regulated by Article 201.1 of the Labour Code, pursuant to which, the employer shall be entitled to organise, at his or her expense, the professional training of students or persons being accepted for employment within the organisation or another place on contractual basis for up to six months, by paying the students a scholarship in the amount of at least the minimum monthly salary

established by law throughout the training.

Thus, also the amount of remuneration thereof may not be lower than the amount of the minimum salary established by law for the given group.

Article 7.6.

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

The information on the processes carried out within the framework of inspection reforms, as well as the information on the activities carried out by the Inspection Body is introduced under point 1 of Article 7 of the Charter.

Article 7.7.

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

An editorial amendment has been made to part 2 of Article 170 of the Labour Code by Law HO-96-N "On making supplements and amendments to the Labour Code of the Republic of Armenia" adopted on 22 June 2015 (entered into force on 22 October 2015). Pursuant to the provision of Article 170 of the Code in force, the monetary compensation for the unused annual leave shall be paid when the employment contract is rescinded. The amount of compensation shall be determined in accordance with the number of days of the unused annual leave to be granted for the given period. Compensation shall be paid for all the unused annual leaves.

The information on the processes carried out within the framework of inspection reforms, as well as the information on the activities carried out by the Inspection Body is introduced under point 1 of Article 7 of the Charter.

Article 7.8.

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

The information on the processes carried out within the framework of inspection reforms, as well as the information on the activities carried out by the Inspection Body is introduced under point 1 of Article 7 of the Charter.

Article 7.9.

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

The information on the processes carried out within the framework of inspection reforms, as well as the information on the activities carried out by the Inspection Body is introduced under point 1 of Article 7 of the Charter.

Article 7.10.

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

In its conclusions the Committee did not consider as confirmed the fact that all types of sexual assault against children were criminalised in the Republic of Armenia and concluded that the situation in the Republic of Armenia did not comply with the requirements of point 10 of Article 7 of the Charter and requested to submit information on the legislative framework of criminalisation of all types of sexual assault against children under the age of 18.

In this regard the following should be mentioned:

pursuant to point 10 of Article 7 of the Charter, member states shall undertake special

measures to prohibit and fight against all forms of sexual exploitation of the child, in particular, against the involvement of children in the sex industry. The minimum obligations for the compliance with this obligation are to criminalise all actions of sexual exploitation of children, sexual actions carried out with all children under the age of 18. At the same time it is necessary that child victims of sexual exploitation are [not prosecuted] for any action related to that exploitation.

In this regard, the Republic of Armenia has fulfilled the obligations assumed, in particular, the Criminal Code of the Republic of Armenia has clearly prescribed criminal liability for all cases of sexual assault against children.

Thus:

1. Article 132.2 of the Criminal Code of the Republic of Armenia prescribes liability for recruiting, transporting, transferring, concealing or receiving a child for the purpose of child trafficking or exploitation, i.e. for exploitation, as well as for exploiting a child, putting or keeping him or her in the situation of exploitation.

   Pursuant to part 4 of Article 132 of the Criminal Code of the Republic of Armenia, human exploitation means engaging another person in prostitution, or other forms of sexual exploitation, forced labour or services, slavery or situation similar to slavery, trade, harvesting human body parts or tissues.

   Pursuant to part 5 of the same Article, the victims of the mentioned criminal acts shall be exempt from criminal liability for the crimes of minor or medium gravity, in which he or she has been involved in the course of trafficking or exploitation against him or her and committed those acts under coercion.

2. Point 3 of part 1 of Article 138 and point 3 of part 1 of Article 139 of the Criminal Code of the Republic of Armenia prescribe liability for rape and violent sexual actions against a child.

   Moreover, the commission of the mentioned criminal acts against a child under the age of 18 by a parent, teacher or an employee of an educational or pedagogical or

medical institution, as well as by a person in charge of his or her upbringing or care, and against a child under the age of 14 by any person is considered as a graver crime and a more severe punishment has been prescribed therefor.

It should also be mentioned that pursuant to part 4 of Article 138 of the Criminal Code of the Republic of Armenia, the sexual intercourse and other sexual actions with children under the age of 12, regardless of the consent of a child, shall be considered as rape or violent sexual actions, and the person shall be held liable for similar acts under Articles 138 or 139 of the Criminal Code of the Republic of Armenia.

3. Part 2 of Article 140 of the Criminal Code of the Republic of Armenia prescribes liability for compelling a child not having attained the age of 16 to sexual intercourse or sexual actions by means of blackmail, threat to destroy, damage or seize property or using the financial or other dependence of the victim.

4. Article 141 of the Criminal Code of the Republic of Armenia prescribes liability for sexual intercourse or other sexual actions with a child under the age of 16.

   Moreover, the commission of the mentioned criminal act against a child under the age of 18 by a parent, teacher or an employee of an educational or pedagogical or medical institution, as well as by a person in charge of his or her upbringing or care, and against a child under the age of 14 by any person is considered as a graver offence and a more severe punishment has been prescribed therefor.

5. Article 142 of the Criminal Code of the Republic of Armenia prescribes liability for committing lecherous acts against a child.

   It should be mentioned that the commission of the same act by use of the electronic communication network is considered as a graver act and a more severe punishment is envisaged therefor.

   Moreover, the commission of the mentioned criminal act against a child under the age of 18 by a parent, teacher or an employee of an educational or pedagogical or

medical institution, as well as by a person in charge of his or her upbringing or care, and against a child under the age of 12 by any person is considered as a graver offence and a more severe punishment has been prescribed therefor.

6. Article 166 of the Criminal Code of the Republic of Armenia prescribes liability for involving a child into prostitution or into preparation of pornographic materials.

   Moreover, pursuant to the Article, the commission of the mentioned offence by the parent, teacher of the child or other person in charge of his or her upbringing is considered as a graver offence and a more severe punishment has been prescribed therefor.

7. Point 6 of part 2 of Article 262 of the Criminal Code of the Republic of Armenia prescribes liability for promoting prostitution by a minor (child) (*i.e.* establishing, managing or maintaining dens for prostitution or pimping, regularly providing apartment or other accommodation for prostitution or otherwise promoting prostitution).

8. Part 2 of Article 263 of the Criminal Code of the Republic of Armenia prescribes liability for introducing (downloading, displaying, disseminating) child pornography through a computer system, as well as storing child pornography in a computer system or data-storage system.

Thus, the Criminal Code of the Republic of Armenia has clearly prescribed criminal liability for all cases (types) of sexual assault against children.

In its conclusions the Committee has stated that the Criminal Code of the Republic of Armenia does not clearly define the concepts "child" and "adolescent".

In this regard, it should be mentioned that although the Criminal Code of the Republic of Armenia does not define the concepts "child" and "adolescent", pursuant to a number of conventions ratified by the Republic of Armenia and the national legislation — point 6 of part 1 of Article 4 of the Law of the Republic of Armenia "On identification and support to persons subjected to trafficking in and exploitation of human beings", part 1 of Article 41

of the Family Code of the Republic of Armenia and Article 1 of the Law of the Republic of Armenia "On the rights of the child", a child means every person not having attained the age of 18.

At the same time, it should be mentioned that the Criminal Code of the Republic of Armenia has not prescribed the concepts "child" and "adolescent", it has prescribed specific age groups for each type of sexual assault, classifying them into groups of under 18, under 16, under 14 and under 12, and according to these classifications, it has prescribed more severe punishments.

As regards the Law of the Republic of Armenia "On identification and support to persons subjected to trafficking in and exploitation of human beings", it was adopted on 17 December 2014 and has been in force since 30 June 2015. The Law uses the concept "victim of a special category" which refers to children and persons with mental health problems. Following the adoption of the Law, in 2015, the Ministry of Labour and Social Affairs of the Republic of Armenia drafted a series of secondary legislation acts ensuring the implementation of the Law, that regulated the activities of the Commission for Identification of Victims Subjected to Trafficking in and Exploitation of Human Beings, established the grounds for cooperation between the state bodies and non-governmental organisations, ensured the procedure for identification of and support to the victims subjected to trafficking, established mechanisms for collecting statistical data. The mechanism for guidance of children subjected to trafficking in and exploitation of human beings has been drafted which is in circulation.

Protection from other forms of exploitation. The Law of the Republic of Armenia "On identification of and support to persons subjected to trafficking in and exploitation of human beings", that was adopted on 30 June 2015, shall regulate the relations pertaining to the process of guidance of, collection and exchange of information on persons suspected to have been subjected to trafficking in and/or exploitation of human beings from the moment of their detection, as well as to the process of their identification, support and protection as victims or victims of a special category, and of the provision of

reflection period. The objective of this Law shall, in the interests of persons subjected to trafficking in or exploitation of human beings, be their detection, appropriate identification, support, protection and their effective social reintegration, by developing procedures for strategic cooperation between state administration and local self-government bodies, as well as with NGOs, international organisations and the civil society.

In 2016-2017, 511 police officers participated in the training programmes on fight against trafficking.

Article 166.1 of the Criminal Code of the Republic of Armenia envisage liability for engaging — by a person having attained the age of eighteen — a child in actions related to vagrancy or beggary where there are no elements of crime provided for by Article 1322 of this Code.

When performing their daily official duties, the officers of the Service for juvenile cases and prevention of violence in the family of the Police of the Republic of Armenia pay attention to both the primary prevention of crimes committed by juveniles and the issues of street juveniles.

It should be mentioned that for the purpose of detecting street children, solving the issues related thereto, organising joint activities, the interagency working group established by the Order of the Head of the Police of the Republic of Armenia which includes representatives of the interested Ministries, the UN and the Fund for Armenian Relief (FAR), as well as heads of the divisions for the protection of the rights of family, women and children of the Staff of Yerevan Municipality and marzpetarans of the Republic of Armenia, carried out activities in 2014, 2015, 2016, 2017 and continues in 2018. The activity of the group is aimed at providing relevant support to and making the relevant intervention for — through specialists included in the working group from different agencies and bodies, by the sectors — detected street children and their families during the works carried out therewith.

For the purpose of primary prevention of the vagrancy among the juveniles, the

administration of the Police of the Republic of Armenia, each year, gives assignments to the subdivisions subordinate to the Police, according to the requirements whereof the Service for juvenile cases and prevention of violence in the family of the Police of the Republic of Armenia regularly organises and implements large-scale measures, conducts inspection visits and various other works. The parents (parent) of the detected juveniles engaged in vagrancy or persons replacing them (guardians) are invited to the police subdivisions, the conditions and reasons why the juveniles has got into such a situation are revealed and based on the existing situation, relevant measures for the protection of the rights of the child are implemented.

When carrying out the above-mentioned works, the officers of the Service for juvenile cases cooperate with both the responsible persons of the communities and teaching staffs and other interested organisations.

Detected street juveniles, where necessary, are placed in the FAR Children's Support Centre (Division for works carried out with juveniles of the General Department of Criminal Investigation of the Police operates in the FAR), the multidisciplinary council operating wherein (a psychologist, pedagogue, social worker) provides the necessary medical, as well as moral and psychological assistance to the juveniles. The latter are provided with temporary shelter, food and clothes, also with necessary documents (birth certificate, passport), where required. Many of them are placed in educational institutions by the officers of the Service for juvenile cases, with the support of interested bodies. Assistance is also provided to the parents of juveniles, families thereof. The latter are referred to territorial bodies of social assistance to provide them with a job and temporary shelter.

The Committee has also noted that child victims of sexual exploitation must not be prosecuted for any action related to that exploitation. It should be mentioned that under the legislation of the Republic of Armenia, child victims of sexual exploitation may not and shall not be prosecuted.

Other measures for the protection of children against exploitation. From 2015, the

programme for improvement of juvenile justice is being implemented with the support of the United Nations Children's Fund, the main objective of which is to establish legislative, practical guarantees for the protection of the interests of the child related to the law.

It includes the international examination of the legislation in terms of access to the protection of the rights of the child and justice, drawing up of the action plan for the establishment of unified information system of juvenile justice, capacity building for the specialists in the work with children who have problems with law, are witnesses and victims. The Council for Juvenile Justice has been established within the framework of the cooperation and the rules of procedure whereof have been approved by Order of the Minister of Justice of the Republic of Armenia No 188-A of 11 May 2018.

Within the Council, discussions on legislative regulations of the Republic of Armenia related to children subjected to sexual abuse and services provided thereto have been held, issues have been identified, legislative analysis has also been performed, based on which recommendations on making amendments to the relevant legal acts have been submitted to the working groups drafting legal acts.

Membership of the international network "We Protect Global Alliance" has been initiated and since 2018 Armenia has become a member of the mentioned international network, the activity of which is aimed at planning and implementing comprehensive legislative and procedural actions for ending online sexual exploitation.

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

Article 8.1.

Information with regard to developments undertaken during the reporting period

and to questions submitted by the Committee

The right to pregnancy and maternity leave prescribed by Article 172 of the Labour Code of the Republic of Armenia refers to all employees working within the framework of employment relations based on mutual agreement of employees and employers prescribed by Article 13 of the Labour Code of the Republic of Armenia, without exception. Moreover, part 2 of Article 18 of the Labour Code of the Republic of Armenia has prescribed that an employer may be a legal person having labour passive legal capacity and active legal capacity, regardless of the legal and organisational and ownership form, nature and type of activities, as well as a natural person. In cases provided for by legislation, other entities (institution, state or local self-government body, etc.) having the right to conclude employment contracts may act as employers.

During the reporting period the following legislative amendments have been undertaken:

By Law of the Republic of Armenia No HO-151-N of 12 December 2013 "On making supplements to the Labour Code of the Republic of Armenia", a supplement has been made to Article 172 (part 2.1) of the Labour Code of the Republic of Armenia, with the view to ensure effective exercise of the right of employed women to maternity and the employed women, having given birth to a child through a surrogate, have the right to a special protection, a right for a leave has been established for the latter. In particular, part 2.1 of Article 172 of the Labour Code of the Republic of Armenia has prescribed that the employee (biological mother of the child) having given birth to a child through a surrogate, shall be granted a leave for the period starting from the day of birth of the child until the newborn attains the age of 70 days (in case of birth of two or more newborns — until the newborns are 110 days old).

In the summary analysis of case-law of the Revised European Social Charter of the European Committee of Social Rights, point “a. right to pregnancy and childbirth (maternity) leave” of paragraph 1 of Article 8 prescribes that pregnancy and childbirth leave must be considered as maternity leave but not a temporary incapability leave.

In this regard, the current legislation of the Republic of Armenia provides for the

following:

Before 1 January 2015, part 3 of Article 172 of the Labour Code of the Republic of Armenia prescribed that in the cases provided for by parts 1 and 2 of this Article, a temporary incapability benefit shall be paid for pregnancy and childbirth leave of the employee, as prescribed by the legislation of the Republic of Armenia.

By Law of the Republic of Armenia No HO-209-N of 1 December 2014 "On making amendments and supplements to the Labour Code of the Republic of Armenia" (entered into force since 1 January 2015) amendment has been made to part 3 of Article 172 of the Labour Code of the Republic of Armenia, by which the words "temporary incapability benefit" have been removed, and it was just envisaged to make the payment for the mentioned leave to the employee as prescribed by the legislation of the Republic of Armenia.

At the same time, certain amendments and supplements have been made to the Law of the Republic of Armenia No HO-160-N of 27 October 2010 "On temporary incapability benefits", and the temporary incapability benefits provided for by the law for persons on pregnancy and childbirth leave have been renamed as maternity benefits (Law of the Republic of Armenia No HO-206-N of 1 December 2014 "On making amendments and supplements to the Law of the Republic of Armenia ‘On temporary incapability benefits’", which has entered into force since from 1 January 2015), in particular, the law has been renamed as "Law on temporary incapability and maternity benefits", certain amendments and supplements have been made also in article regulations of the same law. In particular, by the mentioned amendments the procedure for granting maternity benefit has been clarified.

Article 22 of Law of the Republic of Armenia No HO-160-N of 27 October 2010 "On temporary incapability benefits" stipulates that when calculating maternity leave, if as of the day of occurrence of the temporary incapacity for work, the period of employment of the hired employee for the given employer is less than twelve months, then when calculating the average monthly salary of the hired employee, the income paid

by other employer during the calculation period prior to starting the work for the given employer shall also be taken into consideration, if the hired employee is not in employment relations with that employee as of the day of occurrence of the temporary incapacity for work.

Moreover, the employer calculating maternity benefit, when calculating average salary of the woman for the purpose of calculating maternity benefit, shall include in the calculation the income paid to (calculated for) the employee by him during the calculation period, irrespective of continuity of labour relations between him and the hired employee.

For granting (calculating) maternity benefit for a hired employee working concurrently, the income paid (due to payment) to the hired employee by the rest of employers for the calculation period shall also be taken into consideration, if the hired employee is in employment relations with that employer as of the day of occurrence of the temporary incapacity for work.

Besides, it is stipulated by law that the average monthly salary or income taken as a basis for calculation of maternity benefit of the hired employee calculated through the established procedure is lower than fifty per cent of minimum monthly salary, then maternity benefit shall be calculated based on fifty per cent of minimum monthly salary.

It should be noted that according to publications by the National Statistical Service (Socio-Economic Situation of the Republic of Armenia, January-December 2016), during the reporting period, the monthly value of minimum consumer basket does not exceed the minimum salary[1].

Article 8.2.

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

Part 1 of Article 114 of the Labour Code of the Republic of Armenia (including point 2.1 of the same part - in the case of pregnant women, from the day of submitting a statement of information on pregnancy to the employer until one month after the day the maternity

[1] http://hcav.am/wp-content/uploads/2017/07/NA-report.pdf, page 16

leave expires) provides that the provisions banning rescission of the employment contract upon the initiative of the employer shall be defined both in an indefinite time limit employment contracts and a fixed time limit employment contracts for all employed women.

It should be noted that the restrictions provided for by part 1 of Article 114 of the Labour Code of the Republic of Armenia shall not apply only in cases of rescission of the employment contract as a result of liquidation of the organisation (termination of the activity of an individual entrepreneur).

Thus, the lawfulness of the mentioned provision is ensured, as it has been indicated in the annex regarding paragraph 2 of Article 8 of the summary analysis of case-law of the Revised European Social Charter of the European Committee of Social Rights, that the provision "to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period" shall not be interpreted as an absolute ban. An exception may be, for instance, if the given organisation terminates its activity.

The same exceptions shall be applied to the cases of rescission of the employment contract with the ground of expiry of the employment contract. In this regard, it should be noted that pursuant to part 1 of Article 111 of the Labour Code of the Republic of Armenia, the employer or the employee shall have the right to rescind the employment contract due to the expiry of the employment contract concluded for a fixed time limit. Moreover, in this case an exception is envisaged for the cases prescribed by part 5 of the same article. The mentioned provision provides that where the employment contract is not rescinded after the expiry of the employment contract concluded for a fixed time limit as prescribed by the same article and the employment relations continue, the contract shall be deemed as concluded for an indefinite time limit.

It should be noted that where the contract is expired and the grounds for rescission of an employment contract upon the initiative of the employer are separate grounds provided

for by points 2 and 4 of part 1 of Article 109 of the Labour Code of the Republic of Armenia respectively, restrictions prescribed by Article 114 of the Labour Code of the Republic of Armenia do not refer to the cases of rescinding employment contract with the ground of expiry of contract.

Pursuant to parts 1 and 2 of Article 241 of the Labour Code of the Republic of Armenia, the damage subject to compensation shall include the actual damage and the missed benefit. Damages are the expenses incurred or to be incurred by the person whose right has been violated to reinstate the violated right, the loss of or injury to the property thereof (actual damage), as well as unearned incomes that this person would have earned under the usual conditions of civil circulation where the right thereof had not been violated (missed benefit).

Article 241 of the Labour Code of the Republic of Armenia (Determining the amount of damage subject to compensation) is included in Chapter 22 of the Labour Code of the Republic of Armenia (Articles 231-241), which refers to the cases of material liability prescribed by the Labour Code of the Republic of Armenia. Here, it is significant that pursuant to article 231 the Labour Code of the Republic of Armenia material liability arises when the party (employer or employee) to the employment contract causes damage to the other party through failure to fulfil or by improper fulfilment of his or her obligations. The liabilities having arisen as a result of damage caused shall be regulated by the Civil Code of the Republic of Armenia, unless otherwise provided for by the Labour Code.

Pursuant to Article 232 of the Labour Code of the Republic of Armenia material liability emerges in the case of presence of all the following conditions:

(1) damage has been caused;

(2) the damage has been caused as a result of an illegal act;

(3) there is a cause-and-effect between the illegal act and the cause of the damage;

(4) there is the guilt of the violator;

(5) the parties having committed the violation and the injured parties have been in employment relations at the moment of violation of rights;

(6) emergence of damage is linked to professional activity.

Moreover, Article 234 of the Labour Code of the Republic of Armenia provides for the cases of emergence of material liability of employer, in particular the following cases of emergence of material liability of employer are prescribed:

(1) the employee not insured from accidents at work and from occupational diseases has contracted an occupational disease, has been maimed or has died;

(2) the damage has been caused as a result of loss, elimination of property or becoming unfit for use;

(3) other violations of the property rights of employees or other persons have been committed.

It is also prescribed that the employer shall compensate for the damage caused by him or her as prescribed by the Civil Code of the Republic of Armenia.

As a result of comparing the mentioned legal norms it is concluded that the procedure for determining the amount of damage subject to compensation established by Article 241 of the Labour Code of the Republic of Armenia refers to the cases of compensation of damages suffered in the cases prescribed by Chapter 22 of the Labour Code of the Republic of Armenia.

The regulation prescribed by part 2 of Article 265 of the Labour Code of the Republic of Armenia "for economic, technological and organisational reasons or impossibility to reinstate employee to his or her former office in case of impossibility of reinstatement of future employment relations between the employer and the employee, the compensations established by the court (compensation for the entire period of forced idleness in the amount of the average salary, and compensation in exchange for non reinstatement of the employee to office prior to entry into legal force of the court

judgement, in the amount of not less than the average salary, but not more than twelve-fold of the average salary) are provided for within the scope of procedure for employment contract dispute resolution. And, actually, the mentioned compensations shall be established by the court where the grounds prescribed by part 2 of Article 265 of the Labour Code of the Republic of Armenia exist (including, the maximum threshold of compensation in exchange of non reinstatement of the employee in the office shall be taken into consideration).

Meanwhile, it should be noted that Article 265 of the Labour Code of the Republic of Armenia was last edited on 12 March 2014 (entered into force since 12 April 2014) by Law of the Republic of Armenia No HO-5-N "On making amendments and supplements to the Labour Code of the Republic of Armenia". Pursuant to part 2 of Article 265 of the Labour Code of the Republic of Armenia:

"For economic, technological and organisational reasons or impossibility to reinstate the employee to his or her former office in case of impossibility of reinstatement of future employment relations between the employer and the employee the court may not reinstate the employee in his or her former office, making the employer to pay a compensation for the entire period of forced idleness in the amount of the average salary, unless the court judgement enters into legal force and a compensation in exchange for non reinstatement of the employee to office in the amount of not less than the average salary, but not more than twelve-fold of the average salary. The employment contract shall be deemed as rescinded starting from the day of entry into legal force of the court judgement.

Consequently, as of 12 April 2014, the scale of remuneration to be paid to an employee has undergone a change.

Non-pecuniary damage is regulated by Chapter 9 of the Civil Code of the Republic of Armenia, and pursuant to part 1 of Article 162.1 of the Code, within the meaning of the Code, non-pecuniary damage is physical or mental suffering caused as a result of a decision, action or omission encroaching on pecuniary or non-pecuniary benefits

belonging to a person from birth or by virtue of law or violating his or her personal property or non-property rights.

Moreover, it should be mentioned that Article 162.1 of the Civil Code of the Republic of Armenia (concept of and compensation for pecuniary damage) has been supplemented by Law HO-21-N of 19 May 2014 "On making amendments and supplements to the Civil Code of the Republic of Armenia" and has been supplemented, edited and amended by Law HO-184-N of 21 December 2015 "On making amendments and supplements to the Civil Code of the Republic of Armenia.

It should also be mentioned that, pursuant to part 2 of Article 162.1 of the Civil Code of the Republic of Armenia, a person or, in case of his or her death or in case he or she lacks active legal capacity, his or her spouse, parent, adoptive parent, child, adoptee, guardian, curator shall have the right to claim, through judicial procedure, compensation for non-pecuniary damage, where the criminal prosecution body or court has confirmed that the following fundamental rights of that person — guaranteed by the Constitution of the Republic of Armenia and the Convention for the Protection of Human Rights and Fundamental Freedoms — have been violated as a result of a decision, action or omission of a state or local self-government body or an official thereof:

(1) right to life;

(2) right to freedom from torture and inhuman or degrading treatment or punishment;

(3) right to personal liberty and inviolability;

(4) right to fair trial;

(5) right to respect for private and family life, inviolability of residence;

(6) right to freedom of thought, conscience and religion, freedom of expression;

(7) right to freedom of assembly and association;

(8) right to effective remedies;

(9) right of ownership.

Part 5 of Article 162.1 (under Law HO-184-N of 21 December 2015 "On making amendments and supplements to the Civil Code of the Republic of Armenia) has also established that non-pecuniary damage caused as a result of unlawful administrative actions shall be compensated as prescribed by Law of the Republic of Armenia HO-41-N of 18 February 2004 "On fundamentals of administrative action and administrative proceedings".

At the same time, it should be mentioned that the Ministry of Justice of the Republic of Armenia has developed the draft Law "On ensuring legal equality", which pursues the objective to ensure equal opportunities for each person and citizen to exercise his or her rights and freedoms, without discrimination. Article 10 of the Law lays down the provisions prohibiting discrimination in employment relations, and the duties of an employer in the field of ensuring legal equality are provided for by Article 11.

Pursuant to part 1 of Article 8 of the draft Law, each person who has grounds to believe that he or she has been discriminated, shall have the right to appeal to court, the Human Rights Defender or a relevant administrative body to restore his or her rights and receive compensation for pecuniary or non-pecuniary damage. The package attached to the draft Law "On ensuring legal equality" also provides for making a supplement to the Civil Code of the Republic of Armenia, particularly in Article 162.1, that is, providing for an opportunity for compensation for non-pecuniary damage, where there has been a violation of a right to not be subjected to discrimination. At the same time, it is necessary to state the fact that a claim for compensation for non-pecuniary damage may be submitted, where the violation has been the result of a decision, action or omission of a state or local self-government body or an official thereof or where damage has been caused to the honour, dignity or business reputation.

Pursuant to part 2 of Article 123 of the Civil Procedure Code of the Republic of Armenia, the court of first instance shall, before rendering a decision on allocation of burden of proof, be entitled to join a number of similar cases in a single proceedings wherein the

persons participating in the case fully or partially coincide, where such cases are interconnected and their joint examination may ensure more prompt and effective resolution of the cases.

Consequently, taking into account the fact that the cases on compensation for non-pecuniary damage and labour disputes are not similar cases and are subject to examination under different proceedings, different legal regulations are in effect for pecuniary and non-pecuniary damages at the same time; thus, in case of rescission of a contract without legal grounds, compensation for non-pecuniary damage shall not be included in the highest threshold for compensation.

In the Republic of Armenia, labour disputes shall be subject to examination through judicial procedure at a court of general jurisdiction, under special adversary proceedings as prescribed by the Civil Procedure Code of the Republic of Armenia. There are no specialised courts established for the examination of labour disputes.

At the same time, part 2 of Article 210 of the Civil Procedure Code of the Republic of Armenia establishes that labour disputes in a court of first instance shall be examined and resolved within three months upon acceptance of a statement of claim for proceedings.

Article 8.3.

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

In addition to the information presented in the previous reports, it is necessary to mention the following in regard to providing additional time for employed women to exercise their right to motherhood and to ensuring by an employer of a day nursery or a lactation room (approach presented within the scope of Paragraph 3 of Article 8 of the Charter of the European Committee of Social Rights in the Analytical Summary of Case Law of the Charter):

Under part 5 of Article 258 of the Labour Code of the Republic of Armenia, along with the social-employment guarantee for providing a breast-feeding woman with an additional break until the child is a year and a half, part 1 of Article 251 of the Labour Code of the Republic of Armenia prescribes another guarantee for maintaining the healthcare of employees, according to which, in accordance with the procedure prescribed by regulatory legal acts on ensuring the safety and healthcare of employees within the organisation, sanitary and personal hygiene rooms or corresponding separated places (with sinks, showers, bathrooms) shall be furnished for rest, breastfeeding children, dressing and keeping clothes, shoes and observing individual safety measures. Moreover, pursuant to part 2 of Article 243 of the Labour Code of the Republic of Armenia, the employer shall be obliged to maintain the health and safety of the employees.

Article 8.4.

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

Article 249 of the Labour Code of the Republic of Armenia lays down certain guarantees for health maintenance (medical examination) conditioned by the nature of the particular job and peculiarities of the job for all employees working at night (irrespective of gender and family obligations). In particular, pursuant to parts 4-6 of Article 249, employees working at night and on shift must undergo pre-entry medical examination and periodic medical examinations in the course of employment, according to the medical examination schedule approved by the employer. The employer shall be obliged to approve the list of the employees who are subject to mandatory medical examination, and reach an agreement with the health organisation on the schedule for medical examinations. Employees shall be notified of the schedule of medical examinations and put their signature thereunder. Mandatory medical examination shall be conducted at working hours, at the expense of the employer.

At the same time, under part 3 of Article 148 of the Labour Code of the Republic of Armenia, employees who are not allowed to be employed for night work according to a medical conclusion are not allowed to be engaged in night work. In another case, pursuant to part 6 of Article 148, where it is confirmed that the night work has harmed or may cause harm to the health of the employee, the employer shall be obliged to transfer the employee only to day work.

Touching upon the special legislative regulations regarding protection of motherhood in case of night work of women and the legislative amendments initiated to bring Paragraph 4 of Article 8 of the Charter into compliance with the labour law during the reporting period, the following should be mentioned:

By Law HO-96-N of 22 June 2015 "On making amendments and supplements to the Labour Code of the Republic of Armenia", part 4 of Article 148 of the Labour Code of the Republic of Armenia has been supplemented with a new regulation (restriction), which stipulates that pregnant women and employees taking care of a child under the age of three must undergo prior medical examination and submit a medical conclusion to the employer for night work. As a result, part 4 of Article 148 of the Labour Code of the Republic of Armenia has been amended as follows:

"Pregnant women and employees taking care of a child under the age of three may be engaged in night work only upon their consent after they undergo a prior medical examination and submit a medical conclusion to the employer.".

The specified supplement is aimed at ensuring special protection for women, whose employment relations are regulated within the scope of Article 8 of the Charter.

At the same time, it should be mentioned that, pursuant to part 4 of Article 258 of the Labour Code of the Republic of Armenia, where a pregnant woman and a woman taking care of a child under the age of one need to undergo medical examination during the working time, the employer shall be obliged to release her from performance of employment duties by maintaining the average salary, which is calculated on the basis of the average hourly salary rate.

From the cited legal norms it follows that both the mandatory consent of the person and the existence of a medical conclusion for performing night work are clearly enshrined by law for night work for a pregnant woman and a woman taking care of a child under the age of three, and in case of having health problems or being unhealthy — the guarantees necessary for undergoing medical examination in addition to the one included in the schedule of the employer for regular medical examination. What is particularly essential is the fact that the specified regulations concern both the cases of engaging a woman in night work during pregnancy or engaging a woman taking care of a child under the age of three in night work, and the cases when a woman performing night work gets pregnant or assumes care for a child under the age of three.

Article 8.5.

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

As recorded by the Committee, pursuant to part 1 of Article 258 of the Labour Code of the Republic of Armenia, engaging pregnant women or women taking care of a child under the age of one in heavy, harmful, especially heavy and especially harmful works prescribed by the legislation of the Republic of Armenia shall be prohibited. The list of works deemed to be heavy and harmful for pregnant women and women taking care of a child under the age of one has been approved by the Annex to Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005 on the ground of Article 258 of the Labour Code of the Republic of Armenia.

It should also be mentioned that the period of pregnancy and breast-feeding (point 19) is clearly stipulated in the list of general medical contraindications for permitting employment connected with harmful and hazardous factors in the industrial environment and working process approved by Annex No 3 of Decision of the Government of the Republic of Armenia No 1089-N of 15 July 2004 "On approving the procedure for compulsory prior (when being admitted to employment) and periodic medical

examination of health condition of persons subject to the influence of harmful and hazardous factors in the industrial environment and in the working process; the lists of factors, nature of works being performed, volume of examination and medical contraindications and the procedure for characterisation of hygiene for working conditions".

Touching upon Paragraph 5 of Article 8 of the Charter — comprehensive information on the factors and the types of activities prohibiting or restricting work of women under protection — it should be mentioned that, based on Article 258 of the Labour Code of the Republic of Armenia, the List of works deemed to be heavy and harmful for pregnant women and women taking care of a child under the age of one and approved by the Annex to Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005, clearly lay down the conditions of work in underground mining (works connected with all types of underground works are prescribed by point 11.5 of the List), impact of lead (certain works with lead and its inorganic compounds are prescribed in the works under the influence of chemical factors under point 1 of the List), ionising radiation or high temperature (ionising radiation, radioactive substances and the sources of ionising radiation, as well as high temperature and intensive thermal radiation and certain works connected with that are prescribed in the works under the influence of physical factors under point 3 of the List) and the existence of contagious substances (work through interaction with substances infected with pathogenic and conditionally pathogenic bacteria and helminths and work with contagious patients are prescribed in the works under the influence of biological factors under point 5 of the List). Thus, as mentioned above, engaging pregnant women and women taking care of a child under the age of one in the works included in the List shall be prohibited.

The list of works deemed to be heavy and harmful for pregnant women and women taking care of a child under the age of one has been approved by the Annex to Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005 based on Article 258 of the Labour Code of the Republic of Armenia. Under part 3 of Article 258

of the Labour Code of the Republic of Armenia, the prescribed guarantee shall be granted to pregnant women and/or women taking care of a child under the age of one, that is, to the employee for a certain period (in the period of pregnancy of a woman and/or of taking care of a child under the age of one), and due to this, the guarantees for transfer to another job in the same organisation or for providing paid leave shall be temporary. Hence, the restrictions on the involvement of women in certain works in the aforementioned period are, in essence, also temporary, and the employee shall maintain her right to return to her previous job after the end of the period of protection.

As far as maintenance of the level of salary in case of transfer to another job in the same organisation is concerned, the legislative regulation is the following:

Pursuant to parts 2 and 3 of Article 258 of the Labour Code of the Republic of Armenia, based on the list of hazardous conditions and dangerous factors of work, as well as the workplace assessment results, the employer shall be obliged to determine the nature and duration of hazardous effect on safety and health of pregnant women and women taking care of a child under the age of one. After identification of the potential effect, the employer shall be obliged to undertake temporary measures to ensure the elimination of the risk of effect of the dangerous factors. Where the dangerous factors are impossible to eliminate, the employer shall undertake measures to improve the workplace conditions so that pregnant women and women taking care of a child under the age of one are not exposed to the impact of such factors. Where it is impossible to eliminate such impact in the result of improvement of workplace conditions, the employer shall be obliged to transfer the woman (upon her consent) to another job in the same organisation. In case of absence of such possibility, the woman shall be provided with a paid leave prior to granting pregnancy and maternity leave.

Part 1 of Article 10 of the Labour Code of the Republic of Armenia prescribes that where employment relations are not directly regulated by law, the norms of the labour legislation regulating similar relations shall be applied to such relations unless it contradicts their essence (analogy of law).

The obligation of an employer to transfer the employee to another job — as provided for by part 3 of Article 258 of the Labour Code of the Republic of Armenia — is identical to the cases of transferring an employee to another job in the cases provided for by Article 106 of the Labour Code of the Republic of Armenia (natural disasters, technological accidents, epidemics, accidents, fires and other cases of emergency or urgently eliminating the consequences thereof) during which the employer shall be obliged to maintain the salary of the employee. Therefore, in case of transferring the employee to another job on this ground, the employer shall also be obliged to pay the employee the salary in the same amount.

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

Article 17.1.

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

The adoption process is confidential by the legislation of the Republic of Armenia, and, therefore, an adopted child is restricted in knowing his or her roots. Pursuant to the amendments to Article 29 of the Law of the Republic of Armenia of 21 December 2017 "On making amendments and supplements to the Family Code of the Republic of Armenia" adopted by the National Assembly of the Republic of Armenia, Article 128 of the Family Code of the Republic of Armenia has been supplemented with parts 3 and 4 to read as follows:

"3. A person having attained the age of 18 shall have the right to receive information

on the fact of adoption, place and date of his or her birth, as well as the personal data of biological parent, including nationality, blood type and diseases, and state and local self-government bodies may provide such information only in case of written consent previously provided by the biological parent. In case of absence of such consent, information may be provided in a depersonalised manner.

4. The procedure for provision of information shall be established by the Government of the Republic of Armenia.".

The legislation of the Republic of Armenia contains several provisions that prohibit any manifestation of discrimination, particularly:

The Constitution of the Republic of Armenia guarantees that discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, affiliation to a national minority, property status, birth, disability, age, or other personal or social conditions shall be prohibited.

The Family Code of the Republic of Armenia prescribes the main principles of family law, pursuant to which discrimination based on race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, affiliation to a national minority, property status, birth, disability, age or other social conditions shall be prohibited when getting married and in family relations.

It should also be mentioned that the Ministry of Justice of the Republic of Armenia has developed the draft Law "On ensuring legal equality", the purpose of which is to ensure equal opportunities for each person and citizen to exercise his or her rights and freedoms, without discrimination. The draft Law prescribes the concept and types of discrimination, the subjects and mechanisms for ensuring legal equality, as well as the status, objectives and activities of the Council for Legal Equality. The draft Law was placed for public consideration and was sent to the Government of the Republic of Armenia for approval in April 2018. Currently, the draft Law is in the stage of revision. It is expected that the draft will be submitted to the National Assembly of the Republic of

Armenia for approval during the fall session in 2018.

As far as potential discriminatory approaches to the payment of alimony and the right to succession among children born out of marriage or wedlock are concerned, it is necessary to mention the following:

Article 34 of the Family Code of the Republic of Armenia stipulates that "the rights and obligations of parents and children shall be based on the fact of origin of children as prescribed by law." Article 35 of the Code prescribes the circumstances for confirmation of the fact of origin of the child, and Article 36 — the provisions related to the decision on paternity through judicial procedure.[2]

In this sense, it is also worth mentioning Article 40 of the Family Code, which enshrines the rights and obligations of children born to unmarried persons. Thus, "when determining paternity in cases and as provided for by this Code, the children shall have the same rights and obligations in regard to the parents and their relatives as do the children born to married persons.".

Pursuant to Article 17 of the Family Code, every child (including the adopted child), in case of the death of the parent, as well as in case a parent is declared as deceased by a court decision, regardless of his or her place of residence, shall have the right to succession as prescribed by the Civil Code of the Republic of Armenia.

Section 11 of the Civil Code of the Republic of Armenia regulates the legal relations connected with the right to succession, including the grounds for succession, the peculiarities of opening of the succession and issues related to exclusion of unworthy heirs from succession. Thus, according to Article 1190 of the Code, citizens alive on the day of opening of the will, as well as those conceived during the lifetime of the deceased and born alive after opening of the succession may be heirs by will and heirs by law.

According to Article 1216 of the Code, first priority heirs shall be the children, spouse and parents of a testator.

[2] http://www.arlis.am/DocumentView.aspx?docid=66138

Chapter 12 of the Family Code stipulates the legal regulations related to alimony obligations of parents and children. Pursuant to Article 68 of the Code under the title "Obligations of parents to provide for the maintenance of children", "Parents shall be obliged to maintain their children. Parents shall determine the procedure and conditions for providing means of living to children by themselves. Parents may conclude an agreement on maintenance of their children (agreement on paying alimony) in compliance with Chapter 15 of this Code. Where parents fail to provide means of living to their children, means for maintenance of the latter (alimony) shall be levied from the parents through judicial procedure.

As far as corporal punishments against a child in the family are concerned, pursuant to the amendments to Article 8 of the Law of the Republic of Armenia of 21 December 2017 "On making amendments and supplements to the Family Code of the Republic of Armenia" adopted by the National Assembly of the Republic of Armenia, Article 53 of the Family Code has been amended to read as follows: "Parental rights cannot be realised contrary to children's interests. Interests of children should be of primary concern for parents. When exercising parental rights, parents shall not have the right to cause harm to the physical and psychological health of the children and the moral development thereof. Ways of upbringing of children must exclude physical or psychological violence as a disciplinary measure, as well as ignorant, cruel, violent, degrading treatment, offence or exploitation thereof.

Parents exercising parental rights to the detriment of the rights and interests of children shall bear liability as prescribed by law.".

Joint Order of the Minister of Labour and Social Affairs of the Republic of Armenia No 120-N of 22 December 2016 and of the Minister of Education and Science of the Republic of Armenia No 1349-N of 27 December 2016 "On approving the procedure for disclosure of suspected cases of violence against or between children under care of and studying at facilities providing care and protection for children and the form of the register for recording suspected and confirmed cases of violence" was approved for the purpose

of regulating the process for disclosure of cases of violence against and between children within facilities providing care and protection for children and was provided to the relevant facilities in 2017.

On 13 December 2017, the National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia "On prevention of violence in the family, protection of persons subjected to violence in the family and restoration of solidarity in family", the objective of which is to ensure special protection of family as the natural and fundamental cell of the society, and in particular:

- to establish legal mechanisms necessary for preventing violence in the family, ensuring safety and protection of persons subjected to violence in the family and protecting their rights and legitimate interests;
- to ensure safety of members of the family and promote the restoration of solidarity in family;
- to regulate the activities of bodies responsible for preventing violence in the family and protecting persons subjected to violence in the family;
- to ensure legal grounds for the activities of bodies responsible for provision of psychological, material and social support to persons subjected to violence in the family and for their social restoration.

Pursuant to Article 3 of the Law, the violent act of physical, sexual, psychological or economic nature, as well as disregard between the members of the family shall be deemed to be violence in the family.

Pursuant to Article 4 of the Law, members of the family shall be deemed to be:

a. the spouse (including the spouse in factual marital relationship), irrespective of the fact of cohabitation, the former spouse, the parent, including step-parent, the adoptive parent, the foster parent, the child (also adopted, step-child, the foster child), the spouse of the adoptive parent, the parents of the spouse, the parents of the former spouse;

b. cohabitating grandmother, grandfather, sister, brother (also the maternal or paternal siblings), sister of the spouse, brother of the spouse, as well as for the parents, the

sister and the brother of the spouse — the son-in-law and daughter-in-law.

As far as the development of foster care, as well as the trends of de-institutionalisation of care for children are concerned, over the past years, reforms are being implemented in the sphere of protection of children, the main purpose of which is to protect the rights and interests of children facing difficult life situations and to ensure the right to live in a family and the guarantees for social protection.

The framework of the reforms includes legislative amendments, which are being implemented and are primarily targeted at fulfilment of the commitments prescribed by the UN Convention on the Rights of the Child, the Revised European Social Charter and other international documents of the Republic of Armenia.

The "Strategic Programme for the Protection of the Rights of the Child in the Republic of Armenia for 2017-2021" — approved by the Government of the Republic of Armenia on 13 July 2017 upon Protocol Decision No 30 — is within this context, and the main priorities of the Programme are improvement of the system of protection of the rights of the child, ensuring of the right of the child to live in a family, integration of children with disabilities into the society, equally accessible, inclusive and quality education, as well as the ensuring of integrated safety of learners in educational institutions, early detection of minors, who committed an offence, have been subjected to violence and demonstrated antisocial behaviour, prevention of cases of violence.

As far as the process of reorganisation of twenty-four hour child care facilities of the system is concerned, two Child and Family Support Centres were established in the city of Yerevan and in Syunik Marz as a result of restructuring of twenty-four hour facilities during 2016 and 2017.

Child and family support centres serve as alternative services and were created to prevent children from facing difficult life situations and/or bring them out of a difficult life situation. The multi-professional team of the centres includes a rehabilitation therapist (physiotherapist), kinesiotherapist, art therapist, ergotherapist, a special group of

pedagogues, as well as psychologists, social workers and social pedagogues.

Throughout 2018, it is envisaged to also reorganise 5 more boarding facilities for child care and protection.

The financial status of a family may not be the only basis for accommodating children in the family. The documents listed below, as well as the act on study of the living conditions of the particular family shall be accepted as a basis for giving a positive conclusion on the possibility of a citizen to become a foster parent.

An adult citizen of the Republic of Armenia permanently residing in the territory of the Republic of Armenia may become a foster parent, except for:

(1) persons recognised by court as lacking active legal capacity or having limited legal capacity;

(2) spouses, one of whom is recognised by court as lacking active legal capacity or having limited legal capacity;

(3) persons deprived of parental rights through judicial procedure or those with limited parental rights;

(4) persons discharged of obligations of a guardian (curator) due to inappropriate fulfilment of obligations assigned thereto by law;

(5) former adoptive parents, if adoption was revoked by court due to their fault;

(6) persons, who are unable to fulfil parental obligations due to their health condition;

(7) persons who do not have a permanent place of residence as well as a housing facilities meeting the prescribed sanitary and technical requirements;

(8) persons having at that moment a criminal record for a grave or particularly grave crime against humans or public order and morality, for a crime against the interests of the family and the child;

(9) persons who are addicted to alcohol, narcotics, suffer from drug addiction or are involved in prostitution and are record-registered in a relevant medical organisation or the relevant subdivision of the Police.

Foster parents shall acquire rights and obligations of a guardian with regard to foster children.

The following are examined during implementation of the Programme:

a. sanitary-hygienic conditions;

b. size (square metre per capita) and number of rooms of the housing facility;

c. availability and condition of water supply and water disposal, heating and air conditioning systems and sanitary facility;

d. health condition of foster child and foster parent, accessibility of healthcare services, periodicity of medical examination of the foster child, availability of preventive vaccinations (if necessary), and in the case of guardianship of foster children with disabilities or grave health problems in specialised and holiday foster families — also the need and availability of rehabilitative, technical equipment and other auxiliary devices, including prosthetic and orthopaedic appliances, the hindrances to obtaining them;

e. data related to education of the foster child, including the fact of being (or not being) enrolled in educational institutions (pre-school or secondary, or preliminary (technical) vocational or secondary vocational education institutions) corresponding to the age and level of maturity, progress, potential problems that might emerge while receiving education and other necessary information about exercise of the right to education;

f. interpersonal relations (including mutual understanding between the foster child and the foster parent), the moral-psychological atmosphere, the presence or absence of violence in the foster family, the level of protection of the foster child;

g. upon conclusion of a foster care agreement (and in case of change of place of residence of a foster family — record drawn up upon study of the living conditions in the new place of residence of the foster family by the territorial agency or division for social support providing service in the territory of the new place of residence of the foster family), the change of property status of the foster family and the impact of the change on the care and upbringing of the foster child;

h. level of food sufficiency, availability of clothes, linens, shoes and personal hygiene items of the foster child, level of weariness of clothes, linens and shoes, their compliance with age and gender features and weather conditions;

i. presence or absence of behavioural deviations of the foster child;

j. engagement of the foster child in the social environment — availability or absence of interactions and relationships with parents (in case of existence and in case the parents are not deprived of parental rights), foster parents, other members of the foster family, close relatives, neighbours and friends;

k. purposefulness and effectiveness of spending funds paid to a foster family and envisaged for the care and upbringing of the foster child, including the amount of expenses made for providing for the maintenance of the child, the fact of obtaining clothes, linens, shoes, personal hygiene items, domestic appliances, food, toys, games, books and stationery necessary for the child.

The "Strategic Programme for the Protection of the Rights of the Child in the Republic of Armenia for 2017-2021" and the policy being implemented are aimed at making sure that the social status of the family does not become a reason for removing the child from the family. The priority objective of the Government of the Republic of Armenia for 2018 is aimed at meeting this objective; according to that, throughout 2018, child care boarding facilities will be restructured as child and family support centres that will provide daytime multi-functional services for the child and his or her family.

The types of foster family, including specialised foster family were prescribed as a special type of foster care in the Law of the Republic of Armenia "On making amendments and supplements to the Family Code of the Republic of Armenia" adopted by the National Assembly of the Republic of Armenia on 21 December 2017. It has been envisaged in the cases of children with disabilities, serious health problems, troubled children, those with mental or behavioural disorders, children who have undergone deep stress (traumatised children), as well as minor mothers and their children. Specialised foster family may also provide short-term care. Short-term foster care is considered as a transitional stage in which the form and periods of and conditions for further child care will be determined. Specialised foster care is also envisaged as special post-care support provided by the state after the attainment of the age of 18.

In the 2018 State Budget of the Republic of Armenia, AMD 152 828,4 thousand has been approved for organisation of the care for 94 children in 90 foster families (previously 25 children). Currently, 27 children are under the care of foster families, and it is envisaged to place another 67 children in foster families by the end of the year.

As far as young offenders are concerned, Article 442 of the Criminal Procedure Code of the Republic of Armenia establishes that application of detention against a minor suspect or minor accused as a measure of restraint shall be permitted solely where he or she is implicated for committing a crime of medium gravity, grave or particularly grave crimes.

Article 88 of the Criminal Code of the Republic of Armenia envisages that detention with respect to a minor having attained the age of sixteen at the time of rendering the judgment may be imposed for a term of fifteen days to two months. Article 89 of the Criminal Code of the Republic of Armenia prescribes the following legal regulations for imprisonment against minors: In particular, imprisonment shall be imposed on minors:

(1) for a maximum term of one year for a crime of minor gravity, and for a maximum term of three years for a crime of medium gravity;

(2) for a maximum term of seven years for a grave or particularly grave criminal offence committed before attaining the age of sixteen;

(3) for a maximum term of ten years for a grave or particularly grave criminal offence committed at the age of sixteen up to attaining the age of eighteen.

The Law of the Republic of Armenia "On custody of arrestees and detainees" — adopted in 2002 — prescribes, among other things, the peculiarities of keeping minors under custody or detention, and the legal regulations related to separated isolation of arrestees and detainees at arrest and detention facilities. In particular:

Pursuant to Article 27, improved material living conditions shall be created for arrested or detained minors at arrest and detention facilities. Arrestees or detainees shall exercise their right to daily walk of at least two hours, during which opportunity to exercise shall be provided.

Pursuant to Article 31, detainees shall be isolated at detention facilities — minors shall be isolated from adults.

As far as support is concerned, activities for the introduction of a system for provision of integrated social services continue in the Republic of Armenia. Introduction of the system of integrated social services is made based on the assessed social needs of a person (family or other social group), implementation of certain social programmes through social case management, in co-operation with state and local self-government bodies, organisations and natural persons, which will help overcome, mitigate or prevent the difficult life situation. Moreover, the Law of the Republic of Armenia "On social support" prescribes that the objective situation that hinders the activity of a person, as a result of conflicts, cruel treatment, being subjected to violence, helplessness and social isolation and which a person may not overcome independently, shall also be deemed to be a difficult life situation. Territorial centres for provision of complex social services operating under the one-stop shop principle are being established in the Republic for the purpose of introducing a system of integrated social services. The activities for creating those centres have been carried out since 2013, and currently, there are 22 territorial centres for provision of complex social services operating in the marzes (provinces) of the Republic of Armenia and in the city of Yerevan. Construction and renovation, as well as

technical and property rearmament of those territorial centres for provision of complex social services have been carried out within the scope of the Social Protection Administration Project of the World Bank. Activities for the establishment of other centres are underway.

Article 17.2.

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

Ensuring enrolment of learners in general education. The 12-year compulsory education system was introduced in the Republic of Armenia in September 2017. At the age of 19, a citizen can independently make a decision whether to continue education. In particular, pursuant to part 7 of Article 18 of the Law of the Republic of Armenia "On education", "In the Republic of Armenia twelve-year secondary or primary vocational (handicraft) or secondary vocational education shall be compulsory until the learner attains the age of 19, where such right has not been exercised earlier.". Pursuant to Article 38 of the Constitution of the Republic of Armenia, secondary education within state educational institutions shall be free of charge.

For the purpose of identifying children left behind compulsory education, in 2014-2015, the United Nations Children's Fund (UNICEF) and the Ministry of Education and Science of the Republic of Armenia carried out a programme for identifying children left behind compulsory education in the Lori Marz of the Republic of Armenia. The purpose of the programme is to create an appropriate system that will allow collecting relevant data on absences and will ensure co-operation between educational and social services in order to bring children back to school. The experimental approach applied within the programme was based on an inter-sectoral record indicating the responsibilities of each of the stakeholders (schools, communities, healthcare institutions (polyclinics), police, case managers, non-governmental organisations) and the measures that need to be

taken as a part of the mechanism for identifying children not attending school.

Based on the 2016-2017 Action Plan between the UNICEF and the Government of the Republic of Armenia, on the provisions of the Joint Order of the Ministry of Emergency Situations of the Republic of Armenia and the Ministry of Education and Science of the Republic of Armenia signed in May 2016, as well as the recommendations in the study conducted by an expert of the UNICEF within the scope of the aforementioned Action Plan carried out in Lori Marz, the Ministry of Education and Science of the Republic of Armenia envisages developing and introducing mechanisms for identifying and guiding children left behind compulsory education. For this purpose, the draft "Procedure for identifying and guiding children left behind compulsory education" was developed in 2017.

Moreover, within the framework of identification and guidance of children left behind compulsory education, the National Centre of Educational Technologies of the Ministry of Education and Science of the Republic of Armenia has created a sub-programme entitled "Record-registration of children left behind compulsory education". The sub-programme provides the opportunity to control the risks with regard to the situation when children — already enrolled in school — are left behind education for various reasons.

Information about children enrolled in the first grade at general education institutions of the Republic of Armenia in the 2017-2018 School Year has been collected through the School Management Information System as well. The mentioned information must be juxtaposed with that of the State Population Register of the Republic of Armenia on children born in 2011. The Ministry of Education and Science of the Republic of Armenia has forwarded the data in the School Management Information System of the National Centre of Educational Technologies to the Ministry of Labour and Social Affairs of the Republic of Armenia. Activities continue in this direction, the System is being modified, and the data are updated on a regular basis.

A sub-programme was also carried out in the Lori Marz in the 2017-2018 School Year. Effective implementation of the sub-programme and its perspective introduction in the

whole territory of the Republic of Armenia will contribute to the creation of legislative grounds for record-registration of children left behind compulsory education.

Other initiatives are also being carried out to ensure enrolment of learners in general education. Every year, funds are allocated from the State Budget of the Republic of Armenia to provide elementary level learners with free textbooks. Funds are also envisaged for reimbursing the fees for textbooks for children of socially disadvantaged families. In 2017, another new initiative was launched, within the scope of which all 1st-12th grade learners of 39 communities receiving social support were provided with free textbooks.

The "Sustainable School Food" national programme was introduced, and through this programme, 1st-4th grade learners of general education schools in 5 marzes of the Republic of Armenia and learners of inclusive education receive free food. The schools in other marzes of the Republic of Armenia not included in the national programme, receive school food through the United Nations World Food Programme. The school food programme promotes the enrolment of learners, the growth of attendance indicators and shapes skills of a healthy lifestyle among learners, particularly in rural communities.

At the same time, as a result of the measures undertaken, some progress has been made in regard to enrolment indicators. Based on the official data published by the Statistical Committee of the Republic of Armenia (http://armstat.am/file/article/soc_2016_2.pdf), the enrolment indicators in the general education sector in the 2016-2017 School Year are the following:

- gross enrolment ratio of schoolchildren in elementary school (1st-4th grades) comprised 91.2% (girls — 91.2%, boys — 91.3%), in primary school (1st-9th grades) — 90.7% (girls — 91.0%, boys — 90.3%), in high school (10th-12th grades) — 65.1% (girls — 71.7%, boys — 59.4%). The gross enrolment ratio of schoolchildren in high school is low, as 14.5% of the population of a relevant age continued education at primary vocational (handicraft) and secondary vocational education institutions upon graduation from primary school. Overall, in the

secondary education circle, the gross enrolment ratio comprised 86.0% (girls — 87.5%, boys — 84.7%);

- the net enrolment ratio of schoolchildren in elementary school comprised 89.1% (girls — 88.9%, boys — 89.3%), in primary school — 89.6% (girls — 89.9%, boys — 89.3%);
- the gender equality ratio of schoolchildren comprised 1.03; moreover, in elementary school, it comprised 1.00, in primary school — 1.01, in high school — 1.21. It should be mentioned that there are no gender issues in terms of enrolment in the general education sector, and the sex differences in the number of learners are mainly due to demographic indicators (factors).

Engagement of children with disabilities/children with special educational needs in general education: Universal inclusive education. On 2 March 2018, the National Assembly of the Republic of Armenia adopted by the first reading the draft Law of the Republic of Armenia on "Protection of rights and social integration of persons with disabilities", which prescribes the main objectives, principles of and directions for protection of the rights of persons with disabilities and the state policy in the sphere of social integration.

Pursuant to the draft Law, rejection of discrimination and ensuring of exercise of the right to receive an education and specialisation is prescribed as a main direction of the state policy. Moreover, point 1 of Article 22 guarantees the creation of necessary conditions and equal opportunities for persons with disabilities to receive a full-fledged education equally with other persons.

The draft Law defines discrimination as any distinction, exclusion or restriction (including the refusal to provide reasonable accommodations) on the grounds of disability, the purpose or effect of which is displaying less favourable attitude in political, economic, social, cultural and any other aspect or prohibiting or denying the recognition and/or exercise, on equal basis, of any right prescribed by law.

On 1 December 2014, the National Assembly of the Republic of Armenia adopted the Law of the Republic of Armenia "On making supplements and amendments to the Law of the Republic of Armenia "On general education"" (HO-200-N), which laid the foundation for making the transition to universal inclusive education in the general education system.

To make a transition to the idea of universal inclusiveness means to refuse the idea of turning certain schools into inclusive schools and prepare the whole system for inclusiveness, that is, all schools of the republic must be recognised as schools providing inclusive education.

The transition to the universal inclusive education system is made through the reorganisation of several special general education institutions of the republic into pedagogical-psychological support centres. The transition to the system is gradual, according to certain marzes, and the process is supported by several non-governmental and international organisations operating in the Republic of Armenia.

Currently, the system is in the transitional stage, and in this period, certain inclusive schools and the former system of special schools will operate parallel to each other.

Armenia has adopted the policy on making the transition to universal inclusiveness according to marzes. Pedagogical-psychological support services are being established in marzes to support schools in providing educational services in line with the needs of a child.

To ensure enforcement of the Law, the Government of the Republic of Armenia approved by its Protocol Decision No 6 of 18 February 2016 "The Action Plan and timetable for implementation of the system of universal inclusive education".

Pursuant to the timetable in effect, the universal inclusive education system has already been introduced in the Syunik, Tavush and Lori Marzes.

Pursuant to the specified timetable, the transition to the universal inclusive education system was launched in Syunik Marz in 2016, and the system was introduced in the Lori and Tavush Marzes in 2017. As a result:

- 3 territorial pedagogical-psychological support centres in Syunik, Goris and Sisian have been established in the Syunik Marz;
- 3 territorial pedagogical-psychological support centres in Stepanavan, Vanadzor and Spitak have also been established in the Lori Marz, and the branch of the centre in Vanadzor has been established in the city of Alaverdi;
- a three-tier system for pedagogical-psychological support services and assessment of the educational needs of a child has been introduced;
- trainings have been conducted in regard to inclusive education, the tools for children's assessment and the provision of pedagogical-psychological support services for specialists of general education schools and territorial pedagogical-psychological support centres;
- positions of teacher's assistant and special pedagogue have been introduced in general education schools;
- the scale of the increased portion of funding prescribed for children with special educational needs has been applied according to the degree of gravity of need of the child;
- schoolchildren have been transferred from reorganised territorial pedagogical-psychological support centres to general education schools.

As a result of introduction of the system, 17 special general education schools out of former 23 special general education schools in total, continue to operate in the republic, total of 6 territorial pedagogical-psychological support centres and the Republican Pedagogical-Psychological Support Centre have been established and are operating.

In 2018, the system will be introduced in Armavir Marz. Two special schools of Armavir Marz are currently being restructured into territorial pedagogical-psychological support centres.

New standards of assessment of the educational needs of children have been approved and tested in the Syunik, Lori, Tavush and Armavir Marzes since 2016.

As there was no special general education school operating in the Tavush Marz, in this marz, pedagogical-psychological support services have been outsourced to the 4 branches of "Bridge of Hope" NGO, taking into account the experience of the NGO in the

field of inclusive education.

Based on the approved timetable, the process will continue till 2022 when the universal inclusive education system will gradually be introduced in all the marzes of the Republic of Armenia, and the republic must achieve universal inclusiveness prescribed by the Law by 1 August 2025. Several non-governmental and international organisations operating in the Republic of Armenia will also support the process.

Pursuant to the timetable for making the transition to universal inclusive education, in 2018, the system will be introduced in the Armavir Marz, in 2019 — in the city of Yerevan and in the Shirak and Aragatsotn Marzes, in 2020 — in the Gegharkunik and Kotayk Marzes, in 2021 — in the Ararat and Vayots Dzor Marzes.

Parallel to universal inclusiveness, certain special schools will continue to operate in order to provide education to children with certain needs. At the end of the process of transition to universal inclusive education, it is envisaged to have 6 institutions with the status of a special general education institution.

During the entire cycle of transition to universal inclusive education, the Republican Pedagogical-Psychological Support Centre will provide professional consulting, will co-ordinate the activities of territorial pedagogical-psychological support centres, will develop methodical materials and will perform other functions provided for by its charter.

A common state criterion for general education for all learners has been approved upon Decision of the Government of the Republic of Armenia No 1088-N of 11 July 2011. Pursuant to the criterion, for effective organisation of education for children with special educational needs, the content of the general education programme is adapted to the perceptive and intellectual activity capacities of the children.

Also, as a result of introduction of universal inclusive education system, pedagogical-psychological support services for the organisation of education are provided by:

(1) the pedagogical-psychological support service of the educational institution of the child at the level of school;

(2) the territorial pedagogical-psychological support centre at the territorial level;

(3) the Republican Pedagogical-Psychological Support Centre at the state level.

Based on the results of needs assessment of a child, an individual instruction plan is drawn up, which includes a section devoted to the provision of pedagogical-psychological support.

Introduction of the system of universal inclusive education is targeted at fulfilment of the commitments assumed by the Republic of Armenia under several international documents and enshrined by the legislation of the Republic of Armenia, particularly the provisions in the Declaration on Education for All, as well as the United Nations Convention on the Rights of Persons with Disabilities and the United Nations Convention on the Rights of the Child. Introduction of the system of universal inclusive education falls in line with the goals of the Salamanca Statement and Framework for Action on Special Needs Education and the Dakar Framework for Action. At the same time, it stems from the provisions of the "2011-2015 State Programme for Development of Education in the Republic of Armenia", as well as the "State Programme for Development of Education in the Republic of Armenia by 2030".

Based on the data in the 2017-2018 School Year, overall, nearly 9400 children with special educational needs were enrolled in general education. This group of children includes children enrolled in universal inclusive education in 3 marzes, as well as nearly 1900 children learning in 19 special general education schools and nearly 6225 children with special educational needs learning in 201 general education schools providing inclusive education.

Inclusion of children left behind education. Taking into account the fact that there was a time when special schools were mainly deployed in Yerevan and organising the right of children to education with special educational needs was problematic in the marzes. It was hard for parents to ensure a child's transfer to a special school. General education schools lacked conditions for those children, and they faced a high risk of being left

behind education. Cases of non-attendance were detected in the Syunik Marz where the problem has already been solved, as the marz has made the transition to universal inclusiveness.

The transition to universal inclusiveness is expected to radically solve this problem, and the plan for early detection, record-registration of children left behind education and inclusion into the system of education being introduced through the co-operation of the Ministry of Education and Science of the Republic of Armenia, the United Nations Children's Fund (UNICEF) and the National Centre of Educational Technologies (the "Record-registration of Children Left Behind Compulsory Education" sub-programme mentioned above) will also highly contribute to the solution to the problem. The system of record-registration of children, which is being newly introduced, tracks the educational progress of a child during the entire learning process, and in case of interruption of education, an alarm mechanism is put to action.

Besides, territorial pedagogical-psychological support centres operating in the marzes have also joined this system. The centres transfer the results of the assessment to the system, and a complete profile of each child is formed, showing the special educational needs.

Also, the individual instruction plan for children with special educational needs is under constant supervision, and one of the sections is devoted to the provision of pedagogical-psychological support.

Among the positive aspects of universal inclusiveness it is particularly necessary to mention that a child with special educational needs becomes equal to all children and continues his or her education without being cut off from the family by living in a family environment, social stratification reduces, stereotypes are overcome within the society, etc.

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

Articles 19.1. and 19.2.

Information with regard to the developments that took place during the reporting period and to questions submitted by the Committee

The State Employment Agency of the Ministry of Labour and Social Affairs of the Republic of Armenia implements programmes aimed at preventing irregular migration, raising the level of awareness of labour migrants and the integration of returning migrants in the labour market of the Republic of Armenia.

Pursuant to the Law of the Republic of Armenia "On employment" (adopted by the National Assembly of the Republic of Armenia on 11 December 2013) returning labour migrants are integrated in the labour market in the group of non-competitive persons and enjoy annual state employment programmes.

In 2017 the State Employment Agency of the Ministry of Labour and Social Affairs of the Republic of Armenia in partnership with the International Organisation for Migration and the "Armenian Caritas" Benevolent Non-Governmental Organisation introduced the Mobile Migration Resource Centre, the purpose of which is to raise the level of awareness of the population about employment and migration programmes, to assess the needs of migrants, as well as to create an opportunity to carry out the registration of residents of remote regions — where the Migration Resource Centre does not operate physically — in a more effective manner, as a result of which we shall have more informed and protected citizens.

The advantage of the Mobile Migration Resource Centre is that it will make migration consultancy also accessible for persons living outside the framework of Migration

Resource Centre as the Migration Resource Centres are situated in territorial centres and it is often difficult to go to a territorial centre from remote rural places to receive consultation.

Currently, 7 Migration Resource Centres and 1 Mobile Migration Resource Centre operate under the State Employment Agency of the Ministry of Labour and Social Affairs of the Republic of Armenia, which in 2017 provided the population with consultancy and information, in particular to the following persons:

- persons having left for migrant work were provided with consultancy on the labour migration legislation of the host country, they were given information materials;
- returnees were consulted on the procedure for registration at employment centres, vacancies, as well as annual state employment programmes;
- migrant workers of the Republic of Armenia were consulted on the legislation of the main host countries.

The following was introduced:

- labour migration legislation of the Russian Federation (arrival and labour activity of migrant workers, rights and obligations of migrant workers, protection of interests and assistance);
- labour migration, labour trafficking;
- labour migration and mobility partnerships in the European Union countries;
- migration and labour migration in the Republic of Armenia, types of migration flows;
- consular system of the Republic of Armenia;
- migration legislation of the Republic of Armenia and international treaties, migration policy of the European Union;
- protection of interests of natural persons of the Republic of Armenia and assistance thereto;
- during the meeting with the beneficiaries, relevant informational materials, booklets were distributed thereto.

During 2017 the State Employment Agency of the Ministry of Labour and Social Affairs of the Republic of Armenia jointly with the International Organisation for Migration and the "Armenian Caritas" Benevolent Non-Governmental Organisation developed the “iMigrant” mobile application which is under final testing stage and pursues the following objectives:

- providing labour migrants with quick and accurate information on before leaving, leaving and after leaving aspects;
- providing the persons leaving for and returning from migrant work with necessary information and consultancy on labour and employment legislation, as well as labour market;
- informing about employment state programmes, ensuring direct contact with the beneficiaries;
- protection of the rights of labour migrants and the members of their families;
- introduction of a mechanism for quick response to the problems of labour migrants;
- opportunity for operative collection of necessary information aimed at improving current policies.

Reliable and objective information on necessary procedures, residence and employment, as well as on matters such as social security, apartment matters, social services, education, healthcare and others in the host countries, will be provided by the application.

The State Employment Agency of the Ministry of Labour and Social Affairs of the Republic of Armenia has a hotline via which the persons leaving for migrant work are provided with consultancy on the labour migration legislation of the relevant country. Via the hotline it is also checked whether the citizens of the Republic of Armenia are in the "black list" of the entry to the Russian Federation.

Through the Mobile Migration Resource Centre and the hotline there is an opportunity to provide with consultancy in three languages (Armenian, Russian and English), and via "iMigrant" mobile application information in Russian and Armenian will be provided; it is envisaged in the future to present information also in English.

The mentioned programmes will also contribute to the raise of the level of awareness about the services provided by the state.

It is also envisaged to provide the migrants with information — besides through the Migration Resource Centres — within the framework of 2017-2021 Migration Strategy Action Plan of the Republic of Armenia; in particular, in 2018-2021, it is envisaged to develop information leaflets and other materials accessible to the public on rights and obligations of the citizens of the Republic of Armenia and foreign citizens in the sector of

migration deriving from the Treaty on the Eurasian Economic Union. The information leaflets developed for the member states of the Eurasian Economic Union will be in Russian.

Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia provides the persons leaving for the Russian Federation with information on the migration legislation of the Russian Federation and refers the citizens of the Republic of Armenia returning to the Republic of Armenia, to relevant state bodies providing reintegration support, as well as to international and non-governmental organisations.

2017-2021 Migration Strategy Action Plan of the Republic of Armenia envisages advocacy among means of mass media aimed at raising the awareness of the citizens of the Republic of Armenia on the procedure and conditions of engagement in professional activity in foreign countries; organization of awards ceremonies in partnership with international organisations is envisaged. Within the scope of this activity, the annual journalistic contest “Suitcase” on publications regarding migration problems is organised.

In the Republic of Armenia the organisation of fight against trafficking in and exploitation of human beings has started since 2002. For effective fight against that phenomenon the concept paper on "Prevention of illicit transportation, transfer of and trafficking in human beings from the Republic of Armenia for the exploitation" has been adopted by the Government of the Republic of Armenia and the following five national plans stemming from it were adopted and implemented: "The 2004-2006 National Action Plan for the prevention of illicit transportation, transfer of and trafficking in human beings from the Republic of Armenia for exploitation" (Decision of the Government of the Republic of Armenia No 58-N of 15 January 2004), “The 2007-2009 National Programme for the fight against human exploitation (trafficking) in the Republic of Armenia and its implementation schedule” (Decision of the Government of the Republic of Armenia No 1598-N of 6 December 2007), “The 2010-2012 National Programme for the fight against human exploitation (trafficking) in the Republic of Armenia and its implementation

schedule" (Decision of the Government of the Republic of Armenia No 1140-N of 3 September 2010), "The 2013-2015 National Programme for the fight against human exploitation (trafficking) in the Republic of Armenia and its implementation schedule" (Decision of the Government of the Republic of Armenia No 186-N of 28 February 2013), and "The 2016-2018 National Programme for the fight against human exploitation (trafficking) in the Republic of Armenia and its implementation schedule" (Decision of the Government of the Republic of Armenia No 726-N of 7 July 2016). To make the protection and support of victims subjected to trafficking in and exploitation effective, on 17 December 2014 the Law of the Republic of Armenia HO-212-N "On identification of and assistance to persons subjected to trafficking in and exploitation of human beings" was adopted and the procedure of national orientation of persons subjected to exploitation (trafficking) approved by the Decision of the Government of the Republic of Armenia No 1385-A of 20 November 2008 was repealed. Accordingly, supplements and amendments were made in other legal acts regulating the sector.

The report on the activities carried out by the Ministry of Labour and Social Affairs of the Republic of Armenia within the scope of the 2016-2018 National Programme of the Republic of Armenia for the fight against trafficking in and exploitation of human beings is presented below, according to the sections included in the schedule of the plan.

To develop a guide for identifying and referring children victims subjected to trafficking, aimed at improving the legislation on the fight against trafficking in and exploitation of human beings and ensuring implementation of current legislation. The project corresponds to the requirements of points 1.1.1. and 1.1.3. of the Programme and is based on the legislation of the sector and the analysis of international obligations and assignments. The objective of the project is forming of a guidance mechanism for children subjected to trafficking and exploitation, as well as creating or enhancing co-operation relations between main actors and prevention of trafficking cases among juveniles through development of inter-agency co-operation, efficient organisation and control of measures aimed at support and protection thereof. The adoption of the project

will increase and enhance the scope of co-operation between different bodies and organizations, will determine the sequence of activities, will contribute to the capacity enhancement of specialists of the sector, increasing the effectiveness of work and, as a final result, the reinforcing the system of protection of rights and interest of a child.

For the prevention of trafficking in and exploitation of human beings:

1. Certain activities were carried out to raise the awareness of population on trafficking in and exploitation of human beings, in particular:

   (a) Booklets, leaflets, posters, analytical references with hotline numbers of bodies supporting the spread of information on the danger of trafficking, identification of possible victims were handed out in the marzes of the Republic of Armenia;

   (b) TV and radio programmes were prepared and broadcast, interviews were organised during which the policy of the sector and the current situation were presented.

2. Activities for awareness-raising and training of employees of public administration, local self government bodies and of organisations in direct contact with the population on human trafficking and exploitation were held, in particular:

   (a) The training module on the topic of “The fight against trafficking in human beings and exploitation” envisaged for training of civil servants has been revised. Trainings envisaged for different agencies are provided by "The National Institute of Labour and Social Research" state non-commercial organisation of the Ministry of Labour and Social Affairs of the Republic of Armenia. The module is regularly being reviewed to comply with the policy conducted in the sector.

   (b) Outgoing workshops were organised. The last one was launched in November 2017 and ended in December. The Ministry of Labour and Social Affairs of the Republic of Armenia, in co-operation with "UMCOR Armenia"

Charitable Foundation, held a series of seminars in the marzes of the Republic of Armenia, with participation of representatives of territorial administration and local self-government bodies, police divisions, the representatives of other interested institutions.

With the aim of preventing trafficking in and exploitation of children the programme "State support to graduates of child care institutions of the Republic of Armenia" continued, within the framework of which projects aimed at the social protection of graduates of Child Care Institutions were carried out.

The protection and support of persons subjected to trafficking in and exploitation of human beings was organised with the aim of identifying persons subjected to trafficking in and exploitation of human beings, their protection and support, in particular, the state programme “Social and psychological rehabilitation of victims of trafficking” implemented since 2010 upon co-financing of the Ministry of Labour and Social Affairs of the Republic of Armenia with "UMCOR Armenia" Charitable Foundation, was expanded in 2016 to include an additional component aimed at the support of persons subjected to sexual violation. The fact that very often those persons become victims of trafficking who have previously been subjected to violation (including sexual violation), was taken into consideration.

Within the scope of the programme:

(a) persons recognised as victims of trafficking in and exploitation of human beings/ or victims of special category and women and girls subjected to violation (including sexual violation) are provided with assistance, works are carried out for their social and psychological rehabilitation;

(b) the risk of becoming a victim of trafficking in and exploitation of human beings for women and girls subjected to violation (including sexual violation) by their family members or other persons, is prevented as much as possible.

The beneficiaries are provided with the following services:

(1) temporary accommodations (with the child, if necessary);

(2) food, three times a day;

(3) in-kind aid;

(4) medical aid;

(5) psychological aid;

(6) advisory assistance;

(7) legal assistance;

(8) translation/interpretation services;

(9) support in restoring/collecting necessary documents for being included in state social programmes;

(10) organising general education;

(11) a lump-sum pecuniary assistance (this kind of support is envisaged only for victims of trafficking);

(12) the return of victims revealed in other countries to the Republic of Armenia is organised.

With the aim of conducting studies, carrying out monitoring and ensuring the evaluation process, data on persons subjected to trafficking in and exploitation of human beings was collected, the results of activities of the Commission for Identification of Victims pursuant to the content of decisions adopted, the social-demographic picture of victims, statistical data (total number of victims, type of exploitation, the country of origin/destination), information regarding the support, were regularly summarized.

The Ministry of Labour and Social Affairs of the Republic of Armenia co-operates with international, regional, non-governmental organizations and means of mass media.

The modes of co-operation are as follows:

- press conferences, interviews, TV programmes;
- working meetings with international experts;
- participation in international conferences and seminars in and out of the Republic;
- discussion of current programmes, presentation of suggestions, development of documents;
- organisation of seminars and round-tables with the engagement of relevant specialists and discussion and solution of problems;
- preparation of reports on the fulfilment of international obligations.

General (inter-agency) reports on the activities carried out in the sphere of the fight against trafficking are posted on the website of the Ministry of Foreign Affairs of the Republic of Armenia.

The programmes financed by the state are as follows:

- Social and psychological rehabilitation of victims of trafficking;
- Trainings of civil servants;
- Medical aid under state funding;
- Annual TV programme;
- Care of minors in institutions;
- Support for the graduates of orphanages.

Currently "The National Programme for the fight against trafficking in and exploitation of human beings in the Republic of Armenia for 2019-2021" is being developed.

The study of the legislative framework shows that certain legal acts with an object of separate regulation do not comprise discriminatory provisions. Though prohibition of discrimination is stipulated under the legislation of the Republic of Armenia; however, due to the absence of clearly set legal mechanisms, persons are deprived of efficient means for the protection of their rights. Within the scope of the considered issue, in pursuing the aim of ensuring full exercise of the rights of persons, clearly set legislative regulations are important whereby shall be stipulated the concept and types of

discrimination, as well as clearly set mechanisms preventing discrimination.

Protection of rights of migrants, refugees and asylum seekers is in the centre of attention of Human Rights Defender.

Thus, taking into consideration the importance of securing the rights of refugees and asylum seekers in the Republic of Armenia and the challenges relating to it, in the course of 2017 Human Rights Defender initiated a respective examination, the results thereof were presented in the Ad-Hoc Report on "Securing the rights of refugees and asylum seekers in the Republic of Armenia". It was prepared within the framework of the project “Enhancing the capacity of Human Rights Defender’s Office to monitor the situation of refugee and asylum-seekers in Armenia” jointly implemented by the Defender’s Office and the Representation of the United Nations High Commissioner for Refugees in Armenia. Moreover, the Report is available both in Armenian and in English. The main issues relating to certain spheres of securing the rights of refugees and asylum-seekers and suggestions targeted at solutions thereof are also included in the Ad-Hoc Report.

Posters of informative nature were placed at the state border checkpoints "Bagratashen", "Bavra", "Gogavan" of the Republic of Armenia, and at the airports "Zvartnots" and "Shirak" as well. They present the fundamental provisions of the Constitution of the Republic of Armenia and the relevant Law on the right to seek asylum in the Republic of Armenia. The posters also contain information on contact data of competent bodies and organisations of the sector. The whole information on the poster is presented in Armenian, English, Russian, French, Spanish, Persian and Arabic.

Within the framework of the programme information leaflets on the rights and obligations of refugees in Armenia, as well as on the procedure of discussing the application by the Defender were also published. Besides Armenian, they were also published in six languages — English, Russian, French, Spanish, Arabic and Persian — that are more popular among persons having the status of a refugee in Armenia.

The Office of the Human Rights Defender of the Republic of Armenia in co-operation with

the Armenian Red Cross Society regularly holds events aimed at raising the level of awareness for refugees and asylum-seekers. Meetings with refugees and asylum-seekers are held within the framework of the programme carried out with the support of the Armenian office of the United Nations High Commissioner for Refugees, in the course of which these persons are informed about their rights and obligations, as well as the powers of the Defender, the procedure of applying to him and the procedure of discussing the complaints are presented. During the events other issues raised by the participants are also discussed.

During 2017, within the framework of the programmes of the Armenian Red Cross Society and the Armenian office of the United Nations High Commissioner for Refugees, trainings on international standards and those of the Republic of Armenian on the protection of refugees and asylum-seekers were held; training courses were also held for Border Guard Troops of the National Security Service of the Republic of Armenia and the staff of the Passport and Visa Department of the Police of the Republic of Armenia. The trainings were organised for Border Guard Troops in service at the state border checkpoints "Bagratashen", "Gogavan", "Bavra", "Agarak" of the Republic of Armenia, and at the airports "Zvartnots" and "Shirak". The trainings were important especially in the sense that the competent representatives of Border Guard Troops of the National Security Service of the Republic of Armenia participated in them, who are responsible for the issues being the subject of the training. Representatives of the Staff of the Defender also participated in the trainings. The goal of the trainings was to raise the level of awareness of the participants on international liabilities of the Republic of Armenia, the entry to the country, the non-refoulement principle, the availability of the asylum procedure, the domestic and international regulations of identifying and guidance of asylum-seekers.

In 2017, round-table discussions with participation of Border Guard Troops of the National Security Service of the Republic of Armenia responsible for border control and the representatives of other competent state bodies of the sector were held within the

framework of the same programme. The representatives of Staff of the Defender, the United Nations High Commissioner for Refugees, European Border and Coast Guard Agency, the Armenian Red Cross Society and the Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia also participated in the meetings. The topics of the discussion mainly were about the provisions of the Convention and the Protocol, the general principals of the protection of refugees, the mandate of the United Nations High Commissioner for Refugees, the identification and guidance of asylum-seekers and the reception and assistance of refugees at the border checkpoints. Powers of the Human Rights Defender stipulated by the Constitution and the Constitutional Law of the Republic of Armenia "On Human Rights Defender", as well as measures taken for the protection of rights of refugees and asylum-seekers were also presented. The Armenian Red Cross Society also presented the functions of the institution regarding provision of translation services for asylum-seekers and refugees.

The discussions are important from the perspective of raising the awareness of Border Guard Troops of the National Security Service of the Republic of Armenia on rights of refugees and asylum-seekers. They allow not only to study the legislative regulations of the sector, but also to discuss the peculiarities of their practical application, which affects positively securing rights of refugees and asylum-seekers. Moreover, these are trainings on such topics that are envisaged by the above-mentioned assignment of the Committee of the Ministers of the Council of Europe.

The trainings are also important from the perspective of establishing efficient working co-operation between the participants. This refers especially to the Staff of the Human Rights Defender and Border Guard Troops of the National Security Service of the Republic of Armenia. Currently, on the basis of that collaboration joint work is carried out in cases of existence of relevant emergency calls on possible violations of rights and necessity of exchanging information.

It is worth mentioning that the measures of raising the level of awareness among border troops carried out by the competent bodies are ongoing.

In 2017, within the framework of the project “Enhancing the capacity of Human Rights Defender’s Staff to monitor the situation of refugee and asylum-seekers in Armenia’’ carried out by the Staff of the Human Rights Defender and the Armenian office of the United Nations High Commissioner for Refugees, a workshop titled "The Legal Protection of Refugees and Asylum Seekers" was held. The purpose of the event was to improve the skills of the relevant representatives of the Staff of the Defender in the sector of protection of rights of refugees and asylum-seekers. During the meeting rights and obligations of refugees and asylum-seekers stipulated by the 1951 UN Convention Relating to the Status of Refugees and the national legislation of the Republic of Armenia, the general principals of their international protection, as well as international and domestic legal regulations regarding the protection of stateless persons, were discussed. A reference was also made to the achievements and challenges with regard to integration of refugees in the Republic of Armenia.

In 2017 a workshop titled “Refugee definition and asylum procedures for Staff of the Human Rights Defender of the Republic of Armenia” took place, the purpose of which was to introduce the mandate of the United Nations High Commissioner for Refugees, its formation history, refugee definition in international and domestic law, exclusion and cessation clauses of the refugee status and the asylum granting procedure to the Staff of the Human Rights Defender. The representatives of a national expert, the United Nations High Commissioner for Refugees, the State Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia and "Mission Armenia" benevolent non-governmental organization introduced the regulations of the mentioned topics in theory and practical issues. Representatives of Border Guard Troops of the National Security Service of the Republic of Armenia, the State Migration Service of the Ministry of Territorial Administration and Development of the Republic of Armenia and non-governmental organizations operating in the sector also participated in the workshop.

In 2018 a new project was launched with the participation of Human Rights Defender of

the Republic of Armenia and the Armenian Office of the United Nations High Commissioner for Refugees. It concerns the analyses of situation on ensuring the rights of refugees and asylum seekers by the Human Rights Defender's Office of the Republic of Armenia. It also aims at raising the level of awareness on the mandate of the Defender and capacity building of the Staff as well. It is also envisaged to implement measures aimed at raising the level of awareness with regard to refugees and asylum seekers among competent state bodies, students and representatives of the mass media.

The Staff of the Human Rights Defender of the Republic of Armenia regularly organises awareness-raising campaigns and discussions on different topics regarding human rights and fundamental freedoms, which include also exchange of information on trafficking and avoiding it. The efficiency of the fight against trafficking is co-related to the level of awareness of the phenomenon.

During 2017 students of a number of general education institutions and child care centres from Yerevan and a number of marzes of the Republic of Armenia, had a cognitive visit to the Office of the Defender. During the introduction of a number of issues aimed at protection of human rights and discussions organised on these issues, problems of trafficking in human beings and issues of efficient fight to prevent those problems were introduced.

Concurrently, during 2017 the representative of the Staff of the Defender also participated in discussions, seminars and other events aimed at awareness-raising on different issues of human rights and freedoms.

Thus, within the framework of the project "Awareness raising of youth on trafficking in human beings", the representative of the Staff of the Defender introduced the main issues of trafficking in human beings, the international standards in the fight against trafficking, the rights of victims of trafficking and other issues regarding human rights and freedoms.

On 27 June 2018, a round-table discussion on "Combating racial discrimination and intolerance in Armenia" took place. It was organized by the European Commission

against Racism and Intolerance jointly with the Human Rights Defender's Staff of the Republic of Armenia and the Ministry of Justice of the Republic of Armenia. The event was aimed at promoting national discussion on combating racial discrimination and intolerance in Armenia. During the meeting, issues related to the legislative and institutional framework for the fight against discrimination, integration policy, refugees and other immigrants were discussed. Among other topics, 2016 Report of the European Commission against Racism and Intolerance on Armenia was also presented. Problems encountered in the practice were also brought up and possible directions for their solution were discussed.

At the same time, we would like to inform that events on group collections did not take place in the Republic of Armenia.

Article 19.3.

Information with regard to the developments that took place during the reporting period and to questions submitted by the Committee

Migration Resource Centres operating in the structure of the State Employment Agency of the Ministry of Labour and Social Affairs of the Republic of Armenia are a connecting link between state and international organisations and migrants. In the International Organisation for Migration and other state and non-state institutions dealing with issues of labour migrants, any existing and necessary information on labour migrants is disseminated and provided to beneficiaries through Migration Resource Centres.

Migration Resource Centres provide services not only to citizens of the Republic of Armenia, but also to foreign citizens and stateless labour migrants who are in Armenia on legal grounds.

A number of agreements have been signed:

- between the Government of the Republic of Armenia and the Government of the Russian Federation on working activity and social protection of citizens of the Republic of Armenia working

in the territory of the Russian Federation and citizens of the Russian Federation working in the territory of the Republic of Armenia;

- between the Government of the Republic of Armenia and the Government of Ukraine on working activity and social protection of citizens of the Republic of Armenia and citizens of Ukraine working outside the borders of their states;
- between the Government of the Republic of Armenia and the Government of the Republic of Belarus on temporary working activity and social protection of their citizens working outside the borders of their states;
- between the Government of the Republic of Armenia and the Government of the Republic of Georgia on working activity and social protection of citizens of the Republic of Armenia working in the territory of the Republic of Georgia and citizens of the Republic of Georgia working in the territory of the Republic of Armenia.

Within the framework of the Commonwealth of Independent States have been signed:

- Agreement "On co-operation in the sphere of labour migration and social protection of labour migrants";
- Agreement "On co-operation between member states of the Commonwealth of Independent States in combating illegal migration".

Within the framework of member states of the European Union have been signed:

- Agreement between the Republic of Armenia and the European Union on the facilitation of the issuance of visas;
- Agreement between the Republic of Armenia and the European Union on the readmission of persons residing without authorisation;
- Agreement between the Government of the Republic of Armenia and the Government of the Republic of France on the partnership on migration.

The Agreement between the Republic of Armenia and the Republic of Bulgaria on regulation of labour migration entered into force on 9 October 2018 which will contribute to the efficient regulation of labour migration and protection of rights and interests of labour migrants between two states.

The “Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their member states, of the one part and the Republic of Armenia, of the other part” is of major importance in migration regulation between the European Union

and Armenia, within the framework whereof the Parties reconfirmed the importance of joint management of migration flows between their territories and emphasized the necessity of confirming the comprehensive dialogue on all the issues relating to migration, including legal migration, international protection and combating illegal migration, illicit transfer of persons and trafficking. Within the framework of the Agreement the co-operation shall be based on special needs assessment through mutual consultation between the parties and shall be carried out pursuant to the relevant legislation of the parties.

Article 19.4.

Information with regard to the developments that took place during the reporting period and to questions submitted by the Committee

In Armenia the registration of both leaving and arriving labour migrants in territorial centres is not mandatory, since there is no system for registration of labour migrants currently and the procedure of granting a work permit to foreign employees in the Republic of Armenia is suspended until 1 January 2019.

Within the framework of the 3rd activity — "Promoting demographic and regional balanced development" — of the Action Plan for the employment strategy, as a step for carrying out the activity, is envisaged routing the state employment policy towards the comprehensive solution of the issues of state regulations on migration.

Both 2013-2018 Employment Strategy and 2017-2021 Migration Policy Strategy of the Republic of Armenia, which introduces labour migration regulation more comprehensively, underlies the work of Migration Resource Centres.

Under Article 3 of the Law of the Republic of Armenia "On employment" it is stipulated that the citizens of the Republic of Armenia, the foreign citizens living in the Republic of Armenia, and persons having no citizenship have the right to choose between employment and unemployment, except for the cases prescribed by the laws of the Republic of Armenia. Employment of foreign citizens and stateless persons having the right to reside in the Republic of Armenia (residence permit) is regulated by the same

Law, other laws of the Republic of Armenia and international treaties of the Republic of Armenia.

The State Employment Agency of the Ministry of Labour and Social Affairs of the Republic of Armenia is responsible for programmes and services for regulation of employment.

Migration Resource Centres provide consultancy and with information materials, if necessary. In particular, throughout 2016, a number of informational materials for the capacity building of Migration Resource Centres were developed, particularly in regard to:

- The rights and obligations of labour migrants, being citizens of the Republic of Armenia, who leave for the Eurasian Economic Union member states;
- The algorithm for making "income-expenses" comparisons during the decision-making process for labour migrant citizens of the Republic of Armenia leaving for countries of the Eurasian Economic Union and the European Union;
- Main problems and difficulties faced by labour migrants being citizens of the Republic of Armenia in the member states of the Eurasian Economic Union;
- A guide for prevention of irregular migration has been developed for employees of Migration Resource Centres jointly with the International Organisation for Migration.

A training course based on the special country-specific study on "Management of the process of orientation of Armenian labour migrants before leave for identification of gaps and identification and assessment of needs" was jointly organised with the International Organisation for Migration.

The main destination countries of Armenian labour migrants have been examined, and a "decision tree" for making a decision on labour migration has been drawn up, allowing migrants to have an idea of what they can expect from working abroad.

According to the data provided by Migration Resource Centres, in 2015 - 2017 5154 migrants were provided with consultancy and 835 migrants enjoyed annual state programmes.

On March 23, 2018 under the Law of the Republic of Armenia "On bodies of the state administration system" inspection bodies were established which will operate under the jurisdiction of the Government of the Republic of Armenia. Among others, the Health and Labour Inspection Body of the Republic of Armenia (point 6 of part 2 of Article 4) was also established.

Pursuant to the Charter, supervision over the relations pertaining to the maintenance of health and ensuring safety of employees, and supervision over the ensuring of the guarantees for persons under the age of 18, as well as pregnant women or breast-feeding women and employees taking care of a child, as prescribed by the labour legislation, is reserved to the newly established Health and Labour Inspection Body.

The following functions are particularly reserved to the Health and Labour Inspection Body (sub-points 10-13, 15-17 of point 11 of the Charter):

(10) exercising supervision over the application of norms on maintenance of health and ensuring the safety of employees in cases and manner prescribed by law, including:

a. exercising supervision over mandatory requirements concerning maintenance of health and ensuring the safety of employees at workplace, as prescribed by the legislation of the Republic of Armenia, including supervision over availability, maintenance and exploitation of collective and individual protective means for occupational safety;

b. studying and analysing the reasons for accidents and occupational diseases at workplace in cases and manner prescribed by law;

c. organising — with a view to enforcement of labour legislation and other legal acts — methodical assistance in ensuring occupational safety for employers and trade unions, providing relevant information and consultancy;

d. exercising supervision over the ensuring of guarantees prescribed by the labour legislation for persons under the age of 18, as well as for pregnant and

breast-feeding women and employees taking care of a child;

e. temporary termination of activities until violations are eliminated, as prescribed by the Labour Code.

(11) in cases prescribed by law, giving mandatory assignments on violations detected in the result of inspections carried out within the scope of the competence thereof, defining terms for the elimination of the violations;

(12) applying sanctions prescribed by law for violation of requirements of the legal acts regulating relations in the sphere of healthcare, protection of health and ensuring safety of employees;

(13) carrying out explanatory work on application of laws of the Republic of Armenia in the sphere of healthcare, maintenance of health and ensuring safety of employees, and on application of provisions of legal acts adopted in accordance therewith; informing economic entities about their rights and responsibilities;

...

(15) in case of adoption of new legal acts or publication of guides regarding the activity of the economic entity or relating to its competence, as well as in case of making amendments or supplements thereto, make sure about informing the economic entities thereon as prescribed by the Law of the Republic of Armenia “On inspection bodies";

(16) performing works with regard to collection of statistical data and analyses, risk assessment of economic entities operating in the sector of its control, and focusing supervisory and control functions on more risky sectors and economic entities;

(17) exchange of information — revealed within the scope of its powers — not prohibited by law with other inspection bodies for the purpose of exercising supervisory functions more effectively;

It should be noted that according to Article 6 of the Law of the Republic of Armenia "On

trade unions", employees who have concluded an employment contract with the employer concerned and who perform work within and outside the territory of the Republic of Armenia, including foreign citizens and stateless persons, may become members to a trade union organisation.

Employees who have concluded employment contracts with several employers in a relevant branch (related branches) of economy (production, service, occupation) may also become participants (members) to trade unions.

According to Article 16 of the Law of the Republic of Armenia "On trade unions", a trade union represented by its management body or representative, shall have the right to conclude (renew) a collective contract with the union of employers of that employer.

Pursuant to part 6 of Article 60 of the Constitution of the Republic of Armenia, as edited in 2015, foreign citizens and stateless persons shall not enjoy the right of ownership over a land, except for the cases prescribed by law. Pursuant to part 3 of Article 4 of the Land Code of the Republic of Armenia, in accordance with the Constitution of the Republic of Armenia, foreign citizens and stateless persons may have no ownership right over a land in the Republic of Armenia. They may only be land users. Persons with special residence status in the Republic of Armenia are the only exception. The restriction provided for in the first paragraph of part 3 of Article 4 of the Code shall not apply to land parcels adjoining the house, gardening land parcels, those designated for the construction and maintenance of private residential houses, for the construction and maintenance of public and production objects and for the construction and maintenance of multi-storey residential buildings.

The analysis of the above-mentioned legal norms shows that besides citizens of the Republic of Armenia, both persons with special residency status prescribed by the Law of the Republic of Armenia “On foreign citizens” and all foreign citizens may acquire the right of ownership to land with respect to acquisition of land parcels adjoining the house, gardening land parcels, those designated for the construction and maintenance of private residential houses, for the construction and maintenance of public and production objects

and for the construction and maintenance of multi-storey residential buildings.

Article 19.5.

Information with regard to developments that took place in the reporting period and to questions submitted by the Committee

Section 7 of the Tax Code of the Republic of Armenia establishes provisions on the income (including salary) of natural persons taxable under income tax and according to those provisions the peculiarities of migrant employees are not prescribed. In the Republic of Armenia the salary of migrant employees is taxed under income tax according to the generally accepted procedure.

In particular, in the Republic of Armenia the calculation of income tax received from salary of employees (including migrant employees) shall be calculated by accrual basis accounting method based on the rates stipulated by Article 150 of the Tax Code of the Republic of Armenia. And, pursuant to Article 152 of the Tax Code of the Republic of Armenia, with respect to employees receiving salary from employers considered as tax agents, the liability of calculation, withholding and payment of income tax to the budget shall be borne by a tax agent.

At the same time, pursuant to point 1 of part 1 and part 3 of Article 5 of the Law "On funded pensions", hired employees born on or after 1 January 1974 shall make social payments in the Republic of Armenia. This also concerns hired employees, who are foreign citizens and stateless persons with the right to reside (with residency status) in the Republic of Armenia who make social payments on a general basis, through the procedure established for citizens of the Republic of Armenia, unless otherwise provided for by the international treaties of the Republic of Armenia.

Article 19.6.

Information with regard to the developments that took place during the reporting period and to questions submitted by the Committee

Pursuant to Article 7 (Shelter for family members and family reunification) of the Law of the Republic of Armenia "On refugees and shelter" defines that a spouse of a refugee granted an asylum in the Republic of Armenia, his or her child under 18 and any person under his or her custody shall also be regarded as a refugee and persons granted an asylum in the Republic of Armenia, where they co-habit with the refugee in the Republic of Armenia and do not have citizenship of another state providing effective protection other than that of that refugee.

Other relatives, or in-laws of a refugee granted asylum in the Republic of Armenia may also be considered refugees and accorded with asylum in the Republic of Armenia, provided they reside together with the refugee in the Republic of Armenia, are dependent on him or her and do not have citizenship of another state providing effective protection other than that of that refugee.

In accordance with the requirements of Article 6 of this article, parents of the child recognised as a refugee and granted an asylum in the Republic of Armenia and the child's siblings under 18, as well as his or her siblings above18 having no active legal capacity are also regarded as refugees and are granted an asylum in the Republic of Armenia, where they co-habit in the Republic of Armenia with the child holding a refugee status and do not have citizenship of another state providing effective protection other than the child's citizenship.

Refugees granted asylum in the Republic of Armenia shall be entitled to family reunification with their family members specified in paragraphs 1 and 3 of this Article in the territory of the Republic of Armenia pursuant to the procedure stipulated in Article 54 of this Law.

In case of cancellation of refugee status — pursuant to Article 53 of this Law — of the person having lodged a claim for a common asylum on behalf of the family, family

members of the person having obtained refugee status, who have been recognised as refugees and obtained asylum in the Republic of Armenia according to paragraphs 1, 2, or 3 of this Article, shall forfeit their status together with the principle refugee. The family members of this person shall not be deprived of the possibility to launch an asylum application immediately thereafter based on their personal reasons.

In case of termination of refugee status — pursuant to Article 53 of this Law — of the person having lodged a claim for a common asylum on behalf of the family, refugee status of family members of that person having obtained refugee status, who have been recognised as refugees and obtained asylum in the Republic of Armenia according to paragraphs 1, 2, or 3 of this Article, shall terminate, except for the case provided for by part 2 of Article 10 of this Law. The family members of this person shall not be deprived of the possibility to lodge an asylum application immediately thereafter based on their personal reasons.

Article 54 of the Law of the Republic of Armenia "On refugees and shelter" establishes the family reunification procedure. In particular, pursuant to the above-mentioned Article:

1. Family members — specified in part 1 and part 3 of Article 7 of this Law — of a refugee who has been granted asylum in the Republic of Armenia, shall have the right to be recognised as a refugee or be granted asylum in the Republic of Armenia, even if they are outside the boundaries of the Republic of Armenia.

2. Persons referred to in part 1 of this Article, who reside outside the boundaries of the Republic of Armenia and intend to join their family member who has been recognised as a refugee and has been granted asylum in the Republic of Armenia, shall apply to the diplomatic representation and consular office of the Republic of Armenia in a respective country, with a request for family reunification. The relevant diplomatic representation and consular office of the Republic of Armenia shall register their application and forward it to the authorised body.

   In cases of absence of a diplomatic representation and consular office of the

Republic of Armenia in a respective country, the persons referred to in part 1 of this Article, who reside outside the boundaries of the Republic of Armenia and intend to join their family member who has been recognised as a refugee and has been granted asylum in the Republic of Armenia, shall apply to the diplomatic representation and consular office of the Republic of Armenia in the closest country, with a request for family reunification.

3. The authorised body shall, in co-operation with the authorised body for Foreign Affairs Issues, verify the information provided by asylum seekers in terms of its compliance with the requirements of part 1 and part 3 of Article 7 of this Law.

4. Where the authorised body believes that the requirements of part 3 of this Article are met, it shall, as prescribed in part 3 of Article 52 and part 5 of Article 53 of this Law, make a decision on recognising those persons as refugees and granting them asylum, informing — through the authorised body for Foreign Affairs Issues — thereof the relevant diplomatic representation and consular office of the Republic of Armenia in the respective country, based on which it shall issue a permit to enter the Republic of Armenia to the family members. After arriving in the Republic of Armenia the Police shall issue a Refugee Identification Card to these persons in the manner and within the time periods established by the Law. The Police of the Republic of Armenia, on the basis of the application submitted by family members of the refugee having received a Refugee Identification Card, within 15 working days shall issue a Convention Travel Document.

5. Where the authorised body considers that the requirements of part 3 of this Article are not met, it shall, as prescribed in part 7 of Article 52 of this Law, adopt a decision on rejecting the asylum application, informing the diplomatic representation and consular office of the Republic of Armenia in the respective country through the authorised body for Foreign Affairs Issues. The consular office shall inform thereof the persons who have submitted an asylum application. A

refugee who has been granted asylum in the Republic of Armenia may appeal against the decision of the authorised body as prescribed in Article 57 of this Law.

It is also worth mentioning that pursuant to Article 21 of the Law of the Republic of Armenia "On foreigners", guarantees for concluding an employment contract with foreigners are stipulated, according to which an employment contract (service contract) shall be concluded in accordance with the requirements of the labour legislation of the Republic of Armenia only for the validity period of the work permit. An employment contract (service contract) shall also cover issues related to transportation of a foreign employee and members of his or her family to the Republic of Armenia, their social security and insurance, issues related to meeting them, providing with accommodation, their registration in the place of residence, and return.

Pursuant to part 2 of Article 18 of the Law of the Republic of Armenia "On social assistance" each person residing in the Republic of Armenia — citizens of the Republic of Armenia, foreign citizens with the right (residency status) to reside in the Republic of Armenia, stateless persons and persons holding refugee status in the Republic of Armenia — has the right to social assistance where there are grounds prescribed by law.

That is to say, the migrants residing in the Republic of Armenia on legal grounds, when they need social assistance, in case of meeting the requirements defined by relevant legal acts for the given type of social assistance, shall enjoy equal rights which are enjoyed by citizens of the Republic of Armenia.

Article 19.7.

Information with regard to developments that took place during the reporting period and to questions submitted by the Committee

Article 63 of the Constitution of the Republic of Armenia, adopted through a referendum held on 6 December 2015, guarantees the right to a fair trial. In particular, pursuant to point 1 of the aforementioned Article, "Everyone shall have the right to a fair and public

hearing of his or her case within a reasonable time period by an independent and impartial court. It stems from this that the Constitution of the Republic of Armenia guarantees the right of everyone to a fair hearing, including migrant workers."

Pursuant to part 1 and part 2 of Article 3 of the Civil Procedure Code of the Republic of Armenia:

1. Each person shall have the right to apply to court, as prescribed by this Code, in order to protect his or her rights and legal interests prescribed by the Constitution, laws and other legal acts or provided for by a contract.

2. For the purpose of protecting the rights and legal interests of others — in cases provided for by law — persons vested with such a right or a power by law shall have the right to apply to court.

Pursuant to Article 3 of the Administrative Procedure Code, "Each natural or legal person shall have the right to apply to the Administrative Court, as prescribed by this Code, where the latter considers that the administrative act, action or inaction of state or local self-government body or the official thereof have:

(1) violated or may directly violate the rights and freedoms of the latter enshrined by the Constitution of the Republic of Armenia, international treaties, laws and other legal acts of the Republic of Armenia, including where:

   a. obstacles have been created for the exercise of those rights and freedoms;

   b. necessary conditions have not been ensured for the exercise of those rights, which, however, must have been ensured by virtue of the Constitution, international treaties, the law or other legal act;".

Ensuring the right to receive free legal aid. Pursuant to Article 64 of the Constitution of the Republic of Armenia, "Everyone shall have the right to receive legal aid. Legal aid shall be provided at the expense of state funds in the cases prescribed by law. Advocacy based on independence, self-governance and legal equality of advocates shall be guaranteed with a view of ensuring legal aid. The status, rights and responsibilities of

advocates shall be prescribed by law".

Part 3 of Article 6 of the Law of the Republic of Armenia "On advocacy" stipulates that legal aid may, upon consent of an advocate, be provided gratuitously, and Article 4 establishes that the State shall guarantee free legal aid for persons referred to in Article 41 of this Law, in the cases and as provided for by Article 41.

Chapter 7 of the Law of the Republic of Armenia "On advocacy" completely concerns public defence. In particular, pursuant to part 1 of Article 41 of the Law of the Republic of Armenia "On the profession of advocate", public defence shall be deemed to be free legal aid provided in the cases stipulated by the Article.

Part 2 of the Article stipulates that free legal aid shall include:

(1) advice — drawing up of statements of claims, applications, appeals and other procedural documents of legal nature, including provision of legal information;

(2) representation or defence in criminal, civil, administrative and constitutional cases.

Pursuant to part 3 of the Article, "Within the meaning of this Article, the representation or defence shall be exercised in pre-trial proceedings in criminal cases, in the courts of first instance, courts of appeal and the Court of Cassation of the Republic of Armenia, as well as in the Constitutional Court of the Republic of Armenia."

Part 4 of the Article establishes that "The body administering proceedings in criminal cases shall ensure free legal aid through the Public Defender’s Office in cases provided for by the legislation or international treaties of the Republic of Armenia or if the interest of justice so requires."

Part 5 of Article 41 defines the scope of persons who are provided with free legal aid. With this regard, it should be noted that the point 9 of part 5 of the above-mentioned Article also guarantees provision of free legal assistance for refugees.

Article 10 of the Criminal Procedure Code of the Republic of Armenia guarantees the right to receive legal aid, in particular:

1. Everyone shall have the right to legal assistance as provided for by this Code.
2. Where the suspect or the accused expresses an intention or where it is required for the sake of justice, as well as in mandatory cases provided for by this Code and the international treaties of the Republic of Armenia, the body conducting criminal proceedings shall be obliged to ensure their right to legal aid.
3. In the course of criminal procedure, civil plaintiffs or legal representatives thereof, legal representatives of the suspect and the accused, as well as civil respondents shall have the right to benefit from legal assistance provided by representatives invited by them.
4. At the time of interrogation of a victim, the criminal prosecution body shall not have the right to prohibit the participation of an advocate invited by the victim as a representative.
5. The body conducting criminal proceedings may take a decision on providing free legal assistance to the suspect or the accused having regard to their property status.

Article 165 of the Criminal Procedure Code of the Republic of Armenia prescribes the following:

1. Legal assistance rendered to suspect and accused by counsel shall be remunerated at the expense of the principal under the terms mutually agreed by the counsel and principal or shall be rendered without remuneration upon consent of the counsel.
2. Legal assistance rendered to suspect and accused by an assigned counsel shall be remunerated at the expense of the state budget, unless an agreement is signed by the principal with the counsel and the latter has declared about rendering assistance free of charge. The amount of money to be paid to an assigned counsel shall be determined for an hour of work in the amount of per hour salary of a prosecutor after submitting an invoice to the body conducting criminal proceedings.

The court shall have the right to impose on a convict the compensation of costs incurred by the State for legal aid granted to him or her, except for cases when the legal aid to a suspect and an accused is granted free of charge, in accordance with the provisions of this Code.

3. The body conducting criminal proceedings shall take a reasoned decision on exempting a suspect or an accused from payment for legal aid in whole or partially.

4. Legal aid of an advocate participating in criminal proceedings as an assigned counsel to a suspect and an accused waived the defence shall be granted free of charge, unless their waiver of defence is accepted by the body conducting proceedings.

5. The remuneration of a counsel granting legal aid to a suspect or an accused free of charge shall be made in the manner provided for in part 2 of this Article.

Part 2 of Article 29 of the Law of the Republic of Armenia "On foreigners" stipulates that "For the purpose of supplying accurate information to foreign workers, the authorised body shall provide free assistance and service, consultation aimed at combating misleading information. The authorised body shall be obliged to, in the manner prescribed by the Government of the Republic of Armenia, provide free consultation to a foreigner, prior to his or her entering the Republic of Armenia, on the provisions of the employment contract concluded between the employer and him or her."

Provision of translation services during legal proceedings and procedure for compensation thereof. The opportunity of providing a free translation service and the regulations regarding the language used during a legal case shall be prescribed by the Criminal, Civil, Administrative Proceedings and Judicial Codes of the Republic of Armenia. In particular:

Pursuant to Article 15 of the Criminal Procedure Code of the Republic of Armenia:

1. In the Republic of Armenia, the language of the criminal procedure shall be Armenian.

2. Persons participating in the criminal procedure, except the body conducting criminal proceedings, shall have the right to act in court in the language preferred thereby, provided that they ensure interpretation into Armenian language. The court shall be obliged, at the expense of state funds, provide services of an interpreter, for the accused participating in the criminal procedure, where the respective person does not have command of Armenian, except for cases, when the accused wishes to provide the interpretation at his or her own expense.

3. The court shall, at the expense of state funds, provide services of an interpreter to the persons participating in the criminal procedure (except the body conducting criminal proceedings), the expert appointed upon the initiative thereof, a specialist or a witness invited upon the motion thereof, where the respective persons have no command of Armenian and prove that they do not have sufficient means for ensuring paid interpretation.

4. Persons participating in the criminal procedure (except for the witness) shall submit all the documents in Armenian or any other language with proper translation into Armenian. In case of failure to comply with the mentioned requirement, the body conducting criminal proceeding shall not consider the documents or shall not permit the acceptance thereof, and in cases provided for by this Code, shall return to the persons having submitted them.

Part 4 of Article 16 of the Civil Procedure Code of the Republic of Armenia prescribes the following: "The Court shall, at the expense of the state funds, ensure services of an interpreter for persons participating in the case, the expert appointed upon the initiative thereof, a specialist or a witness invited upon the motion thereof, where the respective person does not have command of Armenian and the persons participating in the case prove that they do not have sufficient means for ensuring paid translation."

Part 3 of Article 46 of the Civil Procedure Code of the Republic of Armenia prescribes the following: "The interpreter/translator provided at the expense of the state must be qualified. The qualification procedure for interpreters/translators shall be determined by the Government."

Article 9 of the Administrative Procedure Code of the Republic of Armenia prescribes the following:

"1. Administrative procedure shall be conducted in Armenian.

2. The party, his or her representative, the expert appointed upon the initiative of the party, or the witness invited upon the motion of the party shall have the right to act in court in the language they prefer, if the party ensures the interpretation into Armenian. The judge, parties, witnesses, experts and representatives shall not have the right to assume the obligations of an interpreter, even if they have command of the language required for the interpretation.

3. The Court shall, at the expense of funds from the State Budget of the Republic of Armenia, ensure services of an interpreter to the natural person acting as a party, the expert assigned upon the initiative thereof or the witness invited upon the motion of the party, where the respective person has no command of Armenian, and the party proves that he or she does not have sufficient means for ensuring paid translation.

4. The Court shall, at the expense of funds from the State Budget of the Republic of Armenia, ensure provision of interpreter's services to the expert assigned by the court and the witness invited upon the initiative of the court, where the respective person has no command of Armenian.

5. In case of necessity to ensure the provision of interpreter's services at the expense of funds from the State Budget of the Republic of Armenia, an interpreter shall be appointed as prescribed by the Judicial Code of the Republic of Armenia."

Article 12 of the Judicial Code of the Republic of Armenia prescribes the following:

1. In the Republic of Armenia, the language of the procedure shall be Armenian.
2. All the documents shall be submitted to the court in Armenian or with their proper translations into Armenian, except for cases provided by law.
3. Everyone shall have the right to participate in the procedure in the language he or she prefers, if he or she ensures the proper interpretation into Armenian.
4. State and local self-government bodies and officials shall be obliged to participate in the procedure in Armenian.
5. The Court shall be obliged to ensure the provision of interpreter's services, at the expense of the state funds, to the accused in a criminal case, who does not have command of Armenian, except for cases, when the accused wishes to ensure the interpretation at his or her own expense.
6. The Court shall ensure the provision of interpreter's services, at the expense of the state funds, to the participant of the administrative procedure, the person participating in the civil case, and the victim in the criminal case, where he or she is unable to communicate in Armenian and proves that he or she does not have sufficient means for ensuring paid translation.

Pursuant to Article 16 of the Law of the Republic of Armenia "On refugees and asylum", adopted on 27 November 2008, as well as point 9 of part 5 of Article 41 of the Law of the Republic of Armenia "On the profession of advocate", adopted on 14 December 2004 by the National Assembly of the Republic of Armenia, persons having been recognised as refugees are granted the right to free legal aid.

On 16 December 2015, supplements and amendments were made to the Law of the Republic of Armenia "On refugees and asylum", according to which asylum seekers in the Republic of Armenia were also granted the right to free legal aid.

Pursuant to the Law of the Republic of Armenia "On making a supplement to the Law of the Republic of Armenia 'On the profession of advocate'", asylum seekers, as a vulnerable group, were included among the persons receiving free legal aid provided by

the Public Defender (adopted on 17 October 2016 by the National Assembly of the Republic of Armenia).

Article 19.8.

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

Parts 2 and 3 of Article 9 of the Law of the Republic of Armenia "On refugees and asylum" prescribe the guarantees related to expulsion of asylum seekers. Thus: Pursuant to point 2, no asylum seeker shall be expelled from the territory of the Republic of Armenia before the adoption of the final decision on his or her claim for asylum, filed in accordance with Article 47 of this Law.

Pursuant to point 3, no foreign national or a stateless person shall be expelled, returned or extradited to another country where there are substantial grounds for believing that he or she would be in of being subjected to cruel and inhuman or degrading treatment or punishment, including torture".

Article 3 of the Law of the Republic of Armenia "On foreigners" prescribes the terms "expulsion" and "collective expulsion". In particular: "expulsion — forcible removal of a foreigner from the Republic of Armenia in case of absence of legal grounds for his or her stay or residence in the Republic of Armenia;

collective expulsion — expulsion of a group consisting of at least two foreigners, without a decision adopted based on objective and reasonable consideration which takes into account the personal data and special situation of each member of the group".

Article 8 of the Law of the Republic of Armenia "On foreigners" prescribes refusal to issue (to extend the term of) an entry visa of the Republic of Armenia to a foreigner, revoking an entry visa, or banning the entry, which provides for the following:

"1. The issuance (extension of the term) of an entry visa to a foreigner shall be

refused, the issued entry visa shall be revoked, or the entry into the Republic of Armenia shall be banned, if:

(a) he or she has been expelled from the territory of the Republic of Armenia or has been deprived of residence status, and three years have not elapsed upon the entry into force of the decision on expulsion or deprivation of residence status;

(b) he or she has been subjected to administrative liability for violating this Law and has not fulfilled the responsibility imposed on him or her by the administrative act, except for cases when one year has elapsed upon being subjected to administrative liability;

(c) there exist reliable data that he or she is engaged in such an activity, participates, organises or is a member of such an organisation, the objective of which is to:

- harm the state security of the Republic of Armenia, overthrow the constitutional order, weaken the defensive capacity;
- carry out terrorist activities;
- illegally (without an appropriate authorisation) transport across the border arms, ammunition, explosives, radioactive substances, narcotic substances, psychotropic substances; or
- carry out human trafficking or exploitation, illegal crossing of state border or organisation of illegal migration;

(d) he or she suffers from an infectious disease which threatens the health of population, except for cases when he or she enters the Republic of Armenia for the purpose of treating such a disease. The list of those infectious diseases shall be established by the Government of the Republic of Armenia;

(e) while seeking an entry authorisation, he or she has submitted false information on himself or herself, or has failed to submit necessary

documents, or there exist data that his or her entry into, or stay in, the Republic of Armenia pursues an objective other than the declared one; or

(f) there are other serious and substantial threats posed by him or her to the state security or public order of the Republic of Armenia.

(g) he or she has been subjected to administrative liability for violating this Law and has not performed the responsibility imposed on him or her by the administrative act, except for cases when one year has elapsed upon being subjected to administrative liability.

2. The issuance (extension of the term) of an entry visa to a foreigner may be refused, the issued entry visa may be revoked, or the entry into the Republic of Armenia may be banned, if he or she has been convicted of committing in the Republic of Armenia a grave or particularly grave crime provided for by the Criminal Code of the Republic of Armenia, and the conviction has not been cancelled or has not expired in the prescribed manner.

   The provisions of this part do not extend to persons having close relatives (spouse, child, father, mother, sibling [sister, brother], grandmother, grandfather) in the Republic of Armenia.

3. The entry visa issued to a foreigner shall be revoked, if he or she has taken up employment in the Republic of Armenia without a work permit, except for cases provided by this Law.

4. As a matter of exception, if there are grounds referred to in points (a), (b) and (g) of part 1 of this Article, the entry of foreigners may be allowed in strongly justified cases.

5. A notation — on refusal to issue (extend the term of) an entry visa, on revoking the entry visa, or banning the entry under this Article — in the form established by the Government of the Republic of Armenia shall be made in the foreigner's passport.

6. The data on persons referred to in parts 1 to 3 of this Article shall be entered in the

data bank of foreigners regarded as undesirable in the Republic of Armenia.

The data bank shall be maintained by the public administration body authorised in the field of national security of the Republic of Armenia, which shall enter necessary information into the data bank. For the purpose of entering information into the data bank, information shall be submitted to the public administration body authorised in the field of national security by the Staff to the President of the Republic of Armenia, public administration body authorised in the field of national security of the Republic of Armenia, public administration body authorised in the field of police, public administration body authorised in the field of foreign affairs.

The right to make use of the data bank shall be vested in the Staff to the President of the Republic of Armenia, public administration body authorised in the field of national security of the Republic of Armenia, public administration body authorised in the field of police, public administration body authorised in the field of foreign affairs, authorised body carrying out border control, as well as courts of the Republic of Armenia, criminal prosecution bodies of the Republic of Armenia in cases provided for by law.

The procedure for entering information into the data bank and making use of it shall be established by the Government of the Republic of Armenia.

Article 19 of the Law of the Republic of Armenia "On foreigners" provides the grounds for refusing to grant residence status, according to which: "the granting of a residence status to a foreigner may be refused, where:

(a) he or she has been expelled from the territory of the Republic of Armenia or was previously deprived of residence status, and three years have not elapsed upon the entry into force of the decision on expulsion or on depriving of residence status;

(b) he or she has been convicted in the Republic of Armenia of committing a medium gravity, grave or particularly grave crime provided for by the Criminal Code of the Republic of Armenia, and the conviction has not been cancelled or has not expired in the prescribed manner;

(c) there exist reliable data that he or she is engaged in such an activity, participates, organises or is a member of such an organisation, the objective of which is to:

- harm the state security of the Republic of Armenia, overthrow the constitutional order, weaken the defensive capacity;
- carry out terrorist activities;
- illegally (without an appropriate authorisation) transport across the border arms, ammunition, explosives, radioactive substances, narcotic substances, psychotropic substances; or
- carry out human trafficking or exploitation, illegal crossing of state border or organisation of illegal migration;

(d) he or she suffers from one of the diseases provided for by Article 8(1)(d) of this Law;

(e) there are serious and substantial threats posed by him or her to the state security or public order of the Republic of Armenia;

(f) while seeking a residence status, he or she has submitted false information on himself or herself, or has failed to submit necessary documents, or there exist data that his or her stay in the Republic of Armenia pursues an objective other than the declared one;

(g) he or she has been subjected to administrative liability for violating this Law and has not performed the responsibility imposed on him or her by the administrative act, except for cases when one year has elapsed upon being subjected to administrative liability.

The provisions provided by part 1(b) of this Article shall not extend to persons having a spouse, parent or child who have legal residency in the Republic of Armenia.

Chapter 5 of the Law of the Republic of Armenia "On foreigners" is entirely dedicated to voluntary leaving and expulsion of a foreigner from the territory of the Republic of

Armenia. Articles 31-36 of the latter prescribe the legal provisions related to initiating a case on expulsion of a foreigner, circumstances banning the expulsion of foreign nationals, rights and responsibilities of foreigners during the examination of a case on expulsion, decision on expulsion of a foreigner, appealing against the decision on expulsion and the execution thereof, which will be presented below:

Article 31. Initiating a case on expulsion of a foreigner

If a foreigner has failed to voluntarily leave the territory of the Republic of Armenia in cases provided in Article 30 of this Law, the public administration body authorised in the field of police of the Republic of Armenia shall initiate and file a case on expulsion with a court.

Article 32. Circumstances banning expulsion of foreign nationals

1. It shall be prohibited to expel foreigners to a State where human rights are being violated, particularly, if he or she is threatened with persecution on the grounds of racial, religious affiliation, social origin, citizenship, or political convictions, or if the foreigners concerned might be subjected to torture or cruel, inhuman or degrading treatment or punishment, or to death penalty.

   Evidence on the threat of persecution or on the real danger of torture or cruel, inhuman or degrading treatment or of death penalty shall be furnished to the court by the foreigner concerned.

2. It shall be prohibited to expel a foreigner residing in the Republic of Armenia, if he or she:

   - is a minor, and his or her parents legally reside in the Republic of Armenia; or
   - has a minor under his or her care; or
   - is above 80 years of age.

3. Collective expulsion of foreigners shall be prohibited.

Article 33. Rights and responsibilities of foreigners during examination of a case on expulsion

A foreigner subject to expulsion from the Republic of Armenia shall enjoy all the rights to judicial remedies provided by the laws of the Republic of Armenia.

Article 34. Decision on expulsion of a foreigner

1. As a result of examination of a case on expulsion, the court shall take a decision on expelling or refusing to expel the foreigner.

2. A court decision on expulsion shall include the day, route of expulsion of the foreigner, state border crossing point, coverage of expulsion expenses, his or her place of residence prior to leaving the territory of the Republic of Armenia, obligation to regularly appear before the relevant subdivision of the public administration body authorised in the field of police, as well as the ban on leaving the place of residence without permission, keeping under arrest or releasing prior to expulsion when arrested in cases provided in Chapter 6 of this Law.

3. A court decision on refusal of expulsion shall include the responsibility of the public administration body authorised in the field of police to grant temporary residence status.

Article 35. Appealing against a decision on expulsion

1. A decision on expulsion may be appealed against by a foreigner as prescribed by law.

2. In case of appealing against a decision on expulsion, the foreigner's expulsion from the Republic of Armenia shall be suspended.

Article 36. Execution of the decision on expulsion

1. A notation on the decision on expulsion shall be made in the foreigner's passport.

2. The public administration body authorised in the field of police of the Republic of Armenia shall execute the decision on expulsion of a foreigner.

3. The public administration body authorised in the field of police of the Republic of Armenia shall carry out a separate record-registration of expelled foreigners, the data whereon shall be entered into the data bank referred to in Article 8(6) of this Law.

4. The diplomatic representation or consular office of the State of origin of an expelled foreigner or the diplomatic representation of another State representing the interests of the State concerned shall be informed of the expulsion within a term of three days.

5. Expulsion expenses shall be borne by the State Budget of the Republic of Armenia, in case they are not covered by the foreigner.

Pursuant to Article 38 of the Law of the Republic of Armenia "On foreigners":

1. A foreigner may be arrested and detained in a special facility as prescribed by this Law, if there are sufficient grounds to suspect that he or she will abscond till the case on expulsion is examined in the court or till the execution of the decision on expulsion which has taken legal effect.

   Within 48 hours after arresting and placing a foreigner in a special facility, the public administration body authorised in the field of police of the Republic of Armenia shall apply to court for obtaining a decision on the permission to detain the foreigner for up to 90 days.

2. The public administration body authorised in the field of police of the Republic of Armenia shall, no later than within 24 hours, inform of the arrest to the diplomatic representation or consular office of the State of origin of the arrested foreigner or to the diplomatic representation of another State representing the interests of the State concerned, and/or to the foreigner’s close relatives in the Republic of Armenia.

3. An arrested foreigner may be detained in a special facility till the decision of the court rendered as a result of the examination of the case on expulsion takes legal effect, but for no longer than 90 days . The provisions of Article 36 of this Law shall apply to a foreigner after the court decision takes legal effect.

4. The procedure for the operation of special facilities and for the detention of arrested foreigners in the territory of the Republic of Armenia shall be established by the Government of the Republic of Armenia.

Pursuant to point (d) of part 1 of Article 8of the Law of the Republic of Armenia "On foreigners", Decision of the Government of the Republic of Armenia No 49-N of 25 January 2008, prescribes the list of the infectious diseases in case whereof the entry of foreign citizens or stateless persons to the Republic of Armenia is banned, pursuant to which the following shall be considered as such diseases:

1. plague (lung form);
2. cholera;
3. active tuberculosis of respiratory organs (all forms with pathogen release);
4. tropical malaria;
5. atypical pneumonia;
6. new subtype (logotype) of influenza;
7. ***(point repealed by No 896-N of 30 June 2011)***;
8. viral hemorrhagic fevers (Ebola, Marburg, Lassa);
9. Middle East Respiratory Syndrome (Coronavirus (CoV)).

Article 19.9.

Information with regard to developments undertaken during the reporting period

and to questions submitted by the Committee

No peculiarities with regard to restrictions on transfer of movable property of labour migrants are prescribed by the customs legislation of the Republic of Armenia, and transfer of movable property by persons of such category shall be carried out under the general procedure prescribed by the legislation.

It should also be mentioned that there are no special restrictions on transfer/transportation of incomes and savings of migrant workers by the laws regulating the financial sector and the regulatory legal acts of the Central Bank of the Republic of Armenia.

For example, restrictions applied under the procedure prescribed by the Law of the Republic of Armenia "On combating money laundering and terrorism financing", by other laws and secondary legal acts, which refer to all persons, without any discrimination, can be applied as restrictions relating not only to the above-mentioned persons, but to all persons.

Articles 19.11. and 19.12.

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

The "Concept Paper on the policy on integration of persons having been recognised as refugees and having received asylum in the Republic of Armenia, as well as of long-term migrants" approved by the Government of the Republic of Armenia upon Decision No 28 of 21 July 2016, envisages organisation of Armenian language courses for free of charge (with a duration of up to 60 hours) for persons having been recognised as refugees and having received asylum, as well as for long-term migrants. Such a course was already organised in 2018.

For the purpose of fulfilment of the obligations undertaken by the Republic of Armenia,

during 2017, the National Institute of Education of the Ministry of Education and Science developed three course programmes for the instruction of the Armenian language for persons having received asylum and having been recognised as refugees in the Republic of Armenia, as well as for long-term migrants: "Main course" (60 hours), "Supplementary course" (120 hours) and "Course for school-age children" (100 hours), which were approved by Order of the Minister of Education and Science of the Republic of Armenia No 741-A/2 of 30 June 2017.

During 2017, negotiations were conducted with the "Armenian Virtual College" Foundation of the Armenian General Benevolent Union. As a result of the meetings, a Memorandum "On co-operation between the Ministry of Education and Science of the Republic of Armenia and the Armenian Virtual College Foundation of the Armenian General Benevolent Union on organising courses of the Armenian language for persons having been recognised as refugees and having received asylum in the Republic of Armenia" was developed and signed on 15 December 2017.

According to the Memorandum, it is envisaged to organise paid and free courses of the Armenian language for persons having been recognised as refugees and having received asylum in the Republic of Armenia, as well as for long-term migrants.

The Foundation has undertaken the development of the programme of Armenian language courses, provision of the teaching staff and regulation of other issues related to the content of organising instruction.

The choice of the Armenian Virtual College of the Armenian General Benevolent Union is conditioned by the practice of teaching Armenian as a foreign language and the willingness to make an investment in the programme.

In June 2018, the Armenian Virtual College organised three-week free courses of instruction of the Armenian language for two groups consisting of 21 migrants. The courses will also be held through the "hybrid" method, which envisages combining the

forms of on-site and distance learning. The course programme also envisages inclusion of the cultural component.

Within the scope of fulfilment of the obligations assumed under the Revised European Social Charter of the Council of Europe, Yerevan State University of Languages and Social Sciences after V. Brusov organises the supplementary education programmes "Armenian as a foreign language", which is also available for adult migrant workers or adult members of their families in case of availability of financial means.

In all the schools operating in the Republic of Armenia, template curricula for general education institutions are approved by the Order of the Minister of Education and Science for each academic year, which regulate the issue of teaching native language to students of schools of national minorities, of Russian-language and Assyrian-language classes. In all the general education institutions operating in the Republic of Armenia, instruction is organised in the Armenian language, however, the curricula grant the students of schools of national minorities, of Russian-language and Assyrian-language classes the opportunity to study and learn certain subjects in their native languages.

As for the situation of teaching children of migrant workers in their native languages, I would like to inform that the National Centre of Educational Technologies of the Ministry of Education and Science has developed an education management information system and the data of around 365.000 students of the Republic are downloaded in that system. As a result, the national identity, citizenship, status (he or she is a refugee or not), from which country he or she has come to Armenia, which his or her native language is, etc. can be seen. In the final stage of the activities being carried out, it will further be possible to see the data of children of all foreign nationals, refugees and migrant workers having come to Armenia from other countries, which will facilitate settlement of difficulties related to organising of instruction of the latter.

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

Article 27.1.

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

The programme of organising vocational instruction at the employer's office for young mothers being non-competitive in the labour market and having no profession was introduced in 2018. It is envisaged by the programme to organise vocational instruction with duration of up to six months at the employer's office for the purpose of granting opportunities to young mothers being non-competitive in the labour market and having no profession to gain working skills and abilities (apprenticeship). During the whole period of instruction, a person being instructed during the programme will be paid a scholarship in the amount of the minimum monthly salary. In 2018, it is envisaged to implement the programme for 100 beneficiaries.

As of 1 October 2018, the programme involved 39 persons, it was launched from July of this year, conditioned by the adoption of the legal act providing for changes of legal grounds for the implementation of the programme (entered into force on 7 July).

Pursuant to part 1 of Article 12 of the Law of the Republic of Armenia "On temporary incapacity and maternity benefits", a hired employee shall be granted a family member care benefit:

1) in case of the need for care of an adult sick family member in home (out-patient) conditions — for the working days of the period of time, which does not exceed seven calendar days — starting from the second working day,
2) in case of the need for care of a sick child in home (out-patient) conditions — for a period not exceeding 24 calendar days, and where there is a need to take care of a

child due to infectious diseases — for a period not exceeding 28 calendar days starting from the second working day.

Children aged three to eighteen receive care at the children's day-care centres, functioning under the Ministry of Labour and Social Affairs of the Republic of Armenia. For the purpose of providing services to children aged zero to eighteen and having appeared in difficult life situations, within the scope of the State Budget of the Republic of Armenia, the Ministry delegates to a number of non-governmental organisations. Currently, the number of children aged zero to six is 45.

Child care at day-care centres shall be carried out in accordance with the criteria prescribed by Decision of the Government of the Republic of Armenia No 815-N of 31 May 2007 "On approving the minimum criteria for care and services for a child under care at an orphanage, children's care and protection boarding institution (irrespective of its organisational-legal form), as well as studying at a special institution of general education" (attached). And the ratio between the staff to the number of children, as well as the qualification of the staff shall be regulated by the criteria for staff positions, prescribed by Decision of the Government of the Republic of Armenia No 1292-N of 29 October 2015 (attached).

The number of centres providing children's day-care services in the Republic is not sufficient and in this regard, the State has initiated a number of measures.

Article 27.2.

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

Article 173 of the Labour Code prescribes that leave for taking care of a child under the age of three shall be granted until the child attains the age of three. Therefore, the right to leave granted to father (step-father) of the family, who is actually taking care of the child, shall also apply until the child attains the age of three.

It is noteworthy that a pregnant employee and (or) a woman having recently given birth

or an employee having adopted a newborn or been appointed a guardian of a newborn (including a man) or an employee having given birth to a child through a surrogate (the child's biological mother) may be granted the leave for taking care of a child, prescribed by Article 173 of the Labour Code, after the pregnancy and (or) delivery prescribed by Article 172 of the Labour Code, and that the latter shall, in essence, enjoy the right to leave for taking care of a child under the age of three for a period starting from the day after maternity leave up to when the child attains the age of three.

Therefore, a father (step-father) of the family, having been appointed a guardian of a newborn or adopted a newborn, may also be granted the leave for taking care of a child under the age of three for a period starting from the day after maternity leave (up to when the newborn attains an age of 70 days or up to when the newborns reach 110 days) up to when the child attains the age of three, as it is prescribed by part 2 of Article 172 of the Labour Code. The mentioned interpretation also concerns the father (step-father) of the family, whose wife has returned to work after the maternity leave. In this case, a father (step-father) of the family may also enjoy the right to leave for taking care of a child under the age of three for a period starting from the day after maternity leave up to when the child attains the age of three.

Moreover, as recorded by the Committee, pursuant to Article 173 of the Labour Code, leave granted for taking care of a child under the age of three shall be taken as a single period or be used in parts (up to when the child attains the age of three).

Right to benefit for taking care of a child under the age of two (hereinafter referred to as “benefit for taking care of a child”) shall be vested in a parent, adopter or guardian of a child (hereinafter referred to as “the parent”), who is on leave for taking care of a child under the age of three (hereinafter referred to as “leave for taking care of a child”) up to when the child attains the age of three, as prescribed by the Labour Code of the Republic of Armenia.

Where the parent has under his or her care more than one child under the age of two, benefit for taking care of a child shall be appointed and paid for each child.

The amount defined for the benefit for taking care of a child under the age of two amounts to AMD 18000 (point 1.1 of Decision of the Government of the Republic of Armenia No 1566-N of 29 December 2015).

Article 27.3.

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

It is clearly stipulated by point 4 of part 4 of Article 114 of the Labour Code that gender, race, ethnicity, language, origin, nationality, social status, religion, marital and family status, beliefs or views of the employee, his or her affiliation to political parties or non-governmental organisations may not be deemed as a lawful reason for the rescission of the employment contract.

At the same time, pursuant to part 1 of Article 265 of the Labour Code, in case of disagreement with the change of employment conditions, termination of an employment contract upon the employer's initiative or rescission of the employment contract, the employee shall be entitled to apply to court within two months following the receipt of the individual legal act (document). Where it is revealed that employment conditions have been changed, employment contract with the employee rescinded upon absence of lawful grounds or in violation of the procedure defined by the legislation, the violated rights of the employee shall be restored.

Part 1 of Article 265 of the Labour Code also prescribes that in the case mentioned, average salary for the entire period of forced idleness or the difference of the salary for the period during which the employee performed less paid work shall be charged from the employer in favour of the employee. Average salary shall be calculated by multiplying the relevant number of the days by average daily salary of the employee.

Pursuant to part 2 of Article 265 of the Labour Code, for economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee the court need not reinstate the employee to his or her former office, making the employer obliged to pay compensation for the entire period of forced idleness in the amount of the average salary, prior to entry into force of the court judgement, and pay compensation in exchange for non reinstatement of the employee to office in the amount of not less than the average salary, but not more than twelve-fold of the average salary (the employment contract shall be deemed as rescinded starting from the day of entry into legal force of the court judgement).

It is noteworthy that the compensations prescribed by parts 1 and 2 of Article 265 of the Labour Code are envisaged within the scope of the procedure for settlement of all types of disputes related to employment contracts and are paid in cases of mandatory idleness of the employee and (or) for an objective reason non reinstatement thereof in his or her former position. And, in essence, the mentioned compensations are appointed by the court (including that the maximum threshold of compensation for non reinstatement of the employee in his or her former position is taken into account) exactly in case of existence of the grounds prescribed by part 2 of Article 265 of the Labour Code.

As for compensation for non-pecuniary damage for the manifestation of discriminatory treatment of an employer, conditioned by family obligations:

Parts 1 and 2 of Article 162.1 of the Civil Code ("Concept of and compensation for non-pecuniary damage", supplemented by HO-21-N of 19 May 2014, supplemented, edited and amended by HO-184-N of 21 December 2015) have prescribed that:

1. Within the meaning of the Civil Code, non-pecuniary damage is physical or mental suffering caused as a result of a decision, action or inaction encroaching on non-pecuniary benefits belonging to a person from birth or by virtue of law or violating his or her personal property or non-property rights.
2. A person and, in case of his or her death or inaction, his or her spouse, parent,

adoptive parent, child, adoptee, , guardian, curator shall have the right to claim, through a judicial procedure, compensation for non-pecuniary damage, where the criminal prosecution body or court has confirmed that the following fundamental rights of that person guaranteed by the Constitution of the Republic of Armenia and the Convention for the Protection of Human Rights and Fundamental Freedoms have been violated as a result of a decision, action or omission of a state or local self-government body or official:

(1) right to life;

(2) right to freedom from torture and inhuman or degrading treatment or punishment;

(3) right to personal liberty and inviolability;

(4) right to fair trial;

(5) right to respect private and family life, inviolability of residence;

(6) right to freedom of thought, conscience and religion, freedom of expression;

(7) right to freedom of assembly and association;

(8) right to effective remedy;

(9) right of ownership.

Part 5 of the same Article (supplemented by HO-184-N of 21 December 2015) also prescribes that non-pecuniary damage caused as a result of unlawful administrative actions shall be compensated as prescribed by the Law of the Republic of Armenia "On fundamentals of administrative action and administrative proceedings".

PRIME MINISTER

OF THE REPUBLIC OF ARMENIA **N. PASHINYAN**