

ENHANCING SOCIAL HUMAN RIGHTS IN ARMENIA

REPORT ON THE NEEDS ASSESSMENT



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ENHANCING SOCIAL HUMAN RIGHTS IN ARMENIA

REPORT ON THE NEEDS ASSESSMENT IN RESPECT OF SOCIAL RIGHTS IN ARMENIA

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INTRODUCTION

SHORT OVERVIEW

Since the independence of the Republic of Armenia, its economy has undergone a profound transformation. Sustained growth, ambitious reforms, and inflows of capital and remittances have created a market-oriented environment. However, the 2020 twin shocks of the COVID-19 pandemic and the conflict with Azerbaijan, along with more than 100 000 refugees from the Karabakh region fleeing to Armenia in 2023, significantly impacted the economy.

In recent years, there have been ongoing discussions on constitutional reform. Meanwhile, the authorities continued to pursue sectoral reforms in the judiciary, police, disability rights, and education. Despite these challenges, Armenia's economy has continued to demonstrate resilience, which can be attributed to prudent macroeconomic policies, including active inflation targeting, adherence to fiscal responsibility, and effective oversight of the financial sector¹.

In the area of human rights, continuing human rights concerns include ill-treatment of detainees by law enforcement bodies, domestic violence, discrimination against people with disabilities, and violence and discrimination based on sexual orientation and gender identity.

In 2023, the arrival of over 100 000 ethnic Armenians who fled the Karabakh region became a major event in Armenia. The UNHCR and the Government of Armenia reported that within just a few days of Azerbaijan's military actions on 19 and 20 September 2023 a total of 101 848 people had arrived in Armenia². The number of arrivals, relative to Armenia's population, presented a significant challenge to the authorities, the population, civil society, and international partners³.

In 2023, the vast majority of these refugees held passports issued by the Armenian government, although they were marked with a specific area code (070). According to the Government of Armenia, these passports were issued to allow Karabakh Armenians to travel internationally, but they do not confer Armenian citizenship on their holders⁴. This means that displaced Karabakh Armenians in Armenia are unable to exercise the rights linked to citizenship, including land ownership (which is of relevance given that the Karabakh Armenian population is largely rural) and employment in government agencies⁵. They are also excluded from political participation rights⁶.

From the outset, there have been discussions about the possibility of allowing this group of refugees to apply for Armenian citizenship. On 25 October 2023, several amendments to the Law on Citizenship of Armenia were passed in order to simplify the eligibility requirements for citizenship of children whose parents are Armenian citizens and of adults whose children are Armenian citizens⁷. As of May 2024, 2 075 people have applied for Armenian citizenship, and 1 437 of them have been granted citizenship.⁸ To address the challenges faced by refugees, The

1 Data by The World Bank in Armenia. Available at: <https://www.worldbank.org/en/country/armenia/overview#:~:text=Operating%20in%20a%20turbulent%20and%20uncertain%20geo-political%20context%2C,limited%20diversity%20in%20its%20export%20base%20and%20destinations>.

2 See the Refugee Response Plan, p. 4. Updated information via <https://data.unhcr.org/en/country/arm> (last accessed on 14 July 2024).

3 This includes approximately 31 000 people who remained in a refugee-like situation in Armenia following the 2020 conflict, as well as refugees, asylum seekers and stateless persons from other countries who have settled in Armenia. See Refugee Response Plan, p. 5, footnote 1.

4 See the Armenian government's position in the case of *Chiragov and Others v. Armenia* before the European Court of Human Rights, application No. 13216/05, Judgment (merits) of 16 June 2015, § 83.

5 See the Constitution of the Republic of Armenia, Articles 60(6) and 49.

6 See the Constitution of the Republic of Armenia, Articles 46 and 48.

7 Commissioner for Human Rights, Observations on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region. Strasbourg, 12 January 2024. CommHR(2024)1. Available at: <https://rm.coe.int/observations-on-the-human-rights-situation-of-people-affected-by-the-c/1680ae228c> (last accessed on 14 July 2024).

8 <https://armenpress.am/en/article/1138258>.

Ministry of Labour and Social Affairs has established e-platforms to assess their most urgent needs and provide support in employment and accessing social assistance⁹.

AIM OF THE NEEDS ASSESSMENT AND OBJECTIVES OF THE REPORT

Against this background, **this needs assessment aims to identify key areas of social labour rights, particularly the employment rights of vulnerable groups, where harmonisation is needed between Armenia's national policies, legislation, and practices, and the European Social Charter, the case law of the European Committee of Social Rights, and other relevant international standards in order to enhance the protection and promotion of the employment rights for vulnerable groups, thereby contributing to the strengthening of Armenia's economy and ensuring its transition to a more sustainable path.** These priority areas should also be the focus of future cooperation between the Council of Europe and Armenia.

The assessment presents the results of the desk research based on the examination of Armenian policies, regulatory frameworks, and documents related to the current situation and key challenges faced by Armenia in the area of social rights, as listed in the footnotes below. The research was conducted in the light of European and international standards, particularly the European Social Charter, the case law of the European Committee of Social Rights (ECSR), and information gathered during the fact-finding exercise and the Project launch event.

An initial version of the report was prepared based on desk research and a series of meetings organised in July and August 2024, facilitated by the Council of Europe's office in Yerevan. The draft version was discussed at the Workshop on the Needs Assessment Report, organised on 3 October 2024.

Among **the stakeholders involved in the preparatory meetings and the Project launch event** were the representatives of: the Ministry of Labour and Social Affairs of Armenia; the Ministry of Justice of Armenia; the Ministry of Education, Science, Culture and Sports of Armenia; the Health and Labour Inspection Body of Armenia; the Academy of Justice of Armenia; the Chamber of Advocates of Armenia; the Human Rights Defender of the Republic of Armenia; international organisations – ILO and UNHCR Armenia; Human Rights NGOs – World Vision, People in Need, Human Rights Research Centre, Armenian Caritas, Mission Armenia; and social partners –: "Confederation of Trade Unions of Armenia" Republican Union of Trade Organisations of Armenia, Republican Union of Employers of Armenia. **The author is grateful to all the participants in these consultations, whose contributions greatly enriched the content of this report.**

ARMENIA AND THE COUNCIL OF EUROPE

After joining the Council of Europe on 25 January 2001, Armenia ratified the European Convention on Human Rights on 26 April 2002 and the Revised European Social Charter (hereinafter referred to as "the European Social Charter" or "the ESC") on 21 January 2004. With respect to European Social Charter, Armenia accepted 67 of the Revised Charter's 98 paragraphs. It has neither signed nor ratified the Additional Protocol Providing for a System of Collective Complaints¹⁰.

⁹ <https://www.mlsa.am/>.

¹⁰ See more at: <https://www.coe.int/en/web/european-social-charter/armenia>.

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

Between 2006 and 2023, Armenia submitted 17 reports on the application of the Revised Charter.

The conclusions of non-conformity adopted by the European Committee of Social Rights (hereinafter referred to as “the Committee” or “ECSR”) highlight several areas requiring improvement in social rights from a social human rights law perspective. These conclusions call for accelerated reforms in Armenian legislation and practice in related fields, as well as a more consistent engagement by Armenia with the European Social Charter and its mechanisms.

The 17th report, submitted on 7 February 2023, addresses the accepted provisions related to Thematic Group 4: “Children, Families and Migrants” (Articles 7, 8, 16, 17, 19, 27, and 31). The conclusions concerning these provisions were published in March 2024. The Conclusions 2023 relating to Armenia cover 32 situations and are categorised as follows:

- 10 conclusions of conformity: Articles 8§3, 8§4, 8§5, 19§1, 19§2, 19§3, 19§5, 19§7, 19§9, 19§12;
- 22 conclusions of non-conformity: Articles 7§1, 7§2, 7§3, 7§4, 7§5, 7§6, 7§7, 7§8, 7§9, 7§10, 8§1, 8§2, 17§1, 17§2, 19§4, 19§6, 19§8, 19§10, 19§11, 27§1, 27§2, 27§3.

The 16th report, submitted on 17 February 2022, addresses the accepted provisions related to Thematic Group 3: “Labour Rights” (Articles 2, 4, 5, 6, 21, 22, 26, 28, and 29). The conclusions concerning these provisions were published in March 2023. The Conclusions 2022 relating to Armenia cover 17 situations and are categorised as follows:

- 6 conclusions of conformity: Articles 2§2, 2§3, 2§4, 2§5, 4§2, 22;
- 9 conclusions of non-conformity: Articles 2§1, 2§6, 4§3, 4§4, 5, 6§1, 6§2, 6§4, 28;
- 2 deferrals of conclusions: For the 2 situations related to Articles 4§5, 6§3, the Committee requested further information to assess the situation.

The 15th report, submitted on 26 January 2021, addresses the accepted provisions related to Thematic Group 2: “Health, Social Security and Social Protection” (Articles 3, 11, 12, 13, 14, 23, and 30). The conclusions concerning these provisions were published in March 2022. The Conclusions 2021 relating to Armenia cover 6 situations and are categorised as follows:

- 5 conclusions of non-conformity: Articles 3§1, 12§1, 12§3, 13§1, and 14§2;
- 1 deferral of conclusions: For the situation related to Article 13§2, the Committee requested further information to assess the situation.

The 14th report, submitted on 20 February 2020, addresses the accepted provisions related to Thematic Group 1: “Employment, Training and Equal Opportunities” (Articles 1, 9, 10, 15, 18, 20, 24, and 25). The conclusions concerning these provisions were published in March 2021. The Conclusions 2020 relating to Armenia cover 8 situations and are categorised as follows:

- 6 conclusions of non-conformity: Articles 1§1, 1§2, 1§3, 15§3, 18§2 and 20;

- 2 deferrals of conclusions: For the 2 situations related to Articles 15§2 and 24, the Committee requested further information to assess the situation.

Summarising the above, the Committee’s conclusions relating to Armenia address a total of 67 situations and are categorised as follows:

- 20 conclusions of conformity;
- 42 conclusions of non-conformity;
- 5 deferrals of conclusions.

Furthermore, between 2006 and 2023, the Committee reviewed the situation in Armenia with regard to the non-accepted provisions of the Revised Charter on two occasions. Meetings to provide these assessments took place in 2009 and 2015. The Committee adopted reports concerning Armenia with regard to the non-accepted provisions in 2016 and 2019. It concluded that there are no significant legal or practical obstacles to Armenia’s acceptance of several additional provisions of the Charter, including Articles 9, 10§1, 10§3, 10§4, 13§3, 14§1, and 15§1. The next assessment cycle will take place in 2024, after which the Committee will issue its third report on the non-accepted provisions following an analysis of the situation in Armenia.

To date, Armenia has benefited from the Council of Europe’s co-operation programmes under four consecutive Action Plans. **The current Action Plan for 2023-2026**¹¹ was adopted by the Committee of Ministers on 3 November 2022 and officially launched in Yerevan on 16 February 2023. This Plan provides a comprehensive framework for cooperation to support key national reforms, aiming to align Armenia’s legislative and regulatory frameworks, institutions, and practices with European and international standards in the areas of human rights, the rule of law, and democracy. One of the priority areas for this cooperation is enhancing the respect for social rights in Armenia. The Project “Enhancing Social Human Rights in Armenia” was launched to assist Armenian authorities in strengthening the respect for social rights in line with the European Social Charter and other relevant Council of Europe standards.

¹¹ <https://rm.coe.int/ap-armenia-2023-2026/1680a977bf>.

MAIN AREAS OF CONCERN

This report outlines the key issues identified through desk research and raised during the fact-finding exercise regarding the implementation of the European Social Charter and other Council of Europe standards on social rights in Armenia. For clarity, these issues are presented in the order of the rights as outlined in the European Social Charter.

This report does not aim to cover the full range of rights under European Social Charter. Rather, it highlights the areas where reform is imminent or most urgent, recalling the applicable standards and the challenges Armenia faces in each identified area.

ARTICLE 1- THE RIGHT TO WORK

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

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

Appendix to Article 1§2

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

ARTICLE 1§1: POLICY OF FULL EMPLOYMENT

By accepting Article 1§1 of the Charter, State Parties undertake to pursue a policy of full employment. This requires State Parties to adopt and implement an economic policy aimed at creating and preserving jobs and to take appropriate measures to assist those who become unemployed in finding and/or qualifying for a job. Article 1§1 imposes an obligation of conduct rather than of result¹²; however, the efforts made by State Parties to achieve the goal of full employment must be adequate in the light of the economic situation and unemployment rate¹³. If a State were to abandon at any time the objective of full employment in favour of an economic system that maintains a permanent pool of unemployed individuals, it would be in violation of the European Social Charter¹⁴.

12 ECSR, Conclusions I (1969), Statement of Interpretation on Article 1§1.

13 ECSR, Digest of the case law of the European Committee of Social Rights, December 2018, p. 56, with the sources enumerated therein, available at: <https://rm.coe.int/digest-2018-parts-i-ii-iii-iv-en/1680939f80> (last accessed on 1 September 2021).

14 ECSR, Conclusions I (1969), Statement of Interpretation on Article 1§1.

In assessing compliance with Article 1§1, a wide range of indicators are examined, relating to the national economic situation (e.g. GDP growth, inflation, job growth), employment patterns (e.g. the employment rate, the proportion of part-time and fixed-term employment), as well as the structure and level of unemployment, with special attention paid to the situation of vulnerable groups such as youth, the long-term unemployed, minorities, and persons with disabilities¹⁵.

Considering global standards, full, productive and freely chosen employment has been a central concern of the ILO since the adoption of the Employment Policy Convention No. 122 in 1964. For most ILO member States, full employment has been a cornerstone of social contracts and a key measure of economic policy success. More recently, it has become a global goal under the 2030 Sustainable Development Agenda. A renewed commitment to full employment and decent work for all is also crucial to shaping a fair, inclusive, and secure future of work, as outlined in the ILO Centenary Declaration adopted by the International Labour Conference in June 2019.

In its 2020 Conclusions¹⁶, the ECSR assessed the situation in Armenia as non-compliant with Article 1§1 of the Charter. The Committee stated that “employment policy efforts have not been adequate in combating unemployment and promoting job creation”. It observed that statistics showed a significant decrease in several areas: funding allocated to the employment programmes, which decreased by more than 70% from 2015 to 2018; the number of individuals benefiting from these programmes, which dropped from 10 934 participants in 2015 to 2 672 in 2018; and the activation rate, which fell from 0.14% in 2015 to 0.04% in 2018.

The Committee also noted that the activation rate was extremely low and continuing to decline, set against the background of high unemployment. The rising unemployment rates and decreasing employment rates indicated that labour market policies had been insufficient in combating unemployment and promoting job creation.

Since the last reporting period, high unemployment and low salaries have remained among the most pressing issues in Armenia. According to a report by the Eurasian Economic Commission (EEC)¹⁷, Armenia recorded the highest unemployment rate among the member states of the Eurasian Economic Union (EAEU) during the first quarter of 2024. The unemployment rate in Armenia was 15.5%, compared to 3.3% in Belarus, 4.7% in Kazakhstan and 4.9% in Kyrgyzstan. The unemployment rate in the EAEU stood at 3.2% of the labour force.

According to Statista, the unemployment rate in Armenia decreased by 0.2 percentage points (-2.33%) compared to the previous year. As a result, the unemployment rate in Armenia reached its lowest level in 2023, at 8.38%¹⁸.

According to ILO Modelled Estimates and Projections database (ILOSTAT)¹⁹, in the first quarter of 2024, the total unemployment rate was 8.6% (the same as in 2023). The unemployment rate for youth aged 15-24 was 19.1% (compared to 19% in 2023), while for individuals aged 25 and older, it stood at 7.6% (the same as in 2023). Unemployment rates in 2024 were higher for men than women, with 11.2% for men aged 15+ (compared to 6.2% for women aged 15+), 21.3% for men aged 15-24 (compared to 16.5% for women aged 15-24), and 10.1% for men aged 25+ (compared to 5.3% for women aged 25+).

According to the *Statistical Yearbook of Armenia, 2023*, the overall unemployment rate in 2022 was 13.5%, with 13.2% for males and 13.8% for females²⁰. The country faces three key labour market challenges: (a) underutilisation of labour resources, (b) earnings inequality, and (c)

15 ECSR, Digest of the case law of the European Committee of Social Rights, December 2018, p. 56, with the sources enumerated therein, available at: <https://rm.coe.int/digest-2018-parts-i-ii-iii-iv-en/1680939f80> (last accessed on 1 September 2021).

16 Thematic Group 1: “Employment, Training and Equal Opportunities”.

17 <https://www.panorama.am/en/news/2024/07/13/Armenia-unemployment-rate/3028511>.

18 <https://www.statista.com/statistics/440639/unemployment-rate-in-armenia/#:~:text=The%20unemployment%20rate%20in%20Armenia%20decreased%20by%200.2,its%20lowest%20number%20in%202023%20with%208.38%20percent>.

19 Source: Household Labour Force Survey <https://ilostat.ilo.org/data/>.

20 <https://www.armstat.am/file/doc/99541258.pdf>.

skills mismatch²¹. All three issues negatively impact poverty levels. Notably, there is a significant mismatch between the demand for highly educated workers and their supply.

One of the main challenges, as evidenced by statistical data (though differentiated) and highlighted during discussions held as part of the fact-finding exercise, is **informal labour**²².

According to ILOSTAT²³, the labour force participation rate (%) in 2022 was 67.2 overall, 72.2 for males and 62.9 for females. The proportion of informal employment in total employment in Armenia in 2022 was 49.8% overall, 77.2% in agriculture and 20.6% in non-agriculture. For males, the rate was 46.2% overall, 77.6% in agriculture and 27% in non-agriculture. For females, the rate was 53.2% overall, 77.0% in agriculture and 10.4% in non-agriculture²⁴.

According to the *Statistical Yearbook of Armenia, 2023*, the labour force participation rate (%) in 2022 was 58.8 overall, 71.2 for males and 48.2 for females²⁵. The proportion of informal employment in total employment in Armenia in 2022 was 39.9% overall, 29.5% in agriculture and 9.4% in non-agriculture. For males, the rate was 23.9% overall, while for females, it was 14.9%. However, surveys and estimates conducted by NGO's and CSO's indicate that the actual level of informal labour in practice is significantly higher than officially reported. Notably, the issue of informal labour is not addressed by Armenian regulations.

The Armenian Government Programme for 2021-2026 stipulates that the state policy on labour and social protection will be implemented on the basis of a strategic document addressing the challenges in these fields. However, Armenia does not have and has never had a comprehensive strategy on labour and social protection, despite past efforts to develop one. The last Employment Strategy for Armenia²⁶ covered the years 2013-18. Since then, no new strategy has been adopted. Although discussions were held on a draft Employment Strategy for 2019-23, it was never finalised and adopted, leaving Armenia without an active employment strategy. In 2021, the Ministry of Labour and Social Affairs, with the support of UNICEF, launched a thorough review and development process aimed at engaging a wide range of stakeholders in consultation and development²⁷. Although the strategy development process was officially launched in November 2021 and a draft was prepared, the National Strategy for Labour and Employment Policy has not yet been adopted. As established during the fact-finding activity, the 2024-2030 Employment Strategy is currently under discussion and is expected to be adopted by the end of 2024.

The findings presented above confirm the need to support Armenia in its efforts to align with European and international standards, particularly those outlined in Article 1§1 of the ESC.

ARTICLE 1§2: FREELY UNDERTAKEN WORK, NON-DISCRIMINATION, PROHIBITION OF FORCED LABOUR, OTHER ASPECTS

Article 1§2 of the Charter prohibits all forms of discrimination in employment, including on grounds of sex, race, ethnic origin, religion, disability, age, sexual orientation and political opinion, and conscientious objection or non-objection. Legislation should prohibit both direct

21 See more on the issue: Mismatch In The Armenian Labor Market: Consequences For Employment And Wages, Center For Business Research And Development Research Note, Yerevan 2021. Available at: https://cbe.aua.am/files/2021/11/Baghdasaryan_Alaverdyan_Mismatch-in-the-Armenian-Labor-Market-21.05.pdf.

22 According to the ILO Recommendation, 2015 (No. 204), the informal economy: (a) encompasses all economic activities performed by workers and economic units that are – in law or in practice – not covered or inadequately covered by formal arrangements; and (b) excludes illicit activities, particularly those involving the provision of services or the production, sale, possession, or use of goods prohibited by law, including the illicit production and trafficking of drugs, the illegal manufacture and trafficking of firearms, human trafficking, and money laundering, as defined by relevant international treaties.

23 Source: Household Labour Force Survey <https://ilostat.ilo.org/data/country-profiles/> (last accessed on 18 July 2024).

24 https://rshiny.ilo.org/dataexplorer29/?lang=en&id=SDG_0831_SEX_ECO_RT_A.

25 <https://www.armstat.am/file/doc/99541258.pdf>.

26 "Employment Strategy of the Republic of Armenia for 2013-2018" approved by Protocol resolution No. 45 of GoA of 8 November 2012.

27 See more at: <https://www.unicef.org/armenia/en/stories/armenia-set-comprehensive-labor-and-social-protection-strategy-2022>.

and indirect discrimination and empower authorities to set aside, rescind, amend, or abrogate any provision contrary to the principle of equal treatment, including those found in collective labour agreements, employment contracts, or company regulations²⁸. Domestic law must also provide for appropriate and effective remedies in cases of alleged discrimination. First, there must be a right to appeal to a court in discrimination cases; second, protection must be in place to prevent dismissal or other reprisals by employers against employees who have filed complaints or taken legal action²⁹; third, domestic law should establish a shift in the burden of proof in favour of the plaintiff in discrimination cases³⁰; and fourth, remedies available to victims of discrimination must be adequate, proportionate and dissuasive³¹.

Taking into consideration global standards, numerous international treaties address discrimination in employment. The 1998 ILO Declaration on Fundamental Principles and Rights at Work urges all member States to promote and realise the right to be free from discriminatory employment practices within their territories. It designates the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Equal Remuneration Convention, 1951 (No. 100) as fundamental conventions³².

In its Conclusions 2020, the ECSR assessed the situation in Armenia as non-conformant with Article 15§2 of the Charter, on the following grounds: indirect discrimination was neither defined nor prohibited by law; discrimination in employment recruitment was not prohibited; there was no legal protection against employment discrimination based on sexual orientation; the upper limit on compensation for discrimination cases potentially prevents full restitution and acts as an insufficient deterrent; it was unclear whether the legislation provides for a shift in the burden of proof in discrimination cases; all civil service positions were reserved for Armenian citizens; and the duration of alternative civil service was deemed an excessive restriction on the right to earn one's living in an occupation freely entered upon.

Armenia has accepted Articles 15§2 and 20 of the Charter. Consequently, the Committee did not assess the situation from the perspective of the prohibition of discrimination based on disability and gender, as these issues are addressed under the aforementioned provisions.

Since the end of the last reporting period, the legal framework for the protection against discrimination in employment has been strengthened through amendments to the Labour Code (hereinafter referred to as "the LC"), which were adopted on 3 May 2023, and came into force on 31 July 2023³³. Article 3 of the LC outlines the principles of labour legislation, including the equality of the parties in the employment relationship, regardless of factors such as sex, race, skin colour, nationality, language, origin, citizenship, social status, religion, marital and family status, age, beliefs or opinions, membership in political parties, trade unions or public organisations, and any other circumstances unrelated to an employee's professional skills.

Pursuant to Article 3.1(1) of the LC, as amended on 3 May 2023, labour legislation prohibits discrimination. According to Article 3.1(2), discrimination is defined as "[A]ny direct or indirect distinction, exclusion or restriction based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, worldview, political or other views, belonging to a national minority, property status, birth, disability, age or other personal or social circumstances, the aim or result whereof is displaying less favourable treatment in the cases of emergence and/or change and/or termination of collective and/or individual employment relations or prohibiting or denying

28 ECSR, Conclusions XVI-1 (2002), Iceland.

29 ECSR, Conclusions XVI-1 (2002), Iceland; *Syndicat de Défense des fonctionnaires v. France*, Complaint No. 73/2011, Decision on the merits, 13 September 2012, §59.

30 ECSR, Conclusions 2002 France; *Syndicat de Défense des fonctionnaires v. France*, Complaint No. 73/2011, decision on the merits, 13 September 2012, §59.

31 ECSR, Digest of the case law of the European Committee of Social Rights, December 2018, p. 59, with the sources enumerated therein, available at: <https://rm.coe.int/digest-2018-parts-i-ii-iii-iv-en/1680939f80> (last accessed on 1 September 2021).

32 Read more: C. Thomas, C. Weber, ILO International Labour Standards Department, Information paper on protection against sexual orientation, gender identity and expression and sexual characteristics (SOGIESC) discrimination, ILO, 2019, available at: https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_700554.pdf (last accessed on 24 July 2024).

33 arlis.am/DocumentView.aspx?docid=178448.

the recognition and/or exercise, on equal basis with others, of any right prescribed by labour legislation shall be deemed to be discrimination, except for cases when such distinction, exclusion or restriction is objectively justified by the legitimate aim pursued, and the means used for reaching that aim are proportionate and necessary". Pursuant to Article 3.1(3), "In job announcements (competitions) and when establishing employment relations, it shall be prohibited to establish any other condition deemed to be a ground for discrimination but practical qualities and professional training and qualification, except for cases prescribed by this Code and laws of the Republic of Armenia, or when it derives from job-specific requirements".

In light of these provisions, it should be noted that while the discussed amendments have strengthened the protection against discrimination in employment, there is still significant room for improvement, and not all inconsistencies with the standards of the ESC have been addressed. *De lege lata*, while indirect discrimination is prohibited, there is no legal definition of the term, which may lead to confusion among both social partners and the courts. It is worth noting with satisfaction that discrimination in recruitment has been prohibited; however, the legislation still does not provide for a shift in the burden of proof in discrimination cases, which remains inconsistent with ESC standards. Furthermore, sexual orientation is not yet explicitly included among the protected characteristics. However, in light of European and international standards, it is inevitable to understand that sexual orientation falls within the scope of the term "other personal or social circumstances". However, taking into account the case law of the ECSR, the comments of the CEACR concerning ILO Convention No. 111 and the situation in Armenia, it is recommended to explicitly include sexual orientation in the list of protected characteristics to avoid any potential ambiguity and to enhance the protection of LGBTI persons in the workplace.

In addition to the Labour Code, protection against discrimination is also guaranteed by the Law on Ensuring Equal Rights and Equal Opportunities for Women and Men³⁴. Pursuant to paragraph 2 of Article 6(2) of this Law, any discrimination based on sex is prohibited when determining the remuneration and working conditions of women and men.

The level of compensation is defined in the provisions of the Civil Code. Pursuant to Article 17, *a person whose right has been violated may require full compensation for the damages caused thereto, unless a lesser amount for the compensation of damages is provided for by law or by contract (part 1). Damages shall comprise expenses, incurred by the person whose right has been violated, which have been or must be covered by said person in order to restore the violated right, the loss of or damage to the property thereof (actual damage), unearned income that this person would have received under the usual conditions of civil practices had the right thereof not been violated (lost benefit), as well as non-pecuniary damage (part 2). Non-pecuniary damages shall be subject to compensation only in cases provided for by law (part 4).*

Although the provisions protecting against discrimination in employment have been amended, the limit on the amount of compensation awarded in discrimination cases may prevent damages from fully compensating the loss suffered and from serving as an effective deterrent. Pursuant to Article 17 of the Civil Code and Article 265 of the Labour Code, in the event of unjustified dismissal, the Labour Code of the Republic of Armenia provides for compensation for material damage suffered during the entire period of dismissal, in the amount of the average salary. In the event of non-reinstatement, compensation is provided at no less than the average salary and no more than twelve-fold of the average salary.

Moreover, the law has not been amended to address the reservation of all civil service positions to Armenian citizens. Article 49 of the Constitution of Armenia states: "Every citizen shall have the right to join public service on general grounds. Details shall be prescribed by law". According to Article 13(1) of the Law on Public Service, "Citizens of the Republic of Armenia and, in the case of community service, also persons with a status of refugee in the Republic of Armenia, who meet the requirements (...), shall have the right to hold public service positions irrespective of their ethnic origin, race, gender, religion, political or other views, social origin, property or other status".

³⁴ Approved on 20 May 2013.

The 2023-2025 Action Plan of the National Human Rights Strategy envisages the adoption of the Law on Ensuring Equality and Protection Against Discrimination. The Ministry of Justice, as the competent body, in collaboration with the Human Rights Defender, has initiated legislative reforms and drafted this law, which, inter alia, provides for the assignment of the role of the equality body to the Human Rights Defender, supported by a consultative body in the form of a Council. As of now, the draft law is under discussion.

The findings presented above confirm the need to support Armenia in its efforts to align with European and international standards, particularly those outlined in Article 1§2 of the ESC.

ARTICLE 2 — THE RIGHT TO JUST CONDITIONS OF WORK

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

1. to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;
2. to provide for public holidays with pay;
3. to provide for a minimum of four weeks' annual holiday with pay;
4. to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;
5. to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest;
6. to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;
7. to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

Appendix to Article 2§6

Parties may provide that this provision shall not apply:

- a. to workers having a contract or employment relationship with a total duration not exceeding one month and/or with a working week not exceeding eight hours;
- b. where the contract or employment relationship is of a casual and/or specific nature, provided, in these cases, that its non-application is justified by objective considerations.

ARTICLE 2§1: REASONABLE WORKING TIME

Article 2§1 guarantees workers the right to reasonable limits on daily and weekly working hours, including overtime, to safeguard their safety and health. To this end, reasonable working hours, including overtime, must be established by law, regulations, collective agreements, or other binding mechanisms. To ensure compliance with these limits in practice, an appropriate authority must supervise adherence. While the Charter does not explicitly define “reasonable working hours”, situations are assessed on a case-by-case basis. The regulation of overtime is particularly important. Decisions about working overtime cannot be left solely to the discretion of the employer or the employee. Instead, the reasons for overtime work and its duration must be governed by specific rules or regulations.

Taking into consideration global standards, the issue of working time has been a central focus for the ILO since its inception, when it adopted the first of many international labour standards, the Hours of Work (Industry) Convention, 1919 (No.1). It sets a limit of 48 hours for the working week and includes provisions on rest days and overtime. The second key document is the ILO Convention on Hours of Work (Commerce and Offices), 1930 (No. 30), which extended the provisions of Convention No. 1 to cover additional sectors, including office work and commerce.

In its Conclusions 2022, the ECSR assessed the situation in Armenia as not in conformity with Article 2§1 of the Charter, citing that the daily working time for certain categories of workers can be extended to 24 hours.

Since 2022, the legislative framework in the assessed area has not been fully aligned with the standards of Article 2§1 of the ESC. Although the Law HO-160-N of 3 May 2023 introduced amendments revising the working hours of certain categories of workers (e.g. security guards), the legislative framework remains insufficiently compliant. Currently, duration of working time is regulated under Article 139 of the Labour Code, as amended by Law HO-160-N of 3 May 2023. Pursuant to parts 1 and 2 of this article, the normal duration of the working time may not exceed 40 hours a week (part 1) and the duration of the daily working time may not exceed eight working hours, except for the cases provided for by the Code, the law and other regulatory legal acts (part 2). However, under Article 139(4) of the LC, the duration of the working time of specific categories of workers (healthcare organisations working on an uninterrupted shift basis, curatorship (guardianship) organisations, child care educational institutions, specialised energy, gas, heating supply organisations, specialised communications services, as well as specialised services for elimination of the consequences of accidents, etc.) may amount to 24 hours a day. The average duration of working time of such workers in a week may not exceed 48 hours, and the rest time between the working days may not be less than 24 hours. The list of such jobs shall be defined by the Government of the Republic of Armenia (part 4).

The findings presented above confirm the need to support Armenia in aligning its framework with the standards of Article 2§1 of the ESC.

ARTICLE 2§6: INFORMATION ON THE EMPLOYMENT CONTRACT

Article 2§6 guarantees workers the right to receive written information at the commencement of their employment. This information may be included in the employment contract or provided through other mandatory documents given to the worker at the time of recruitment, such as statement of employers’ and employees’ rights and obligations, collective agreements or company regulations, official appointment orders, pay statements, collective agreements, job descriptions, etc.).³⁵

This information must include at least the essential elements of the employment relationship or contract, namely: the identity of the parties; the place of work; the date of commencement of the contract or employment relationship; in the case of a temporary contract or employment relationship, its expected duration; the amount of paid leave; the notice periods applicable in the

³⁵ Conclusions 2014, Republic of Moldova; Conclusions 2018, Ukraine.

event of termination of the contract or employment relationship; the remuneration; the duration of the employee's normal working day or week; and where applicable, a reference to the collective agreements governing the employee's working conditions³⁶.

Taking into consideration global standards, the ILO Conventions do not specify the matters to be included in employment contracts. However, Standard A2.1 of the Maritime Labour Convention, 2006, provides guidance on the minimum provisions for seafarers' employment agreements, and Article 7 of the Domestic Workers' Convention, 2013 (No. 189), offers similar guidance concerning domestic workers.

In its Conclusions 2022, the ECSR assessed the situation in Armenia as not being in conformity with Article 2§6 of the Charter on the grounds that the length of the notice periods in case of termination of the contract or the employment relationship is not specified in the employment contract or any other relevant document.

Since 2022, the legislative framework in the assessed area has not been brought into compliance with the standards of Article 2§6 of the ESC, although the Law HO-160-N of 3 May 2023 introduced certain amendments. However, Article 84 of the Labour Code, which regulates this matter, does not specify the length of the notice period in the event of termination of the contract or the employment relationship as part of the mandatory content of the employment contract.

The findings presented above confirm the need to support Armenia in further enhancing its legislative standards and aligning them more closely with the requirements of Article 2§6 of the ESC.

ARTICLE 3 — THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations:

1. to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. The primary aim of this policy shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimising the causes of hazards inherent in the working environment;
2. to issue safety and health regulations;
3. to provide for the enforcement of such regulations by measures of supervision;
4. to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions.

Appendix to Article 3§4

It is understood that for the purposes of this provision the functions, organisation and conditions of operation of these services shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

³⁶ Conclusions 2003, Bulgaria.

ARTICLE 3§1: NATIONAL POLICY

Under Article 3§1, the right to safe and healthy working conditions entails the implementation and regular review of a comprehensive occupational health and safety policy, developed in consultation with the social partners. The main objective of this policy must be to promote and maintain a culture of prevention, rather than a purely curative or compensatory approach to accidents and risks. This requires the involvement of authorities, employers, and workers at both the company level (e.g. in assessing workplace-specific risks and adopting preventive measures) and at public authority level (e.g. in developing public prevention systems, conducting information campaigns, raising awareness, and enabling the labour inspectorate to share knowledge about risks and prevention acquired through inspections and investigations). Such a policy must be regularly evaluated and reviewed in the light of changing risks, with public authorities playing a key role in training qualified staff, providing information, ensuring quality assurance, and conducting research. Additionally, the policy must be developed and implemented in consultation with employers' and workers' organisations at national, sectoral and company levels. Consultation mechanisms and procedures may be either permanent or ad hoc, but they must be effective in promoting social dialogue on occupational health and safety³⁷.

In its Conclusions 2021, the ECSR assessed the situation in Armenia as not being in conformity with Article 3§1 of the Charter on the grounds that there was no clearly defined policy on occupational safety and health, and the public authorities were not involved in research relating to occupational safety and health, the training of qualified professionals, the definition of training programmes, or the certification of processes.

Currently, although the Government Programme of the Republic of Armenia for 2021-2026 calls for evidence-based policy and strategic planning across all sectors, Armenia lacks a formal occupational safety and health (OSH) policy, a detailed national OSH programme, and a tripartite national body or working group — comprising the Ministry of Labour and Social Affairs and the social partners — that exclusively addresses OSH issues³⁸.

Depending on the specific industry, the OSH regulatory framework is either reliant on outdated Soviet regulations or non-existent. Public awareness of health and safety issues is low, and knowledge of the actual extent of hazards and risks is local and decentralised. There is no systemic approach to OSH issues, nor has violence and harassment been conceptualised as an OSH issue. Insufficient attention by employers to OSH, training of workers in safety rules and perfunctory conduct of briefings are associated with a high rate of injuries, mortality and occupational diseases³⁹.

The training of staff of the Health and Labour Inspection Body (HLIB) is conducted in accordance with the RA Law on Civil Service. The law stipulates that the training and incentives (such as bonuses) for civil servants are directly linked to their annual performance appraisals, which are carried out by their direct supervisors.

If the HLIB employee's performance appraisal rating exceeds 90 (out of 100), no additional training will be provided, and the employee will be eligible for incentives.

Typically, performance assessments are rated above 90 to ensure encouragement, primarily due to the low salaries in state institutions. As a result, formal training is not provided in practice, despite occasional ad hoc training opportunities offered by international organisations or other partners.

37 ECSR, Second Report on the Non-Accepted Provisions of the European Social Charter, Georgia, 2015, p. 13, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804966d6> (last accessed on 28 August 2021); ECSR, Digest of the case law of the European Committee of Social Rights, December 2018, p. 120 with the sources enumerated therein, available at: <https://rm.coe.int/digest-2018-parts-i-ii-iii-iv-en/1680939f80> (last accessed on 1 September 2021).

38 See more at: United Nations Armenia. Review and Update the National OSH profile – Armenia. Available at: <https://armenia.un.org/en/274678-national-osh-profile> (last accessed on 13 August 2024).

39 "Occupational Health and Safety", Mining Legislation Reform Initiative, Working Paper 6, Series on International Best Practice, Center for Responsible Mining, American University of Armenia (2017), available at: https://crm.aua.am/files/2019/05/WP6_Occupational_Health_and_Safety_Eng.pdf.

Even when the need for capacity building has been identified, the Office of Civil Service under the Prime Minister's Office does not provide professional training, focusing instead on general skills. However, if specific needs are identified for certain civil servants, the HLIB should ensure that their capacity is enhanced.

This problem is also relevant for other state institutions, where employees hold civil service positions.

The findings presented above confirm the need to support Armenia in aligning the situation with the standards set by Article 3§1 of the ESC.

ARTICLE 3§§2,3,4: SAFETY AND HEALTH REGULATIONS, MEASURES OF SUPERVISION, OCCUPATIONAL HEALTH SERVICES

Under Article 3§2, the right to safe and healthy working conditions entails the adoption of regulations aimed at ensuring safety and health, which include preventive and protective measures against occupational risks recognised by the scientific community and established in international regulations and standards. Such regulations must encompass both framework legislation that defines employers' responsibilities and workers' rights and obligations, as well as risk-specific regulations addressing the establishment, modification, and maintenance of workplaces and equipment, the control of hazardous agents and substances, and the protection of workers in sectors with particular exposure⁴⁰.

Article 3§3 requires an assessment of the practical implementation of the regulations. This includes examining the frequency and trends of occupational accidents, with reference to both the total number of occupational accidents and the incidence rate in relation to the workforce. The same applies to fatal occupational injuries. The collection and reporting of data on occupational accidents and diseases must be accurate and in accordance with established statistical methods. A persistent data record may reveal systemic failures in reporting occupational injuries or the intentional concealment of such injuries.

Since Article A allows State Parties to choose a system of labour inspection appropriate to national conditions, inspection services may be allocated among various bodies with specialised jurisdiction, provided that the effectiveness of labour inspection is not undermined by excessive fragmentation, insufficient resources, or inadequate cooperation. The resources allocated must be sufficient to conduct a minimum number of regular inspections, ensuring that the maximum possible number of workers benefit from the protection afforded by the legislation and that the risk of accidents is minimised. Inspectors must be authorised to inspect all workplaces across all economic sectors, both private and public, including residential premises.

Under Article 3§4, the right to safe and healthy working conditions entails the promotion of the progressive development of occupational health services for all workers, which are primarily preventive and advisory in nature. The functions, organisation and conditions of operation of these services are left to the discretion of each State Party. Such services may be operated jointly by several companies; however, where they are not established in all enterprises, public authorities must develop a strategy for that purpose. In all cases, these services must be efficient, taking into account the number of occupational health professionals in relation to the total workforce, the proportion of enterprises offering or sharing occupational health services, and the trend in the proportion of workers covered by these services. Measures must be implemented to achieve the set objectives within a reasonable time, with measurable progress, and to the greatest extent possible within the limits of available resources.

40 ECSR, Second Report on the Non-Accepted Provisions of the European Social Charter, Georgia, 2015, p. 13, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804966d6> (last accessed on 28 August 2021); ECSR, Digest of the case law of the European Committee of Social Rights, December 2018, p. 120, with the sources enumerated therein, available at: <https://rm.coe.int/digest-2018-parts-i-ii-iii-iv-en/1680939f80> (last accessed on 1 September 2021).

Taking into consideration global standards, key instruments on occupational safety and health include the following: ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); ILO Occupational Safety and Health Convention, 1981 (No. 155) and its 2002 Protocol; ILO Occupational Health Services Convention, 1985 (No. 161) and ILO Violence and Harassment Convention, 2019 (No. 190).

Armenia has not yet ratified the aforementioned conventions, but has initiated the process of ratifying ILO Convention 190. Furthermore, under Article 90 and Annex VII of Chapter 15 of the EU-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA), Armenia has committed to harmonising its legislation with EU directives, including 27 directives on occupational safety and health.

In its 2016 report on non-accepted provisions of the ESC, the ECSR did **not** identify any issues with the acceptance of the provisions of Article 3§§2, 3 and 4 of the ESC.

Since 2016, regulations concerning occupational safety and health have been amended. However, no comprehensive reform of OSH has been introduced so far and the regulatory framework still does not fully align with European and international standards. Currently, Article 82 of the Constitution of the Republic of Armenia guarantees that every worker shall, in accordance with law, have the right to healthy, safe and decent working conditions. At the legislative level, safety and health of employees are regulated by Chapter 23 of the Labour Code.

According to Article 3(1)(4) of the Labour Code, one of the main principles of labour legislation is to ensure the right to fair working conditions for every employee (including conditions ensuring safety and meeting hygiene requirements, right to rest). Occupational health and safety of employees shall be a system of protecting the life and health of employees during the working activity, which includes legal, social and economic, organisational and technical, sanitary hygienic, medical and preventive, rehabilitation and other measures (Labour Code, Article 242). To ensure the safety and health of workers, appropriate, safe, and healthy conditions must be created in the workplace. By-laws define the maximum permissible levels of harmful factors for workers.

However, it should be noted that Armenia lacks a comprehensive legal framework on occupational health and safety that uniformly covers all workers and sectors, delineates general OSH principles, defines the roles and functions of governmental and public authorities, outlines the basic obligations of employers, and establishes the rights and responsibilities of workers and their representatives. This regulatory gap makes it difficult to establish an adequate occupational health and safety system and to cultivate a national culture focused on preventive occupational health and safety practices. Furthermore, current regulations do not consider the gender dimension and the differing needs of female and male workers regarding occupational health and safety risks and solutions, including those related to pregnant and breastfeeding women⁴¹.

Apart from these issues, Armenia lacks systematic and regular statistics on occupational accidents, meaning that the actual numbers are not officially known. This highlights the challenges the country faces in consistently collecting and reporting comprehensive data on occupational accidents and related incidents. Recently, however, with the influx of migrant workers, the number of occupational accidents has reportedly increased, according to media monitoring and reports. In response, the Ministry of Labour and Social Affairs (MLSA) and social partners have reiterated, in numerous meeting and official statements, their commitment to promoting a safe and healthy working environment nationwide, including through the reform of the national legislation on occupational safety and health⁴².

Meanwhile, the Armenian authorities are taking steps to improve the situation in certain sectors. These include the implementation of Action 73 of the National Strategy of Human Rights Protection (2020-2022), the adoption of the methodology of inspections by the Health and

41 Noted also by United Nations Armenia in Review and Update the National OSH profile – Armenia. Available at: <https://armenia.un.org/en/274678-national-osh-profile> (last accessed on 13 August 2024).

42 Results of the research conducted within the project "Review and Update the National OSH profile – Armenia" conducted by ILO DWT/CO in MOSCOW, August-October 2024. Information available at: https://armenia.un.org/sites/default/files/2024-07/Terms%20of%20Reference_National_Consultant_OSH_Profile.pdf.

Labour Inspectorate in 2019 and 2020 and the criteria for determining the risk and the checklist based on the risk carried out by the latter, with regard to monitoring the health and safety of employees in the mining industry and during the operation of open-pit mines. At the same time, the clear tools for conducting inspections are not defined by any legal act, which is one of the most important criteria for the effectiveness of inspections. Although the checklist contains references to documentary and visual inspection methods, the Inspection Body does not provide for the possibility of using other tools (for example, private conversations with employees)⁴³.

However, as indicated by statistical data and highlighted during discussions held as part of the fact-finding exercise, the human resources of the Inspection Body are quite small and are divided according to the administrative-territorial units⁴⁴.

Pursuant to Annual Report On the Activities of the Human Rights Defender, *The State Of Protection Of Human Rights And Freedoms in 2023*⁴⁵, research conducted by a civil society organisation to assess the state of labour rights protection in Armenia identified hazardous factors in working conditions (such as excessive noise, dust, vibration, and radiation), that could impact health, some of which were notably high. Employees in the defence sector reported the highest levels of risk, followed closely by the construction, manufacturing, and healthcare sectors in terms of perceived danger.

Throughout 2023, the RA Health and Labour Inspection Body received reports of 20 fatal workplace incidents, while no cases of work-related diseases were officially reported.

According to the Health and Labour Inspection Body, the most common violations recorded at construction sites include: failure to wear personal protective equipment such as protective clothing, helmets, work-appropriate footwear, hats, glasses; the absence of collective protection measures in dangerous areas, such as protective fences, railings, and markings; lack of sanitary facilities, including showers, restrooms, and dressing rooms; and employees exposed to hazardous conditions not undergoing mandatory initial (during employment commencement) and regular medical check-ups.

Work safety rules are frequently violated at the construction site, leading to accidents. These incidents indicate that employer-employee relations are not formalised through written employment contract. This is a common practice that complicates the process of obtaining compensation in the event of an accident.

As observed by NGOs, "... in Armenia there is a constitutional guarantee for the right to healthy, safe and decent working conditions, but the legislative grounds for ensuring this right are deficient, and there are no mechanisms for state control over the realization of this right and for the restoration of the violated rights of a worker."⁴⁶

The findings presented above confirm the need to support Armenia's efforts to align its legislative framework and the process of its effective implementation with the best European standard and practices, thereby promoting the acceptance of Article 3§§2, 3, and 4 of the ESC by Armenia. Accepting the said provisions will contribute to further development of the country.

43 USAID From the American People, Transparency International: Anticorruption Center, AUA Center for Responsible Mining, "Mining Policy Dialog Discussion Paper. Working Conditions and Occupational Safety in the Mining Sector of Armenia", available at: https://crm.aua.am/files/2021/05/Disussion_Paper_Working_conditions_and_occupational_safety_EN.pdf.

44 Raised also by: USAID From the American People, Transparency International: Anticorruption Center, AUA Center for Responsible Mining, "Mining Policy Dialog Discussion Paper. Working Conditions and Occupational Safety in the Mining Sector of Armenia", available at: https://crm.aua.am/files/2021/05/Disussion_Paper_Working_conditions_and_occupational_safety_EN.pdf.

45 Available at: https://ombuds.am/en_us/site/ViewNews/2899.

46 "Alternative Report to The UN Committee On Economic, Social And Cultural Rights: Realization of the Right to Safe and Healthy Working Conditions In Armenia with a Focus On Syunik Region of Armenia", prepared by Eurasia Partnership Foundation, "Human Rights Research Center" NGO and "Goris Press Club" NGO, available at: https://epfarmenia.am/sites/default/files/Document/Realization_of_the_right_to_safe_and_healthy_working_conditions_in_Armenia_Syunik_eng.pdf.

ARTICLE 4 — THE RIGHT TO A FAIR REMUNERATION

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

1. to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living;
2. to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;
3. to recognise the right of men and women workers to equal pay for work of equal value;
4. to recognise the right of all workers to a reasonable period of notice for termination of employment;
5. to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.

The exercise of this rights shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions.

Appendix to Article 4§4

This provision shall be so understood as not to prohibit immediate dismissal for any serious offence.

Appendix to Article 4§5

It is understood that a Party may give the undertaking required in this paragraph if the great majority of workers are not permitted to suffer deductions from wages either by law or through collective agreements or arbitration awards, the exceptions being those persons not so covered.

ARTICLE 4§3: EQUAL PAY FOR EQUAL WORK

Article 4§3 guarantees the right to equal pay for equal work, without discrimination on grounds of sex. The principle of equality must encompass all the elements of pay, including wages or salary, as well as other benefits — whether paid directly or indirectly, in cash or in kind — that the employer provides to the worker by virtue of their employment. This principle applies equally to both full-time and part-time employees.

In order to establish whether work performed is equal or of equal value, factors such as the nature of the tasks, the skills required, as well as the educational and training qualifications necessary, must be taken into account. States should therefore seek to clarify this concept in domestic law, where necessary, through either legislation or case law. In this regard, job classification and evaluation systems should be encouraged, and where such systems are in place, they must be based on criteria that are gender-neutral and do not result in indirect discrimination⁴⁷.

⁴⁷ See, in this respect, Collective Complaints Nos. 124 to 138, University Women of Europe (UWE) v. Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Finland, France, Greece, Ireland, Italy, the Netherlands, Norway, Portugal, Slovenia, and Sweden, 5-6 December 2019.

Pay transparency is crucial for the effective implementation of the principle of equal pay for equal work or work of equal value. It contributes to identifying gender bias and discrimination, and it facilitates corrective actions by workers, employers, their organisations, and relevant authorities. States should adopt measures in line with national conditions and traditions to ensure adequate pay transparency in practice. These measures could include those outlined in the European Commission Recommendation of 7 March 2014 on strengthening the principle of equal pay between men and women through transparency, such as an obligation for employers to report regularly on wages and provide disaggregated data by gender.

To ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender, as well as data on the number and types of pay discrimination cases, are crucial. Such data collection enhances pay transparency at an aggregate level and helps identify cases of unequal pay, thereby revealing the gender pay gap. The gender pay gap is one of the most widely recognised indicators of persistent pay disparities between men and women in jobs that are either equal or of equal value.

Taking into account international standards, the Equal Remuneration Convention, 1951 (No. 100), must be considered as the most relevant instrument.

In its Conclusions 2022, the ECSR assessed the situation in Armenia as not being in conformity with Article 4§3 of the Charter on the following grounds: there was no explicit statutory guarantee of equal pay for women and men for equal work or work of equal value; an upper limit on the amount of compensation that may be awarded in pay discrimination cases, which could prevent damages from adequately compensating the loss suffered and from having a sufficiently deterrent effect; and domestic law did not provide for a shift in the burden of proof in gender pay discrimination cases.

Since 2022, the situation has not improved. The wording of Article 178(2) of the Labour Code has remained unchanged, and both this provision and paragraph 2 of Article 6(2) of the Law on Ensuring Equal Rights and Equal Opportunities for Women and Men still provide for equal pay for the same or equivalent work. However, as the Committee emphasised in its Conclusions 2020 and 2022, equal pay for men and women for “equal work” and “equivalent work” is not the same as equal pay for work of equal value. The wording of Article 178(2) of the LC is narrower than the principle set out in the Charter, which should be noted as an inconsistency. The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) also raised this issue in its observations published in 2017 (106th session of the International Labour Conference) concerning Convention No. 100 on Equal Remuneration (1951).

Furthermore, an upper limit still exists on the amount of compensation that may be awarded in pay discrimination cases which could prevent damages from fully compensating the loss suffered and from being sufficiently deterrent, as discussed earlier, under Article 1§2.

Domestic law did not initially provide for a shift in the burden of proof in gender pay discrimination cases. However, as of 2020, the issue of the burden of proof in such cases is governed by the Civil Procedure Code. According to Article 210(1), the courts examine and settle individual labour disputes related to the change, rescission of employment contract and subjecting an employee to disciplinary liability. In these cases, pursuant to Article 213, the respondent bears the burden of proving the facts. As outlined in the 16th National Report on the implementation of the European Social Charter, submitted by the Government of Armenia, the legislator has identified certain types of disputes that have a more significant impact on the rights of the employee and, from an evidentiary perspective, follow a logical approach in terms of burden of proof. Other employment-related disputes are to be examined according to general procedures governing civil cases. Consequently, where a dispute arises between the employee (or the former employee) and the employer concerning gender pay discrimination, it shall be subject to examination as a labour dispute and examined through judicial procedures in accordance with the provisions of the Civil Procedure Code (Article 263 and Article 264(1) of the Labour Code).

The 2024 Global Gender Gap Index⁴⁸ shows that while no country has achieved full gender parity, 97% of the economies included in 2024 edition have closed more than 60% of their gender gap, compared to 85% in 2006. Armenia ranks 64th out of 146 countries in terms of equal pay⁴⁹.

The findings presented above confirm the need to support Armenia in aligning its situation with the standards set out in Article 4§3 of the ESC.

ARTICLE 7 — THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

48 Available at: <https://www.weforum.org/publications/global-gender-gap-report-2024/digest/>.

49 Available at: https://widgets.weforum.org/GGGR/edition-24-ranking/pdf/2024/gggr_index_2024_005_ARM.pdf.

Appendix to Article 7§2

This provision does not prevent Parties from providing in their legislation that young persons not having reached the minimum age laid down may perform work in so far as it is absolutely necessary for their vocational training where such work is carried out in accordance with conditions prescribed by the competent authority and measures are taken to protect the health and safety of these young persons.

Appendix to Article 7§8

It is understood that a Party may give the undertaking required in this paragraph if it fulfils the spirit of the undertaking by providing by law that the great majority of persons under eighteen years of age shall not be employed in night work.

ARTICLE 7§§1,2,3: PROHIBITION OF EMPLOYMENT

Article 7§1 prohibits employment of children under the age of 15. This prohibition applies to all economic sectors, including agriculture, and all places of work, including family enterprises and private households. It also extends to all forms of economic activity, regardless of the status of the worker (whether as an employee, self-employed, unpaid family helper, or otherwise). In accordance with Article 7§1, domestic law must establish the minimum age for admission to employment at 15 years⁵⁰. Furthermore, the legislation must be effectively applied and rigorously supervised in practice. The Labour Inspectorate has a decisive role to play in this respect⁵¹.

Article 7§1 provides an exception for light work, i.e. work that does not entail any risk to the health, moral welfare, development or education of children. The definition of “light work” as authorised by legislation must be sufficiently clear and precise. Work is no longer considered “light” if it is performed for an excessive duration. Therefore, States are required to establish the conditions under which light work may be performed, as well as the maximum permitted duration of such work. Children under the age of 15 may engage in light work for a maximum of two hours on a school day and up to 12 hours per week during term time, outside the hours fixed for school attendance. During school holidays, the maximum working time must not exceed 6 hours per day and 30 hours per week⁵².

Article 7§2 prohibits the employment of children under the age of 18 in dangerous or unhealthy activities. In application of Article 7§2, domestic law must establish 18 as the minimum age for admission to occupations deemed dangerous or unhealthy. An adequate statutory framework must be in place to identify potentially hazardous work, either by providing a list of such activities or by defining the types of risks (physical, chemical, biological) that may arise during the course of that work⁵³.

However, if such work is deemed absolutely necessary for their vocational training, children may be permitted to perform it before the age of 18, but only under conditions prescribed by the competent authority. Children must have received appropriate training to perform dangerous tasks. The Labour Inspectorate must monitor these arrangements⁵⁴.

50 Conclusions I (1969), Statement of Interpretation on Article 7§1.

51 International Commission of Jurists against Portugal, Complaint No. 1/1998, Decision on the merits of 9 September 1999, §32.

52 Conclusions 2015, Statement of interpretation on Articles 7§1 and 7§3; Conclusions 2011, Portugal; Conclusions 2019, Armenia.

53 Conclusions 2006, France.

54 Conclusions 2006, France. Conclusions 2006, Norway.

Article 7§3 prohibits employment during compulsory education, allowing only light work for schoolchildren under this provision. The definition of “light work” is identical to that under Article 7§1⁵⁵. During the school term, the amount of time children may work must be limited to ensure that it does not interfere with their attendance, attentiveness, or homework⁵⁶. Allowing children to work before school hours is, in principle, contrary to Article 7§3. Allowing children aged 15, who are still subject to compulsory education, to deliver newspapers from 6 a.m. for up to 2 hours per day, 5 days a week, before school is not in conformity with the Charter⁵⁷.

Adequate safeguards must be in place to enable the authorities (such as the labour inspectorate, social services, and education authorities) to protect children from work that could deprive them of the full benefit of their education⁵⁸.

Taking into consideration global standards, the two key ILO Conventions on child labour are Convention No.138 on Minimum Age and Convention No. 182 on the Worst Forms of Child Labour, both of which are considered “fundamental” Conventions.

In its Conclusions 2023, the ECSR assessed the situation in Armenia as not being in conformity with Article 7§§1, 2 and 3 of the Charter on the following grounds: the daily working hours for children between the ages of 7 and 14 are excessive and therefore cannot be considered “light work”; the prohibition of child labour is not guaranteed in practice (§1); no information has been provided on the outcome of monitoring activities to detect violations related to the prohibition of employing children under the age of 18 in dangerous or unhealthy work (§2); the duration of work permitted for children subject to compulsory education is excessive and therefore may deprive them of the full benefit of their education; and the prohibition on the employment of children subject to compulsory education is not effectively enforced (§3).

Since 2023, the situation has not improved. The Labour Code prescribes 16 as the minimum age for employment (Article 15) and 18 as the minimum age for hazardous work (Article 17.1). However, practical implementation remains challenging. The Government does not regularly collect or maintain official data on child labour. The last survey was conducted in 2015.⁵⁹

The primary challenge persists in the informal economy, where reports indicate a significant numbers of children — primarily boys ages 14 to 18 — leave school to work in the informal sectors such as agriculture and construction. In general, agriculture is the dominant sector, accounting for around 94% of child labour.⁶⁰

Currently, the provisions of the Labour Code apply only to children employed in the formal economy. Given the significant number of children working in the informal economy, it is crucial to take appropriate measures that ensure these children, who are not engaged in lawful employment, receive the same guarantees and protections. To address this gap, the powers of the Health and Labour Inspection Body should be expanded to include oversight of the informal economy, enabling the detection and prevention of child labour in informal sectors⁶¹.

The issue of children supporting their families through agricultural labour has not been adequately examined by the Government, and no statistics are available regarding the frequency and duration of children's absence from school.

55 Conclusions 2015, Statement of interpretation on Articles 7§1 and 7§3; Conclusions I (1969), Statement of Interpretation on Article 7§1; Conclusions 2015, Statement of interpretation on Articles 7§1 and 7§3.

56 Conclusions 2006, Albania; Conclusions 2019, Serbia.

57 Conclusions 2011, 2019, Italy; Conclusions XVII-2 (2005), The Netherlands.

58 Conclusions V (1977), Statement of Interpretation on Article 7§3; Conclusions 2006, Portugal.

59 Armenia National Child Labour Survey 2015. Available at: [https://armstat.am/file/article/national_child_labour_survey_in_armenia_report_\(english\).pdf](https://armstat.am/file/article/national_child_labour_survey_in_armenia_report_(english).pdf).

60 Child Labor and Forced Labor Reports, Bureau of International Labor Affairs. Available at: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/armenia>.

61 https://www.rightsresearch.net/files/ugd/f1a9eb_eb84b89b1ab84f4890a0d3ffd6899613.pdf?index=true.

While relevant bylaws have been adopted to address the exclusion of children from compulsory education, the existence of these legal acts alone does not fully resolve the problem. The core issue lies in the weak enforcement of these regulations. Furthermore, challenges remain in ensuring the right to education for members of national minorities. Many individuals from these groups face barriers to fully exercising their right to education due to factors such as incomplete secondary education and early marriages.

ARTICLE 7§§4,5,6,7,8,9,10: WORKING CONDITIONS

Under Article 7§4, domestic law must establish limits on the working hours of individuals under 18 years of age who are no longer subject to compulsory schooling. These limitations may be prescribed through legislation, regulations, contracts, or established practices⁶². For individuals under 16 years of age, a limit of eight hours per day or forty hours per week is not in compliance with Article 7§4. However, for individuals over 16 years of age, such limits are considered consistent with the requirements of Article 7§4⁶³.

In accordance with Article 7§5, domestic law must guarantee the right of young workers to a fair wage and apprentices to appropriate allowances. The “fair” or “appropriate” character of the wage is assessed by comparing young workers’ remuneration with the starting wage or minimum wage paid to adults (aged 18 or above)⁶⁴. While young workers’ wages may be lower than the adult starting wage, any such difference must be reasonable, not overly substantial and limited to a specific period⁶⁵. For fifteen- or sixteen-year-olds, a wage that is up to 30% lower than the adult starting wage is acceptable, and for those aged sixteen or eighteen, the difference may not exceed 20%⁶⁶. However, the adult reference wage must, in all cases, be sufficient to comply with Article 4§1 of the Charter. If the reference wage is too low, even a young worker’s wage that adheres to these percentage differentials cannot be considered fair⁶⁷.

Apprentices may receive lower wages, as the value of the on-the-job training they gain must be taken into consideration. However, the apprenticeship system must not deviate from its intended purpose or be misused as a means to underpay young workers⁶⁸.

Under Article 7§6, time spent on vocational training by young people during normal working hours must be regarded as part of the working day. Such training should, in principle, take place with the employer’s consent – although not necessarily at the employer’s expense – and must be relevant to the young person’s work. Training time must thus be remunerated as normal working hours (whether by the employer or through public funds, as applicable), and young workers must not be required to compensate for the time spent in training, as this would effectively increase their total working hours⁶⁹.

In accordance with Article 7§7, young persons under the age of 18 must be entitled to at least four weeks of paid annual leave, which cannot be waived or exchanged for financial compensation⁷⁰.

Pursuant to Article 7§8, domestic legislation must prohibit the employment of persons under 18 in night work. Exceptions may be permitted only for specific occupations and under strictly limited circumstances, provided that they are explicitly prescribed by domestic law,

62 Conclusions 2006, Albania.

63 Conclusions XI-1 (1991), The Netherlands; Conclusions 2002, Italy.

64

65 Conclusions 2019, Azerbaijan; Conclusions II (1971), Statement of Interpretation on Article 7§5.

66 Conclusions 2006, Albania.

67 Conclusions IX-1 (1987), United Kingdom.

68 Conclusions II (1971), Statement of Interpretation on Article 7§5.

69 Conclusions XV-2 (2001), The Netherlands; Conclusions V (1977), Statement of Interpretation on Article 7§6.

70 Conclusions 2019, Albania; Conclusions 2019, Azerbaijan.

deemed necessary for the proper functioning of the economic sector, and involve a minimal number of young workers⁷¹.

In line with Article 7§9, domestic legislation must provide for compulsory regular medical check-ups for persons under 18 employed in specified occupations as determined by domestic laws or regulations. These medical examinations must be tailored to the unique circumstances of young workers and address the particular risks to which they are exposed⁷².

Article 7§10 guarantees the right of children to protection from physical and moral dangers both within and outside the working environment. This covers, in particular, the protection of children against all forms of exploitation and the misuse of information technologies. State Parties are required to prohibit the exploitation of children in any form, including sexual exploitation, domestic or labour exploitation (such as trafficking for the forced labour), begging, organ trafficking. States must also adopt measures to prevent exploitation and assist street children. In all such cases, State Parties are obligated to ensure the existence of comprehensive legislation aimed at preventing exploitation and protecting children and young persons, but also that this legislation is effective in practice⁷³.

In its Conclusions 2023, the ECSR assessed the situation in Armenia as not being in conformity with Article 7§§4, 5, 6, 7, 8, 9, and 10 of the Charter on the following grounds: labour inspections supervising that the regulations on work performed by young persons are respected in practice are limited; labour inspectors lack the authority to conduct unannounced inspections; the working time for young workers who are no longer subject to compulsory schooling and the permissible working hours are excessive (§4); no information has been provided regarding the enforcement of the right of young persons to fair pay in practice (§5); the inclusion of time spent by young workers on vocational training in the normal working time is not effectively monitored in practice (§6); no information has been provided on the number and nature of violations detected, nor the sanctions imposed for breaches of regulations regarding paid annual leaves of young workers under 18 years of age (§7); no information has been provided on the number and nature of violations detected, nor the sanctions imposed for breaches of regulations prohibiting night work for young workers under 18 years of age (§8); no information has been provided on the number and nature of violations detected, nor the sanctions imposed on employers for breaches of regulations regarding regular medical examinations of young workers under 18 years of age (§9); measures taken to protect children against the misuse of information technologies are inadequate; measures taken to protect children against economic exploitation are insufficient (§10).

Due to the lack of full authority to conduct unannounced inspections, the Health and Labour Inspection Body continues to face challenges in properly identifying violations of child labour legislation. The issue is linked to broader concerns regarding the conduct of unannounced inspections, including those conducted after working hours. According to the inspection checklist for labour rights violations, as established by Government Decree No. 718-N, dated 30 April 2020, applicable across all industries to ensure compliance with labour legislation, the Health and Labour Inspection Body identifies violations related to child labour in sectors such as construction, small and medium-sized trade, and gas services. These violations involve children aged 17 to 18.⁷⁴

Since 2023, the issue of excessive duration of work for children, as noted by the ESCR, has remained largely unchanged. In particular, Article 140 of the Labour Code, which governs the duration of work for a certain age, was amended in the frame of the comprehensive legislative

71 Conclusions XVII-2 (2005), Malta.

72 Conclusions 2006, Albania.

73 International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece, Complaint No. 173/2018, Decision on the merits of 26 January 2021, §176-185.

74 Child Labor and Forced Labor Reports, Bureau of International Labor Affairs. Available at: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/armenia>.

reform introduced by Law HO-160-N on 3 May 2023. However, it should be welcomed that following the amendment, the given article states that the prescribed working hours should not include those hours dedicated to compulsory education. Another change was that the classification of age groups has undergone minor adjustments. In particular, the 3rd group now includes children aged 12 to 15, while the 4th group covers children aged 15 to 16. Meanwhile, the maximum allowed working hours for all groups remain the same, and the amendments did not affect the working time regulations for young workers under 18 who are no longer subject to compulsory schooling.

The aforementioned reform introduced a new provision in the Labour Code. Specifically, Article 17.1 outlines the peculiarities of employment relations involving persons under the age of 18. It stipulates that they cannot be involved in work on weekends, non-working days — holidays and commemoration days, with the exception of participating in sports and cultural events, or when performing specific tasks defined by the employment contract as part of work-based learning within vocational education and training program. Furthermore, persons under the age of 18 may only be engaged in such work that does not, among other things, interfere with their compulsory education.

The enforcement of the right of young persons to fair pay in practice remains insufficient. During the fact-finding discussions, no information was provided on this matter. Amendments to the Labour Code introduced by Law N HO-265-N of 4 December 2019, empower labour inspectors to oversee compliance with labour legislation and collective agreements and to apply enforcement measures in cases stipulated by law. Furthermore, the amended Section 230 of the Code on Administrative Offenses, effective as of 1 July 2021, authorises the Health and Labour Inspection Body to address cases regarding administrative violations of labour legislation. However, despite these legislative provisions, the practical enforcement of the right to fair pay for young persons appears ineffective. This may be attributed to the limited engagement of the Health and Labour Inspection Body in systematically monitoring and addressing this issue.

Although the new Criminal Code and Criminal Procedure Code strengthened Armenia's child protection framework by explicitly criminalizing child trafficking (Article 189) and the commercial sexual exploitation of children (Article 239), the practical situation on the ground has not improved since 2023. In addition to the findings of the Council of Europe Group of Experts on Action against Trafficking in Human Beings, referenced by the ECSR in its 2023 Conclusions on Armenia, attention should also be drawn to the 2023 Trafficking in Persons Report issued by the US State Department. In particular, it states that some children are engaged in agriculture, construction, and service industries within the country, making them vulnerable to labour trafficking. Furthermore, despite the efforts of the Armenian authorities, children residing in state childcare institutions remain at high risk of labour exploitation.⁷⁵

Moreover, the number of children involved in begging has increased, though the enforcement bodies have not uncovered evidence of organised crime behind the begging. Children from families engaged in seasonal labour and living on farms in remote rural areas are often excluded from formal education and are particularly vulnerable to the worst forms of child labour, including forced labour in agriculture. Authorities have also noted that less-educated and socially vulnerable girls are at higher risk of being trafficked for commercial sexual exploitation. Similarly, children living in economic hardship or those deinstitutionalised from orphanages are more likely to be coerced into forced begging, agricultural work, and labour in the service sector.⁷⁶

⁷⁵ 2023 Trafficking in Persons Report, produced by the US State Department. Available at: <https://am.usembassy.gov/2023-tip-report/>.

⁷⁶ Child Labor and Forced Labor Reports, Bureau of International Labor Affairs. Available at: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/armenia>.

ARTICLE 9 — THE RIGHT TO VOCATIONAL GUIDANCE

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

Article 9 of the European Social Charter requires the establishment and operation of services to assist all persons in resolving their problems related to occupational choice and opportunity, with due regard to the individual's characteristics. Such vocational guidance must be provided within both the school system and the labour market, with particular attention given to school-leavers and job-seekers. The services must be provided free of charge, be delivered by qualified and adequately staffed professionals, must reach a substantial number of individuals, with efforts to include as many people as possible. Moreover, equal treatment with regard to vocational guidance must be afforded to nationals of other State Parties lawfully residing or regularly working in the territory. This implies that no minimum residence requirement should apply to students or trainees residing prior to commencing training, except where individuals entered the territory with the sole purpose of attending such training⁷⁷.

Taking into account global standards, the ILO's *Human Resources Development Convention*, 1975 (No. 142) and the *Human Resources Development Recommendation*, 2004 (No. 195), emphasise that career guidance should be implemented through an integrated and individualised approach, ensuring the coverage for persons of all ages and occupational levels⁷⁸.

In its 2016 report on non-accepted provisions of the European Social Charter, the ECSR found that there were no significant obstacles preventing Armenia from accepting Article 9 of the Charter. The Committee therefore encouraged Armenia to consider accepting this provision as soon as possible, so as to consolidate the paramount role of the Charter in guaranteeing and promoting social rights⁷⁹.

Since 2016, the regulatory framework for vocational guidance in Armenia has not deteriorated and the right to vocational guidance has been legally guaranteed. From a legislative perspective, however, the terms 'professional orientation' and 'career guidance' still lack precise definition, despite the adoption of the new Law on Vocational Education and Training. Nevertheless, numerous training and orientation programmes are implemented in practice⁸⁰.

According to the Law on employment, individuals seeking a job are entitled, among other rights, to receive counselling on labour legislation and state employment programmes from the competent authority. The law also provides for the obligation to conduct a need assessment for job seekers to evaluate their ability to perform a particular job. This procedure is regulated by a Government Decree, which sets certain indicators for the assessment. Following the assessment, a questionnaire is completed, and professional orientation counselling is provided. The Government

⁷⁷ ECSR, Second Report on the Non-Accepted Provisions of the European Social Charter, Georgia, 2015, p. 6, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804966d6> (last accessed on 28 August 2021); ECSR, Digest of the case law of the European Committee of Social Rights, December 2018, p. 120 with the sources enumerated therein, available at: <https://rm.coe.int/digest-2018-parts-i-ii-iii-iv-en/1680939f80> (last accessed on 1 September 2021).

⁷⁸ ILO: Record of Proceedings, ILC, 59th Session, Geneva, 1974, p. 26/492 (para. 10).

⁷⁹ ECSR, Report on the Non-Accepted Provisions of the European Social Charter, Armenia, 2016, p. 3-6, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168066b9a0>.

⁸⁰ The database is accessible on the following link: <https://www.etf.europa.eu/en/publications-and-resources/publications/trp-assessment-reports/armenia-2023>.

Decree further stipulates subsequent steps, such as the preparation of a conclusion regarding the job seeker's needs. These responsibilities are carried out by the Unified Social Service.

Professional orientation services within general education institutions are delivered in accordance with the General Education Standard, approved by the Government Decree No 136-N of 4 February 2021⁸¹. A sample curriculum is provided by the Professional Orientation and Career Development (POCD) Centre, which serves as the basis for schools to develop their own tailored programmes. Professional orientation and career guidance is being implemented at vocational education and training (VET) institutions and higher education institutions through career centres. While VET career centres operate under The Ministry of Education, Science, Culture and Sports (MoESCS), career centres at higher education institutions are established and managed by the respective institution itself, in line with their specific internal regulations.

As mentioned in "National Report on Career Guidance. Armenia 2021"⁸², 20 out of 27 Certified Higher Education Institutions implement career guidance activities and support graduates in finding a job. There is at least one position for career guidance specialist in each institution. The provision of career guidance services is based on the regulations of each institution. There are databases of graduates engaged in career guidance activities in 17 institutions. The absence of joint approach for the management of career centres and assessment mechanisms in Higher Education institutions makes difficult to evaluate the effectiveness of career guidance activities and to discover the strengths and weaknesses of the career centres.

Apart from the above mentioned, a number of private career centres operate in Armenia (e.g., CareerCentre.am, Staff.am, Worknet.am, Job.am). The absence of licensing requirements and state oversight over these centres results in varying practices and levels of effectiveness.

The findings presented above confirm the need to promote the acceptance of Article 9 of the ESC by Armenia. Accepting this provision will undoubtedly support the country's continued development.

ARTICLE 10 — THE RIGHT TO VOCATIONAL TRAINING

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

1. to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;
2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;
3. to provide or promote, as necessary:
 - a. adequate and readily available training facilities for adult workers;
 - b. special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;

to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed;

⁸¹ General Education Standard, available at: <https://www.arlis.am/DocumentView.aspx?docid=149788&fbclid=IwAR1PVG3M1RTZkfy3Z1NpM57daEStEZ0wJ9y3IAqB6jRWbw2VIOckl6Azg>.

⁸² Available at: https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/@emp_ent/documents/genericdocument/wcms_835225.pdf.

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

- a. reducing or abolishing any fees or charges;
- b. granting financial assistance in appropriate cases;
- c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
- d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

ARTICLE 10§§1,3,4: INCLUSION AND ACCESS BASED ON INDIVIDUAL APTITUDE. VOCATIONAL TRAINING AND RETRAINING OF ADULT WORKERS. LONG-TERM UNEMPLOYED PERSONS

Article 10§1 obliges States to ensure and promote access to technical and vocational training of all persons, including those with disabilities, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, solely on the basis of individual aptitude. State Parties must build bridges between secondary vocational education and higher education, both university and non-university, and introduce mechanisms for recognising prior knowledge and experience in order to obtain qualification or access to general, technical, and university higher education. Facilities shall be granted to ease access to technical or university higher education, based solely on individual aptitude. This can be achieved by avoiding registration fees or other educational costs creating financial obstacles for some candidates⁸³.

The main indicators of compliance with Article 10§1 include: the existence of the education and training system; that system's total capacity (in particular, the ratio between training places and candidates); the total spending on education and training as a percentage of the GDP; the completion rate of young people enrolled in vocational training courses and of students enrolled in higher education; the employment rate of people who hold a higher-education qualification and the waiting-time for these people to get a first qualified job⁸⁴.

Article 10§3 addresses measures aimed at ensuring effective access to vocational training. It requires States to provide or promote (a) adequate and readily available training facilities for adult workers; (b) special facilities to the re-training of adult workers needed as a result of technological development or new trends in employment. This provision covers both employed and unemployed persons, including young unemployed people and self-employed persons. As regards employed persons, State Parties are obliged to provide facilities for training and retraining of adult workers, so as to fight against the deskilling of still active workers at risk of becoming unemployed as a consequence of technological and/or economic development. As regards unemployed people, the availability of vocational training is measured by the activation rate, i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in such measures. In addition, the existence of legislation on individual leave for training, its characteristics, and the sharing of the burden of the cost of vocational training among public bodies, unemployment insurance systems,

⁸³ Digest of the case law of the European Committee of Social Rights, December 2022, p. 107-108, with the sources enumerated therein, available at: <https://rm.coe.int/digest-ecsr-prems-106522-web-en/1680a95dbd> (last accessed on 15 July 2024).

⁸⁴ Digest ..., p. 108.

enterprises, and households, are to be taken into account⁸⁵.

Article 10§4 obliges States to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed. Under this provision, State Parties must actively combat long-term unemployment through targeted retraining and reintegration programmes. A person who has been unemployed for 12 months or more is considered long-term unemployed⁸⁶.

The key indicators of compliance with this provision include the types of training and retraining programmes available on the labour market, the number of persons participating in this type of trainings, the special attention given to young long-term unemployed persons, and the impact of the measures on reducing long-term unemployment⁸⁷. Equal treatment with respect to access to training and retraining for long-term unemployed persons must be guaranteed to non-nationals⁸⁸.

Taking into consideration international standards, particularly the ILO's Human Resources Development Convention, 1975 (No. 142), and the Human Resources Development Recommendation, 1975 (No. 150), vocational training should be perceived from "a new perspective, namely as a process of continuing education throughout one's working life" and should be accessible to individuals of all ages and occupational levels⁸⁹.

In its 2016 report on non-accepted provisions of the Charter, the ECSR expressed the view that, with further improvements in facilitating access to vocational education and enhancing the relevance of general secondary and higher education qualifications for professional integration into the labour market, Armenia could consider accepting Article 10§§1, 3 and 4 of the Charter.

Since 2016, the legal framework for vocational training in Armenia have significantly improved. As of the date of the survey, the regulatory framework primarily consists of the Law on Vocational Education and Training, adopted in 2024. While the law does not provide a legal basis for specific measures addressing the vulnerability of different groups, it was mentioned during the fact-finding discussions, that bylaws are being developed to establish procedures for the inclusion of vulnerable groups in the VET system.

What shall be added, that under the Law on employment, both unemployed persons and employees at risk of dismissal have the right to be included in state employment programmes, which include vocational training, with a monthly stipend to job-seeker at risk of dismissal in the amount determined by the Government. The same provision applies to persons serving a prison sentence, with up to six months remaining in their sentence, who are registered as job-seekers.

In practice, the effectiveness of vocational training in Armenia must be assessed as relatively low, despite the country facing significant human capital challenges such as a high rate of labour market inactivity (39.1% in 2020 and 45.2% in 2022⁹⁰), particularly among young people and women, elevated unemployment rates (17.8% in 2020 and 8.59% in 2023⁹¹), a large informal sector (approximately 37.2% in 2022)⁹² and notable regional and demographic disparities. Moreover, the country allocates relatively limited resources to education (2.8% of GDP in 2020 and 2.5% of GDP in 2022)⁹³ and employment programmes (0.1% of state expenditure in both 2020 and 2023)⁹⁴.

85 Digest..., p. 109.

86 Conclusions 2003, Italy.

87 Conclusions 2020, Cyprus; Digest ..., p. 110.

88 Conclusions 2020, Ukraine.

89 ILO: Record of Proceedings, ILC, 59th Session, Geneva, 1974, p. 26/492 (para. 10).

90 https://www.etf.europa.eu/sites/default/files/2023-03/Country%20Fiche_Armenia_2022_EN_web.pdf.

91 <https://www.statista.com/statistics/440639/unemployment-rate-in-armenia/#:~:text=In%202023%2C%20the%20unemployment%20rate,in%20Armenia%20with%208.59%20percent>.

92 https://armstat.am/file/article/lab_market_2023_4.3..pdf.

93 <https://data.worldbank.org/indicator/SE.XPD.TOTL.GD.ZS?locations=AM>.

94 <https://pjp-eu.coe.int/documents/42128013/246625197/Armenia+Chapter+III.pdf/f9fdc077-838b-25e4-f750-b0bcadde1524?t=1705332375257>.

Initial vocational education and training (IVET) is mostly school-based, and all public VET institutions have a status of State Non-Commercial Organisations (SNCO), acting in accordance with the corresponding law. Continuing vocational education and training (CVET) is mostly organised in the framework of employment policies carried out by the United Social Services of the Ministry of Labour and Social Affairs (MoLSA), which is responsible for labour market policies for target groups of population considered to be vulnerable. Some CVET programmes are delivered by VET institutions funded by participants on a commercial basis or donor organisations. The Ministry of Education, Science, Culture and Sports (MoESCS), with the support of the National Centre for VET Development (NCVETD), manages and coordinates the public VET system. Currently, State institutional accreditation is mandatory for all VET institutions, while programme accreditation is a voluntary process⁹⁵.

The State Employment Agency through its central and regional centres is responsible for providing vocational training to young people, job seekers, and the unemployed. As mentioned earlier (Article 9), the Agency's coverage across the country is not complete, with certain regions lacking access to its services, directly impacting the inhabitants' right to vocational training. Similarly, the coverage of the vocational education institutions is not comprehensive. There are 100 vocational training providers in the country, with most located in larger cities, and only a few having regional branches. This includes 27 VET institutions (13 in Yerevan, 5 in Shirak, 2 in Lori, 1 in Syunik, 1 in Armavir, 3 in Kotayk and 2 in Aragatsotn) and 73 universities and colleges (24 in Yerevan, 7 in Shirak, 7 in Gegharkunik, 8 in Lori, 7 in Syunik, 6 in Tavush, 3 in Armavir, 5 in Kotayk, 4 in Ararat, 1 in Vayots Dzor and 1 in Aragatsotn).

Although various surveys on VET system in Armenia have been conducted⁹⁶, identifying its key challenges and providing recommendations for improvement, significant issues persist. VET programmes struggle to meet labour market requirements, and the level of professional skills acquired within the system is not sufficient. During the fact-finding discussions, a major concern was raised regarding the gap between educational curricula and market requirement, meanwhile stressing the need to support educational institutions in focusing on producing the qualifications needed. Furthermore, the number of students, pupils, and trainees accepted into specific faculties or courses is not adjusted to labour market demand. The forecasted needs-based approach is not effectively applied, as training programmes are developed based on current labour market demands instead of the needs predicted with 3 to 5-year perspective.

However, what shall be noticed, to help bridge this gap, the country aims to increase the attractiveness of vocational education and training, while strengthening institutions responsible for developing a skilled workforce. To address some major challenges, the microqualification programme has been introduced designed to align with labour market demands. Following its pilot phase, the programme is expected to be implemented across all VET institutions and is assumed to be based on continuous cooperation with employers to monitor its effectiveness and adjustment to the labour market demands. The programme is particularly aimed at benefiting individuals in vulnerable situation, including persons with disabilities.

During the fact-finding exercise, a request was made for the Council of Europe's support in assessing the current challenges and needs concerning the inclusiveness (or its lack) of the VET system and institutions.

It is important to note that awareness and understanding of VET programmes among the general public remain low, and vocational training is not widely seen as an equal or more attractive alternative to traditional academic education. Specifically, vocational training in Armenia is generally perceived as lacking prestige and is not considered a viable option for generating income or advancing one's career. According to the 2019 Global Competitiveness Report, Armenia

95 European Training Foundation, TORINO PROCESS: REVIEW OF POLICIES FOR LIFELONG LEARNING IN ARMENIA – 2024, p. 5., available at: <https://www.etf.europa.eu/en/publications-and-resources/publications/trp-assessment-reports/armenia-2023>.

96 See e.g. Improving Conditions For Developing Future- Oriented Vocational Qualifications In Armenia, Elaborated by CRRC-Armenia, December 2014, available at: https://www.crrc.am/wp-content/uploads/2019/03/CRRC_GIZ_Report_Final-1-1.pdf; European Training Foundation's assessment, conducted in 2020, data available at: <https://www.etf.europa.eu/en/news-and-events/news/continuing-vocational-training-priority-armenia>.

significantly underperforms in the area of “quality of vocational training”, scoring 3.9 compared to the world median of over 4.10⁹⁷. According to the data provided by the Ministry of Education, Science, Culture and Sport, the number of graduates from VET programmes during the 2022-2023 academic year was 8 337 for secondary vocational education and 1 645 for primary vocational education. Notably, only 2 096 (25%) graduates of the secondary vocational education and 550 (33%) graduates of the primary vocational education were employed in positions related to their field of study.

Currently, the VET system in Armenia does not offer any programmes specifically tailored for long-term unemployed individuals, persons with disabilities, or those with mental health issues. While people in vulnerable situations can apply to general programmes, significant challenges remain unaddressed, especially for persons with mental health disabilities.

According to the report “*Torino Process: Review of Policies for Lifelong Learning in Armenia – 2024*”, the attractiveness of VET – both the Initial Vocational Education and Training (IVET) and the Continuous Vocational Education and Training (CVET) is hampered by several issues, such as a limited vertical and horizontal permeability, lack of IVET/CVET graduates’ job placement or other career pathways data, the important mismatch between skills and demand, poor knowledge of foreign languages and staff skills on internationalisation. VET is not as attractive as higher education for youth and especially graduates from secondary education schools, and a high share of basic school graduates admitted to VET institutions is linked to the introduction of the 12-year mandatory secondary general education in 2017, allowing them to also receive a certificate of secondary education. The shift between IVET and CVET is almost non-existent.⁹⁸

To address the challenges, particularly the mismatch between skills and demand, as well as issues related to the relevance and quality of VET, **work-based learning (WBL)** has been introduced.⁹⁹ In the framework of the Private Sector Development and Technical Vocational Education and Training South Caucasus Programme (PSD TVET) implemented by GIZ, 12 short-term dual VET courses were piloted (three in 2022) at four VET colleges, to meet the needs of private sector companies. These short-term courses (with a duration of four to five months) focus primarily on introducing new specialties that provide quick solutions to bridge the gap and address the demand for specific skills required by private businesses¹⁰⁰.

Within the action plan for implementation of Education 2030, the development of a comprehensive legal framework and mechanisms to advance work-based learning (dual education) have been included with the introduction of the work-based learning at various levels of professional education and training, highlighting not only the modernisation of infrastructures within the framework of further development of WBL, but also the possibility to use employers’ infrastructures in the educational process. In line with these policy priorities, the share of specialties taught using the WBL model and the proportion of VET institutions offering WBL programmes are expected to increase to 22 % and 23.8 %, respectively, by 2030. This marks significant growth compared to the 8.4 % of the specialties delivered through pilot dual education programmes in 2022¹⁰¹.

The findings presented above confirm the need to promote the acceptance of Article 10§§1, 3 and 4 of the ESC by Armenia. Acceptance of these provisions would definitely contribute to further development of the country by enhancing the effectiveness of vocational training systems.

97 Available at: <https://prosperitydata360.worldbank.org/en/indicator/WEF+GCI+EOSQ436>.

98 Torino Process: Review of Policies for Lifelong Learning in Armenia – 2024, available at: <https://www.etf.europa.eu/sites/default/files/2024-05/Policies%20for%20lifelong%20learning%20-%20Armenia%20EN.pdf>.

99 Torino Process: Review of Policies for Lifelong Learning in Armenia – 2024, available at: <https://www.etf.europa.eu/sites/default/files/2024-05/Policies%20for%20lifelong%20learning%20-%20Armenia%20EN.pdf>.

100 “Dual Education – Guaranteed Employment! Results and Stories”. Presentation provided by GIZ within Private Sector Development and Technical Vocational Education and Training South Caucasus (PSD TVET) Programme.

101 *Ibid.*

ARTICLE 15 — THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE, SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY

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

1. to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private;
2. to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;
3. to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.

Article 15 embodies and promotes the evolution in disability policy over the past two decades, shifting from welfare and segregation towards inclusion, participation, and empowerment. In this regard, the Committee emphasises the importance of the non-discrimination norm in the disability context, recognising it as an essential component of Article 15§§1, 2 and 3 of the Revised Charter.

ARTICLE 15§1: GUIDANCE, EDUCATION AND VOCATIONAL TRAINING

Article 15§1 of the ESC implies to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private. The notion of education encompasses primary education, general and vocational secondary education as well as other forms of vocational training. As regards the education of disabled children and adolescents, priority should be given to mainstream schools, whereby provision of the human assistance needed for the school career is required¹⁰².

Examples of ILO advocacy for the equal treatment and equal opportunity for persons with disability include the Recommendation No. 99 (1955) concerning Vocational Rehabilitation of the Disabled, the Convention No. 159 (1983) concerning Vocational Rehabilitation and Employment (Disabled Persons) with the accompanying Recommendation No.168, and the Recommendation No. 195 (2005) concerning Human Resources Development: Education, Training, and Lifelong Learning¹⁰³. The most comprehensive document in this regard is the United Nations Convention on the Rights of Persons with Disabilities, which Armenia ratified in 2010.

¹⁰² ECSR, Second Report on the Non-Accepted Provisions of the European Social Charter, Georgia, 2015, p. 9, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804966d6> (last accessed on 29 August 2021).

¹⁰³ See more: ILO, Inclusion of People with Disabilities in Vocational Training: A Practical Guide, ILO Publishing 2013. Available at: https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@gender/documents/publication/wcms_230732.pdf.

In its 2016 report on non-accepted provisions of the Charter, the ECSR concluded that there are no significant obstacles to Armenia's acceptance of Article 15§1 of the Charter.

Since 2016, the inclusive education system has remained in place in Armenia within the general education sector. However, there is currently no legal framework for the inclusiveness of the VET system. As mentioned during the fact-finding discussions, procedures for inclusiveness in the VET system are planned to be established through forthcoming bylaws.

The right to education for everyone is enshrined by Article 38 of the Constitution, which includes the provision of free secondary education in the state educational institutions. Children with special needs have the right to education in the general education system. As regards the necessary conditions for inclusive education, the Law on Public Education stipulates that children with special educational needs are admitted to educational institutions on general basis (Article 16(4)). The term "children with special educational needs" refers to persons with learning difficulties caused by speech and language, communication, hearing, vision, intellectual (mental), emotional, behavioural, mobility, and other problems, as well as those with exceptional abilities, who require special educational conditions to access general education programmes, including reasonable accommodations.

However, Armenian legislation does not explicitly prohibit discrimination on the basis of disability in education. Furthermore, in the area of inclusive education, many challenges still exist. These include a shortage of qualified staff, a low level of preparedness among schools to accept students with sensory disabilities and the continued reliance on special schools, where the quality of education is often perceived to be higher.

According to "Armenia 2023 Human Rights Report"¹⁰⁴, "persons with disabilities could not access education, health services, public buildings, or transportation on an equal basis with others, particularly outside the capital. Government information and communication on disability concerns was not provided in accessible formats. Discrimination against persons with disabilities was widespread.

Although the law and a special government decree required new buildings and those that underwent renovations, including schools, to be accessible to persons with disabilities, very few were. Hospitals, residential care, and other facilities for persons with significant disabilities were substandard. There were no adequate mechanisms to effectively monitor the implementation of accessibility standards, despite advocacy by organisations of persons with disabilities to create them.

(...) In June, the government approved the *2023-2027 Complex Program aimed at Promoting the Social Inclusion of Persons with Disabilities* to implement the law on the rights of persons with disabilities. According to the Coalition for Inclusive Legal Reforms, the program was substantially narrower and reduced from the publicly discussed draft. The coalition also stated authorities allocated insufficient resources to support the plan's execution. (...).

Although the Law on General Education provided for a transition from general to inclusive education for children with disabilities by 2025, authorities continued to follow practices that were fragmentary and discriminatory and did not lead to an extensive and sustainable shift in the education system and social norms. Many NGOs reported mainstream schools were not physically accessible for children with disabilities, lacked accessible learning materials, and made limited effort to provide reasonable accommodations for children with disabilities. There were reports of children with special needs facing discrimination by teachers and parents of their classmates. Children with hearing and visual disabilities were educated in separate institutions, while public schools lacked Braille textbooks, other necessary technical equipment, and relevant specialists. Higher postgraduate and professional education were inaccessible for students with disabilities"¹⁰⁵.

104 Country Reports on Human Rights Practices for 2023. United States Department of State, Bureau of Democracy, Human Rights, and Labor, p. 56-58, available at: https://www.state.gov/wp-content/uploads/2024/02/528267_ARMENIA-2023-HUMAN-RIGHTS-REPORT.pdf (last accessed on 13 August 2024).

105 *Ibid.*

The findings presented above confirm the need to promote the acceptance of Article 15§1 of the ESC by Armenia. Acceptance of this provision would undoubtedly contribute to further development of the country.

ARTICLE 15§2: EMPLOYMENT OF PERSONS WITH DISABILITIES

Article 15§2 requires State Parties to promote equal and effective access to employment in the open labour market for persons with disabilities, including those with physical and/or intellectual disabilities¹⁰⁶. Under this provision, anti-discrimination legislation must ensure the adjustment of working conditions (reasonable accommodation) and provide an effective remedy for individuals who have been unlawfully discriminated against. In addition, there must be obligation on the employer to take steps, in accordance with the requirement for reasonable accommodation, to ensure effective access to employment and to retain employees with disabilities, particularly those who have become disabled during employment as a result of an industrial accident or occupational illness¹⁰⁷.

In its Conclusions 2021, the ECSR deferred its assessment under Article 15§2 of the Charter pending the receipt of the requested information. The Committee sought additional information on the right to adjustment, including measures taken to ensure the effective implementation of the principle of reasonable accommodation. This includes evidence demonstrating that persons with disabilities benefit from reasonable accommodation in the workplace, as well as information on mechanism established to monitor the effective implementation of the reasonable accommodation provisions.

As of now, the Labour Code prohibits discrimination in employment, including on the grounds of disability. The Law on employment, which came into effect in 2014, provides that persons with disabilities who are unemployed are considered as such and have the same rights as all other unemployed persons, along with certain specific rights. Article 21 of the above-mentioned law prescribes that persons with disabilities have the right to an adjustment of the workplace as prescribed by the Government. Furthermore, the right to adjustment includes the right to employment within the framework of the quota system defined by the same law.

On 5 May 2021, Armenia's parliament adopted the Law on the Rights of Persons with Disabilities. Rejecting a narrow, medical definition of disability, the 2021 law defines disability as the result of the interaction between environmental and societal barriers and a person's health condition, which prevents the full realisation of their rights. The law guarantees accessibility, independent living, access to justice, and reasonable accommodation, ensuring that persons with disabilities can fully enjoy their rights on an equal basis with others. Furthermore, the law bans disability-based discrimination and treats the refusal to provide reasonable accommodation as a form of discrimination, in line with the best European and international standards. However, as established during the fact-finding exercise, implementing the law remains a challenge. It is also important to note that the Act does not establish a monitoring mechanism specifically dedicated to overseeing accessibility.

In February-March 2021, the Armenian NGO of people with disabilities UNISON conducted a survey on the topic "Discrimination on the Ground of Disability in Armenia". The survey respondents were 120 people with different types of disabilities. The results of the research show that discrimination against people with disabilities (PWDs) in Armenia has not only social but also institutional manifestations¹⁰⁸. The efforts aimed at creating a barrier-free environment for PWDs are not systemic or pervasive. The reforms and measures taken are insufficient, especially given the large number of people who acquired disabilities during the war.

¹⁰⁶ Conclusions XX-1 (2012), Czech Republic; Conclusions I (1969), Statement of Interpretation on Article 15§2.

¹⁰⁷ Conclusions XIX-1 (2008), Czech Republic; Conclusions 2007, Statement of Interpretation on Article 15§2.

¹⁰⁸ The Report is available at: <https://www.coe.int/en/web/inclusion-and-antidiscrimination/-/discrimination-against-people-with-disabilities-in-armenia-survey-results>.

Since 2021, the situation of persons with disabilities in the labour market has shown slight improvement, but significant challenges remain. As established during the fact-finding activity, the most pressing issue is the lack of infrastructure accessibility, which severely limits mobility and, consequently, employment opportunities for persons with disabilities. Moreover, the dialogue between authorities and representatives of persons with disabilities is not sufficiently constructive. Support is needed for NGO advocacy on this issue.

The findings presented above confirm the need to support Armenia's efforts to align its legislative framework and its effective implementation with the best European standard and practices, as required under Article 15§2.

ARTICLE 15§3: INTEGRATION AND PARTICIPATION OF PERSONS WITH DISABILITIES IN THE LIFE OF THE COMMUNITY

The right of persons with disabilities to social integration, as provided for by Article 15§3, requires that barriers to communication and mobility be removed to ensure access to transport (land, rail, sea, and air), housing (public, social, and private), and cultural and leisure activities (including social and sporting activities). Such measures, including technical aids, should not be implemented in isolation but rather be coordinated to complement each other on a clear legislative basis.

To this end, Article 15§3 requires: the existence of comprehensive non-discrimination legislation covering both the public and private sectors in areas such as housing, transportation, telecommunications, and cultural and leisure activities, along with effective remedies for those who have been unlawfully treated. This legislation may consist of general anti-discrimination legislation, specific legislation, or a combination of both¹⁰⁹; the adoption of a coherent policy in the disability context; and positive action measures to achieve the social integration and full participation of persons with disabilities. Such measures should have a clear legal basis and be coordinated¹¹⁰.

To give meaningful effect to the promotion of the full social integration and participation of persons with disabilities in the life of the community, the following mechanisms must be established: (i) mechanisms to assess the barriers to communication and mobility faced by persons with disabilities and to identify the support measures required to assist them in overcoming these barriers; (ii) the availability of technical aids, either free of charge or subject to an appropriate contribution towards their cost and taking into account the beneficiary's means. Such aids may for example take the form of prostheses, walkers, wheelchairs, guide dogs and appropriate housing support arrangements; support services, such as personal assistance and auxiliary aids, must be available, either for free or subject to an appropriate contribution towards their cost and taking into account the beneficiary's means¹¹¹.

Article 15§3 of the Charter requires also that persons with disabilities have a voice in the design, implementation, and review of coordinated disability policies aimed at achieving the goals of social integration and full participation.

In its Conclusions 2020, the ECSR assessed the situation in Armenia as not in conformity with Article 15§3 of the Charter on the grounds that, during the reference period, there was no legislation prohibiting discrimination on grounds of disability in the areas of housing, transport, telecommunications, and cultural and leisure activities; it had not been established that

¹⁰⁹ Conclusions 2005, Norway; Conclusions 2012, Estonia.

¹¹⁰ Conclusions 2007, Slovenia.

¹¹¹ Conclusions 2008, Statement of Interpretation on Article 15§3.

persons with disabilities had effective access to housing; it had not been established that persons with disabilities had effective access transport.

Recently, the Armenian government adopted a programme on the social inclusion of people with disabilities, which envisages the creation of eight small group homes, an independent living centre, and the expansion of in-home services for people with disabilities. In February 2023, the authorities introduced a digital system to evaluate a person's "functionality," using an algorithm to determine disability status. In August 2023, a local disability rights group filed a lawsuit against the state for its failure to disclose the algorithm used for such determinations. They allege that the algorithm reflects a medical model of disability, which focuses primarily on the individual's medical condition rather than the systemic barriers, derogatory attitudes, and acts of social exclusion that prevent people with disabilities from enjoying human rights on an equal basis with others¹¹². The case is currently pending.

Since 2021, organisations of persons with disabilities have been granted the legal right to represent their beneficiaries in court (*actio popularis*).

Discussing challenges, the UN Committee on the Rights of Persons with Disabilities in its Concluding Observations (CRPD/C/ARM/CO/1 2017), expressed concern about the insufficient and selective consultation of representative organisations of persons with disabilities. This includes the lack of appropriate support and reasonable accommodation, when drafting disability-related legislation, policies, strategies and action plans. The same concern was reported as unresolved during the fact-finding process.

The findings presented above confirm the need to support the Armenia's efforts to align its legislative framework and its effective implementation with the best European standard and practices under Article 15§3.

ARTICLE 20 — THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX

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

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

Appendix to Article 20

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

¹¹² See more at: <https://dra.am/hy/news/legal-challenge-filed-over-disability-assessment-formula>.

2. Provisions concerning the protection of women, particularly as regards pregnancy, confinement and the post-natal period, shall not be deemed to be discrimination as referred to in this article.
3. This article shall not prevent the adoption of specific measures aimed at removing de facto inequalities.
4. Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular sex may be excluded from the scope of this article or some of its provisions. This provision is not to be interpreted as requiring the Parties to embody in laws or regulations a list of occupations which, by reason of their nature or the context in which they are carried out, may be reserved to persons of a particular sex.

Article 20 guarantees the right to equality between men and women at all stages of working life – access to employment, remuneration and other working conditions, vocational training, guidance and promotion, and prohibits dismissal and other forms of detriment on grounds of sex. Article 20 is the *lex specialis* in relation to Article 1§2 of the Charter, which prohibits all forms of discrimination at work¹¹³. The principle of equal treatment between women and men is understood to mean the absence of any discrimination on the grounds of sex, whether direct or indirect¹¹⁴.

Domestic law must provide appropriate and effective remedies in cases of alleged discrimination. Workers who claim to have suffered discrimination must have the right to bring their case to court. Effective access to courts must be guaranteed for victims of discrimination, and proceedings should be affordable and timely. Anyone who suffers discrimination on the grounds of sex must be entitled to adequate compensation, i.e. compensation that is sufficient to redress the harm suffered and to act as a deterrent. Any cap on compensation that prevents damages from being commensurate with the loss suffered or from being sufficiently dissuasive is contrary to the Charter. Additionally, the burden of proof must be shifted.

Retaliatory dismissal in cases of discrimination must be prohibited. Where a worker is dismissed for having made a claim for equal pay, the worker should have the right to file a complaint for dismissal without valid reason. In such cases, the employer must reinstate the worker in the same or a similar position. If reinstatement is not possible, the employer must provide compensation that is sufficient to cover both pecuniary and non-pecuniary damage and to deter the employer from such actions¹¹⁵.

In its Conclusions 2020, the ECSR assessed the situation in Armenia as not in conformity with Article 20(c) of the Charter on the grounds that: there was no explicit statutory guarantee of equal pay for women and men for equal work or work of equal value; the upper limit on compensation in gender discrimination cases might prevent damages from fully compensating the loss suffered or from being sufficiently dissuasive; it had not been established that legislation provided for a shift in the burden of proof in gender pay discrimination cases; and the obligation to make measurable progress in reducing the gender pay gap had not been fulfilled.

The issues concerning equal pay for equal work or work of equal value have been addressed under Article 4§3 of the ESC. The issue of the burden of proof in cases of discrimination has been discussed above, under the same article, Article 4§3 of the ESC.

Since 2020, gender equality has remained a challenge in Armenia. Despite several steps taken in recent years to strengthen legislative and institutional mechanisms (the relevant provisions have been discussed under Article 1§2 and 4§3), protecting women against discrimination in

¹¹³ Conclusions 2002, Statement of Interpretation on Article 20.

¹¹⁴ Conclusions XIII-5, Sweden, Article 1 of the Additional Protocol.

¹¹⁵ See in this respect collective complaints Nos. 124 to 138, *University Women of Europe (UWE) v. Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Finland, France, Greece, Ireland, Italy, the Netherlands, Norway, Portugal, Slovenia and Sweden*, 5-6 December 2019.

various areas of life, including employment and labour rights, remains a significant issue.

Research conducted for the “Annual Report on the Activities of the Human Rights Defender: The State of Protection of Human Rights and Freedoms in 2023” indicates that both vertical (inequitable promotion opportunities or access to higher positions) and horizontal (discrimination across professions and sectors) discrimination against women persists. At various stages of their careers, women persistently encounter additional challenges—whether during recruitment, in sustaining employment after childbirth, or in career advancement—resulting in suboptimal utilization of human capital and economic setbacks, affecting not only women and their families but also society as a whole.

In 2023, no separate programmes were implemented to reduce the employment gap between men and women, nor were employment security programmes for women with children put in place. However, Government Decree No. 2297-L, dated 21 December 2023, approved the measure “On the provision of State support for the organisation of childcare for children under 3 years of age for parents of missing or fallen servicemen who have received medical care using assisted reproductive technologies.” This measure provides for childcare through a babysitter or a paid preschool institution. Specifically, to arrange childcare for beneficiaries with children under 3 years old, the plan involves a support agreement between the parent of the fallen serviceman and the territorial centre of the Unified Social Service of the Ministry of Labour and Social Affairs of the Republic of Armenia. Upon signing the agreement, the beneficiary must also enter into a service contract with the caregiver responsible for looking after the child, whether a babysitter or a paid preschool institution. According to the agreement, the beneficiary will receive monthly payments equivalent to the agreed-upon monthly salary outlined in the service contract, capped at AMD 104 000, to cover childcare costs for a minimum of 6 hours per day, either through either a babysitter or a preschool institution. Public funding is intended to be provided until the child reaches the age of 3¹¹⁶.

To address the most pressing challenges, the Law HO-160-N, adopted on 3 May 2023, entitled “On Amendments and Supplements to the Labour Code of the Republic of Armenia” strengthened the rights of employees with children. Apart from that, several projects were implemented in 2023 aimed at promoting employment, with a particular focus on achieving gender balance in the labour market.

Despite these amendments and programmes, the challenges raised during the fact-finding activity remained the same: limited employment opportunities for women, insufficient childcare facilities, and the gender pay gap.

The findings presented above confirm the need for continued support to align Armenia’s policies with the requirements of Article 20 of the ESC.

ARTICLE 26 — THE RIGHT TO DIGNITY AT WORK

With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers’ and workers’ organisations:

1. to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct;
2. to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace

¹¹⁶ Annual Report on the Activities of the Human Rights Defender: The State of Protection of Human Rights and Freedoms in 2023.

or in relation to work and to take all appropriate measures to protect workers from such conduct.

Appendix to Article 26

It is understood that this article does not require that legislation be enacted by the Parties. It is understood that paragraph 2 does not cover sexual harassment.

ARTICLE 26§1: SEXUAL HARASSMENT

Article 26§1 requires State Parties to take appropriate preventive measures, including information dissemination, awareness-raising, and prevention campaigns in the workplace or in relation to work, in order to combat sexual harassment. Workers must be afforded effective protection against harassment, which firstly requires a shift in the burden of proof, making it possible for a court to rule in favour of the victim based on sufficient *prima facie* evidence and the personal conviction of the judge or judges. Victims of sexual harassment must also have effective judicial remedies to seek reparation for both pecuniary and non-pecuniary damage. These remedies must, in particular, provide for appropriate compensation of a sufficient amount to fully address the victim's pecuniary and non-pecuniary damages and serve as a deterrent to employers.

Taking into consideration global standards, sexual harassment, considered a serious manifestation of sex discrimination and a violation of human rights, is addressed within the framework of the ILO Discrimination (Employment and Occupation) Convention of 1958 (No. 111). Although the Convention No. 190 does not specifically define sexual harassment, it is clearly encompassed under the broader definition of gender-based violence and harassment (Art. 1(1) (b)). ILO Convention No. 111 entered into force for the Republic of Armenia on 29 July 1995. Meanwhile, the Republic of Armenia has initiated the ratification process for ILO Convention No. 190, "On Violence and Harassment".

In its 2016 report on non-accepted provisions of the Charter, the ECSR did not identify any issues with the acceptance of Article 26§1 of the ESC.

In recent years, Armenia has made significant efforts in combating violence and harassment in the workplace. These efforts include amending relevant legislation and enhancing the mandate and capacity of competent state institutions. In particular, in May 2023 substantial changes and supplements were made to the LC. These amendments were initiated by the Ministry of Labour and Social Affairs, in line with the Government 2021-2026 Programme, which sets an objective of simplifying and improving the mechanisms for regulation of labour relations by bringing them into compliance also with the requirements of Armenia's international commitments, introducing flexible mechanisms for resolving labour disputes, as well as expanding the toolkit for non-state supervision over compliance with labour legislation and developing and extending social partnership at all levels.¹¹⁷ The initiative was also based on the Action Plan of the National Human Rights Protection Strategy,¹¹⁸ as well as the "Work Armenia" Strategy.¹¹⁹ Though the main purpose of this initiative was not directly related to violence and harassment, several of the amendments are relevant to addressing these issues.¹²⁰

117 Programme of the Government of the Republic of Armenia for 2021-2026 approved by the RA Government Decision N 1902-N of 18 November 2021, Annex N 1, Objective 2, available at: <https://www.arlis.am/DocumentView.aspx?DocID=158031>.

118 Action Plan of the National Human Rights Protection Strategy approved by the RA Government Decision N 1978-N of 26 December 2019, Annex N 2, paragraph 70, available at: <https://www.arlis.am/DocumentView.aspx?DocID=159241>.

119 "Work Armenia" Strategy, approved by the RA Government Decision N 1753-N of 5 December 2019, Annex N 2, Objective 4, Issue 1, Activity 1.2, available at: <https://www.arlis.am/DocumentView.aspx?DocID=137157>.

120 RA Law on Making Amendments and Supplements to the Labour Code, available at: <https://www.arlis.am/DocumentView.aspx?docid=178448>.

The majority of the provisions of this Law, including the one stipulating the prohibition of violence and sexual harassment in the world of work, discussed below, entered into force two months after the promulgation, on 30 July 2023. The remaining provisions will enter into force six months after the promulgation, on 30 November 2023.

Among other provisions, the legislative initiative defines the terms “violence” and “sexual harassment”, explicitly prohibiting them in the context of work. In particular, “violence” is defined as follows: *violence at workplace or other place of performance of employment duties (including secondments) shall be one-time or repeated act of violence or containing a threat of violence against an employee or a third person which results or may result in physical, psychological, sexual or economic harm, or creating a hostile or humiliating environment for the person.*

Furthermore, the legal initiative defines “sexual harassment” as follows: *sexual harassment at workplace or other place of performance of employment duties (including secondments) shall be an unwelcome sexual act displayed in physical or verbal or non-verbal conduct of sexual nature (including sexually suggestive advances, touches), and which directly or indirectly affects the person’s decision regarding the employment or creates working environment that humiliates the dignity or incites social alienation.*¹²¹

Notably, even prior to this reform, the LC, among other core principles of labour legislation, prescribed the prohibition of any form (nature) of compulsory or forced labour and violence against employees. The recent amendment expanded this list to include sexual harassment.¹²² Furthermore, the Criminal Code defines violence and establishes criminal liability for violent acts of a sexual nature, trafficking in human beings (including labour exploitation and forced labour), and physical assault.¹²³

Under the Labour Code, an employee subjected to violence or sexual harassment at workplace shall, at his or her request, be granted annual leave, irrespective of the period of performance of the work.¹²⁴ Furthermore, the internal disciplinary rules of the organisation, among other things, shall regulate the issues relating prohibition of violence and sexual harassment at work (workplace).¹²⁵ However, there appears to be insufficient cooperation between employers and state authorities in this regard. Guidance and consultations from the Ministry of Labour and Social Affairs or the Health and Labour Inspection Body could provide valuable support.

Furthermore, under domestic legislation, an employee is defined as a legally capable citizen who has reached 16 and, based on an employment contract, performs certain work for an employer according to a designated profession, qualification, or position.¹²⁶ Therefore, this definition does not explicitly cover the broader concept of a “worker” as defined by the ILO, which includes individuals without a contractual basis for employment (e.g., interns, volunteers, sex workers, or self-employed workers). As a result, such individuals do not benefit from the protections afforded under Article 3.3. Additionally, the legislation does not define the term “third person”. Based on the context, it can be inferred that this term refers to any individual present in the world of work. However, for more effective implementation, it would be helpful to provide examples of groups that fall under the category of “third person”.

Among other functions, the MoLSA is also responsible for providing social assistance to victims of inherent hazards, sexual violence and trafficking in human beings, domestic violence, etc.¹²⁷ The structure of the MoLSA includes the Department for Summary Analysis, Monitoring and Assessment. However, according to the department’s statute, its functions are limited to social security-related matters and do not extend to monitoring violence and harassment in the world of work.¹²⁸

121 RA Labour Code, Article 3.3, available at: <https://www.arlis.am/DocumentView.aspx?DocID=180722>.

122 *Ibid.* Article 3 (1) (2).

123 RA Criminal Code, Articles 3 (1) (9), 188 and 198, available at: <https://www.arlis.am/DocumentView.aspx?DocID=178683>.

124 RA Labour Code, Article 164 (9), available at: <https://www.arlis.am/DocumentView.aspx?docid=180722>.

125 *Ibid.* Article 218 (2).

126 RA Labour Code, Articles 15(2) and 17(1), available at: <https://www.arlis.am/DocumentView.aspx?DocID=180722>.

127 *Ibid.*, paragraphs 11 (1) (d) and (g), 11 (14).

128 Charter of the Department for Summary Analysis, Monitoring and Assessment of the Ministry of Labour and Social Affairs approved by the Decree of the RA Minister of Labour and Social Affairs N 22-A of 5 February 2020, available at: <https://www.mlsa.am/wp-content/uploads/2017/05/%D5%B4%D5%B8%D5%B6%D5%AB%D5%A9%D5%B8%D6%80%D5%AB%D5%B6%D5%A3.pdf>.

In recent years, both the field inspection body, namely the Health and Labour Inspection Body, and the relevant legislation have been strengthened. In particular, legislative amendments introduced in 2019, expanded the Health and Labour Inspection Body's mandate to include state supervision over compliance with labour legislation and other regulatory legal acts containing labour law norms, as well as collective and employment agreements, imposing sanctions as prescribed by law. Furthermore, since July 2021, the Health and Labour Inspection Body has been authorised to investigate administrative offences in the field of labour law and impose sanctions.¹²⁹ In addition, the Statute of the Health and Labour Inspection Body has been amended to align with these expanded powers and responsibilities.¹³⁰

However, the practical implementation of the provision seems to lack effectiveness, with no identified cases. Hence, it should be noted that there is no effective enforcement or monitoring mechanism in Armenia, including within the Health and Labour Inspection Body. Meanwhile, when an act of violence or harassment in the workplace (as in any other place) constitutes a crime under the Criminal Code, the general enforcement mechanism can be triggered, including by submitting a complaint to the police.

When it comes to judicial remedies, it should be noted that according to the domestic legislation labour disputes are being examined by the courts in accordance with the Civil Procedure Code or through mediation under the Law on Mediation.¹³¹ However, the length of court proceedings in labour matters exceeds what is considered a reasonable duration, reducing their effectiveness and discouraging individuals from applying. Furthermore, there is no alternative dispute resolution system in place. In the context of the high workload of the courts, no extrajudicial labour dispute resolution body exists. Moreover, the legislation does not provide legal, social, medical, or administrative support measures for complainants and victims of violence and harassment, nor does offer protection for the complainants, victims, and whistle-blowers, except for those safeguards outlined under the Criminal Procedure Code.

The findings presented above demonstrate significant progress made by Armenia in this area. However, they also highlight the need for further support to align the country's practices with the standards of Article 26§1 of the ESC.

ARTICLE 26§2: MORAL HARASSMENT

Article 26§2 of the Charter establishes the right to protection of human dignity against harassment that creates a hostile working environment related to a specific characteristic of a person. State Parties are required to take all necessary preventive and compensatory measures to protect individual workers from recurrent reprehensible or distinctly negative and offensive actions directed at them at the workplace or in relation to their work, as these acts constitute humiliating behaviour.

Taking into consideration global standards, key instruments on preventing sexual harassment include the ILO Violence and Harassment Convention, 2019 (No. 190), together with Recommendation No. 206, which are the first global labour standards to provide a common framework for preventing, remedying and eliminating violence and harassment in the world of work, including gender-based violence and harassment.

In its 2016 report on non-accepted provisions of the Charter, the ECSR did not identify Article 26§2 of the ESC as posing any problems for acceptance.

¹²⁹ RA Code of Administrative Offences of the Republic of Armenia, Articles 42.1 and 230, available at: <https://www.arlis.am/DocumentView.aspx?DocID=179295>.

¹³⁰ Charter of the Health and Labour Inspection Body, approved by the RA Prime Minister Decree N 755-L of 11 June 2018, available at: <https://www.hlib.am/charter/>.

¹³¹ RA Labour Code, Article 264, available at: <https://www.arlis.am/DocumentView.aspx?DocID=180722>.

Over the past years, Armenia has made significant progress and improved its regulations concerning violence and sexual harassment in the workplace, as discussed above. However, there have been no developments in the area of action against moral harassment. While domestic legislation provides definitions for specific forms of gender-based violence and “sexual harassment” and prescribes their prohibition, moral harassment remains a grey area, lacking both a clear definition and comprehensive coverage in Armenian legislation.

The findings presented above show significant progress made by Armenia in this area. However, they also highlight the need to support the country in further aligning its practices with the standards of Article 26§2 of the ESC.

ARTICLE 31 — THE RIGHT TO HOUSING

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

1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination;
3. to make the price of housing accessible to those without adequate resources.

ARTICLE 31§§1,2,3: ADEQUATE HOUSING. REDUCTION OF HOMELESSNESS. AFFORDABLE HOUSING.

Under Article 31, State Parties must: adopt the necessary legal, financial, and operational measures to ensure steady progress towards achieving the goals laid down by the Charter; maintain meaningful statistics on needs, resources, and outcomes; undertake regular reviews of the impact of the adopted strategies; establish a timetable and avoid deferring the deadline for achieving the objectives of each stage indefinitely; and pay particular attention to the impact of the adopted policies on each of the categories of persons concerned, especially the most vulnerable¹³². This provision should not be interpreted as imposing on State Parties an obligation of “results”, but rather concerns an “obligation of means” (namely, the taking of appropriate measures)¹³³.

Refugees fall under the personal scope of Article 31 and should be treated as favourably as possible, and in any case, no less favourably than the treatment accorded to aliens in similar circumstances¹³⁴. The authorities must also pay particular attention to the impact of their housing policies on individuals and families facing exclusion and poverty¹³⁵.

In light of global standards, Article 31 must be interpreted in the context of relevant international instruments that served as inspiration for its authors or in conjunction with which it must be applied: the European Convention on Human Rights and the United Nations Covenant on

¹³² International Movement ATD Fourth World v. France, Complaint No. 33/2006, Decision on the merits of 5 December 2007, §58-62.

¹³³ International Movement ATD Fourth World v. France, Complaint No. 33/2006, Decision on the merits of 5 December 2007, §58; European Federation of National Organisations Working with the Homeless (FEANTSA) v. France, Complaint No 39/2006, Decision on the merits of 5 December 2007, §52.

¹³⁴ Conclusions 2015, Statement of Interpretation on the Rights of Refugees.

¹³⁵ International Movement ATD Fourth World v. France, Complaint No. 33/2006, Decision on the merits of 5 December 2007, §67, citing International Association Autism Europe v. France, Complaint No. 13/2002, Decision on the merits of 4 November 2003, §53; European Roma and Travellers Forum (ERTF) v. France, Complaint No. 64/2011, Decision on the merits of 24 January 2012, §96.

Economic, Social and Cultural Rights.

In its 2016 report on non-accepted provisions of the Charter, the ECSR did not identify any issues with the acceptance of Article 31§§1,2, and 3 of the ESC.

At the time of drafting this report, it should be noted that to promote obtaining the Armenian citizenship and to address the needs of refugees from the Karabakh region, the Ministry of Labour and Social Affairs has introduced a housing programme. Under this programme, refugees may receive financial support ranging from 2 000 000 to 5 000 000 AMD per family member, depending on their preferred location. The government has approved the procedure for implementing the state support programme aimed at providing housing for refugees from the Karabakh region. It prescribed the processes related to the issuance of certificates to refugees displaced after 27 September 2020, who meet the programme's eligibility criteria, the allocation and use of support funds to cover monthly mortgage payments (including both principal amount and interest), as well as the grounds and conditions under which support may be terminated.

The programme is supported through one or more of the following methods: issuance of a certificate for the purchase of an apartment (granting the right to buy an apartment in a building under construction) or an individual residential house; issuance of a certificate for the construction of an individual residential house; and assistance with the repayment of existing mortgage loans¹³⁶.

The cost of certificates per family member is as follows: 5 million drams for purchasing or building a house/apartment in any of the 242 urban and rural settlements; 4 million drams for purchasing or building a house/apartment in any of the 148 urban and rural settlements; 3 million drams for all other settlements, except for the 1st and 2nd zones of Yerevan; and 2 million drams for individuals who already have a mortgage, except for properties located in the 1st and 2nd zones of Yerevan.

As a result, the Government estimates that access to housing will be provided for around 25 000 families. Starting from June 15, beneficiaries can already submit applications online.¹³⁷ The certificate for purchasing an apartment will also be sent electronically to recipients via e-mail, containing a QR code. This code will allow beneficiaries to approach their preferred bank, which is cooperating with the state within the framework of the programme, and begin the process. Before applying, refugees from the Karabakh region who have obtained Armenian citizenship must select a house or apartment that meets the amount and conditions of the programme's support.

The programme will be implemented in 3 stages. In the first stage, families with three or more minors will be prioritised, as well as families with two minors in the case of house construction, families of victims or those in vulnerable situations, families with an existing mortgage, families, and families of any other composition, that are deemed creditworthy and eligible for at least 50% additional loan assistance from the bank. During this phase, the process of accepting the beneficiary applications will begin after the approval of the programme's implementation order. In the second stage, families with two minors will be included, and in the case of house construction, families with one minor. The second phase of the programme should begin no later than 1 January 2026. In the third stage, families of any composition will be included. The third phase of the programme should begin no later than 1 January 2027.

The findings presented above confirm the need to support Armenia's efforts to align its legislative framework and implementation processes with the best European standards and practices and so to facilitate the acceptance of Article 31§§1, 2, and 3 of the ESC by Armenia. Such acceptance would significantly contribute to the country's further development.

¹³⁶ For further details, see: <https://hetq.am/hy/article/166592>.

¹³⁷ Access the platform at: <https://dimum.socservice.am/frontend/web/index.php?r=site%2Flogin>.

NATIONAL MACHINERY FOR THE PROTECTION OF EMPLOYEES' HUMAN RIGHTS

In Armenia, various challenges related to the realisation of employees' rights have been identified over the years. The primary mechanisms for monitoring and enforcing these rights, aside from initiating court proceedings, include actions taken by the Human Rights Defender, mechanisms provided by the Labour Inspection, and mediation procedures.

Regarding the mechanisms of the Labour Inspection, it is notable that, pursuant to Decision No. 755-L of the Prime Minister dated 11 June 2018, the Health Inspection Body of the Ministry of Health was reorganised into the Health and Labour Inspection Body (HLIB), and its Statute was approved. According to the Statute, HLIB's primary purpose is to ensure compliance with requirements of labour law and other regulatory legal acts containing labour law provisions, as well as collective agreements and employment contracts. Furthermore, one of HLIB's objectives is to oversee risk management in the field of labour law, including the protection of workers' health and safety and ensuring compliance with relevant laws and regulations of the Republic of Armenia, alongside implementing preventive measures in the areas of safety assurance, health protection, and employment relations regulation¹³⁸.

In 2019 and 2020, the methodology and criteria¹³⁹ for determining risk-based inspections by the Inspection Body, along with the risk-based inspection checklist¹⁴⁰, were adopted. While the checklist includes references to both documentation and visual inspection methods, it does not mandate the use of additional tools, such as interviewing the staff of the entity being inspected, whether alone or in the presence of witnesses¹⁴¹.

On 29 April 2020, Law No. HO-237-N was adopted, supplementing the Code on Administrative Offences of the Republic of Armenia with Article 230(1). Under this provision, the Inspection Body was authorised to investigate, *inter alia*, the cases of violations of labour legislation norms and administrative offences and to impose administrative penalties.

Subsequently, the RA Law HO-265-N "On Amendments to the Labour Code of the Republic of Armenia" introduced changes to the Labour Code, effective as of 1 July 2021. These amendments granted the Health and Labour Inspection Body the authority to monitor and enforce compliance with labour laws and other regulatory legal acts containing labour provisions, as well as the terms of collective and individual employment agreements, with the power to impose sanctions for violations.

During the fact-finding exercise, it was established that labour rights inspections are conducted based on a list developed by the Government, and not all the provisions are monitored in a given year. Usually only around ten articles are selected for inspection, with a focus on monitoring unregistered employees, discrimination, unlawful termination, and pregnancy-related issues. The procedure for on-site inspections is complicated and requires notifying the employer of the inspection three days in advance. The HLIB's mandate does not extend to conducting unannounced on-site visits. Additionally, the Health and Labour Inspection Body faces significant challenges, including insufficient experience in overseeing labour rights, low level of digitalisation (even the archive is not digitalised), limited awareness of labour rights and obligations among many employers and employees, lack of awareness of HLIB's mandate, especially among low-qualified and young workers, and the inability to report labour rights violations anonymously. The latter issue has been repeatedly highlighted by the Human Rights Defender in its annual reports on human rights. In response to inquiries from the Human Rights Defender regarding the

138 ECSR, Conclusions 2022. Armenia, p. 4.

139 Government Decision No. 1124-N, available in Armenian at: <http://www.irtek.am/views/act.aspx?aid=151770>.

140 Government Decision No. 718-N, available in Armenian at: <https://www.arlis.am/DocumentView.aspx?DocID=145652>.

141 Working Conditions and Occupational Safety in the Mining Sector of Armenia, Discussion Paper, Cooperation-based research with the Center for Responsible Mining of the American University of Armenia, 2021, available at: <https://www.rightsresearch.net/researchand-publications>.

lack of an option for submitting anonymous complaints, the Health and Labour Inspection Body cited Article 31.1 of the Law “On Fundamentals of Administration and Administrative Procedure” stipulating that applications to administrative bodies must be submitted in writing and include details such as the applicant’s name, surname, and, in the case of legal entities, the full corporate name and address, as specified¹⁴².

Alongside the establishment of the Health and Labour Inspection Body, the list of strategies to ensure the execution of the RA government’s agenda for 2021-2026 includes **the implementation of an extrajudicial mechanism for resolving labour disputes**.

As established during the fact-finding exercise, this mechanism is currently under development, with support welcomed to align it with best European and international standards.

According to the *Annual Report on the Activities of the Human Rights Defender, the State of Protection of Human Rights and Freedoms in 2023*, discussing „the progress of implementing the extrajudicial mechanism for resolving labour disputes, the Ministry of Labour and Social Affairs has highlighted that a Government Decree to adopt the necessary legislation for the introduction of the extrajudicial labour dispute resolution system is expected by the second half of December 2025.

Meanwhile, an analysis of the proposed model and a financial assessment for its implementation have already been completed. These analyses include recommendation on the optimal model for introducing the system and an evaluation of the financial resources required¹⁴³.

The International Labour Organisation, through the PILRAT project, conducted two assessments on alternative labour dispute resolution (ADR) mechanisms and provided reports to the Ministry of Labour and Social Affairs to develop a national ADR mechanism for Armenia. Both assessments served as the foundation for MoLSA to develop a tailored model for review by the Government. However, the final decision is anticipated in 2025.

142 The Human Rights Defender of the Republic of Armenia, *Annual Report on the Activities of the Human Rights Defender, the State of Protection of Human Rights and Freedoms in 2023*, p. 63.

143 The Human Rights Defender of the Republic of Armenia, *Annual Report on the Activities of the Human Rights Defender, the State of Protection of Human Rights and Freedoms in 2023*, p.59.

CONCLUSIONS AND KEY RECOMMENDATIONS

The substantive areas of concern identified above require immediate attention from the Armenian authorities. In all of these areas, cooperation with the Council of Europe is strongly recommended to ensure the full implementation of social rights guaranteed under the European Social Charter and other relevant Council of Europe standards. The nature of the priorities differ: in some areas, the focus is on improving the implementation of existing legislation, while in others, legislative reform, capacity-building and/or increased awareness are needed. Therefore, the recommendations below will be organised according to the specific areas they address.

STRENGTHENING DECISION-MAKERS' AWARENESS OF THE REPORTING PROCESSES AND ENCOURAGING FURTHER COMMITMENTS:

1. In the context of the assessments conducted by the European Committee of Social Rights and the reforms (both legislative and policy-related) that the Armenian authorities have been implementing to strengthen the protection of social rights, especially labour and employment rights, **Armenia shall be encouraged to accept additional provisions of the European Social Charter. This would serve** as a tool to further enhance the protection of social rights, particularly Articles 9, 10§1, 10§3, 10§4, 11§1, 11§2, 11§3 and 15§1.
2. In light of the legislative and policy reforms undertaken by the authorities to strengthen the protection of social rights, particularly labour and employment rights, **Armenia should be encouraged to initiate discussions on accepting the Collective Complaints mechanism** as a good governance tool to improve the protection of social rights, provide better insight into relevant concerns, promote social dialogue, and empower civil society institutions.
3. In the context of the assessments conducted by the European Committee of Social Rights, **Armenia should be encouraged to make further efforts to improve the quality of its reporting on the revised Charter provisions.** This would enable the Committee to fully assess the situation and provide comprehensive conclusions, which would help policymakers take better-informed legislative and policy actions.

ALIGNING NATIONAL LEGISLATION WITH EUROPEAN AND INTERNATIONAL STANDARDS, ADOPTING A COMPREHENSIVE, GENDER-SENSITIVE APPROACH:

1. Legislative reform is necessary to **further amend the Labour Code** to align it with European and international standards, as provided by the European Social Charter, in the following areas:
 - a. Provide a legal definition of indirect discrimination to eliminate any potential inconsistencies in its interpretation, both by social partners and by the courts;
 - b. Introduce a legal basis for shifting the burden of proof in discrimination cases, particularly by adding discrimination cases to Article 210(1);
 - c. Remove the upper limit on compensation awarded in discrimination cases, as it may prevent full compensation for the loss suffered and fail to serve as an adequate deterrent – especially by amending Article 265(2);
 - d. Introduce the principle of equal pay for equal work or the work of equal value, particularly by amending Article 178(2) to replace the rule of equal pay for equal or

equivalent work with equal pay for equal work or the work of equal value. This should consider that the scope of the term 'equivalent work is narrower than the scope of 'the work of equal value';

- e. Directly include sexual orientation among the prohibited grounds for discrimination in Article 3(1)(3) and Article 3(1)(2);
 - f. Require the inclusion of notice periods in case of contract termination or the ending of the employment relationship as part of the mandatory content of the employment contract, particularly by amending Article 84;
 - g. Limit the working hours of certain categories of workers (such as permanent employees in healthcare, trusteeship/guardianship, education, energy supply, gas supply, heat supply, emergency services, etc.) to reasonable limits, with the specific to be determined by the Government of the Republic of Armenia, particularly by amending Article 139(4) to prohibit working time of 24 hours per day;
 - h. Set reasonable limits on the working hours of young workers who are no longer subject to compulsory schooling, especially by amending Article 140.
2. Legislative reform appears necessary to establish protection against discrimination beyond the employment relationship. It is therefore advisable to **resume legislative efforts on the draft law on Ensuring Equality and Protection Against Discrimination**.
 3. Legislative reform appears necessary to **amend the Law on Vocational Education and Training**, adopted in 2024, to align it with European and international standards under the European Social Charter. The reform should establish a legal basis for positive measures addressing the vulnerability of different groups.
 4. Legislative reform appears necessary to **amend Article 13(1) of the Law on Public Service and make the access to civil service positions independent of the requirement of the Armenian citizenship**.
 5. **A systemic and comprehensive legislative reform appears necessary to bring the regulatory framework on occupational safety and health in line with European and international standards. It is** therefore advisable to initiate, in consultation with social partners, legislative work on a draft law, that addresses differentiated positions and working conditions, including those of domestic workers and platform workers, while ensuring mainstreaming of gender equality and other equity considerations.
 6. Legislative reform appears necessary to **amend the Law on Inspection Bodies and strengthen the supervisory mandate of the Health and Labour Inspection Body by:**
 - a. empowering it to conduct unannounced inspections;
 - b. expanding its oversight to include the informal economy, particularly to detect and prevent child labour in informal sectors;
 - c. simplifying procedures for monitoring occupational health and safety and supervising employees' rights, and
 - d. enabling labour inspectors to employ diverse monitoring and information-gathering methods, such as employee interviews, questionnaires, and discussions.
 7. Legislative reform also seems necessary to regulate the possibility of submitting anonymous complaints to the Health and Labour Inspection Body and to allow for the initiation of proceedings based on such complaints, as an exception to the rule established by Article 31.1 of the "Law on Fundamentals of Administration and Administrative Procedure".

EMPOWERING NATIONAL AUTHORITIES TO HARMONISE POLICIES AND PRACTICES WITH EUROPEAN AND INTERNATIONAL STANDARDS, ENSURING PROPER PROTECTION AND IMPLEMENTATION OF SOCIAL RIGHTS:

1. It is recommended that **a comprehensive housing strategy be developed on the basis of European best practice.**
2. It is recommended that **a strategy be adopted to improve vocational education and training systems, promoting inclusiveness and equal opportunities, while equipping young people and adults with the knowledge, skills, and competences necessary to adapt to a dynamic labour market and societal changes.**
3. **It is recommended to enhance access to vocational education and training institutions, including online courses, for both young people and adults, with a particular focus on persons with disabilities, individuals with mental health issues, and those with other special needs, especially in rural and remote areas.** To achieve this, it is advisable to expand the geographical reach of existing institutions, for example, by establishing regional branches. Simultaneously, efforts should be made to provide individuals from regions lacking such institutions with support to access distant ones, including funding, transportation, accommodation, and internet connectivity. VET programmes should also be made accessible through digital learning platforms, supported by tools, devices, and internet access, particularly for persons in vulnerable situations and those in rural or remote areas.
4. It is recommended to align **vocational training programmes with the requirements of the labour market. To achieve this, vocational education and training curricula, programmes, and qualifications should be regularly updated,** and the level of professional skills acquired through VET should be enhanced.
5. It is recommended to launch a **coherent political effort to promote excellence in the vocational education sector, enhance its attractiveness,** combat negative stereotypes associated with it, provide information about the opportunities it offers, and highlight examples of vocational excellence.
6. It is recommended to **conduct a comprehensive needs and facts assessment of VET institutions from the perspective of their inclusiveness** to determine their practical inclusivity, identify key challenges, and suggest adjustments appropriate to the needs of persons with disabilities and mental health issues, thereby increasing their interest in vocational education.
7. It is recommended to **integrate inclusiveness at all levels of education, including vocational education and training,** in accordance with the standards of the Council of Europe, **ensuring that all students with special educational needs receive reasonable accommodation** and the individual support they require.
8. It is recommended to **conduct a comprehensive labour market research** to adapt the vocational education and training programmes to labour market needs, thereby addressing the mismatch between labour demand and supply. To achieve this, a forecast-based approach should be effectively applied, labour market data should be collected and regularly analysed, the development of qualifications should be expedited, methods for collecting and analysing information on future qualification needs should be developed and implemented, and the private sector should be involved in designing and implementing vocational education programmes.
9. **It is recommended to further develop and promote work-based learning as a pillar of the VET system, preferably through apprenticeships, to better secure students' rights and** address the challenges within the system. The needs of persons with disabilities, mental health issues, and other vulnerable groups should be considered, and special or preferential programmes for these individuals should be introduced.

10. **The introduction of new employment programmes and positive action** measures, based on the principles of universal design, is necessary to **promote the employment of persons with disabilities and mental health issues** in both the public and private sectors.
11. **Addressing informal employment** is crucial for the effective implementation of social rights and the economic empowerment of women and persons in vulnerable situations. A comprehensive strategy to combat informality, developed with the involvement of civil society organisations, is essential in this regard.
12. It is recommended that **a comprehensive Occupational Safety and Health policy framework be developed and regularly reviewed.**
13. **Developing a comprehensive framework for evaluating the impact of social rights reforms is recommended as crucial for tracking progress. Identifying appropriate metrics and indicators will enable policymakers and stakeholders to assess the effectiveness of the policies implemented.**
14. It is recommended to ensure the **mainstreaming of gender and other equity considerations to make the Occupational Safety and Health national profile inclusive and responsive to the diverse needs of all workers**, addressing specific occupational hazards and challenges in the workplace.
15. It is recommended to **enhance women's opportunities in employment** by leveraging their educational, economic, and social potential in relevant sectors of the labour market. Furthermore, it is advisable to **design programmes that ensure employment opportunities for women with children and facilitate their reintegration into the workforce after maternity leave.**

STRENGTHENING CAPACITY TO EFFECTIVELY IMPLEMENT AND MONITOR ADHERENCE TO SOCIAL RIGHTS IN LINE WITH EUROPEAN AND INTERNATIONAL STANDARDS:

1. In order **to enhance the capacity of the Health and Labour Inspection Body to effectively monitor compliance with labour rights**, and in addition to the legislative reforms outlined in the recommendations above, the following measures are proposed:
 - a. Conduct an institutional assessment of the Health and Labour Inspection Body, considering existing challenges both within the HLIB and in the labour market, as well as the implementation of amended regulatory norms that expand the HLIB's mandate, followed by the drafting of targeted recommendations based on the assessment;
 - b. Ensure that the number of labour inspectors is sufficient to meet the demands of their tasks effectively;
 - c. Introduce strict procedures in cases where violations are detected, including follow-up measures to monitor compliance at enterprises where violations have occurred;
 - d. Provide high-level training for labour inspectors on European and international standards for the protection and monitoring of labour rights, including workshops, seminars (both in-person and online), and study visits;
 - e. Build the capacity of labour inspectors to identify cases of sexual and moral harassment, as well as child labour;
 - f. Digitise the activities and data collection processes of the HLIB, including the digitisation of its archives, which will, among others, enable the HLIB to collect and analyse data disaggregated by age, gender, and other relevant categories.
2. In order **to further enhance the competence of judges, prosecutors, and lawyers in the area of social rights, it is recommended to** enrich the training programmes for legal professionals, in collaboration with the Academy of Justice of Armenia and the Chamber of Advocates of Armenia. These training programmes should include seminars and workshops

focusing on the following:

- a. Increasing awareness and understanding of the provisions of the European Social Charter, the case law of the European Committee of Social Rights, and various techniques for ensuring the enforceability of economic and social rights. To achieve this goal, (online) training courses should be offered, inter alia, through the Council of Europe HELP platform, particularly the updated course on Labour Rights, with new modules on the European Social Charter and on Trafficking in Human Beings for the Purpose of Labour Exploitation. Workshops based on the course book "Training Programme for Judges. European Social Charter and Case Law of the European Committee of Social Rights"¹⁴⁴ by Monika Smusz-Kulesza, Anahit Manasyan, and Alla Fedorova, published in February 2021, can also be used;
- a. Encouraging and promoting the reading of the Labour Code and other labour law acts in line with European and international standards, with particular emphasis on the standards of protection of the European Social Charter. To achieve this goal, workshops should be organised, such as those based on the course book "Training Programme for Judges. European Social Charter and Case Law of the European Committee of Social Rights" by Monika Smusz-Kulesza, Anahit Manasyan and Alla Fedorova, published in February 2021;
- a. Ensuring the effective enforcement of the principle of equal pay for men and women, as enshrined in the relevant provisions of the Labour Code, interpreted in light of the standards of the European Social Charter, as developed through the case law of the European Committee of Social Rights.

ENHANCING AWARENESS AMONG REFUGEES AND PERSONS FROM VULNERABLE COMMUNITIES ABOUT THEIR RIGHTS AND ENTITLEMENTS, WITH EMPHASIS ON SOCIAL RIGHTS:

- 1. Awareness-raising activities on the rights and entitlements of refugees, with a focus on their social rights, are recommended to improve the living conditions, enhance employability, and strengthen advocacy for their rights.** These activities should be conducted through mass media and other available platforms, in cooperation with civil society organisations, and include the preparation and distribution of information materials such as leaflets, booklets, instructions, and videos. The activities should target both employers and refugees themselves.
- 2. Awareness-raising activities are recommended to enhance the employability of persons with disabilities and mental health issues.** These activities should be conducted through mass media and other available platforms, in cooperation with civil society organisations, and include the preparation and distribution of information materials such as leaflets, booklets, instructions, and videos. The activities should target both employers and individuals with disabilities and mental health issues.
- 3. Awareness-raising among the general population about the needs of persons with disabilities and individuals with mental health issues is recommended, along with the implementation of social programmes** aimed at improving their living conditions and fostering their inclusion in public life.
- 4. Awareness-raising among the general population, particularly young people, about their social rights** is recommended as a crucial step in fostering a culture of rights awareness. Incorporating social rights education into school curricula at all levels and across all types of education institutions can empower future generations to become advocates for social justice and equality.
- 5. Systematic dissemination of information on workers' rights, including the rights of migrant workers and asylum-seekers, as well as mechanisms for their protection,**

¹⁴⁴ Council of Europe, Training Programme for Judges, available at: https://rm.coe.int/15-judges-training-eng_soft/1680a39c11.

is recommended to raise public awareness and ensure effective protection of these rights. Activities in this area should be carried out through mass media and other available platforms, in cooperation with trade unions and employers' organisations. The activities should include the preparation and distribution of information materials such as leaflets, booklets, manuals, and videos, as well as the organisation of training sessions (both online and in-person). These activities should target both employees and employers.

6. It is recommended to conduct **comprehensive campaigns and activities to raise awareness among employees about the mandate of the Health and Labour Inspection Body** in the protection of labour rights and to build trust within this group regarding HLIB's effectiveness and its ability to safeguard employees' rights. To achieve this, it is advisable, inter alia, to establish a user-friendly webpage that provides detailed information on the legal framework and the practical functioning of HLIB. Additionally, consideration should be given to the development of a guidebook summarising the most frequent decisions made by labour inspectors. Such a resource would help entrepreneurs understand and learn from real-life examples, enabling them to make necessary adjustments and ensure compliance.
7. It is recommended to **raise awareness among workers' representatives, particularly trade unions, about the European Social Charter and the case law of the European Committee of Social Rights**. These instruments can serve as valuable tools for defending workers' rights, strengthening the mandate of trade unions, and facilitating greater acceptance of the provisions of the Charter by the Republic of Armenia, specifically Articles 9, 10§1, 10§3, 10§4 and 15§1.
8. It is recommended to raise **awareness among NGOs, National Human Rights Institutions, and National Equality Bodies about the European Social Charter and the case law of the European Committee of Social Rights**, as tools to be used for better advocacy of employees' rights.

The European Social Charter, adopted in 1961 and revised in 1996, is the counterpart of the European Convention on Human Rights in the field of economic and social rights. It guarantees a broad range of human rights related to employment, housing, health, education, social protection and welfare.

No other legal instrument at pan-European level provides such an extensive and complete protection of social rights as that provided by the Charter.

The Charter is therefore seen as the Social Constitution of Europe and represents an essential component of the continent's human rights architecture.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.



European
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