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EUROPEAN SOCIAL CHARTER

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Social Charter

submitted by

THE GOVERNMENT OF ARMENIA

Articles 1, 15, 18, 20 and 24

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Annex
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EUROPEAN SOCIAL CHARTER
(REVISED)

Report of the Republic of Armenia

Articles 1, 15, 18, 20, 24

Reporting period: 2015-2018

Article 1. The right to work

Article 1.1.

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

A new model of employment policy has been introduced by the Law of the Republic of Armenia "On employment" (adopted on 11 December 2013, entered into force on 1 January 2014), the aim whereof is to ensure stable employment through increasing the targeting of programmes for support to employment. In the context of the new policy, 4 new programmes were introduced ("Provision of support to rural households through promotion of seasonal employment", "Provision of lump-sum compensation to the employer in case of job placement of persons who are non-competitive in the labour market", "Provision of support for availing of services provided by a non-state job recruitment organisation", "Provision of monetary aid to persons who are non-competitive in the labour market to visit employers for the purpose of suitable job placement"), and conditions for implementation of 7 existing programmes ("Reimbursement of material costs of an unemployed person seconded to work at another place", "Organisation of professional instruction for the unemployed persons and job seekers facing the risk of dismissal", "Provision of support to unemployed persons for gaining professional work experience in the acquired profession", "Provision of partial compensation of salary to the employer in case of job placement of persons who are non-competitive in the labour market and compensation to a person with disabilities for the salary for an accompanying person", "Organisation of job fair", "Provision of support to small entrepreneurial activities of persons who are non-competitive in the labour market") were essentially modified.

In the employment programmes implemented in 2014-2018, the greatest number of beneficiaries were included in 2016, at the expense of the programme "Provision of support to rural households through promotion of seasonal employment" implemented in excess of the envisaged, which was introduced in 2014 and the target group was the vulnerable and poor rural settlements' population of the Republic that owned land. During three years (2014-2016), as a result of the demand for the programme, the number of persons included — 3679 persons, almost doubled, reaching 7680. The number of job seekers also increased conditioned by the introduction of the programme.

In 2018, two new employment programmes — "Organisation of professional instruction conducted at the employer's office for young mothers who are non-competitive in the labour market and have no profession" and "Provision of support to job seekers who are on a leave to take care of a child under the age of three in case of return to work before the child attains the age of two, for organising the care of a child parallel to the job" were introduced, and despite being implemented for the first time, the number of beneficiaries exceeded the envisaged indicator (where 112 beneficiaries were included in the first programme instead of 100 beneficiaries, and 475 beneficiaries were included in the second programme instead of 200 beneficiaries).

In 2018, the procedure for implementation of the programme "Provision of partial

compensation of salary to the employer in case of job placement of persons who are non-competitive in the labour market and compensation to a person with disabilities for the salary for an accompanying person", pursuant whereto beneficiaries of the programme must be exceptionally persons with disabilities.

See the performance of state employment programmes in Table 2.

The programmes were mainly aimed at groups recognised as non-competitive in the labour market, including young persons, long-term unemployed persons, migrants. Moreover, the criteria for determination of non-competitiveness in the labour market are prescribed by law, and both refugees and persons facing the risk of leaving for migrant work are deemed to be persons who are non-competitive in the labour market.

According to the new methodology determined compliant to the provisions of the resolution of the International Conference of Labour Statisticians,¹ the preliminary estimation of the level of unemployment constituted 20.4% in 2017, decreasing by 0.4 percentage points as compared to the previous year. Concurrently, for 2015-2017, the level of unemployment decreased from 18.5% to 17.8% according to the previous methodology.

The level of unemployment is high in the age groups 35-44 and 45-54; the number of unemployed persons in these age groups constituted 27.5 per cent and 20.0 per cent of the total number of unemployed persons, respectively. These indicators constituted 20.7% and 25.1% as of the same period of 2015. 13.0% of the total number of unemployed persons were young persons aged 25-29, which is almost the same as in 2015.

According to the data of December 2018, 30.0% of unemployed persons had been looking for a job for a period of 1-3 years, 6.5% — 1-3 months, and more than 46% — for a period of 3 and more years. In the same period of 2015, the mentioned indicator constituted 34.0%, 9.8% and 25.4%, respectively.

Article 1.2.

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

With regard to non-discrimination in the field of employment, it should be noted that the principle of equality before the law is enshrined by the Constitution of the Republic of Armenia, as well as the Labour Code of the Republic of Armenia. In particular, Article 29 of the Constitution of the Republic of Armenia indicates that discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.

The draft Law "On making a supplement to the Labour Code of the Republic of Armenia" (P-085-03.04.2019, 21.05.2019-AS-011/1) was adopted in the first reading at the sitting of the National Assembly of the Republic of Armenia of 4 June 2019, whereby the definition of discrimination in employment relations is provided, and it is clearly enshrined that discrimination is prohibited by the labour legislation.

In particular, the Code is envisaged to be supplemented with new Article 3.1 which reads

¹ <https://www.armstat.am/am/?nid=12&id=08010&submit=Փնտրել>

as follows:

"3.1. Prohibition of discrimination

1. Any direct or indirect distinction, exclusion or restriction on the grounds of sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, 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 cases of emergence and/or change and/or termination of collective and/or individual employment relations or prohibiting or denying 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.

2. Discrimination shall be prohibited by the labour legislation."

Article 15 of the Labour Code of the Republic of Armenia prescribes that foreign nationals, stateless persons shall have the same labour legal capacity in the Republic of Armenia as the citizens of the Republic of Armenia, unless otherwise provided for by law. Concurrently, the voluntary nature and free choice of employment, excluding discrimination, are enshrined in the principles of the state employment policy, prescribed by Article 8 of the Law of the Republic of Armenia "On employment".

The Ministry of Justice of the Republic of Armenia has elaborated the draft Law of the Republic of Armenia "On ensuring legal equality", which, pursuant to the Action Plan of the 2020-2022 National Strategy for the Protection of Human Rights, is envisaged to be submitted to the National Assembly in the first semester of 2020.

Article 4 of the Draft enshrines that the types of discrimination shall be: direct discrimination, indirect discrimination, instigation to discrimination, harassment, segregation, victimisation, associated discrimination and failure to provide reasonable adaptations to persons with disability.

Point 4 of Article 5 of the Draft provides the concept of indirect discrimination, in particular, a prima facie neutral action, inaction, regulation, treatment or policy which — upon the ground of any one or a few of protected elements or association thereof — has a disproportionately unfavourable impact on a certain group of persons or is an equal treatment towards persons who are in conditions differing in nature, except when the conditions pointed out in point 2 of Article 4 of this Law exist.

Article 9 of the Draft entirely relates to non-discrimination in employment relations. In particular:

1. Any distinction, exclusion, restriction or preference of a person without objective grounds, as a result whereof legal equality in employment relations is violated and the person is deprived of equal rights and opportunities as compared to others, shall be prohibited in employment relations.

2. State and local self-government bodies, legal and natural persons must exclude discrimination in employment relations, including in the following fields:

- (1) job announcement and competition;
- (2) recruitment, transfer to another job, and promotion;
- (3) probation period and training;

- (4) working conditions, rest and secondments of an employee;
- (5) salary, additional remuneration, guarantees and compensation;
- (6) disciplinary liability and incentive;
- (7) termination of employment relations;
- (8) provision of information on employment relations;
- (9) membership of trade unions.

3. The actions indicated in part 1 of this Article shall not be discrimination, where they derive from requirements peculiar to the job. The requirements peculiar to the job derive from the nature and specifics of the given job, are determinant and essential characteristics peculiar to the given job, where such requirements pursue a legitimate aim and are necessary for performing the given job.

4. In the sphere of legal equality, the employer shall be obliged to:

- (1) apply, protect and encourage legal equality, ensure equal opportunities and prohibition of any type of discrimination in employment relations;
- (2) undertake measures for preventing discrimination in employment relations and subjecting to liability persons having displayed discrimination during their working activity.

Pursuant to the draft Law of the Republic of Armenia "On ensuring legal equality", discrimination shall be an action, inaction, regulation, treatment or policy which has been manifested in the distinction, exclusion, restriction or preference of the rights and freedoms of a person, where the conditions for reasonable proportionality between the legitimate aim pursued, its necessity in a democratic society and the aim and chosen measures are missing, based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances, actual or alleged.

Pursuant to the draft Law of the Republic of Armenia "On ensuring legal equality", the entities ensuring legal equality shall be:

- (1) state and local self-government bodies and their officials, when exercising the powers prescribed by the Constitution, laws and other legal acts of the Republic of Armenia;
- (2) legal persons and individual entrepreneurs, when exercising their functions and rights;
- (3) the Human Rights Defender.

2. With a view to ensuring legal equality, state, local self-government bodies and legal persons, as well as the Human Rights Defender must:

- (1) bring their activities, legal acts and internal regulations in line with the legislation of the Republic of Armenia on ensuring legal equality;
- (2) exclude encouragement of discrimination and intolerance in their activities, educational, informative and leisure materials and other publications;
- (3) respond to any alleged discrimination, as prescribed by law and other legal acts;
- (4) in case the fact of discrimination is confirmed, subject to liability persons having displayed discrimination, as provided for by law and their internal acts, and ensure the elimination of consequences of discrimination within the scope of their powers or functions.

The draft Law of the Republic of Armenia "On ensuring legal equality" also prescribes legal regulations regarding the legal and judicial protection from discrimination, particularly:

1. Each person who has grounds to believe that he or she has been discriminated against, shall have the right to apply to court, the Human Rights Defender or a relevant administrative body to restore his or her rights and receive compensation for pecuniary or non-pecuniary damage.
2. The Human Rights Defender, upon detecting a display of discrimination during the examination of applications addressed thereto, may apply to court upon the consent of the person for the protection of the rights of the latter.
3. Any negative treatment of or pressure on a person who has applied to relevant bodies for protection against discrimination shall be prohibited.
4. The body examining an application on discrimination must ensure the protection of personal data of the applicant, in compliance with the Law of the Republic of Armenia "On protection of personal data".

It should also be noted that relevant amendments and supplements to the Civil Procedure Code and the Administrative Procedure Code of the Republic of Armenia are envisaged upon the adoption of the draft Law of the Republic of Armenia "On legal equality". In this context, it should be highlighted that a new type of proceedings — proceedings for cases of discrimination will be added in the above-indicated Codes. As a result of making relevant amendments to the Codes, it will be prescribed that the plaintiff may include a claim for obliging the respondent to eliminate the consequences of discrimination, as well as compensate the damage caused in the statement of claim.

Taking as a basis the above-stated, it may be concluded that the claim of the plaintiff for the compensation of the damage caused does not exclude the imposition — by court — of the sanction to oblige to eliminate the consequences of discrimination.

Amendments and supplements to the Civil Code of the Republic of Armenia are envisaged upon the adoption of the draft Law of the Republic of Armenia "On legal equality", in particular, it is envisaged to enshrine the procedure and conditions for compensation of the non-pecuniary damage caused by a state or local self-government body or its official in discrimination cases, by making relevant supplements to Articles 162.1 and 1087.2 of the Code. Upon the indicated amendments, the maximum amount of non-pecuniary damage to be compensated in discrimination cases is prescribed the two thousand-fold of the minimum salary.

Part 1 of Article 265 of the Labour Code of the Republic of Armenia prescribes that in case of disagreement with the change of employment conditions, termination of an employment contract upon the employer's initiative or rescission of the employment contract, the employee shall be entitled to apply to court within two months following the receipt of the individual legal act (document). Where it is revealed that employment conditions have been changed, the employment contract with the employee has been rescinded upon absence of lawful grounds or in violation of the procedure defined by the legislation, the violated rights of the employee shall be restored. In that case the employer shall be charged a minimum salary for the whole period of forced idleness or the difference of the salary for the period during which the employee performed work with minimum remuneration. Average salary shall be calculated by multiplying the relevant number of the days by

average daily salary of the employee.

Part 2 of Article 265 of the Labour Code of the Republic of Armenia prescribes that for economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee, the court need not reinstate the employee to his or her former office, obliging the employer to pay a compensation for the entire period of forced idleness in the amount of the average salary, until the entry into force of the civil judgment of the court, and pay a compensation for non-reinstatement of the employee to office in the amount not less than the average salary but not more than the twelve-fold of the average salary. The employment contract shall be deemed to be rescinded from the day of entry into legal force of the civil judgment of the court.

That is to say, pursuant to the regulations of part 1 of Article 265 of the Labour Code of the Republic of Armenia:

- either the violated rights of the employee are restored and the difference of the salary for the period during which the employee performs a less paid job at the given employer as a result of change of the working conditions, is charged from the employer in favour of the employee;
- or the violated rights of the employee are restored and the average salary is charged from the employer in favour of the employee for the entire period of forced idleness.

On the other hand, pursuant to the regulations of part 2 of Article 265 of the Labour Code of the Republic of Armenia, when for economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee, the court does not reinstate the employee to his or her former office, and obliges the employer to pay a compensation for the entire period of forced idleness in the amount of the average salary, until the entry into force of the civil judgment of the court (no maximum threshold is prescribed for this compensation). In this case, the court concurrently obliges the employer also to pay a compensation for non-reinstatement of the employee to office, in the amount not less than the average salary but not more than the twelve-fold of the average salary.

The Human Rights Defender regularly receives oral and written applications on alleged violations of employment rights. Both in annual communications and public speeches the defenders have touched upon — on multiple occasions — issues of violations of employment rights, as well as the need for carrying out works aimed at the prevention and restoration of those violations. Just in the period from 1 January until 24 December 2018, the Staff of the Defender received 410 complaints on employment rights, of which 4 related to issues of discrimination in the field of employment.

Violation of the principle of discrimination in employment legal relations has been recorded by judicial acts rendered by the courts of first instance of general jurisdiction of the Republic of Armenia (Civil Judgment rendered in Civil Case No YeKD/5186/02/16 on 6 June 2018, Civil Judgment rendered in Civil Case No YeAKD/1772/02/17 on 22 February 2018, and Civil Judgment rendered in Civil Case SD3/0326/02/18 on 22 October 2018. Complete information on the judicial acts rendered in these Cases are available on the website www.Datalex.am).

Pursuant to Article 8 of the draft Law of the Republic of Armenia "On ensuring legal equality", during the examination of a complaint or statement of claim on discrimination by the court, the Human Rights Defender or another state body, the applicant or the plaintiff shall submit factual data and arguments which prima facie substantiate the existence of a behaviour or regulation qualified as discriminatory, whereas the obligation to prove the circumstances excluding discrimination shall be put on the respondent or the person against whom the complaint has been filed.

Pursuant to Article 49 of the Constitution of the Republic of Armenia, every citizen shall have the right to join public service on general grounds. Details shall be prescribed by law. Part 1 of Article 13 of the Law "On public service" prescribes that 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 defined by the job description of the public service position in question and those defined by the laws of the Republic of Armenia regulating the specific types of state service, as well as the community service, 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.

Part 2 of Article 8 of Law Ho-205-N of 23 March 2018 "On civil service" prescribes that citizens of the Republic of Armenia meeting the requirements submitted in accordance with the job description for the given civil service position, fluent in Armenian and having attained the age of 18 shall have the right to hold a civil service position as prescribed by the same Law.

That is to say, for holding all civil service positions, holding citizenship of the Republic of Armenia is mandatory.

It follows from the analysis of the provisions of Article G of the Charter that the requirement of point 2 of Article 1 of the Charter has not been violated by the restriction of the right to hold public service positions by foreigners, as the mentioned Article prescribes that restrictions of rights may exist, if necessary in a democratic society for the protection of the rights and freedoms of others and for the protection of public interest, national security, public health, or morals.

Article 4 of the Law "On penitentiary service" prescribes the main objectives of the service, among which is ensuring employment for detained persons and convicts. Relevant measures are continuously undertaken for ensuring employment for and effective use of the free time of persons kept in the penitentiary institutions of the Ministry of Justice of the Republic of Armenia.

During 2018, 563 persons, and during the first semester of 2019 — 301 persons kept in the penitentiary institutions of the Ministry of Justice of the Republic of Armenia were included in various works, in particular, the convicts were included in paid and unpaid works for the technical and economic maintenance of the penitentiary institution for performing works (renovation and sanitary-hygienic works for the correctional institution or the area adjacent thereto), worked in "Support to Prisoners" Foundation on contractual basis, and convicts serving the punishment in open correctional institutions worked outside the institution, for other employers.

An employment contract shall be concluded in case of inclusion in paid works, and the

remuneration shall be prescribed in the amount of the minimum salary of the Republic of Armenia. Currently, 176 persons are included in paid works. Complete data on working convicts are presented below:

No	Working activity	2018	1 st semester of 2019
1.	Convicts engaged in the works of "Support to Prisoners" Foundation	89	67
2.	Convicts engaged in technical and economic maintenance works	211	110
3.	Convicts working for other employers	60	11
	Total paid workers:	360	188
4.	Convicts engaged in non-paid works upon their consent	203	113
	Total employment	563	301

Annex 8 to Decision of the Government of the Republic of Armenia No 665-N of 5 May 2011 "On ensuring the enforcement of the Law of the Republic of Armenia 'On state pensions'" prescribes the procedure for awarding, payment of pension to a person kept in penitentiary institutions and subjecting him or her to medical and social expert examination. Currently, 18 persons that are in the penitentiary institution receive age pension.

Pursuant to Annex 14 to Decision of the Government of the Republic of Armenia No 534-N of 17 April 2014 "On approving a number of legal acts ensuring the enforcement of the Law of the Republic of Armenia 'On employment'", persons having returned from the place of imprisonment shall be deemed to be persons who are non-competitive in the labour market. Pursuant to Annex 15 to the above-indicated Decision, in case of job placement — upon the motion of the territorial centres of the State Employment Agency of the Ministry of Labour and Social Affairs of the Republic of Armenia — of persons who are non-competitive in the labour market, a partial compensation of salary is provided to the employer.

The aim of provision of the support is to contribute to the job placement of persons who are non-competitive in the labour market, through a partial compensation of the salary provided to non-competitive persons by the employer and to ensure thereby stable employment.

Pursuant to part 1 of Article 29.1 of the Law "On foreigners", state control and supervision over the implementation of the norms regulating the work permit prescribed by this Law and other legal acts shall be exercised by the state authorised body of the Government of the Republic of Armenia (the Ministry of Labour and Social Affairs). Part 2 of the same

Article prescribes that information on cases of employment, by employers, of foreigners without a work permit by, detected as a result of the control and supervision provided for by part 1 of this Article, as well as any such doubt that a foreigner might have been subjected to trafficking in or exploitation of human beings, the information thereon shall be submitted to the authorised state administration body in the field of police of the Republic of Armenia.

Concurrently, part 1 of Article 30 of the Law "On foreigners" prescribes the grounds for voluntary leave of foreigners from the Republic of Armenia. Pursuant to part 2 of the same Article, the liability prescribed by part 1 of this Article shall not extend to the foreigner who is in reflection period as provided for by law. The concept "reflection period" is defined by Article 19 of the Law of the Republic of Armenia "On identification of and support to persons subjected to trafficking in and exploitation of human beings", pursuant whereto:

"1. The reflection period shall be the period whereby the potential victim foreigner, victim and victim of special category, irrespective of the lawfulness of the status of residence, is granted the right and the opportunity to free himself or herself of the influence of the persons having done trafficking in or exploitation of human beings, recover from the consequences of the physical injuries caused, as well as make sober and deliberate decisions while staying in the territory of the Republic of Armenia.

2. All potential victim foreigners, victims or victims of special category shall have the right to a reflection period. That right shall be granted along with the commencement of the pre-identification stage.

3. The reflection period shall be calculated from the moment of admission of the potential victim foreigner by the competent body and prescribed for a period of 30 days. The reflection period may be extended upon the decision of the Identification Commission rendered on the basis of the reasoned motion of the competent body carrying out the pre-identification of the given person, for a maximum period of up to 30 days.

4. The reflection period may be terminated earlier than the indicated time limits upon the decision of the Identification Commission only when obvious facts emerge to the effect that the person may not be a victim or a victim of special category, or upon the initiative of the potential victim.

Deportation — during the reflection period — of a foreigner that is in the territory of the Republic of Armenia or subjecting him or her to liability for residing in the Republic of Armenia during the indicated time period without a valid visa or a residence status or with invalid documents shall be prohibited.

6. The provisions envisaged for the reflection period shall not be a ground, in any way, to restrict the exercise, by law enforcement bodies, of the functions prescribed by the legislation of the Republic of Armenia, aimed at the disclosure of violations.

That is to say, where factual and legal grounds for the foreigner to be in the reflection period exist, his or her stay in the Republic of Armenia shall be deemed to be lawful.

It should be noted at the same time that, at present, a draft Law of the Republic of Armenia "On foreigners and stateless persons" is in circulation by the Police of the Republic of Armenia, whereby it is envisaged to also provide a short-term residence status to victims of trafficking or exploitation and/or their close relatives.

In case of rescission of the employment contract of foreign employees upon their initiative,

the regulation of Article 112 of the Labour Code of the Republic of Armenia, regarding the rescission of the employment contract upon the initiative of the employee, is applicable thereto as well. The employee shall have the right to rescind the employment contract concluded for an indefinite time limit, as well as the employment contract concluded for a fixed time limit before the expiry thereof by notifying the employer thereon in writing at least thirty days in advance. The collective agreement may provide for a longer period of notification. After the expiry of the time limit for notification, the employee shall have the right to terminate his or her work, whereas the employer shall be obliged to formulate the rescission of the employment contract and make a final settlement with the employee.

The employee shall have the right to rescind the employment contract concluded for an indefinite period, as well as the employment contract concluded for a fixed time limit before its expiry by notifying the employer thereon in writing at least five days in advance, where the rescission of the employment contract is justified by the illness of the employee preventing the performance of work or occupational mutilation, or there are other good reasons provided for by the collective agreement, or where the employer fails to fulfil the obligations prescribed by the employment contract, violates the law or the collective agreement, as well as in other cases provided for by the Labour Code of the Republic of Armenia.

Pursuant to Article 5 of the Law of the Republic of Armenia "On military service and the status of the military servant", 3 types of military service are in effect: fixed-term, reserve, and mobilisation. The fixed-term military service is comprised of compulsory and contractual military services. Compulsory military service is the main form of fulfilment of the constitutional obligation to participate in the protection of the Republic of Armenia by citizens of the Republic of Armenia. Service organised in the armed forces and in other forces through military call-up shall be deemed to be compulsory military service. Citizens not having completed compulsory military service in violation of the Law of the Republic of Armenia "On military service and the status of the military servant" may not be hired for public service. The time limit for the compulsory military services shall be prescribed:

(1) 24 months for the rank and file, and the compulsory military servants of the rank and file who have expressed a wish to complete military service in the place and conditions indicated by the Ministry of Defence of the Republic of Armenia conclude a contract with the Ministry of Defence of the Republic of Armenia for a term of 3 years;

(2) 24 months for the officer staff of the reserve.

Service organised in the armed forces and in other forces on the basis of a contract shall be deemed to be contractual military service. Contracts for completing contractual military service shall be concluded for a period of 3-12 months or for two or three or four or five years, and with citizens admitted to military educational institutions — for a period of the study at the given military educational institution and post-study of 10 years, which, with respect to citizens not having completed compulsory military service, also includes the period of study as compulsory military service.

Military servants shall be provided with the opportunity to participate in training courses both in the Republic of Armenia and foreign military educational institutions, as well as receive academic education which is later taken into account during the professional

progress.

A legal consequence in the form of a default penalty in the amount of the 1000-fold of the monthly minimum salary for each year of post-educational contractual military service not fully served shall arise with a contractual military servant for the improper fulfilment of the obligation provided for by Article 369 of the Civil Code of the Republic of Armenia in cases prescribed by Article 54 of the Law of the Republic of Armenia "On military service and the status of the military servant". In particular, the compulsory time limit constitutes 10 years for military servants having graduated from military educational institutions, and 3-5 years for military servants having received academic education or completed officer or non-commissioned officer courses.

The regulation provided for by Article 149 of the Labour Code of the Republic of Armenia gives an opportunity to the employer to engage the employee in duty in the organisation or at home, taking into account the restrictions and regulations provided for by Article 149 of the Labour Code of the Republic of Armenia.

At the same time, Article 41 of the Administrative Offences Code of the Republic of Armenia prescribes that violation of the requirements of the labour legislation and other regulatory legal acts containing norms of labour law (except for the cases provided for by Articles 41¹, 41², 96¹, part 17 of Article 158, Articles 169⁵, 169⁸ of the Administrative Offences Code of the Republic of Armenia (other types of liability as per specific violations are prescribed in the listed Articles)) entails warning to the person having committed a violation.

Violation of the requirements of the labour legislation and other regulatory legal acts containing norms of labour law, committed within one year following the application of an administrative penalty, entails imposition of a fine on the employer in the amount of the fifty-fold of the minimum salary prescribed.

Pursuant to sub-point 10 of point 11 of the Charter of the Healthcare and Labour Inspection Body, exercise of supervision over the application of norms on maintaining the health and ensuring the safety of employees in cases and in the manner prescribed by law, shall be within the powers of the Inspection Body.

Pursuant to part 1 of Article 1 of the Law of the Republic of Armenia "On organising and conducting inspections in the Republic of Armenia", "This Law shall regulate the relations pertaining to the organisation and conduct of inspections and examinations in commercial and non-commercial organisations registered in the Republic of Armenia or in foreign states and carrying out activities in the territory of the Republic of Armenia, institutions (including of a foreign legal person), a branch of a legal person or representative office, local self-government bodies, as well as of the activities of individual entrepreneurs (hereinafter referred to as "economic entities"), and shall prescribe the unified procedure for conducting them."

Pursuant to the Law of the Republic of Armenia "On organising and conducting inspections in the Republic of Armenia" the Inspection Body shall, within the scope of the powers vested therein, have the competence to conduct inspections in economic entities having received registration as prescribed by law, including those in the sectors of agriculture, construction, organisation of stay (hotel business), and production.

Article 7 of the Law of the Republic of Armenia "On organising and conducting inspections

in the Republic of Armenia” prescribes the rights of officials conducting inspection, in particular, when exercising their powers, persons conducting the inspection shall have the right to unimpeded access, with the participation of the representative of the economic entity, to sub-divisions of the economic entity, request documents, data and other information, explanations, statements of information, which have an immediate relation to the goals of the inspection conducted within the scope of their competence, prescribe time limits for the elimination of the shortcomings and violations revealed which do not entail criminal or administrative liability, submit recommendations to the management of the state body appointing an inspection for undertaking relevant measures with respect to the abuses or other violations revealed within the scope of the inspection, which entail criminal or administrative liability.

Based on the above-stated, the Healthcare and Labour Inspection Body, as a body vested with the competence to conduct inspections within the scope of its powers in the territory of the Republic of Armenia, exercises supervision over the application of norms of maintaining the health and ensuring the safety of home workers that are in employment relations with economic entities having received state registration as prescribed by law.

The exercise of supervision over the application of norms of maintaining the health and ensuring the safety of employees by the Inspection Body in cases and in the manner prescribed by law also includes the supervision over ensuring the guarantees prescribed by the labour legislation for persons under the age of 18.

The exercise of supervision by the Inspection Body over ensuring the guarantees prescribed by the labour legislation for persons under the age of 18 pursues also the aim to eliminate the use of forced or mandatory work of employees under the age of 18.

The Action Plan of the 2020-2022 National Strategy for the Protection of Human Rights, which was submitted to the office of the Prime Minister of the Republic of Armenia in December of this year, provides for a few provisions on state supervision over labour legal relations, it particularly provides for:

1. enshrining in the legislation the introduction of a complete and effective system for state supervision over the fulfilment of the requirements of the labour legislation;
2. prescribing by the legislation the general description of the criteria determining the methodology and riskiness of inspections of the Healthcare and Labour Inspection Body based on the risk, and the check-list of the questions included in inspections.

On 17 December 2014, the Law of the Republic of Armenia "On identification of and assistance to persons subjected to trafficking in and exploitation of human beings" was adopted. This Law regulates the relations pertaining to the process of guidance of persons suspected to have been subjected to trafficking in and/or exploitation of human beings from the moment of their detection, collection and exchange of information on them, as well as to the process of their identification, support and protection as victims or victims of a special category, and of the provision of a reflection period. The purpose of this Law shall, in the interests of persons subjected to trafficking in or exploitation of human beings, be their detection, proper identification, support, protection and their effective social reintegration, by developing procedures for strategic co-operation between state administration and local self-government bodies, as well as with NGOs, international organisations and the civil society.

Pursuant to point 2 of part 1 of Article 3 of the Labour Code of the Republic of Armenia, prohibition of forced labour of any form (nature) and of violence against employees is one of the main principles of the labour legislation.

Pursuant to Article 132 of the Criminal Code of the Republic of Armenia:

1. Trafficking in a human being — recruiting, transporting, transferring, concealing or receiving a human being for the purpose of exploitation, as well as exploiting a human being, or putting or keeping in such a situation by use or threat to use violence not dangerous to life or health or by other forms of compulsion, by kidnapping, deception or abuse of confidence, using power or the vulnerability of the situation or giving or receiving material or other benefits or promising such to get the consent of a person supervising him or her —

shall be punished by imprisonment for a term of five to eight years, with or without confiscation of property, by depriving of the right to hold certain positions or to engage in certain activities for a maximum term of three years or without it.

2. The same act committed:

- (1) against two or more persons;
- (2) by a group of persons acting in conspiracy;
- (3) by use of official position;
- (4) by use or threat of use of violence dangerous to life or health;
- (5) against an obviously pregnant woman;
- (6) by organising the transportation of a person by crossing the state border of the Republic of Armenia —

shall be punished by imprisonment for a term of seven to twelve years, with or without confiscation of property, by depriving of the right to hold certain positions or to engage in certain activities for a maximum term of three years or without it.

3. The act provided for in part 1 or 2 of this Article, which —

- (1) has been committed by an organised group;
- (2) has negligently caused the death of the victim or other grave consequences — shall be punished by imprisonment for a term of ten to fourteen years, with or without confiscation of property, by depriving of the right to hold certain positions or to engage in certain activities for a maximum term of three years or without it.

4. According to this Article, as well as Article 132.2 of this Code, exploitation of the prostitution of another person or other forms of sexual exploitation, forced labour or services, putting in slavery or in situation similar to slavery, trade, harvesting of human organs or tissues, shall be deemed to be exploitation.

5. The victims of the criminal offences provided for by this Article, as well as by Article 132.2 of this Code shall be released from criminal liability for the crimes of minor or medium gravity in the commitment whereof they were involved in the course of trafficking or exploitation against them and committed those acts under coercion.

The Ministry of Labour and Social Affairs of the Republic of Armenia implements programmes aimed at the prevention of irregular migration and integration of migrants having returned into the labour market.

Pursuant to the legislation in effect, re-migrants and refugees are recognised as persons who are non-competitive in the labour market and may be included — on a priority basis — in annual state programmes for employment support (in 2017-2018, 143 migrants having returned were included in annual state employment programmes). Information on migrants having returned, record-registered with territorial employment centres (see in Table 1).

It should be noted that one of the measures implemented within the scope of the state employment programme relates to organisation of professional instruction for the unemployed persons, persons facing the risk of dismissal, as well as job seekers who have six months left until the completion of serving the punishment in the form of imprisonment.

Pursuant to Article 21 of the Law of the Republic of Armenia "On refugees and asylum", asylum seekers and refugees having received asylum in the Republic of Armenia shall have the right to look for a job and work in the territory of the Republic of Armenia on the same conditions as citizens of the Republic of Armenia, unless otherwise provided for by law. Article 22 prescribes that refugees having received asylum in the Republic of Armenia shall have equal rights to engage in entrepreneurial activities as citizens of the Republic of Armenia, as prescribed by legislation of the Republic of Armenia for citizens of the Republic of Armenia.

Article 412 of the Tax Code of the Republic of Armenia having entered into force on 1 January 2018 prescribes that in case of failure to document the hiring of a worker in writing as prescribed by the legislation of the Republic of Armenia (*i.e.* absence of an individual legal act and a written contract on hiring the worker) and/or in case the fact of failure to submit an application on registration of a new worker within the time limit prescribed by part 2 of Article 156 of the Code is recorded during the complex or thematic tax inspections carried out by the tax authority as prescribed by the Government, and during the operational and intelligence measures taken against entities carrying out illegal activities, as prescribed by the Government of the Republic of Armenia, a penalty in the amount of AMD 250,000 shall be imposed on the employer (including on those carrying out illegal activities or on natural persons record-registered and being granted a patent who are not individual entrepreneurs) for each undocumented hired worker. At the same time, under Article 169.5 of the Administrative Offences Code of the Republic of Armenia, keeping a worker without an employment contract meeting the requirements for hiring provided for by legislation of the Republic of Armenia entails imposition of a fine for each case of violation on the person having committed a violation, in the amount of the fifty-fold of the minimum salary prescribed. Attaching importance to the circumstance of formation of an entrepreneurial culture and acquisition of entrepreneurial skills with citizens of the Republic of Armenia in the process of exclusion of cases of exploitation of workers, a number of measures are envisaged within the scope of the 2019-2023 SME Development Strategy, in the below-mentioned directions:

- extension of introduction of subjects including entrepreneurial elements in state programmes in schools
- expansion of inclusive subjects in compliance with the schedule;
- elaboration of a pioneer programme for establishing a campus with entrepreneurial orientation for pupils and students;

- development of entrepreneurial capacities, support to beginner businessmen;
- improvement of existing courses and elaboration of new courses, including development of digital skills;
- elaboration of guides (digitalisation of guides);
- creation of a platform for resource management (cost optimisation) (by the example of EREK database);
- elaboration of a programme for on-the-job training or introduction of job shadowing for participants of primary vocational (handicraft) and secondary vocational education system at schools, etc.

Article 1.3.

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

Decrease in the number of persons placed in a job in 2014 is conditioned by the amendments made to the legislation regulating the field of employment, as a result of which the relevant programmes have been implemented since August 2014. More detailed information and other observations on the number of beneficiaries included in the employment programmes in 2014-2018 are provided in Article 1.1.

The number of staff positions of the State Employment Agency is 360, of which 338 are civil servants, 22 — technical support providers.

The State Employment Agency co-operates with non-state job placement organisations within the framework of the measure "Provision of support for making use of services provided by a non-state job placement organisation". The measure envisages that non-competitive persons, who are not placed in a job by the territorial centre within at least three months, shall — as an additional employment opportunity — be provided with support through relevant certificate for making use of the services of non-state job placement organisations.

In relation to the legal grounds for the above-mentioned programme we inform that pursuant to part 2 of Article 10 of the Law of the Republic of Armenia "On employment", the state employment policy shall be developed by the Government of the Republic of Armenia through the authorised body and shall be implemented in compliance with the annual programme, in co-operation with the state administration, local self-government bodies, social partners, employers, non-state job placement organisations (as prescribed by the legislation of the Republic of Armenia on procurement), as well as other interested organisations. Moreover, the authorised body concludes a memorandum of co-operation with the non-state organisation willing to co-operate. In addition, the main principles of the state employment policy stipulate competitive, mutually beneficial and sustainable co-operation between state organisations providing employment services and non-state job placement organisations.

See the main indicators of employment in Table 1. See the activation rate of unemployed persons in Table 3. See the performance of state employment programmes in Table 2. See the actual expense of active employment programmes, as well as the maintenance expense of the Agency in Table 5.

Main indicators of employment (2014-2018)

Table 1

Indicators of employment	2014	2015	2016	2017	2018
Number of job seekers, where	72606	88928	95785	85983	81683
number of women	51176	59764	62238	56454	54051
Number of unemployed persons, where	65874	77004	80492	70236	64643
number of women	47328	53069	53088	46838	43147
number of young persons	15581	19007	19078	16931	13839
number of return migrants	587	1319	1420	1021	924
number of long-term unemployed persons	38760	45750	53585	52579	49449
number of persons with disabilities	2056	2499	2926	2983	2478
Number of job-seekers provided with professional orientation consultation	25248	29165	21596	17336	20200
Number of persons placed in a job, where	11495	10073	9546	9254	11966
number of women	7093	6615	6308	5843	8159
number of persons with disabilities	324	209	226	187	234
Number of submitted non-recurring vacant positions	8871	7439	7884	8804	9776
Average monthly number of submitted vacant positions	2009	2377	2550	2800	2000
Average monthly number of job-seekers placed in a job	958	839	795	771	997
Share of persons placed in a job in the number of record-registered job-seekers	15.8%	11.3%	10.0%	10.8%	14.6%

Performance of state programmes of employment regulation (2014-2018)

Table 2

Name of the employment programme	2014	2015	2016	2017	2018
"Organisation of professional instruction", where:	1585	1003	1274	165	98
number of women	1180	854	1046	146	94
persons with disabilities	118	72	98	8	8
Persons placed in a job within 6 months after the end of the Programme "Organisation of professional instruction", including	728	384	715	62	48
persons with disabilities	49	31	51	6	4

"Provision of support for job placement of unemployed persons in another place", where:	37	48	25	0	4
number of women	23	25	17	0	3
persons with disabilities	1	2	2	0	1
"Provision of support to small entrepreneurial activities of persons who are non-competitive in the labour market", where:	60	72	74	0	55
number of women	17	34	31	0	26
persons with disabilities	11	11	13	0	7
"Provision of support to persons who are non-competitive in the labour market for engaging in livestock breeding (cattle-breeding, sheep-breeding, pig-breeding, poultry-breeding), where:	0	0	54	0	0
number of women	0	0	27	0	0
persons with disabilities	0	0	8	0	0
"Provision of support to unemployed persons for gaining professional work experience in the acquired profession", where:	346	355	482	511	425
number of women	293	288	391	445	379
persons with disabilities	1	8	8	10	10
"Provision of monetary aid to persons who are non-competitive in the labour market to visit employers for the purpose of suitable job placement", where:	996	1750	2005	0	640
number of women	778	1384	1447	0	507
persons with disabilities	8	44	78	0	42
"Provision of lump-sum compensation to the employer in case of job placement of persons who are non-competitive in the labour market" (a/+b/), where:	349	500	736	1072	831
number of women	247	365	504	761	636
a/ "Lump-sum compensation to the employer for adjustment of workplaces for unemployed persons with disabilities", where:	34	29	24	0	3
number of women	18	14	6	0	2
b/ "Lump-sum compensation to the employer for persons who are non-competitive in the labour market to acquire the necessary working skills and capabilities", where:	315	471	712	1072	828

number of women	229	351	498	761	634
persons with disabilities	34	24	51	38	25
"Provision of partial compensation of salary to the employer in case of job placement of persons who are non-competitive in the labour market and provision of compensation to a person with disabilities for the salary for an accompanying person", where:	214	522	436	0	32
number of women	150	370	305	0	13
persons with disabilities	34	44	20	0	30
number of accompanying persons	2	2	2	0	1
"Organisation of professional instruction conducted at the employer's office for young mothers who are non-competitive in the labour market and have no profession", where:	0	0	0	0	112
number of women	0	0	0	0	112
"Provision of support to job seekers who are on a leave to take care of a child under the age of three, in case of return to work before the child attains the age of two, for organising the care of a child parallel to the job", where:					475
number of women	0	0	0	0	475
Provision of support to rural households through promotion of seasonal employment", where:	3679	6285	7680	0	0
number of women	1537	2331	2837	0	0
persons with disabilities	345	503	727	0	0
"Provision of unemployed persons with temporary employment through organisation of paid public works", where:	0	398	287	0	0
number of women	0	0	31	0	0
persons with disabilities	0	11	37	0	0
Total number of persons involved in employment programmes, where	7268	10934	13053	1748	2672
persons with disabilities	586	737	1066	56	126
average workload per specialist of employment centres	297 beneficiaries				

Employment of persons with disabilities

Table 3

Employment indicators regarding persons with disabilities	2014	2015	2016	2017	2018
Number of persons with disabilities record-registered in territorial employment centres, where	2056	2499	2926	2983	2478
persons involved in employment programmes	586	737	1066	56	126
persons placed in a job	324	209	226	187	234
persons placed in seasonal and temporary jobs	345	514	764	0	0

Activation rate by years (2014-2018)

Table 4

	2014	2015	2016	2017	2018
Number of persons involved in employment programmes	7268	10934	13053	1748	2672
Number of unemployed persons	65874	77004	80492	70236	64643
Activation rate	0.11	0.14	0.16	0.02	0.04

Expenses incurred for the maintenance of State Employment Agency and for state employment programmes by years

Table 5

Thousand Drams

Name	2014	2015	2016	2017	2018
Expenses for state employment programmes	1,531,680.43	1,540,253.31	1,966,656.10	458,733.00	413,573.87
Expenses for maintenance of State Employment Agency	929,735.11	1,146,058.34	1,114,365.68	1,105,116.17	1,057,390.46

Article 1.4.

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

Article 3 of the Law of the Republic of Armenia "On employment" guarantees the regulation of employment of persons having the right of residence (residence status) in the Republic of Armenia and stateless persons, including exercise of the right of professional orientation irrespective of the validity period of the status. At the same time, pursuant to Article 15 of

the Law of the Republic of Armenia "On foreigners", a foreigner must submit an application for extending the residence status at least 30 days before the expiry of the validity period of the residence status.

With a view to meeting the preconditions for introducing the professional orientation system prescribed by this Article of the Revised European Social Charter, the Professional Orientation and Skills Development Center has — within the reporting period— carried out the following activities:

General education system — the Center has developed and submitted to the Ministry of Education and Science of the Republic of Armenia the models, methodology of introduction of professional orientation and carrier activities in institutions of general education, pedagogues of school have undergone training, they have been provided with methodological assistance and ongoing professional consultation. Within the reporting period 400 schools from Yerevan and all marzes of the Republic (around 30% of the total number of schools) have been included in the professional orientation system, 820 pedagogues have undergone training. Currently, in a number of basic and high schools of Yerevan and marzes professional orientation activities are regularly carried out by the criteria and methodology offered by the Center, homonymous clubs have been established in certain schools or a separate subject has been envisaged upon the initiative of the school. The results of the sociological research conducted in 2016 have shown that the programme based on the methodology offered by the Center is effective, it may also have a domino effect on internal and external migration.

Vocational education and instruction (VEI) system — the Centre has developed the handbook titled "Practical and institutional grounds for career subdivision in institutions providing vocational education and instruction" which includes the procedure for operation of career centres in VEI institutions, job description of specialists, methodology (modules of individual and group activities), monitoring toolkit. Within the reporting period 143 specialists of VEI institutions of Yerevan and marzes have undergone training, they have been provided with methodological assistance and ongoing professional consultation.

The main achievement in this field is that based on the successful practice introduced in a number of colleges the Ministry of Education and Science of the Republic of Armenia has envisaged one separate position for a career officer in the budget programme for 2018. Currently, activities are being carried out for ongoing development of competences of specialists, ensuring accountability, intensifying the activities with students.

Higher education institutions — in HEIs career centres have been in place for more than 10 years. The Center also promotes the development of career centres in HEIs. In 2015, training of specialists of career centres of 14 HEIs was conducted with the aim of providing methodical assistance and consultation for professional orientation, development of career and entrepreneurship competences of students, creating a joint platform for discussion of issues and events. Ongoing methodical assistance and consultation is provided, partnerships with various structures, also employers are established. The issue of introduction of the training module "Career management" in HEIs is also under consideration, which is already being implemented as an optional subject in three HEIs under a pilot programme and will contribute to the development of employability competences of students.

Territorial employment centres — within the reporting period the Center has developed a model of and guideline for carrying out professional orientation and career guidance activities in territorial employment centres, as well as in territorial centres for provision of comprehensive social services, which have been approved by the Minister of Labour and Social Affairs of the Republic of Armenia. In 51 territorial employment centres one (in large centres two) specialist has been selected each in charge of those services. Specialists undergo ongoing training and regularly receive methodical consultation in the work process. In territorial employment centres the institutional and operational capabilities are sufficient at this moment to provide professional orientation and career guidance services.

Continuous professional instruction — Pursuant to the Law of the Republic of Armenia "On employment", apart from job-seekers facing the risk of dismissal, unemployed persons and persons serving their punishment in the form of imprisonment, who have up to 6 months to serve their punishment and who are record-registered in State Employment Agency as job-seekers, have the right to be involved in the professional instruction programmes in the prescribed manner.

The statistics on persons with disabilities having participated in the programme "Organisation of professional instruction" and having found a job after the end of the programme are provided in Table 2 of Article 1.3.

Legislative regulations in the field of employment, including those concerning ensuring equal access to professional guidance and instruction are provided in Article 1.2.

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

Article 15.2.

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

The issue of integration of persons with disabilities in the labour market still remains one of the key issues of the employment policy. It was highlighted in the 2013-2018 Employment Strategy adopted in 2012, then in the new Law of the Republic of Armenia "On employment" that came into effect in 2014. As a result of legislative amendments, since 2014 persons with disabilities obtain the status of unemployed persons and avail themselves of all social guarantees provided to unemployed persons, are involved in all state programmes for regulation of employment. In addition, 2 specific programmes are also implemented for persons with disabilities: programme for adjustment of the workplace and programme for partial compensation of the salary. Within the framework of the last programme, the person with disabilities is also provided with an accompanying person if needed.

Services provided to persons with disabilities are also reviewed and improved. At the employment centre consultation is provided to the person with disabilities who is looking for a job, the work needs thereof are assessed and based on these needs an individual employment programme is developed therefor, the ultimate purpose of which is the job placement of the person. When assessing the work needs, the education, profession,

qualification, work record, wishes, degree and type of disability of the person shall be taken into account, as well as the Individual programme of rehabilitation provided to the person by the Medical and Social Examination Commission shall be taken into consideration, which states the contra-indications, restrictions, as well as indications (e.g. of the necessity to have an accompanying person), that are mandatorily taken into account in the process of job placement of the person. As a result of reforms carried out, the number of persons record-registered in territorial employment centres and involved in programmes has increased year by year.

According to the statistics of the Statistical Committee of the Republic of Armenia, as of the end of 2018, the number of persons with disabilities in Armenia constituted 188 460 persons², of which 9885 were persons with disabilities of the 1st degree, 70100 — persons with disabilities of the 2nd degree, 100282 — persons with disabilities of the 3rd degree and 8193 — children with disabilities. Of persons with disabilities, 8193 were under 18 years of age, 105157 — 18-63 years of age, and 75110 — over the pension age. The number of rehabilitation measures guaranteed for persons with disabilities and implemented as of the end of 2018 constituted 374629, of which 200117 were medical rehabilitation, 99404 — social rehabilitation, 75108 — professional rehabilitation, as well as 35737 letters of recommendation for a job were issued.

According to statistical reports of the State Employment Agency, as of the end of 2018, persons with disabilities constituted about 3,8 per cent of unemployed persons, thus comprising 2478 persons. During the year 234 persons with disabilities became employed, of which 38 — by the letter of reference, without being included in the annual state employment programme. From the beginning of the year, 11966 job-seekers found a job, of which 9932 — non-competitive persons.

Point 2 of part 3 of Article 21 of the Law of the Republic of Armenia "On employment" prescribes that in case of being placed in a job the unemployed person with disabilities shall have the right to support for adjustment of the workplace as prescribed by the Government of the Republic of Armenia. In addition, as a criterion for determining the non-competitiveness of the person, point 1 of part 1 of Article 22 of the same Law specifies the circumstance that the person has a disability.

It should be mentioned that pursuant to Article 23 of the Law of the Republic of Armenia "On employment", the non-competitive person shall have:

- the right of priority to be included by the authorised body in the state employment programmes;
- in case of job placement, the right of compensation for acquiring the necessary working skills and capabilities;
- the right of support for small entrepreneurial activities;
- the right of support for availing of services provided by a non-state organisation that cooperates with the authorised body;
- right of monetary aid to visit employers;
- right of support to rural households through promotion of seasonal employment.

² https://www.armstat.am/file/article/sv_12_18a_540.pdf

The above-mentioned rights of non-competitive persons are exercised through programmes regulating the field of employment.

Certain measures implemented in the field of employment are aimed specifically at providing jobs to persons with disabilities, in particular:

1. In case of job placement of persons who are non-competitive in the labour market, partial compensation of salary to the employer and provision of monetary aid to the person with disabilities for the person accompanying him or her.

Beneficiaries of the programme are persons with disabilities, as well as persons with the status "a child with disabilities" who are non-competitive in the labour market. The employer who has placed the person in a suitable job, receives — for a period of 6 months — aid in the amount of 50% of the salary paid thereby, but not more than the minimum salary prescribed by law, and the person accompanying the person with disabilities in need of an accompanying person shall be given aid in the amount of 50% of the minimum salary on a monthly basis.

2. Provision of lump-sum compensation to the employer in case of job placement of persons who are non-competitive in the labour market

The programme includes the following 2 subprogrammes:

- (1) lump-sum compensation to the employer for persons who are non-competitive in the labour market to gain working skills and capabilities;
- (2) lump-sum compensation to the employer for adjustment of workplaces for persons with disabilities.

Within the framework of the 1st subprogramme, the non-competitive employer is granted lump-sum compensation in the amount of AMD 50 000 to AMD 200 000, and for the purpose of adjustment of the workplace at the employer's office for each person involved in the 2nd subprogramme the necessary expenses shall be compensated, which must not exceed AMD 500 000 per person.

In 2018, as compared to the previous year, the number of the persons involved in the annual state employment programmes has increased by 924, constituting 2672 persons, of which 126 are persons with disabilities (which, as compared to the previous year, has increased by 125%), as a result of which the number of persons having been placed in a job and having become self-employed constituted 1962 persons (as compared to 2017, it has increased by 352 persons), of which the number of persons with disabilities were 83 persons, which has increased by 35 persons as compared to the previous year.

It should be mentioned that conditioned by the objective necessity to resolve the issues identified in the law-enforcement practice of the mandatory quota of jobs for job placement of persons with disabilities not having attained the age entitling to age pension, the legal act ensuring the application of the normative standard (hereinafter referred to as "quota") for compulsory provision of jobs for job placement of persons with disabilities approved by Law of the Republic of Armenia No 453-N of 4 May 2017 "On employment" — Decision of the Government of the Republic of Armenia No 1308-N of 19 November 2014 "On approving the procedure for making allocation by the Government in case of failure to comply with the requirement of the quota and for use thereof" — has been suspended by Decision of the Government of the Republic of Armenia No 453-N of 4 May 2017.

As regards the non-discriminatory legislation, on 10 September 2019 the National Assembly

adopted Law HO-173-N "On making supplements to the Labour Code of the Republic of Armenia" (entered into force on 19 October 2019). As a result, the Labour Code stipulated (Article 3.1) that discrimination is prohibited by the labour legislation.

The concept of discrimination in employment relations has also been prescribed. In particular, it has been prescribed that, any direct or indirect distinction, exclusion or restriction on the grounds of sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, 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 cases of emergence and/or change and/or termination of collective and/or individual employment relations or prohibiting or denying 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.

The above-mentioned supplement made to the labour legislation has also prescribed that in job announcements (competitions) and in establishing employment relations it shall be prohibited to introduce any other term deemed to be a ground for discrimination but professional skills and professional training and qualifications, except where it derives from job-specific requirements.

In addition, the Ministry of Justice of the Republic of Armenia has developed the draft Law "On ensuring legal equality", the adoption of which will allow guaranteeing equality of all before the law, preventing manifestations of discrimination, as well as exercising equal rights. The draft Law has also envisaged establishment of a specialised body adjunct to the Human Rights Defender's Office, as well as additional subdivision within the Staff of the Defender, which will be provided with mechanisms for supporting victims of discrimination and initiating investigation into cases of alleged discrimination.

The 2019-2022 Employment Strategy of the Republic of Armenia is under development. Four targeted key pillars or macro-objectives are considered within the framework of employment strategy and one of them is to ensure decent work for all relevant social groups. In relation to the legislation excluding discrimination against persons with disabilities, see also point 15.3.

For more detailed information on numbers see Tables 1, 2, 3 and 4.

Article 15.3.

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

In 2019, the draft Law "On rights of persons with disabilities" has been amended again and has undergone different stages of public discussions and the aim thereof is to exclude discrimination on the ground of disability and ensure equal opportunities in all spheres of life. The current draft includes new principles and approaches, stipulating provisions on accessibility and universal design, prohibition of discrimination, exercise of the right to independent life and community inclusion, reasonable accommodations. In particular, pursuant to the draft Law:

1. discrimination on the ground of disability shall be prohibited. The discrimination on the ground of disability shall include also refusing to ensure reasonable accommodations;
2. the principles of universal design shall also be prescribed;
3. the state shall guarantee the creation of conditions and equal opportunities necessary for independent life and community inclusion of persons with disabilities equally with other persons;
4. It shall be prohibited to establish such residential facilities for persons (children) with disabilities in the Republic of Armenia, where persons are deprived of the right to make decisions concerning their daily life.

Thus, the draft Law prescribes that the main directions of the state policy in the field of rights of persons with disabilities include the setting up and development of accessible services in communities, creation of conditions necessary for independent life, community inclusion and improvement thereof.

In addition, the draft Law gives the definition of "independent life" and lists all the principles, whereon the independent life services must be focused. The draft stipulates that independent life services must be focused on inclusion, prevention of isolation, return of institutionalised persons to communities, development of self-advocacy skills of persons with disabilities and peer assistance. The adoption of the draft Law will create favourable legal environment to create and enhance the independent life opportunities for persons with disabilities.

The draft Law also stipulates that the procedure and conditions for providing a personal assistant shall be established by the Government of the Republic of Armenia which will allow to have a flexible and developing system.

The public discussions of the draft Law have already been held in marzes of the Republic of Armenia. It is envisaged to submit the draft to the Office of the Prime Minister of the Republic of Armenia by the end of 2019.

The Strategy for De-institutionalisation of Care Facilities for Persons with Disabilities and for Introduction of Alternative Services is also under development.

Alternative community services are provided, as well as activities aimed at introducing small community homes, home care services, personal assistant services are carried out.

Currently, Spitak Community Home, where 16 persons with psychological health problems reside and receive services, and "Warm Hearth" group home, where 15 persons with mental health problems reside and receive services, operate in the Republic. For the purpose of providing social rehabilitation services, the salary of employees is compensated to group homes from the State Budget of the Republic of Armenia.

In the first half of 2019, in daytime centres social rehabilitation services have been provided to about 600 children in a difficult life situation and with disabilities, according to the assessed needs.

Daytime care and social rehabilitation services are also provided to about 190 adolescents and young persons with disabilities (including with psychological problems and autism). For the purpose of providing social rehabilitation services to persons with disabilities, non-governmental organisations have been selected on a competitive basis in 2019.

The aforementioned services help children and young persons with disabilities develop and

use their capacities, skills and abilities, contribute to their full-fledged participation in the community life and life in family, as well as prevent their entry to 24-hour day-care facilities.

The Government envisages to expand through the State Budget for 2020 the geography of daytime centres that provide services necessary for persons with disabilities, enhance the opportunities to service a greater number of beneficiaries in their communities.

In three daytime centres of social care of children operating in the cities of Yerevan and Gyumri under the Ministry of Labour and Social Affairs, services have been provided to 300 children in a difficult life situation and with disabilities, as well as to their families, preventing their entry into 24-hour facilities.

In the first half of 2019, within the framework of various state target programmes, social work activities for 580 persons with disabilities over the age of 18 were also carried out in daytime centres and for 1100 persons — at home.

The Law of the Republic of Armenia "On language" prescribes that the teaching and upbringing of persons with hearing and speech impairments in the Republic of Armenia shall be carried out in Armenian sign language (Article 2).

In order to ensure the recognition and proliferation of Armenian sign language and ensure the right of persons with disabilities to receive and search for information, the 2020 Annual Programme for Social Inclusion of Persons with Disabilities has included the measure "Bringing the Laws of the Republic of Armenia "On language" and "On freedom of information" in line with the Convention on the Rights of Persons with Disabilities".

Pursuant to the legislation in force in the Republic of Armenia, persons with disabilities of the 1st and 2nd degree have the privilege to use the electric transport free of charge.

At the same time, measures for establishing a unified transport network in the Republic of Armenia are being implemented, as a result of which all the communities will be provided with accessible, convenient transport service. The terms of reference of the unified transport network has already been approved. The concept paper and action plan for the introduction of the unified transport network have been developed and submitted to the Government of the Republic of Armenia for consideration.

Within the framework of the unified transport network a unified ticketing system which will allow for application of a flexible tariff policy, as well as transport positioning system and an interactive map of the transport network will be introduced. It is envisaged to engage in the transportation routes modern and comfortable transportation means which will be adjusted for transportation of persons with disabilities.

For the purpose of ensuring the accessibility of buildings and premises to population groups with limited mobility and persons with disabilities, HHKH 23-101-2017 "The set of design rules for ensuring the accessibility of buildings and premises to population groups with limited mobility and persons with disabilities" (hereinafter referred to as "Set of Rules") has been developed and approved by the Order of the Chairperson of the State Urban Development Committee adjunct to the Government of the Republic of Armenia No 43-A of 5 April 2018.

The Set of Rules regulates design solutions and estimated performance of plan elements, including entry nodes, communications, escape routes, living, service and office spaces of buildings and premises of residential, public, industrial and other operational significance

accessible to persons with disabilities.

The Set of Rules includes details of creation of comfortable urban development environment, unimpeded approach to buildings and premises, unimpeded movement within buildings, orientation in space, use of equipment and services (including also self-service), participation in work and training processes and of meeting other requirements and ensuring comfort conditions in living environment, without limitation of living conditions of the population and other groups and effectiveness of the operation of the building.

At the same time, "Format of assessment of conditions accessible to persons with disabilities in existing buildings and premises of public and industrial significance" has been approved by Order of the Chairperson of the Urban Development Committee No 123-L of 15 October 2018. The format of assessment allows to assess the conditions in existing buildings and premises of public and industrial significance from the point of view of accessibility to persons with disabilities.

Article 18. The right to engage in a gainful occupation in the territory of other Parties

Article 18.1.

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

From 1 January 2019, the requirement for foreign citizens to obtain a work permit has become effective.

The procedure for issuing a work permit is established under the procedure approved by Decision of the Government of the Republic of Armenia No 493-N of 12 May 2016 (incorporated by Decision of the Government of the Republic of Armenia No 917-N of 18 July 2019), which specifies the list of professions entitling foreign specialists with high qualifications to work in the Republic of Armenia without a work permit. At the same time, Article 23 of the Law of the Republic of Armenia "On foreigners" also prescribes certain exceptions, in case of which a foreign citizen may work in the Republic of Armenia without a work permit. The currently effective regulation allows the foreign citizen to obtain a work permit for a period longer than the period of the residence status thereof.

There are no differentiated types of work permit in the Republic of Armenia.

Taking into account the fact that the requirement for a work permit applies in the Republic of Armenia from 1 January 2019, the foreigner may work without a work permit within the period of employment contracts concluded by that period. In the event a new employment contract is concluded after the expiry of the employment contract, the foreigner must file a request to obtain a work permit in the prescribed manner.

Article 18.2.

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

Under the prescribed procedure, a work permit may be issued within a period of 10 days. Pursuant to sub-point (b) of part 1 of Article 15 of the Law of the Republic of Armenia “On foreigners”, a work permit constitutes a ground for granting a foreigner temporary residence status or extending the residence status thereof.

Part 1 of Article 15 of the Law of the Republic of Armenia “On foreigners” prescribes the grounds for granting foreigners temporary residence status, pursuant to point 2 of which the existence of a work permit issued in accordance with Chapter 4 of the same Law constitutes a ground for issuing temporary residence status.

Chapter 4 of the Law of the Republic of Armenia “On foreigners” prescribes the relations pertaining to the employment of foreigners, namely, the provisions on free management of working skills by foreigners, right to be engaged in an activity not prohibited by the legislation of the Republic of Armenia, exceptions with regard to obtaining a work permit, grounds for issuing and refusing to issue a work permit, appealing against rejection of work permit, revocation and termination of a work permit, rights and obligations of an employer, etc.

When granting residence status based on point 2 /work permit/ of part 1 of Article 15 of the Law of the Republic of Armenia “On foreigners”, the Police of the Republic of Armenia requests to submit the work permit issued by the authorised body or a document on availing themselves of exceptions to the work permit.

According to the legislation in force, a foreigner must, firstly, obtain a work permit and only after that he or she may apply to obtain a residence status in the Republic of Armenia on the basis of the work permit. The authorised body issuing a work permit is the State Employment Agency which is a separated subdivision of the Ministry of Labour and Social Affairs of the Republic of Armenia.

The employer shall submit to the authorised body the relevant application on obtaining a work permit for a certain period for a certain foreigner, by submitting the necessary documents on the foreigners prescribed by the procedure. The relevant decision on issuing a work permit shall be rendered within 5 working days after receiving the documents.

A state duty in the amount of AMD 25 000 is prescribed for obtaining a work permit.

The Law “On foreigners” provides for a 30-day period for rendering a decision on granting or refusing to grant residence status.

Pursuant to Article 14 of the Law of the Republic of Armenia “On state duty”, the state duty for granting temporary residence status and issuing a residence card in the Republic of Armenia, as well as for record-registering in the Republic of Armenia shall be levied also in the amount of 105-fold of the base duty.

Pursuant to the same Article, the state duty for granting permanent residence status, issuing permanent residence card in the Republic of Armenia, as well as record-registering in the Republic of Armenia shall be levied also in the amount of 140-fold of the base duty.

At the same time, pursuant to Article 8 of the Law of the Republic of Armenia “On state duty”, the amount of the base duty shall be set at AMD 1000.

Article 20. The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

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

The guarantees for ensuring equal rights and equal opportunities for women and men in political, social, economic, cultural and other areas of public life, the regulations of relations arising in this regard have been prescribed in the Law of the Republic of Armenia “On ensuring equal rights and equal opportunities for women and men”, point 3 of part 1 of Article 4 whereof has prescribed exclusion of gender discrimination as the principle of the policy on gender equality.

Gender equality shall be the equal legal status of men and women and equal opportunities for the implementation thereof which provide persons — regardless of sex – with free enjoyment of their skills to participate in political, economic, social, cultural and other areas of public life. As for gender discrimination (direct or indirect), it shall be any distinction, exclusion or preference restricting the rights and interests of persons on the grounds of sex, which is aimed at or has the effect of impairing or nullifying the recognition, enjoyment or exercise of legal equality of women and men in political, economic, social, cultural and other areas of public life (points 2 and 9 of part 1 of Article 3 of the Law of the Republic of Armenia “On ensuring equal rights and equal opportunities for women and men”).

The same Law (Article 6) stipulates that direct or indirect gender discrimination in all areas of public life shall be prohibited. Both the forms of direct and indirect gender discrimination, and peculiarities of treatment on the grounds of sex that are not considered gender discrimination have also been prescribed. Different remuneration for equal or equivalent work, any change in remuneration for the work (increase or decrease) or worsening of working conditions on the grounds of sex have been prescribed as a form of direct gender discrimination.

The implementation of the Law “On ensuring equal rights and equal opportunities for women and men” is ensured in different ways, and the most efficient mechanism thereof is the strategy for gender policy which provides both legislative and institutional and programme solutions to ensure equal opportunities in different spheres of life. The 2019-2023 Strategy and the Action Plan for implementation of the gender policy in the Republic of Armenia has been approved by Decision of the Government of the Republic of Armenia No 1334-L of 19 September 2019 and it prescribes the priority directions of the state policy to create conditions facilitating the furtherance of the principle of gender equality in all spheres of life. Within the framework of the Strategy importance has been attached to 5 priority directions:

- improving the national mechanism of promotion of women, equal participation of women and men in the field of management and at the level of decision-making;
- overcoming gender discrimination in social and economic field, enhancing the economic opportunities of women;
- enhancing the full-fledged and effective participation of and equal opportunities for women and men in the field of education and science;
- enhancing the equal opportunities for women and men in the field of healthcare;

- preventing gender discrimination.

In these directions measures are envisaged to be taken to improve the competitiveness of women in the labour market, enhance the economic opportunities, improve the health of women and men, improve the quality of medical aid provided in the field of reproductive health, to reduce the gender disparity of newborns in the Republic, overcome stereotypes on the grounds of sex, strengthen the national mechanism for promotion of women, implement targeted policy aimed at women of different social groups. The activities of re-launch and/or introduction of a series of efficient mechanisms for ensuring gender equality have already started; for the purpose of coordinating the activities relating to the issues of equality of women and men, establishing a national mechanism for ensuring equal rights and equal opportunities for women and men the Council for ensuring equal rights and equal opportunities for women and men in the Republic of Armenia is being restructured, the Gender Theme Group is being re-commissioned, gender-sensitive budgeting toolkits are being developed with the support of the European Union.

Measures are envisaged to be taken:

- (1) to reduce the social and economic inequality between women and men, in particular:
 - (a) reducing the level of gender discrimination in the field of professional employment;
 - (b) creating favourable conditions to combine employment and family responsibilities;
 - (c) protecting the employment rights of women of vulnerable groups and use their potential;
- (2) to improve the competitiveness of women in the labour market, enhance their economic opportunities, including:
 - (a) promoting women entrepreneurship, improving the business knowledge of businesswomen, ensuring the availability and accessibility of business information and consultation for starting and operating SMEs;
 - (b) enhancing the economic opportunities of women in the field of agriculture;
 - (c) increasing the employment level of women and reducing the share of women in the poor population of the Republic.

As a result, it is expected to introduce an efficient gender component in the social and economic development programme of the country, enhance the opportunities of use of the social and economic potential of women of vulnerable groups by ensuring the sustainable employment of young mothers who are non-competitive in the labour market and have no profession, protection of the employment rights of women with disabilities, contributing to the elimination of stereotypes in relation thereto among employers.

Although according to the data published by the Statistical Committee of the Republic of Armenia in statistical booklet of 2015, 2016, 2017, 2018 “Women and men of Armenia” men having occupied managerial positions exceed women by 42 per cent as of 2017 (by another 42 as of 2016 and 2015), women are more often engaged in jobs requiring higher and average level of qualifications, than men are. According to the same data, 69 per cent of workers with no qualification as of 2017 (47 as of 2016, 70 as of 2015), 51 per cent of office workers

as of 2017 (62 as of 2016, 54 as of 2015), 56 per cent of service, housing and utilities, sales workers as of 2017 (53 as of 2016, 58 as of 2015), 47 per cent of workers with average level of qualification as of 2017 (58 as of 2016, 33 as of 2015) are women.

In relation to the adequate remuneration of women and men for the same or equivalent work and non-discrimination we should also state that:

In point 3 of part 1 of Article 3 of the Labour Code of the Republic of Armenia the main principles of the labour legislation stipulate legal equality of parties to employment relations, irrespective of their gender. Pursuant to point 6 of the same part, another main principle of the labour legislation shall be ensuring the right of every employee to fair remuneration in a timely manner and fully and not less than the minimum salary rate laid down by law.

Part 2 of Article 178 of the Labour Code of the Republic of Armenia stipulates that men and women receive equal pay for equal or equivalent work.

According to part 1 of Article 180 of the Labour Code of the Republic of Armenia, the minimum conditions, amount of remuneration for work, occupational and office-related, tariff and qualification requirements, labour standards, as well as tariffication of jobs and employees are defined by the legislation of the Republic of Armenia or by the collective agreement. Part 3 of the same Article mandatorily prescribes that in case of applying a job qualification system, the same criteria must be applied both to men and women, and this system must be elaborated so as to exclude any discrimination based on gender.

Pursuant to part 1 of Article 13 of the Law of the Republic of Armenia “On public service” adopted on 23 March 2018 (entered into force on 9 April 2018), citizens of the Republic of Armenia, whereas in the case of community service — also those holding a refugee status in the Republic of Armenia, who meet the requirements defined by job description (description of the staff position) of the public service position in question as well as the requirements provided for by the laws of the Republic of Armenia regulating certain types of state service and the community service, have the right to hold public service positions irrespective of their national origin, race, gender, religion, political or other opinion, social origin, property or other status. Moreover, point 5 of part 1 of Article 12 of the same law prescribes equal access to public service for citizens based on their professional knowledge and competencies as the main principle of public service.

Point 5 of part 1 of Article 18 of the Law of the Republic of Armenia “On public service” adopted on 23 March 2018 (entered into force on 9 April 2018) enshrines the right to receive equivalent remuneration for work among the main rights of a public servant. Part 1 of Article 48 of the same law prescribes that every person holding public position and every public servant has, without any discrimination, the right to remuneration in the amount prescribed by legislation.

Pursuant to Article 4 of the Law of the Republic of Armenia “On remuneration of persons holding state positions and state service positions” (the principles of remuneration of persons holding state position or state service position, employees of state institutions implementing existing programmes within the composition of republican executive bodies are prescribed, other relations of the main and additional salaries and remuneration thereof are regulated by the Law of the Republic of Armenia “On public service”), the main principles of remuneration of persons holding state position or state service position prove

to be the provision of a unified and fair system of remuneration of persons holding state position or state service position; ensuring of the main salary complying with the responsibilities and liability of persons holding state positions or state service positions; ensuring of justified distinction of the amounts of remuneration of persons holding state positions or state service positions; ensuring of justified proportions of the main and additional salaries; equivalent remuneration for equivalent work and experience; exclusion of discrimination of remuneration of persons holding state position or state service position, irrespective of national origin, race, gender, religion, political or other opinion, social origin, property or other status.

Article 173 of the Labour Code of the Republic of Armenia guarantees leave for taking care of a child under the age of three both for the mother (step-mother) actually taking care of a child and for the father (step-father) of the family. During this period of leave, the State grants benefit to the guardian of the child until the child attains the age of 2.

Pursuant to the Law of the Republic of Armenia “On employment” and the legal acts ensuring the implementation thereof, women taking care of a child under the age of 3 may obtain the status of non-competitive person in the labour market and the right to be included — on a priority basis — in state programmes for regulation of employment. In 2018, the programme for organising professional training of young mothers, by an employer, who are non-competitive in the labour market and lack profession, was introduced in the Republic of Armenia as a new state programme for regulation of employment.

The Law of the Republic of Armenia “On employment” prescribes the right of job seekers, being on a leave for taking care of a child under the age of 3, to receive assistance in order to organise the care of a child in parallel to the job in case of being reinstated to relevant position before the child attains the age of 2.

By attaching importance to the need to strengthen the approach for equal rights and equal opportunities for women and men in state policy and to properly assess and reflect the state of women and men in the economic, social and political sectors of the country, the Statistical Committee of the Republic of Armenia maintains statistics disaggregated by gender. It is noteworthy that such statistics enables to identify the differences between the status of women and that of men and to raise public awareness about them.

Pursuant to the data published in the statistical booklets entitled as “Women and Men of Armenia” of the Statistical Committee of the Republic of Armenia of 2017 and 2018, during the period between 2007 and 2017, the difference between average monthly nominal salaries (earnings) of women and men was reduced by 8.3 percentage points (during the period between 2006 and 2016 — by 7.2 percentage points). In 2017, the average earning of women in the Republic of Armenia comprised 67.5 per cent (in 2016 — 66.4 per cent) of the earning of men, or the gender pay gap in remuneration (which is the difference between the average monthly nominal salaries of men and women in relation to the average monthly nominal salary of men [expressed in percentage form]) comprised 32.5 per cent (in 2016 — 33.6 per cent).

The table below presents the indicators of gender-based average monthly nominal salaries for 2015-2017 that are published, on an annual basis, in the “Salaries” section of the

statistical collection entitled as “Labour Market in the Republic of Armenia 2018” and in several other publications.

The sources of the presented information are the statistical reports collected from organisations included through monitoring of labour statistics.

Average monthly nominal wages/salaries³by economic activities and gender, 2015-2017

NACE rev.2		Average monthly nominal wages/salaries, AMD				Salary ratio of women and men, %	
		Women		Men		2015	2016
		2015	2016	2015	2016		
	Total	135 492	138 901	203 657	209 271	66.5	66.4
A	Agriculture, forestry and fishing	108 844	106 824	114 738	117 951	94.9	90.6
B	Mining and quarrying	239 946	227 606	383 105	369 779	62.6	61.6
C	Manufacturing	119 319	120 846	176 560	180 760	67.6	66.9
D	Electricity, gas, steam and air conditioning supply	201 589	266 694	230 859	280 432	87.3	95.1
E	Water supply, sewerage, waste management and remediation activities	142 792	162 353	172 550	196 306	82.8	82.7
F	Construction	157 994	162 895	208 399	181 002	75.8	90.0
G	Wholesale and retail trade; repair of motor vehicles and motorcycles	111 788	113 576	141 794	144 602	78.8	78.5
H	Transportation and storage	113 238	115 345	152 180	156 624	74.4	73.6
I	Accommodation and food service activities	96 279	104 022	108 371	115 305	88.8	90.2
J	Information and communication	270 029	263 169	368 788	427 040	73.2	61.6
K	Financial and insurance activities	294 737	292 001	514 651	525 171	57.3	55.6
L	Real estate activities	118 448	121 409	136 849	152 145	86.6	79.8
M	Professional, scientific and technical activities	142 069	152 732	189 592	198 942	74.9	76.8
No	Administrative and support service activities	113 938	113 760	143 830	152 192	79.2	74.7
O	Public administration and defence; mandatory social security	188 448	188 204	228 440	229 812	82.5	81.9
P	Education	109 290	113 695	135 535	140 819	80.6	80.7
Q	Healthcare and social support of the population	124 729	126 288	186 228	194 325	67.0	65.0
R	Arts, entertainment and recreation	109 147	107 129	125 614	118 489	86.9	90.4
S	Other support services	90 334	95 634	115 560	128 807	78.2	74.2

NACE rev.2		Average monthly nominal wages/salaries, AMD		Salary ratio of women and men, %
		Women	Men	
		2017		
	Total	143 016	211 720	67.5
A	Agriculture, forestry and fishing	101 838	128 614	79.2

³ 2016-2017 indicators See "Labour Market in the Republic of Armenia 2018", statistical collection under the following link: https://www.armstat.am/file/article/trud_18_14.pdf, p. 259, 265-266.

NACE rev.2		Average monthly nominal wages/salaries, AMD		Salary ratio of women and men, %
		Women	Men	
		2017		
	Total	143 016	211 720	67.5
B	Mining and quarrying	295 257	429 210	68.8
C	Manufacturing	124 461	183 155	68.0
D	Electricity, gas, steam and air conditioning supply	261 504	271 149	96.4
E	Water supply, sewerage, waste management and remediation activities	152 157	168 823	90.1
F	Construction	154 617	176 771	87.5
G	Wholesale and retail trade; repair of motor vehicles and motorcycles	114 891	147 981	77.6
H	Transportation and storage	132 829	162 049	82.0
I	Accommodation and food service activities	104 126	124 991	83.3
J	Information and communication	305 397	441 329	69.2
K	Financial and insurance activities	321 343	533 885	60.2
L	Real estate activities	119 209	144 490	82.5
M	Professional, scientific and technical activities	158 591	213 964	74.1
No	Administrative and support service activities	123 982	158 727	78.1
O	Public administration and defence; mandatory social security	200 412	233 065	86.0
P	Education	114 253	142 526	80.2
Q	Healthcare and social support of the population	131 408	190 164	69.1
R	Arts, entertainment and recreation	107 301	119 852	89.5
S	Other support services	112 525	132 315	85.0

As regards the issue relating to the Committee in respect of change or reversal of burden of proof in case of gender-based discrimination, it should be mentioned that these relations are regulated by the Civil Procedure Code of the Republic of Armenia.

Pursuant to part 1 of Article 210 of the Civil Procedure Code of the Republic of Armenia having entered into force on 9 April 2018, the court examines and decides on individual labour disputes related to change, dissolution of an employment contract and subjecting an employee to disciplinary liability, as prescribed by Chapter 24 of the Civil Procedure Code of the Republic of Armenia.

Pursuant to part 2 of Article 211 of the same code, the court renders a decision on requiring the following evidence from the respondent while admitting the statement of claim for the proceedings:

- (1) evidence establishing the facts underlying the disputed individual legal act;
- (2) the internal and individual legal acts invoked as a ground in a disputed individual legal act;
- (3) treaties regulating the activities of an employee.

Pursuant to part 1 of Article 213 of the Civil Procedure Code of the Republic of Armenia,

the respondent bears the responsibility to prove the facts as to having maintained the procedure underlying the disputed individual legal act, as well as prescribed by the law on adoption of the given individual legal act, other regulatory legal act or internal legal act of the employer.

Pursuant to part 1 of the same Article, the respondent may submit evidence justifying the lawfulness of the disputed individual legal act only during the enforcement of the decision on requiring evidence, except for the cases where the respondent justifies the impossibility of submitting evidence for reasons beyond his or her control.

Article 24. Right to protection in cases of removal from office

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

Large-scale amendments and supplements have been made to the Labour Code of the Republic of Armenia by Law HO-96-N of 22 June 2015 “On making supplements and amendments to the Labour Code of the Republic of Armenia” (entered into force on 22 October 2015).

Amendments have been also made to Article 113 of the Code by the Law HO-96-N (rescission of an employment contract upon the initiative of the employer). In particular, point 11 of part 1 of Article 113 of the Code has been edited according which the employer has the right to rescind the employment contract concluded with an employee for an indefinite time limit, as well as the employment contract concluded therewith for a fixed time limit before its validity period expires, in case the employee entitled to an old-age pension has reached the age of sixty-three, or the employee not entitled to an old-age pension has reached the age of sixty-five, where the relevant ground is provided for by the employment contract.

The new regulation enshrines that rescission of an employment contract upon the initiative of the employer on the aforementioned ground is possible only in the case where the relevant ground is provided for in the employment contract concluded with the employee, whereas if such ground is not provided for in the employment contract, the employer is not entitled to rescind the employment contract concluded with the employee for an indefinite time limit, as well as the employment contract concluded for a fixed time limit before its validity period expires, in case the employee entitled to an old-age pension has reached the age of sixty-three, or the employee not entitled to an old-age pension has reached the age of sixty-five.

At the same time, it is worth informing that the regulation under point 11 of part 1 of Article 113 of the Code provides the employer an opportunity to rescind the employment contract in case the employee entitled to an old-age pension has reached the age of sixty-three, or the employee not entitled to an old-age pension has reached the age of sixty-five, rather than it obliges the employer to mandatorily rescind the employment contract.

If the employment contract is rescinded upon the ground provided for by point 11 of part 1 of Article 113 of the Code, the employer is obliged to notify the employee thereon, in written form, not later than 14 days prior to rescission for employees having been employed

for up to one year, not later than 35 days prior to rescission for employees having been employed for one to five years, not later than 42 days prior to rescission for employees having been employed for five to ten years, not later than 49 days prior to rescission for employees having been employed for ten to fifteen years and not later than 60 days prior to rescission for employees having been employed for more than fifteen years (part 1 of Article 115).

At the same time, part 1 of Article 115 of the Code prescribes that time periods longer than those prescribed for notification and provided for by part 1 of Article 115 of the Code may be established under a collective agreement or an employment contract.

In addition to the aforementioned, pursuant to part 1 of Article 129 of the Code, in the case provided for by point 11 of part 1 of Article 113 of the Code, in case an employment contract is rescinded, the employer having taken into consideration the consecutive term of service of the employee by the given employer pays the employee a dismissal benefit:

- (1) in case of having been employed for up to one year — in the amount of ten-fold of the average daily salary;
- (2) in case of having been employed for one to five years — in the amount of twenty-five-fold of the average daily salary;
- (3) in case of having been employed for five to ten years — in the amount of thirty-fold of the average daily salary;
- (4) in case of having been employed for up to fifteen years — in the amount of thirty-five-fold of the average daily salary;
- (5) in case of having been employed for fifteen years and more — in the amount of forty-four-fold of the average daily salary.

Under part 2 of Article 129 of the Code, a collective agreement or an employment contract may provide for payment of the dismissal benefit for a longer period and/or in a larger amount.

It is also worth informing that the Code does not provide for restrictions on hiring persons entitled to an old-age pension who have attained the age of sixty-three and persons not entitled to an old-age pension who have attained the age of sixty-five.

Pursuant to point 7 of part 1 of Article 113 of the Labour Code of the Republic of Armenia (rescission of an employment contract upon the initiative of the employer), the employer has the right to rescind the employment contract concluded with the employee for an indefinite time limit, as well as the employment contract concluded for a fixed time limit before its validity period expires, if the employee has a long-term incapacity for work (in case the employee has failed to attend work due to temporary incapacity for work for more than 120 consecutive days, or for more than 140 days during the last 12 months, unless the relevant law and other regulatory legal acts prescribe that the workplace and the respective position are preserved for a longer period in case of certain diseases).

However, it should be mentioned that the regulation under point 7 of part 1 of Article 113 of the Code provides the employer an opportunity to rescind the employment contract due to long-term incapacity for work of an employee (in case the employee has failed to attend work due to temporary incapacity for work, for more than 120 consecutive days or for more than 140 days during the last 12 months unless the relevant law and other regulatory legal

acts prescribe that the workplace and the respective position are preserved for a longer period in case of certain diseases) rather than obliges the employer to mandatorily rescind the employment contract.

Pursuant to part 1 of Article 118 of the Code, the workplace and the respective position of the employee having lost his or her capacity for work due to occupational disease or maiming, are retained until the recovery of the capacity for work or determination of the disability group. The employer may rescind the employment contract on the grounds provided for by Chapter 15 of the Code if the capacity for work of an employee is not recovered and his or her disability group is determined.

Part 2 of Article 118 of the Code prescribes that the employees having gained temporary incapacity for work in the cases not provided for by part 1 of Article 118 of the Code retain their workplace and the respective position, where they have not attended work due to temporary incapacity for work for not more than 120 consecutive days or for not more than 140 days within the last 12 months, unless the relevant law and other regulatory acts prescribe that the workplace and the respective position are preserved for a longer period in case of certain diseases.

If the employment contract is rescinded upon the ground provided for by point 7 of part 1 of Article 113 of the Code, the employer is obliged to notify the employee, in written form, not later than 14 days prior to rescission for employees having been employed for up to one year, not later than 35 days prior to rescission for employees having been employed for one to five years, not later than 42 days prior to rescission for employees having been employed for five to ten years, not later than 49 days prior to rescission for employees having been employed for ten to fifteen years and not later than 60 days prior to rescission for employees having been employed for more than fifteen years (part 1 of Article 115).

At the same time, part 1 of Article 115 of the Code prescribes that comparably longer periods of notification provided for by part 1 of Article 115 of the Code may be established under a collective agreement or an employment contract. In addition to the aforementioned, pursuant to part 1 of Article 129 of the Code, in the case provided for by point 7 of part 1 of Article 113 of the Code, in case an employment contract is rescinded, the employer having taken into consideration the consecutive term of service of the employee by the given employer pays the employee a dismissal benefit:

- (1) in case of having been employed for up to one year — in the amount of ten-fold of the average daily salary;
- (2) in case of having been employed for up to five years — in the amount of twenty-five-fold of the average daily salary;
- (3) in case of having been employed for up to ten years — in the amount of thirty-fold of the average daily salary;
- (4) in case of having been employed for up to fifteen years — in the amount of thirty-five-fold of the average daily salary;
- (5) in case of having been employed for fifteen years and more — in the amount of forty-four-fold of the average daily salary.

Under part 2 of Article 129 of the Code, a collective agreement or an employment contract may provide for payment of a dismissal benefit for a longer period and/or in a larger amount. Part 1 of Article 265 of the Code prescribes that in case of disagreement with the change of

employment conditions, termination of an employment contract upon the initiative of the employer or rescission of the employment contract, the employee is entitled to apply to court within two months following the receipt of respective individual legal act (document). Where the employment conditions appear to have been changed, the employment contract with the employee — rescinded without lawful grounds or in violation of the procedure established by the legislation, the violated rights of the employee are restored. In this case, average salary for the entire period of forced idleness or the difference of the salary for the period during which the employee performed less paid work is charged from the employer in favour of the employee. Average salary shall be calculated by multiplying the relevant number of days by average daily salary of the employee.

Part 2 of the aforementioned Article of the Code prescribes that, due to economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee the court needs not to reinstate the employee to his or her former position, by imposing on the employer an obligation to pay compensation for the entire period of forced idleness in the amount of the average salary, prior to entry into force of the civil judgement of the court, and to pay compensation for non-reinstatement of the employee to relevant position in the amount of not less than the average salary, but not more than twelve-fold of the average salary. The employment contract is deemed as rescinded starting from the day of entry into legal force of the civil judgement of the court.

In the comments on Article 24 of the Revised European Social Charter made in the Analytical Summary of Case Law of the Charter it is stated that persons removed from office without valid reason must receive adequate compensation. The systems of compensation are deemed as adequate, where they include the following: compensation for financial damages incurred by the person during the period between the date of removal from office and the date of adoption of the decision of the appeal authority, the possibility of recovery of employment, and/or compensation in a larger amount that enables to prevent the employer from taking, in further, such steps and compensate, in full, for the damages incurred by the employee.

The mentioned requirement of the Charter, read in conjunction with the regulations under Article 265 of the Code, states that:

pursuant to the regulations under part 1 of Article 265 of the Code —

- either the violated rights of the employee are restored and the difference of the salary is charged from the employer in favour of the employee for the period during which the employee performed a less paid job by the given employer as a result of change of the working conditions;
- or the violated rights of the employee are restored and the average salary is charged from the employer in favour of the employee for the entire period of forced idleness.

On the other hand, pursuant to the regulations under part 2 of Article 265 of the Code, where due to economic, technological and organisational reasons or impossibility of reinstatement of future employment relations between the employer and the employee, the court does not reinstate the employee to his or her former position, it obliges the employer to pay compensation for the entire period of forced idleness in the amount of the average

salary until the entry into force of the civil judgment of the court (no maximum threshold is prescribed for this compensation). In this case, the court simultaneously obliges the employer to pay also a compensation for non-reinstatement of the employee to his or her position in the amount not less than the average salary but not more than the twelve-fold of the average salary.

Pursuant to Article 113 of the Code:

“1. The employer shall have the right to rescind the employment contract concluded with the employee for an indefinite time limit, as well as the employment contract concluded for a fixed time limit before the expiry of the validity period, if:

- (1) the organisation is liquidated (the activities of an individual entrepreneur are terminated and state registration is repealed or declared as invalid in the cases provided for by law);
- (2) the number of employees and/or staff positions is reduced due to the changes in volumes of production and/or economic and/or technological and/or conditions on organisation of work and/or by production needs;
- (3) the employee is not suitable for the position held or the work performed;
- (4) the employee is reinstated to his or her previous position;
- (5) the employee regularly fails to fulfil the obligations reserved to him or her by the employment contract or the internal disciplinary rules, without valid reason;
- (6) the employer loses confidence in the employee;
- (7) the employee has long-term incapacity for work (in case the employee has failed to attend work, due to temporary incapacity for work, for more than 120 consecutive days or for more than 140 days during the last 12 months unless the relevant law and other regulatory legal acts prescribe that the workplace and the respective position are preserved for a longer period in case of certain diseases);
- (8) the employee is found to be under the influence of alcoholic beverages, narcotic drugs or psychotropic substances at the workplace;
- (9) the employee fails to attend work throughout the entire working day (shift) without valid reason;
- (10) the employee rejects or evades mandatory medical examination;
- (11) the employee entitled to an old-age pension attains the age of sixty-three, and

the employee not entitled to an old-age pension attains the age of sixty-five, where the relevant ground is provided for by the employment contract.

2. When rescinding the employment contract concluded for a fixed time limit or indefinite time limit on the grounds provided for by points 1, 2, 3, 7 and 11 of part 1 of this Article the employer shall be obliged to notify thereon to the employee within the time limits provided for by part 1 of Article 115 of this Code.

3. The employer may rescind the employment contract based on the grounds provided for by points 2, 3 and 4 of part 1 of this Article, where to the extent of the existing possibilities the employer has offered the employee another job corresponding to his or her professional competence, qualification, health condition, and the employee has

refused it.

Where the employer lacks respective possibilities the employment contract shall be rescinded without offering another job to the employee.”.

Upon all aforementioned grounds, certain mechanisms for rescission of an employment contract, the requirements to the periods of prior notification and payment of dismissal benefit are prescribed in individual Articles of the Code.

Pursuant to part 1 of Article 38 of the Code, protection of employment rights in compliance with the jurisdiction over the cases prescribed by the Civil Procedure Code of the Republic of Armenia, is exercised by the court.

Pursuant to Article 61 of the Constitution of the Republic of Armenia, everyone has the right to effective judicial protection of his or her rights and freedoms.

Pursuant to the draft Law of the Republic of Armenia “On ensuring legal equality”, each person has the right to legal and judicial protection from discrimination; in particular, each person who has grounds to believe that discrimination has been applied against him or her, has the right to apply to court, the Human Rights Defender or relevant administrative body to restore his or her rights and receive compensation for material or non-material damage.

Pursuant to Article 17 of the Civil Code of the Republic of Armenia:

1. A person whose right has been violated may require full compensation for the damages caused thereto, unless a lesser amount of compensation of damages is provided for by law or by contract.
2. Damages are deemed as expenses incurred by the person whose right has been violated, which have been or must be covered thereby in order to restore the violated right, the loss of or the damage caused to the property thereof (actual damage), as well as unearned income that this person would receive under the usual conditions of civil practices if the right thereof had not been violated (lost benefit), as well as non-material damage.
3. Where the person having violated the right has received income as a result of violation, the person whose right has been violated has the right to claim compensation for the lost benefit along with other damages in the amount not less than such income.
4. Non-material damage is subject to compensation only in the cases provided for by law.
5. The content, procedure and conditions for compensation of the damage incurred by the victims of torture are defined by this Code.

Pursuant to Article 1087.2 of the Civil Code of the Republic of Armenia:

1. The manner, ground and size of compensation for non-material damage caused as a result of violation of fundamental rights and unfair trial are determined in accordance with this Article and Article 162.1 of this Code.
2. Non-material damage is subject to compensation, irrespective of the property damage subject to compensation.
3. Non-material damage is subject to compensation, irrespective of the existence of guilt of an official while causing the damage.
4. Non-material damage is compensated at the expense of the State Budget. If the fundamental right defined by Article 162.1 of this Code is violated by a local self-government body or an official thereof, the non-material damage is compensated at the expense of relevant community budget.

- 5. The size of compensation of non-material damage is determined by the court in compliance with the principles of reasonableness, equitableness and proportionality.
- 6. When determining the size of compensation of non-material damage, the court takes into account the nature, degree and duration of physical or mental suffering, consequences of the damage caused, existence of guilt while causing damage, personal characteristics of the person having suffered non-material damage, as well as other relevant circumstances.
- 7. The size of compensation may not exceed:
 - (1) 3000-fold of the minimum salary, in case of violating the rights envisaged by points 1 and 2 of part 2 of Article 162.1, as well as part 3 of the same Article of this Code;
 - (2) 2000-fold of the minimum salary, in case of violating the rights envisaged by points 3-9 of part 2 of Article 162.1 of this Code;
- 8. The size of compensation of non-material damage may, in exceptional cases, exceed the maximum threshold envisaged by part 7 of this Article, where grave consequences have ensued as a result of the damage caused.
- 9. The claim for compensation of non-material damage may be submitted to the court together with the claim for establishing the violation of the right envisaged by part 2 of Article 162.1 of this Code, within one year both from the moment the person has become known of the violation and after entry into legal force of the judicial act establishing the violation of that right or from the moment the person has become known of the decision on rejecting the initiation of a criminal case on a non-acquittal ground, or on not conducting criminal prosecution or dismissing criminal proceedings or terminating criminal prosecution, which is taken by the investigator or prosecutor and which has not been abolished or appealed against.
- 10. The Republic of Armenia or the community having compensated for the damage caused as a result of the decision, action or inaction of state or local self-government body or the official thereof, has the right to a recourse claim (regress) against that official in the amount of compensation paid thereby. The existence of guilt of the official of state or local self-government body serves as a ground for filing a recourse claim.
Pursuant to Article 210 of the Civil Procedure Code of the Republic of Armenia, labour disputes at a court of first instance are examined and decided on within three months upon admitting the statement of claim for the proceedings.

CHIEF OF STAFF TO THE PRIME MINISTER OF THE REPUBLIC OF ARMENIA	CoSign Digital Signature
	E. AGHAJANYAN