



07/02/2023

RAP/RCha/ARM/17(2023)

## **EUROPEAN SOCIAL CHARTER**

17th National Report on the implementation of the  
European Social Charter

submitted by

**THE GOVERNMENT OF ARMENIA**

Articles 7, 8, 17, 19, and 27

for the period 01/01/2018 – 31/12/2021

Report registered by the Secretariat on

7 February 2023

**CYCLE 2023**



**EUROPEAN SOCIAL CHARTER**

**(REVISED)**

**Report of the Republic of Armenia**

Articles 7, 8, 17, 19, 27

Reporting period: 2018-2021

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

*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) *Please provide information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. In this regard, please provide information on the number of children actually working (either from existing statistics on this issue or from surveys to be conducted to obtain such information), as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally (General question, Conclusions 2019).*
- (b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

In the context of the legislative reforms being implemented, the concepts "sexual exploitation of a child" and "sexual violence against a child" were enshrined in the draft Law of the Republic of Armenia "On making amendments to the Law "On the rights of the child". Moreover, it was noted that the parties cooperating within the scope of the mandatory cooperation in the sphere of child protection shall be obliged to participate in the activities of inter-sectoral multidisciplinary teams, commissions and working groups established to prevent and protect children from all forms of violence against them, including sexual exploitation and sexual abuse. The procedure for the cooperation and the list of the cooperating parties shall be defined by the Government of the Republic of Armenia. It has also been recommended by the same draft to assign the cooperation between various state and local self-government bodies and organisations responsible for the protection of children from child exploitation and violence, including sexual violence, the prevention and fight against thereof, as well as the coordination of these activities to the National Commission for the Child Rights Protection.

Pursuant to sub-point 2.1 of point 2 of the 2021-2026 Action Plan of the Government of the Republic of Armenia approved by Annex No 1 to Decision of the Government of the Republic of Armenia No 1902-L of 18 November 2021, point 70 of the 2020-2022 Action Plan deriving from the National Strategy on Human Rights Protection, approved by Decision of the Government of the Republic of Armenia No 1978-L of 26 December 2019 (Annex No 2), as well as Action 1.2 of Problem 1 of Goal 4 of the scope of actions of the Strategy "Work Armenia", approved by Decision of the Government of the Republic of Armenia No 1753-L of 5 December 2019 (Annex No 2), a Draft envisaging amendments and supplements to the Labour Code of the Republic of Armenia has been elaborated and submitted to the Office of the Prime Minister in June 2022 through the prescribed procedure (the Draft is at the stage of considerations).

The objective of the Draft law "On making amendments and supplements to the Labour

Code of the Republic of Armenia" is bringing the Labour Code of the Republic of Armenia in line, as much as possible, with the requirements prescribed by the international agreements of the Republic of Armenia, in particular by the fundamental conventions of the International Labour Organisation and Revised European Social Charter, eliminating certain legislative gaps and contradictions of the Code, as well as clarifying the ambiguous provisions and excluding a number of problems having arisen in the law enforcement practice. The Draft law "On making amendments and supplements to the Labour Code of the Republic of Armenia" particularly:

- explicitly defines that individuals under the age of eighteen may be involved only in works that do not endanger their health (including physical and mental development), morals, do not threaten their safety and do not hinder their mandatory education. It has been envisaged also to define that the involvement of persons under the age of eighteen in works aimed at production, use, advertising, purchase or dissemination in any other way or sale of alcoholic beverages, narcotic drugs, psychotropic (psychoactive) substances, tobacco, other tobacco products or the substitutes thereof, print publications, films, video clips, television and radio programmes containing erotica, pornography, horror, preparation of pornographic materials or objects, as well as in works aimed at organising or advertising gambling shall be prohibited;
- the working hours of persons under the age of eighteen has been reviewed and reduced (amendments to part 1 of Article 140 of the Labour Code of the Republic of Armenia) and it has clearly been prescribed that they may not be employed in such works as would deprive them of the full benefit of their compulsory education (in accordance with the requirement of Article 7§1 of the Charter). Thus,
- durations of working hours of children under the age of 12 have not changed, but it has been defined that they may be employed in such works as would not deprive them of the full benefit of their compulsory education;
- for children aged between 12 to 15 years it has been envisaged to define a 4-hour workday, but not more than twelve hours per week not depriving them of the full benefit of their compulsory education (this duration is prescribed for children aged between 12-14 years by the current Labour Code of the Republic of Armenia);
- for children aged between 15 to 16 years it has been envisaged to define 24-hour week that does not deprive them of the full benefit of their compulsory education (this duration is prescribed for children aged between 14-16 years by the current Labour Code of the Republic of Armenia).

Part 4 of Article 57 of the Constitution of the Republic of Armenia prescribes that admission of children under the age of sixteen to permanent employment shall be prohibited. The procedure and conditions for their admission to temporary employment shall be prescribed by law. It should also be noted that the prohibition prescribed by the Constitution of the Republic of Armenia is general, i.e., not only in terms of employment relations of the Republic of Armenia. We should also mention, that the procedure and conditions for their

admission to temporary employment are prescribed by the Labour Code of the Republic of Armenia.

In accordance with the Law of the Republic of Armenia "On the rights of the child",

The State proceeds from the priority principles of preparing children (everyone who has not attained the age of 18, except for cases where he or she acquires legal capacity or has been declared legally capable earlier, as prescribed by law) for full-fledged life in society, developing in them public and creative activity, teaching high moral qualities, patriotism and helping them grow into responsible citizens. Children are under patronage and protection of the State and society (Articles 1 and 1.1).

Every child shall have the right to appropriate living conditions for his or her full physical, mental and spiritual development. The main responsibility for providing the child with appropriate living conditions shall be borne by the parents or other legal representatives of the child. In case of inability or impossibility of providing the child with appropriate living conditions by the parents or other legal representatives, the State shall provide the appropriate support (Article 8).

Every child shall have the right to acquire profession in accordance with his or her age capacities, special needs and abilities, as well as to enter into employment not prohibited by law. An employment contract may be concluded with a child after he or she attains the age of 16, except for the fixed-term employment contracts. Children under the age of 16 may be admitted to temporary employment upon the written consent of one of the parents (adopter) or guardian (custodian) and the custody and guardianship authority, where this does not deprive them of the full benefit of education. The child has the right to privileged working conditions. The specifics, privileges and conditions for admission of a child to employment are prescribed by the Labour Code of the Republic of Armenia (Article 19).

Engaging a child in production, use and sale of alcoholic beverages, narcotic drugs and psychotropic substances, tobacco, literature and videos with erotic and horror content, as well as in works which may cause harm to his or her health, physical and mental development, deprive them of the full benefit of education shall be prohibited (Article 19).

In general, it should be noted that in the context of the above-mentioned regulations, the employment of children is subject to regulation under the regulations of the Labour Code of the Republic of Armenia. As mentioned, the specifics, privileges and conditions for admission of a child to employment are prescribed by the Labour Code of the Republic of Armenia.

It was defined by Article 4 of Law No HO-260-N "On bodies of the state administration system" of 23 March 2018 (entered into force from 9 April 2018) that the Healthcare and Labour Inspection Body is subordinate to the Government of the Republic of Armenia. Pursuant to the Law "On bodies of the state administration system", Decision of the Government of the Republic of Armenia No 444-N of 27 April 2017 and, thus, the Statute of the Healthcare Inspection Body of the Ministry of Healthcare of the Republic of Armenia has been repealed by Decision of the Government of the Republic of Armenia No 705-N of

8 June 2018.

Upon Decision of the Prime Minister of the Republic of Armenia No 755-L of 11 June 2018, based on Article 4 of Law No HO-260-N "On bodies of the state administration system" and part 10 of Article 7 of the same law, the Healthcare Inspection Body of the Ministry of Healthcare of the Republic of Armenia was reorganised into the "Healthcare and Labour Inspection Body" and the Statute of the Healthcare and Labour Inspection Body was approved. Pursuant to the Statute, the Healthcare and Labour Inspection Body was vested with the competence to exercise supervision over the enforcement of healthcare and safety norms prescribed for employees, including individuals under the age of 18, as well as pregnant and breast-feeding women and employees taking care of a child.

By Article 2 of Law No HO-266-N of 4 December 2019 "On making amendments and supplements to the Code of the Republic of Armenia on Administrative Offences" the Code of the Republic of Armenia on Administrative Offences of 6 December 1985 has been supplemented by Article 41.6, according to part 1 whereof hiring or involving a person under the age of sixteen by the employer in violation of the requirements provided for by the law, or involving or allowing a person under the age of eighteen to engage in work prohibited by the Labour Code shall entail a penalty in the amount of two hundred-fold of the minimum salary prescribed, and, according to part 2, repeated commission of any act prescribed by the Article within one year after the day of imposing the administrative penalty shall entail imposition of a penalty in the amount of four hundred-fold of the minimum salary prescribed.

Pursuant to Article 230 of the Code of the Republic of Armenia on Administrative Offences of 6 December 1985, the cases on administrative offences provided for by Article 41.6 of the Code shall be examined and the administrative fines shall be imposed by the Healthcare and Labour Inspection Body.

Pursuant to point 1.1 of Article 3 of the Law of the Republic of Armenia "On organising and conducting inspections", all inspection, except for inspections carried out by State Commission for the Protection of Economic Competition, those aimed at clarifying the actual compliance of the legislation on material reserves, as well as control over the accuracy and lawfulness of the activities performed to implement the State Budget of the Republic of Armenia, including the posting of state orders (procurement process), shall exclusively be conducted on the basis of checklists, which shall be approved by the Government of the Republic of Armenia.

Checklists of supervision over the compliance with healthcare and safety rules for employees of companies carrying out their economic activities in the field of "Mining and quarrying" was approved upon Decision of the Government of the Republic of Armenia No 718-N of 30 April 2020 and in the field of "Manufacturing industry" — upon Decision of the Government of the Republic of Armenia No 861-N of 27 May 2021, which cover issues concerning the working regime, work-time, rest regime, restrictions on involving persons under the age of 18, as well as pregnant women or employees taking care of a child under the age of three in overtime work, night shift, works performed on rest days and non-

working days — holidays and commemoration days — and in works harmful for health and hazardous works.

In 2018-2021, the Healthcare and Labour Inspection body received 3 application-complaints on the failure to ensure the guarantees prescribed by the Labour Code for the persons under the age of 18. Two of the administrative proceedings instituted on the basis of the complaints have been dismissed upon the ground of absence of the corpus delicti, and one — upon the ground of change of the status of the applicant. A case of engagement by an employer of a person under the age of eighteen (a 13-year-old girl) in works prohibited by the labour legislation was found under the administrative proceedings in the case dismissed upon the ground of the change of the status of the applicant (the child was dismissed from work), for which the employer was subjected to administrative liability under Article 41.6 of the Code of the Republic of Armenia on Administrative Offences.

The Healthcare and Labour Inspection body received 15 application-complaints about the violation of rights of pregnant women or the employees taking care of a child under the age of three. Ten administrative proceedings out of those instituted on the basis of the applications were dismissed upon the ground of absence of corpus delicti or withdrawal of the application by the applicants, whereas administrative acts have been rendered — executive orders have been issued to eliminate the violations upon the administrative proceedings instituted on the basis of 5 application-complaints.

During 2020-2021, the Healthcare and Labour Inspection Body conducted inspections only in companies carrying out their economic activities in the spheres of mining industry, quarrying, manufacturing industry, and no violations of the guarantees prescribed by the labour legislation for persons under the age of 18, as well as pregnant women or the employees taking care of a child under the age of three were found during those inspections.

Reference to Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005 at: <https://www.arlis.am/DocumentView.aspx?DocID=21817>

*No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

According to the Procedure for identifying and guiding the children left behind compulsory education, approved by Decision No 154-N of 11 February 2021, the "National Centre of Educational Technologies" SNCO (NCET) of the Ministry of Education, Science, Culture and Sport of the Republic of Armenia shall — within two working days after the completion of formation of classes in the school management information system as of 1 September of each academic year — submit the data of children from 6 to 18 years old, not registered in any establishment, in the electronic system for "Identification of children left behind compulsory education", by comparing the data of the State Register of Population and the School Management System.

The lists of identified children, as well as the unified electronic database are available in the electronic system for "Identification of children left behind compulsory education". For entering the system, the NCET provides accounts to the following interested institutions in charge:

- (1) the Government of the Republic of Armenia, represented by the Education Inspection Body;
- (2) Ministry of Education, Science, Culture and Sport of the Republic of Armenia;
- (3) Ministry of Labour and Social Affairs of the Republic of Armenia;
- (4) Territorial Administration Bodies;
- (5) Local self-government bodies;
- (6) Ministry of Healthcare of the Republic of Armenia;
- (7) the Police of the Republic of Armenia;
- (8) Custody and guardianship bodies;
- (9) the Republican and territorial pedagogical-psychological support centres;
- (10) Social case managers.

During the operation of the site data inconsistencies have been revealed and problems have arisen with regard to the comparison of information, thus a draft for making an amendment to the above-mentioned decision is now at the stage of elaboration for addressing the issue. After being circulated and approved, an amendment shall be made for the purpose of improving the operation of the programme on the site of the NCET.

- (a) *Please provide updated information on net minimum wages and allowances payable to persons under 18 years of age. Please provide information on measures taken to ensure that fair remuneration is guaranteed to young workers:*
  - i) *in atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers);*
  - ii) *in the gig or platform economy; and*
  - iii) *having zero hours contracts.*

As mentioned, part 4 of Article 57 of the Constitution of the Republic of Armenia prescribes that admission of children under the age of sixteen to permanent employment shall be prohibited. The procedure and conditions for their admission to temporary employment shall be prescribed by law. It should also be noted that the prohibition prescribed by the Constitution of the Republic of Armenia is general, i.e., not only in terms of employment relations of the Republic of Armenia. We should also mention, that the procedure and conditions for their admission to temporary employment are prescribed by the Labour Code of the Republic of Armenia.

We should also note that regulations with regard to the minimum wages are commonly defined for all the employees. Particularly,

- Pursuant to the 2<sup>nd</sup> sentence of Article 32 of the Constitution of the Republic of Armenia, every employer shall have the right to a just remuneration not lower than the minimum salary laid down by law, as well as to working conditions meeting the safety and hygiene standards.
- Pursuant to point 6 of part 1 of Article 3 of the Labour Code of the Republic of Armenia, one of the principles of the labour legislation is ensuring the right of every employee to fair and full remuneration which is paid in a timely manner and is not less than the minimum salary laid down by law.
- Pursuant to Article 179 of the Labour Code of the Republic of Armenia:
  - (1) the minimum monthly and hourly salary shall be defined by law. Other amount for the minimum monthly salary (hourly pay) may be defined by law for separate branches of economy, communities, and certain groups of employees. The minimum salary shall not include taxes, special social payments, bonuses, additional payments, awards and other incentive payments.
  - (2) collective agreements may prescribe a minimum salary higher than the minimum salary defined by law. With this regard it should be taken into account that pursuant to part 1 of Article 57 of the Labour Code of the Republic of Armenia, the parties to a collective agreement of a company shall lay down conditions not regulated by labour legislation, other regulatory legal acts or national, branch and territorial collective agreements that do not contradict them and in comparison with the conditions provided for thereby do not worsen the state of employees.
  - (3) the hourly pay or monthly salary of an employee may not be less than the amounts defined by law or collective agreement through the procedure prescribed above.

It should be noted, that according to part 1 of Article 178, parts 1-2 of Article 180 of the Labour Code of the Republic of Armenia, the salary is the remuneration for works performed by an employee under law, other legal acts or an employment contract. The minimum conditions and amount of remuneration for work, occupational and official, tariff and qualification requirements, labour standards, as well as tariffication of jobs and employees shall be defined by the legislation of the Republic of Armenia or by the collective agreement. The hourly, work-based and monthly rates, other forms, amount and conditions of remuneration for work, the labour standards shall be defined by the collective agreement or the employment contract.

That is, with respect to the raised issue it's essential to know the form of remuneration of the employee: whether the work is remunerated by hourly, work-based or monthly rates. At the same time, in all cases it should be taken into account that the underlying principles for remuneration for work are paying the employee for the work performed and, moreover,

paying not less than the minimum salary.

Meanwhile, the following should again be mentioned:

As mentioned, part 4 of Article 57 of the Constitution of the Republic of Armenia prescribes that admission of children under the age of sixteen to permanent employment shall be prohibited. The procedure and conditions for their admission to temporary employment shall be prescribed by law. It should also be noted that the prohibition prescribed by the Constitution of the Republic of Armenia is general, i.e., not only in terms of employment relations of the Republic of Armenia. It should also be mentioned that the procedure and conditions for their admission to temporary employment are prescribed by the Labour Code of the Republic of Armenia.

By the measure "Approving the Concept Paper for Innovative Enterprises, elaborating and implementing programmes following the approval" provided for by Section 4.1 of Decision of the Government of the Republic of Armenia No 1902-L of 18 November 2021 it is planned to make about 500 female entrepreneurs beneficiaries of the SME incubation programme, whereas by the measure "Ensuring availability of finances" provided for by Section 4.4 of the same Decision it is planned to provide financial support to around 2000 SMEs per year within the scope of the programmes for support to beginner and operating SMEs, by giving priority to the women.

No regulations regarding the gig or platform economy and zero hours contracts are prescribed by the Labour Code of the Republic of Armenia.

- (a) *Please provide updated information on the measures taken to strengthen the protection of children, including migrant, refugees, and displaced children, from sexual exploitation and abuse (in particular in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.*
- (b) *Please provide information on the impact of the Covid-19 pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.*
- (c) *Please provide information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).*
- (d) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

For the purpose of early preventing, preventing and disclosing the possible cases of sexual exploitation of children, including migrants, refugees and displaced children, the police of the Republic of Armenia implements a number of measures, in particular:

For the purpose of raising the awareness and legal consciousness of the population — especially the children and the youth — with regard to trafficking in and exploitation of human beings, preventing the crimes and other offences committed by or against them, carrying out preventive activities among them, officers of territorial subdivisions of the Police of the Republic of Armenia regularly organise and conduct meetings and talks in schools located in administrative territories under their responsibility. The risks of exploitation, trafficking and the ways to avoid them are explained during those meeting.

For the purpose of early preventing cases of begging and vagrancy among minors, detecting the persons involving them into begging, regular inspection visits are conducted by the relevant subdivisions of the Police of the Republic of Armenia in the city of Yerevan and the marzes of the Republic of Armenia in cooperation with local self-government bodies, interested agencies and non-governmental organisations.

Besides, for the purpose of keeping children away from trafficking or exploitation as far as possible, awareness-raising campaigns, talks and meetings are regularly organised, social video clips are prepared, which are aimed at raising awareness of the wider society about both the risk of child trafficking and exploitation and the ways of protection therefrom. Relevant materials on child trafficking are posted in the application concerning trafficking created by a separate reference in the official website "[www.police.am](http://www.police.am)" of the Police of the Republic of Armenia. The police officers participate in programmes devoted to key issues of child trafficking and exploitation prepared by various TV companies and news pages.

Within the framework of the works carried out with the minors identified during the measures, the competent police officers have cooperated with the divisions for protection of rights of family, women and children of the Yerevan Municipality and Marzpetarans, the Children's Support Center of the Fund for Armenian Relief, as well as representatives of other interested institutions and non-governmental organisations. At the same time, persons in difficult life situations are provided with appropriate support in accordance with the inter-agency social cooperation regulation (Decision of the Government of the Republic of Armenia No 1044-N of 10 September 2015).

It should also be noted that yet in 2020, within the framework of the cooperation between the Police, "Arevamanuk" Charitable Non-governmental Organisation and "Voice of the Child" Charitable Organization of the Republic of France, with the support of the latter, an interview room separated for minors, equipped with a mirror of "Gazelle" type and other equipment necessary for video recording was opened at the Central Division of the Police to prevent re-victimization of minors subjected to sexual violence.

During 2018-2022 no cases of sexual exploitation of children were registered in the Republic of Armenia.

For the purpose of organising the fight against human trafficking, including child trafficking more effectively, monitoring is carried out by the relevant services of the Police of the Republic of Armenia; the operational situation with regard to human trafficking and exploitation in the administrative territories is analysed by the territorial sub-divisions, and risky facilities that are favourable places (places suitable for begging, guest houses,

restaurants, etc.) are identified, meetings, undeclared studies are regularly held in the mentioned places, persons engaged in begging are identified, and preventive conversations are held with them.

It should also be noted that the "Covid-19" epidemic did not have any significant impact on the activities of the Police of the Republic of Armenia aimed at identifying cases of trafficking.

Upon the initiative of the Department for Juvenile Delinquency and Domestic Violence Prevention of the Police, for the purpose of raising the awareness of the pupils, as well as the latter's parents and teachers, the crimes committed against children in the digital environment, the consequences thereof, and, at the same time, the harmful effects of computer games were addressed during meetings and talks held by the competent police officers in the public educational institutions of the Republic of Armenia. In addition, monitoring of Internet helps to identify users and organisations making dubious offers and measures are taken to find out the true nature of the jobs offered and potential criminal intentions of the employers.

Point 1 of part 1 of Article 3 of the Criminal Code of the Republic of Armenia currently in force prescribes the following:

person in a helpless situation — shall mean a person who, due to his or her physical or mental condition is incapable of showing resistance or controlling his or her acts or realising the nature of the act being committed against him or her, as well as a person not having attained the age of 12.

Article 189 of the Criminal Code of the Republic of Armenia (Trafficking in or exploitation of a child or a person in a helpless situation) prescribes the following:

1. Trafficking in a child or a person in a helpless situation — recruitment, transportation, transfer, harbouring or receipt of a child or a person in a helpless situation for the purpose of exploitation, as well as exploitation or putting or keeping in the state of exploitation of such persons — shall be punished by imprisonment for a term of seven to ten years.
2. The act provided for by part 1 of this Article, which has been committed:
  - (1) by use of violence or threat of use thereof;
  - (2) against a pregnant woman;
  - (3) by a group of persons acting in conspiracy;
  - (4) by a close relative;
  - (5) by use of administrative or official powers or the influence deriving therefrom;or
  - (6) by transporting to another State — shall be punished by imprisonment for a term of ten to thirteen years.
3. The act provided for by part 1 or 2 of this Article, which:
  - (1) has been committed by a criminal organisation; or

- (2) has negligently caused death or grave damage to the health of the victim or has resulted in suicide of the victim or his or her close relative or kinsman or has caused other grave consequences —  
shall be punished by imprisonment for a term of twelve to fifteen years.

Article 202 of the Criminal Code of the Republic of Armenia (Offering a person under the age of 16 sexual intercourse or other actions of sexual nature or to create or to produce pornographic materials (grooming)) prescribes the following:

1. Offering by a person having attained the age of 18 a meeting to a person under the age of 16 by use of information or communication technologies or committing an action aimed at meeting for the purpose of sexual intercourse or other actions of sexual nature, including imitating sexual intercourse or satisfying sexual needs, or creating or producing child pornography, where there are no elements of criminal offences provided for by Articles 189 or 198-201 of this Code —  
shall be punished by short-term imprisonment for a term of maximum two months, or by imprisonment for a term of maximum two years.

Article 239 of the Criminal Code of the Republic of Armenia (Inclining to or engaging a child in pornography or commission of actions related to preparation or dissemination of pornographic materials or objects) prescribes the following:

1. Inclining to or engaging a child by a person having attained the age of 18 in pornography or commission of actions related to preparation or dissemination of pornographic material or object, where there are no elements of *corpus delicti* provided for by Article 189 of this Code —  
shall be punished by restriction of freedom for a term of maximum three years, or by short-term imprisonment for a term of maximum two months, or by imprisonment for a term of two to five years.
2. The act provided for in part 1 of this Article, which has been committed:
  - (1) by a person in charge of upbringing, care or treatment of the child or
  - (2) through technological or communication technologies —  
shall be punished by imprisonment for a term of four to eight years.

Article 198 of the Criminal Code of the Republic of Armenia (Violent sexual actions) prescribes the following:

1. Sexual intercourse or other actions of sexual nature, including imitation of sexual intercourse or satisfying sexual needs, committed against the will of the victim or by ignoring his or her will, by use or threat of use of violence against the victim or another person, or by taking advantage of the helpless state of the victim —  
shall be punished by imprisonment for a term of three to six years.
2. The act provided for by part 1 of this Article, which has been committed:

- (1) against a pregnant woman;
  - (2) against a minor;
  - (3) by a close relative, or a partner, or a previous partner;
  - (4) against a person in a vulnerable situation conditioned by the family status, or disability;
  - (5) against a person in material or other dependence;
  - (6) by an officer of a relevant institution against a person taken into custody, arrested or detained, serving his or her punishment in a penitentiary institution, against a military servant at a military unit or other place of military service or a person undergoing medical treatment or examination at a medical institution —
  - (7) by a group of persons;
  - (8) with particular cruelty; or
  - (9) by use or threat of use of weapon or an object or device made or fitted in advance to cause bodily injury;
- shall be punished by imprisonment for a term of five to ten years.
3. The act provided for by part 1 or 2 of this Article, which:
    - (1) has been committed against a person under the age of 18 by an ascendant or a person in charge of upbringing, care or treatment of the child;
    - (2) has been committed against a person under the age of 12 to 14; or
    - (3) has negligently caused death of a person or grave harm to the health thereof, or mental disorder, or have resulted in suicide of the victim or his or her close relative or kinsman or has caused other grave consequences—
 shall be punished by imprisonment for a term of eight to fifteen years.
  4. Sexual intercourse or other actions of sexual nature, including imitation of sexual intercourse or satisfying sexual needs, with a person under the age of 12 — shall be punished by imprisonment for a term of eight to fifteen years.
  5. Within the meaning of this Article, a person shall be deemed to be in a helpless situation, where he or she is deprived of the possibility to offer resistance to the offender or to realise the nature of the action committed against him or her.

The above-written goes to show that, even though the terms "child" and "adolescent" are not prescribed in the Criminal Code of the Republic of Armenia, in Article 198 (Violent sexual actions), Article 199 (Compelling to sexual actions), Article 200 (Committing sexual actions against a person under the age of 16) and Article 201 (Committing lecherous actions) of the current Criminal Code of the Republic of Armenia an age differentiation is defined as a circumstance aggravating the act.

Both victims of human trafficking and special category victims (minors) are provided with the full support package prescribed by law — provision of shelter, in-kind assistance, provision of necessary documents, medical, psychological, counselling, legal assistance, provision of care, as well as lump-sum monetary compensation to meet the primary needs.

The entire process is ensured by the organisation declared as winner by the State as a result of the grant competition.

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

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

- (a) *Please provide information whether the Covid-19 crisis had an impact of on the right to paid maternity leave (in particular whether all employed women concerned — in the private as in the public sector - continue to receive at least 70% of their salary during the whole length of the compulsory maternity leave during the Covid-19 crisis).*
- (b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

The right of employed women to pregnancy and maternity leave is prescribed by Article 172 of the Labour Code of the Republic of Armenia, part 1 whereof prescribes that employed women shall be granted pregnancy and maternity leave:

- (1) 140 days (70 days for maternity leave, 70 days for delivery);
- (2) 155 days (70 days for maternity leave, 85 days for pregnancy) in the event of complicated delivery;
- (3) 180 days (70 days for maternity leave, 110 days for pregnancy) in the event of delivery of more than one child.

This leave shall be calculated at once and granted to the woman in full. In case of premature delivery, the unused days of maternity leave shall be added to the days of delivery.

Pursuant to the following parts of the referred Article of the Labour Code of the Republic of Armenia:

- Part 2 — An employee having adopted a newborn or having been appointed a guardian of a newborn shall be granted a leave for a period from the day of adoption or of being appointed guardian up to when the infant attains an age of 70 days (in case of adoption or being appointed a guardian of two or more newborns — up to when the newborns reach 110 days).
- Part 2.1 — The employee (the child's biological mother) having given birth to a child through a surrogate shall be granted a leave for a period starting from the day of birth of the child up to when the newborn attains an age of 70 days (in case of birth of two or more newborns — up to when the newborns reach 110 days).
- Part 3 — In cases of the leave provided for by parts 1, 2 and 2.1 of this Article, the employee shall be paid in the manner prescribed by the legislation of the Republic of

Armenia.

No amendments have been made to the above-mentioned regulations of the Labour Code of the Republic of Armenia due to Covid-19 crisis.

*(a) Please provide information:*

- (1) whether the Covid-19 crisis had an impact on the possibility of dismissing pregnant employees and employees on maternity leave; and*
- (2) whether there were any exceptions to the prohibition of dismissal during pregnancy and maternity leave during the pandemic.*

*(b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

No amendments have been made to the regulations of the Labour Code of the Republic of Armenia due to Covid-19 crisis. In particular, points 2 and 2.1 of part 1 of Article 114 of the Labour Code of the Republic of Armenia prescribe, accordingly, that rescission of employment contract upon the initiative of the employer shall be prohibited:

- during the leave of the employee (point 2 of part 1 of Article 114 of the Labour Code of the Republic of Armenia);
- in case the employer is pregnant, from the day of submitting a statement to the employer on the pregnancy until one month after the maternity and delivery leave (point 2.1 of part 1 of Article 114 of the Labour Code of the Republic of Armenia).

*(a) Please provide updated information to confirm that there is no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.*

*(b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Amendments have been made to Article 265 of the Labour Code of the Republic of Armenia by Law HO-5-N of 12 March 2014 "On making supplements and amendments to the Labour Code of the Republic of Armenia" (entered into force from 12 April 2014). In particular, prior to that amendment, part 1 of Article 265 of the Labour Code of the Republic of Armenia prescribed 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 have the right to apply to court

within one month following the receipt of the individual legal act (document). As a result of the amendments made by Law HO-5-N of 12 March 2014 "On making supplements and amendments to the Labour Code of the Republic of Armenia", the mentioned term "within one month" was replaced by the term "within two months". That is to say, part 1 of Article 265 of the Labour Code of the Republic of Armenia now 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 have the right to apply to court within two months following the receipt of the individual legal act (document).

At the same time, part 1 of Article 265 of the Labour Code of the Republic of Armenia prescribes that where it is revealed that employment conditions have been changed or the employment contract has been rescinded without 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 lay-off or the difference of the salary for the period during which the employee performed work with minimum remuneration. The average salary shall be calculated by multiplying the relevant number of the days by average daily salary of the employee.

By Law HO-5-N of 12 March 2014 "On making supplements and amendments to the Labour Code of the Republic of Armenia" part 2 of Article 265 of the Labour Code of the Republic of Armenia was reformulated and prescribes that the court may decide not to reinstate the employee to his or her former position for economic, technological and organisational reasons, or in case of impossibility of reinstatement of future employment relations between the employer and the employee and force the employer to pay compensation for the entire period of lay-off in the amount of the average salary, prior to entry into force of the court judgement, and pay compensation in exchange for non reinstatement of the employee to his or her former position in the amount of not less than the average salary, but not more than twelve-fold of the average salary. The employment contract shall be deemed as rescinded starting from the day of entry into legal force of the court judgement.

Pursuant to 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 performed a less paid job at the given employer as a result of change of the employment conditions is charged from the employer in favour of the employee;
- or the violated rights of the employee are restored and an average salary is charged from the employer in favour of the employee for the entire period of lay-off.

Pursuant to part 2 of Article 265 of the Code, 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 decides not to reinstate the employee to his or her former position, it shall force the employer to pay a compensation for the entire period of lay-off 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 forces the employer to pay a compensation for non-reinstatement of the employee to his or her previous position in the amount not less than the average salary but not more than the twelve-fold of the average salary.

The upper threshold mentioned in the evoked provision of the Labour Code of the Republic of Armenia concerns the compensation for non-reinstatement of the employee to work.

According to part 2 of Article 57 of the Constitution of the Republic of Armenia: "Every employee shall have the right to protection against ungrounded dismissal from employment. The grounds for dismissal from employment shall be prescribed by law".

Parts 1, 2 and 4 of Article 17 of the Civil Code of the Republic of Armenia respectively prescribe the following:

- "1. A person whose right has been violated may require full compensation for the damages caused thereto, unless a lesser amount for the compensation of damages is provided for by law or by contract.
2. Damages shall comprise expenses, incurred by the person whose right has been violated, which have been or must be covered by said person in order to restore the violated right, the loss of or harm to the property thereof (actual damage), unearned income that this person would have received under the usual conditions of civil practices had the right thereof not been violated (lost benefit), as well as intangible damages".
- "4. Intangible damages shall be subject to compensation only in cases provided for by law".

It becomes clear from the study of the mentioned Article of the Civil Code of the Republic of Armenia and Article 265 of the Labour Code of the Republic of Armenia, that in case of ungrounded dismissal from employment the Labour Code of the Republic of Armenia envisages compensation for tangible damage for the entire period of lay-off in the amount of the average salary, and in case of non-reinstatement of the employee to work it envisages compensation also for non-reinstatement of the employee to work in the amount not less than the average salary but not more than the twelve-fold of the average salary.

Part 2 of Article 162.1 of the Civil Code of the Republic of Armenia prescribes:

A person or, in case of his or her death or in case he or she lacks active legal capacity, his or her spouse, parent, adoptive parent, child, adoptee, guardian, curator shall have the right to claim, through judicial procedure, compensation for intangible damage, where the body conducting pre-trial proceedings, prosecutor or court has confirmed that the following fundamental rights of that person guaranteed by the Constitution of the Republic of Armenia and the Convention for the Protection of Human Rights and Fundamental of a state or local self-government body or official:

- (1) right to life;

- (2) right to freedom from torture and inhuman or degrading treatment or punishment;
- (3) right to personal liberty and inviolability;
- (4) right to fair trial;
- (5) right to respect for private and family life, inviolability of residence;
- (6) right to freedom of thought, conscience and religion, freedom of expression;
- (7) right to freedom of assembly and association;
- (8) right to effective remedy;
- (9) right of ownership.

This norm exhaustively presents the list of fundamental rights in case of violation whereof as a result of decision, action or inaction of a state, local self-government body or the official thereof, they shall be subject to compensation for intangible damage, where such a fact has been confirmed by the body conducting pre-trial proceedings, prosecutor or court. The employment rights are not included in the mentioned list.

Based on the above-written, in case of violation of employment rights, no mechanism for compensation of intangible damage is envisaged.

- (a) *Please provide updated information to confirm that there is no loss of pay results from the changes in the working conditions or reassignment to a different post and that the women concerned retain the right to return to their previous employment at the end of the protected period.*
- (b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Part 4 of Article 148 of the Labour Code of the Republic of Armenia prescribes that pregnant women and employees taking care of a child under the age of three may be engaged in night work only upon their consent after they undergo the preliminary medical examination and submit a medical conclusion to the employer (the underlined part has been supplemented 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 from 22 October 2015)).

Part 6 of Article 148 of the Labour Code of the Republic of Armenia prescribes that where it is confirmed that the night shift has harmed or may cause harm to the health of the employee, the employer shall be obliged to transfer the employee only to day shift.

That is to say, for engaging pregnant women and employees taking care of a child under the age of three in work, both their consent and undergoing of initial medical examination and submission of a medical conclusion to the employer is required by the Labour Code of the

Republic of Armenia.

Meanwhile, parts 1-4 of Article 258 of the Labour Code of the Republic of Armenia prescribes as follows:

1. Engaging a pregnant woman or a woman taking care of a child under the age of one in heavy, harmful, especially heavy and especially harmful works prescribed by the legislation of the Republic of Armenia shall be prohibited.
2. Based on the list of hazardous conditions and dangerous factors of work, as well as the assessment results of the workplace, the employer shall be obliged to determine the nature and duration of hazardous effect on the safety and health of a pregnant woman and woman taking care of a child under the age of one. After identification of the potential effect, the employer shall be obliged to undertake temporary measures to ensure the elimination of the risk of effect of dangerous factors.
3. Where the hazardous factors are impossible to eliminate, the employer shall undertake measures to improve the workplace conditions so that pregnant women and women taking care of a child under the age of one are not exposed to the impact of such factors. Where it is impossible to eliminate such impact by improvement of workplace conditions, the employer shall be obliged to transfer the woman (upon her consent) to another position within the same company. In case it is impossible, the woman shall be provided with a paid leave before the maternity and delivery leave.
4. Where a pregnant woman and a woman taking care of a child under the age of one need to undergo medical examination during the working time, the employer shall be obliged to release her from the performance of employment duties by maintaining the average salary, which is calculated on the basis of the average hourly salary rate.

Part 1 of Article 10 of the Labour Code of the Republic of Armenia prescribes that where employment relations are not directly regulated by law, the norms of the labour legislation regulating similar relations shall be applied to such relations (law analogy), unless it contradicts their essence. With this regard, it should be noted that regulations similar to the case of transferring the employer to another position prescribed by part 3 of Article 258 of the Labour Code of the Republic of Armenia are prescribed by Articles 106 and 186 of the Labour Code of the Republic of Armenia, which prescribed regulations also for remuneration. In particular, part 1 of Article 106 of the Labour Code of the Republic of Armenia prescribes that the employer shall be entitled to transfer the employee for a period of up to one month to another position in the same workplace not envisaged by the employment contract, conditioned by natural disasters, technological accidents, epidemics, accidents, fires and other cases of emergency, as well as for the purpose of preventing them or urgently eliminating the consequences thereof, whereas part 3 of the same Article prescribes that in such a case remuneration shall be based on the work performed, but where, upon the transfer of the employee to another position, his or her salary is decreased for reasons beyond his or her control, the amount of last month's salary for the previous job shall be

maintained.

At the same time, part 2 of Article 186 of the Code prescribes that where during the lay-off the employee is, upon his or her consent, temporarily transferred to another job with a lower salary, but complying with his or her profession, qualification and not causing harm to his or her health, the employee shall be paid an hourly wage equivalent to his or her hourly rate preceding the month of lay-off.

Thus, in the context of regulations of Articles 10, 106, 186 of the Labour Code of the Republic of Armenia, it should be noted that in case of transferring an employee to another job upon the ground prescribed by part 3 of Article 258 of the Labour Code of the Republic of Armenia as well, where the salary of the employee is decreased, the employer shall be obliged to pay the employee in the amount of the salary of the previous job for that period being transferred.

Regulations concerning the night shift are prescribed by Article 148 of the Labour Code of the Republic of Armenia (information about it was presented in the previous report). A supplement has been made to part 4 of Article 148 of 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", which entered into force from 22 October 2015. As a result of the supplement made, part 4 of Article 148 of the Labour Code of the Republic of Armenia prescribes that pregnant women and employees taking care of a child under the age of three may be engaged in night shift only upon their consent and after undergoing the initial medical examination and submitting a medical conclusion to the employer (the underlined part ("after undergoing the initial medical examination and submitting a medical conclusion to the employer") has been supplemented by Law HO-96-N of 22 June 2015 "On making supplements and amendments to the Labour Code of the Republic of Armenia").

The list of jobs considered heavy and harmful for persons under the age of 18, pregnant women and women taking care of a child under the age of one year is approved by Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005. In addition to a number of jobs, the following works mentioned by the Committee are also included in the list:

- works related to all types of underground works;
- *Point "Jobs harmful for persons under the age of 18, pregnant women and women taking care of a child under the age of one year under the effect of chemical factors" (point 1 of the List approved by Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005) includes the following chemical factor: "Lead and its inorganic compounds" and the following jobs related to that factor:*
  - (a) Lead smelting from mineral and concentrates, production of lead-containing pigments, white paints, chrome paints, metal plating with lead in closed spaces, product rolling, pressing, lead coating, mechanical and manual

processing of lead, agglomeration, babbitting, production of lead batteries, lead-bath quenching, production of lead paints, glazes, waterproof varnishes, production and processing of lead-containing glasses and glass fibres, welding and cutting of surfaces covered with lead-containing primer coat, painting works with permanent use of lead paints; making products from lead. Production and use of piezoceramics and glassy cement.

- (b) Beneficiation of plumbum ore, bucking, mixing and other processes with generation of dust, containing lead sulphide, works of lead casting and soldering of small amount, graphic arts production (linotype works, hand typesetting, etc.).
  
- *Point "Works harmful for persons under the age of 18, pregnant women and women taking care of a child under the age of one year under the effect of physical factors" (point 3 of the List approved by Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005) includes also the following physical factor: "Ionising radiation, radioactive substances and sources of ionising radiation" and the following works related to that factor — "all types of works related to radioactive substances and the sources of ionising radiation".*
  
- *Point "Works harmful for persons under the age of 18, pregnant women and women taking care of a child under the age of one year under the effect of physical factors" (point 3 of the List approved by Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005) includes also the following physical factor: "High temperature and intensive thermal radiation" and the following works related to that factor — "all types of works under the conditions of high temperature, radiation in a working zone (exceeding the upper threshold of the permissible values)".*
  
- *Section "Works harmful for persons under the age of 18, pregnant women and women taking care of a child under the age of one year under the effect of biological factors" (point 5 of the List approved by Decision of the Government of the Republic of Armenia No 2308-N of 29 December 2005) includes also the following biological factor: "Substance infected with pathogenic and conditionally pathogenic bacteria and helminths" and the following works related to that factor — "work involving interaction with a substance infected with bacteria, work involving interaction with a substance infected with helminths and contact with infectious patients".*

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

*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) *Please provide information on measures taken by the State to:*
- 1) *reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth) and*
  - 2) *facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation. (General question posed in Conclusions 2019).*
- b) *Please provide information on measures taken to:*
- 1) *child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc.) and*
  - 2) *combat discrimination and promote equal opportunities for children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.*
  - 3) *States should also make clear the extent to which child participation is ensured in work directed towards combating child poverty and social exclusion.*
- c) *Please provide information on any measures adopted to protect and assist children in crisis situations and emergencies.*
- d) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Based on the results of the studies conducted by the Office of the United Nations High Commissioner for Refugees in Armenia, a relevant assessment was given to the provisions of the Law of the Republic of Armenia "On the citizenship of the Republic of Armenia" (Law) with regard to ensuring of the requirements of the 1961 Convention on the Reduction of Statelessness. According to the assessment, the Law incorporates a number of major principles of international law targeted at avoiding statelessness such as the right to acquire citizenship, equality between men and women relating to conferral of citizenship upon children, the equal rights and guarantees of children born out of marriage or in wedlock with regard to citizenship, the fact that the change of status of citizenship of one of the spouses may not impact the citizenship of the other, and that the citizenship status of the spouses may not automatically change in the case of marriage or divorce, lifting of the ban on dual citizenship, pursuant to which renunciation of citizenship of other state is not required in order to acquire citizenship of the Republic of Armenia.

Nevertheless, as there were certain gaps in the Law, amendments were made in 2015 (including in Articles 12 and 16 of the Law) to bring it into compliance with the requirements of the Convention on the Reduction of Statelessness. In particular, Article 12

of the 1995 Law prescribed the following: "A child born in the Republic of Armenia to parents who are stateless persons, shall acquire citizenship of the Republic of Armenia." However, the specified Article was supplemented by the amendments of 7 May 2015 (the amendments entered into force on 13 June 2015) and it reads as follows:

- "1. A child born in the Republic of Armenia shall acquire citizenship of the Republic of Armenia, where:
  - (1) his or her parents are stateless persons;
  - (2) the nationality of his or her parents is unknown;
  - (3) his or her parents hold citizenship of another country (countries), but, pursuant to the legislation of their respective countries, they may not transfer their citizenship to the child;
  - (4) one of his or her parents is a stateless person, and the other parent holds citizenship of another country, who, pursuant to the legislation of the country of his or her citizenship, may not transfer his or her citizenship to the child;
  - (5) one of his or her parents is a stateless person, and the citizenship of the other parent is unknown;
  - (6) citizenship of one of his or her parents is unknown, and the other parent holds citizenship of another country, which, pursuant to the legislation of the country of his or her citizenship, may not transfer his or her citizenship to the child;
2. In the cases provided for by part 1 of this Article, the child shall acquire citizenship of the Republic of Armenia as prescribed by the legislation of the Republic of Armenia, upon an application on obtaining a passport of the citizen of the Republic of Armenia.
3. Within the meaning of this Law, a child shall also be deemed to be born in the Republic of Armenia, where he or she was born in an aircraft, ship or river boat registered in an airport or port of the Republic of Armenia lawfully flying the flag of the Republic of Armenia or bearing the distinctive emblem of the Republic of Armenia;
4. Within the meaning of this Article, citizenship of a parent shall be deemed to be unknown, where, as a result of the necessary and sufficient measures taken by the authorised body of the Government of the Republic of Armenia, it has been impossible to determine the citizenship of the parent until the moment of taking a final decision on determining the citizenship of the child.

According to the specified amendments, the child born in the Republic of Armenia shall acquire citizenship of the Republic of Armenia and obtain a passport of the citizen of the Republic of Armenia in case he or she meets the requirements of the aforementioned norms.

The amended Article 16 of the Law envisages that where one of the parents acquires citizenship of the Republic of Armenia, while the other parent is a foreign citizen or a stateless person, their child shall acquire citizenship of the Republic of Armenia, where — in case of absence of consent of the parents (parent) — he or she will become a stateless in case of not acquiring the citizenship of the Republic of Armenia". Besides, on 25 June 2022

the Law "On making amendments and supplements to the Law of the Republic of Armenia "On citizenship of the Republic of Armenia" entered into force, thereby ensuring the proper fulfilment of the requirements of the 1961 Convention on the Reduction of Statelessness: the possibility of ending up being a stateless person and remaining without an identification document before the acquisition of citizenship of other state after termination of the citizenship of the Republic of Armenia was excluded.

Practice showed that citizens of the Republic of Armenia often apply to terminate citizenship of the Republic of Armenia by submitting a written certification (statement of information) issued by the competent authority of the relevant foreign state on the opportunity to acquire citizenship of the state concerned, but they fail to acquire the citizenship of the particular state for different reasons thus ending up being a stateless person. Without a valid identification document these persons were deprived of their fundamental rights (social, educational, etc.) and had to apply to the Passport and Visa Department of the Police of the Republic of Armenia to be granted a certificate of a stateless person. Moreover, upon termination of the citizenship of the Republic of Armenia, the parents would apply and terminate the citizenship of their children too, who, failing to acquire citizenship of other state, would also end up becoming a stateless person.

Due to the mentioned circumstances, the number of stateless persons has increased in the Republic of Armenia over the past years, and to resolve the issue, the relations pertaining to the entry into force of the decree on acquisition or termination of citizenship of the Republic of Armenia have been regulated by the amendments and supplements of 25 June 2022. In particular, where the citizenship of the Republic of Armenia of a person has been terminated on the basis of a document on the possibility to acquire citizenship of other state issued by a foreign state, the decree of the President of the Republic of Armenia on terminating citizenship of the Republic of Armenia will enter into force from the moment the mentioned evidence on acquisition of citizenship of the relevant state (passport of a foreign state or other document issued by the competent authority on the person being a citizen of that state) is submitted to the authorised body. Moreover, the obligation to submit the mentioned evidence is borne by the person concerned.

The procedure for adopted children to know their roots was established under Government Decree No 7-N of 10 January 2019. The relations pertaining to the body developing the Government's policy in the area of social security, the body developing the Government's policy in the sector of Justice — authorised upon the Government decree for the purpose of fulfilling the commitments assumed under the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Inter-country Adoption and the procedure for provision of information on the fact of adoption of adopted persons having attained the age of 18, their place and time of birth, as well as the personal data of their biological parents on the part of institutions for social protection of the population of the Republic of Armenia, are regulated within the scope of the Procedure "For providing an adopted person having attained the age of 18 with information on the fact of his or her adoption, the place and date of his or her birth, as well as the personal data of his or her

biological parents".

The services provided to children in difficult life situations are being continuously expanded and improved. The drafts laws having been developed are targeted at the protection of the rights of all children (including those in poverty) through more efficient mechanisms. Family and social benefits and urgent assistance are provided to socially disadvantaged families record-registered in the family vulnerability assessment system within the scope of the ongoing social assistance programmes. Starting from March 2023 it is envisaged to launch the information sub-system for processing a social case and develop the content of the sub-system for vulnerability assessment of a family, which will enable to provide direct and targeted social assistance.

Since 2019, *all children under the age of 18 have the right to free and special medical care and services guaranteed by the State, irrespective of their social status.* Rehabilitation for children with disabilities is being provided at 11 regional facilities. Regular sanatorium therapy for children with disabilities is carried out at "Ararat" Mother's and Child's Health Spa, while rehabilitation-sanatorium therapy is carried out at the rehabilitation-sanatorium centre in Aparan at the expense of the State Budget. Pursuant to Order of the Minister of Healthcare of the Republic of Armenia No 3306-A of 24 September 2020, a children's psychotherapy unit meeting all modern standards has been established in "Avan" Mental Health Centre" CJSC of the Ministry of Health of the Republic of Armenia.

Discrimination on the grounds of birth is prohibited under the Constitution and the Electoral Code of the Republic of Armenia. To combat discrimination and foster equal opportunities, the Ministry of Labour and Social Affairs of the Republic of Armenia has regularly organised and held training courses for employees of childcare institutions within the scope of co-operation with relevant co-beneficiary organisations, including on topics related to equality, fight against the prohibition of discrimination, tortures, inhumane and degrading phenomena. Awareness-raising campaigns for children's rights are also organised, including among children.

Pursuant to the Action plan and Timetable for Introduction of the Universal Inclusive Education System approved upon Protocol Decree of the Government of the Republic of Armenia No 6 of 18 February 2016, Armenia has made the transition to universal inclusiveness in the general education system according to marzes. Pedagogical-psychological support services have been established in every marz, and they support schools in providing educational services in line with the needs of the children concerned.

The "Tolerance Education" programme has been implemented in general education schools since 2008, and a teacher's (homeroom teacher's) manual has been introduced in all classrooms. In elementary school the manual is referred to as "Teaching of Tolerance", in primary school — "Diversity and Tolerance", and in high school — "Dignity and Tolerance". These manuals enable teachers to touch— within the activities carried out with pupils — upon the formation and manifestation of tolerance towards all members of society. The programme teaches tolerance and

co-operation to students, promotes conflict resolution, prevents the cases of violence, etc.

Pursuant to the Procedure for engaging school-aged children in general education, organising education for students engaged in general education later and transferring a student from a general education institution to another educational institution or dropping the student out — approved under Order of the Minister of Education and Science of the Republic of Armenia No 1640-N of 24 November 2010, foreign citizens, dual citizens, stateless persons (their legal representative), as well as in the case when one of the parents is a citizen of the Republic of Armenia, shall have the right to choose the language of instruction for their child. Pursuant to the same Procedure, a student belonging to a national minority group may be admitted to a institution where the instruction is carried out in the learner's national (native) language or at an institution (class) that provides a course in that language, and in case it is impossible, the parent (legal representative) shall select the language of instruction. Where the limited places granted through a licence to the institution providing instruction in the student's national (native) language or providing a course in that language are filled and there is no opportunity for instruction in the national (native) language in another institution within the particular community, admission of the student to the institution concerned shall be carried out irrespective of the limitation of limited places granted through a licence. Pursuant to the Procedure, students from the families included in the family vulnerability assessment system living at a radius of pedestrian accessibility from the particular school, those under guardianship, with disabilities or having disabled parents shall be given priority when organising the admission of students.

On 26 November 2020, upon Government Decree No 1878, the "Gyumri Social Childcare Centre" and the "Fridtjof Nansen Child Care and Protection Boarding School No 2" SNCOs were reorganised as the "Shirak Marz Child and Family Support Centre" SNCO, which launched its activities on 1 June 2021. It provides day-care for 100 children between the ages of 2 and 18 and 24-hour short-term care for 60 children between the ages of 0 and 18 who are in difficult life situations.

At the same time, upon Government Decree No 37 of 14 January 2021, the "Syunik Marz Child and Family Support Centre" SNCO was established, which launched its activities on 1 May 2021. Pursuant to the Charter of the institution, 100 children aged 2-18 in difficult life situations receive day-care and 40 children aged 0-18 are provided with short-term, 24-hour care. The 24-hour care for children is also organised with the caretaker if necessary.

There is one institution in Yerevan operating as a crisis centre — the "Zatik Children's Support Centre of Yerevan" SNCO which provides short-term, 24-hour care up to 25 children. To increase the effectiveness of the activities of centres, the Ministry of Labour and Social Affairs of the Republic of Armenia, along with a number of co-beneficiary organisations, including "World Vision Armenia" charitable organisation and the UNICEF, is carrying out activities, particularly for furnishing, equipping with professional equipment, as well as for reinforcing knowledge of specialists and building their capacities.

The draft Law of the Republic of Armenia "On making an amendment to the Law "On the Rights of the Child"" has stipulated the term "physical (corporal) punishment", and the same draft has stated that the physical (bodily) punishment, torture or any other cruel, degrading or inhumane treatment or punishment against children should be prohibited in the family, in preschool or general education institutions, alternative care service facilities, medical or psychiatric institutions, penitentiary institutions and any other place.

The Law of the Republic of Armenia "On prevention of domestic violence, protection of persons subjected to domestic violence and restoration of solidarity in the family" entered into force on 31 January 2018 and the Police started performing its functions provided for by the Law and by legal acts arising from the Law starting from 30 June 2018. According to Article 5 of the Law the measures for protection of persons subjected to domestic violence are warning, decision for emergency intervention and protective decision. Warning shall be applied when the Police identifies a case of domestic violence for the first time, it does not have evident elements of an offence and there are no grounds for an emergency intervention. That is to say, where the parent or a legal representative commits violence against the child, the competent police officer shall render a protective decision provided for by Law against the person having committed violence and, taking as a basis the mentioned circumstance, the person having committed violence shall be taken to preventive record-registration by the specialised subdivision of the Police. At the same time, pursuant to point 5 of Article 7 of the Law of the Republic of Armenia "On prevention of domestic violence, protection of persons subjected to domestic violence and restoration of solidarity in the family", "If the person under imminent threat is a minor or an incapable person, the competent police officer issuing the order shall send a copy of that order and relevant records to the guardianship and trusteeship body which shall assess the situation and undertake measures stipulated in law and its charter. Pursuant to point 6 of the same Article, if the emergency intervention order is issued against the only legal representative of a minor or incapable person living with the latter then the guardianship and trusteeship body, upon the receipt of a copy of the order but no later than within 24 hours, shall arrange the care of such minors or incapable persons following the procedure set forth by the Republic of Armenia legislation and based on their best interest.

The care for children not having the opportunity to live in their biological family shall be organised through any family type method of alternative care, and in case it is impossible — within crisis care centres or 24-hour care institutions for social protection. In case of each specified method, measures are taken as prescribed by the law to create favourable conditions for the exercise of the rights of children.

For the exercise of the right of the child to live in the family, the 2020-2023 Complex Plan for exercise of the right of the child to live in a family and harmonious development and the Action Plan Timetable were adopted by the Government of the Republic of Armenia upon Decree No 432-N of 2 April 2020.

Currently, there are 97 children receiving care in a foster family; the number has a tendency to grow, as children receiving care in institutions and persons wishing to become foster parents continue to be considered for the purpose of establishing foster care. At the same time, besides foster care, there are a lot of children in the country who receive care through guardianship. Based on the studies conducted in 2020, there are nearly 6000 children with a guardian (this of course includes children whose parents are away for a short period and the close relatives are designated as guardians). The State has taken measures to introduce a unified information system which will allow tracking the guardianship process and thoroughly analyse it according to its grounds. As far as the number of children receiving care in 24-hour care institutions is concerned, let us mention that there are currently 506 children left without parental care and receiving care in 24-hour state care facilities.

To advance the foster care system, a Memorandum of Cooperation was signed on 20 August 2020 between the Ministry of Labour and Social Affairs of the Republic of Armenia and the Children's Support Centre of the Fund for Armenian Relief; within the scope of the cooperation, in addition to a number of activities, additional professional assistance is provided to foster parents. It should be mentioned that, upon Government Decree No 1371-N of 3 October 2019, a procedure for carrying out specialised foster care was established as a post-care support provided by the State for persons between 18 and 23.

Since 2020, the Ministry of Labour and Social Affairs of the Republic of Armenia has expanded the coverage of day-care services, delegating services to non-governmental organisations in 20 large communities across the Republic of Armenia. In particular, through delegation by the State, sector-specific non-governmental organisations in 10 marzes and in the city of Yerevan are carrying out "services for returning children being under the care in facilities providing 24-hour child care and protection in the Republic of Armenia and children in the risk group of ending up in a facility and for preventing the entry into institutions", including the programme "Provision of in-kind assistance to families of children transferred to their biological family or whose entry into institution is prevented", within the scope of which the beneficiary children and their families receive services arising from the objectives of the programme (professional assistance, social support (food basket and reimbursement for electricity expenses, in-kind package). The programme continued in 2021-2022, and it is envisaged to be expanded in 2023.

Work with families is considered as the key component of the activities of daytime child care centres. As of 2022, there are six state daytime child care facilities operating in the Republic of Armenia, and there are around 115 children between the ages of 0 and 6 in the mentioned facilities. On average, nearly 75% of the personnel of six facilities have higher education (this includes the whole personnel of each facility, including the service staff). On average, the ratio of the personnel in the mentioned facilities to the number of children receiving care makes up 0.42%.

In 2023, the process of pulling out children from facilities and ensuring their care in a family will be continuous in order to increase the number of children receiving care in foster

families at least up to 150; the provision of service at day-care centres which is very important in the process of de-institutionalisation, will also be an ongoing process in order to increase the number of beneficiaries at least up to 3500 in 2023. Although the conducted studies showed that there are children who end up in 24-hour care facilities due to not only social situation, the Draft Law of the Republic of Armenia "On making an amendment to the Law "On the rights of the child"" already states that the lack of financial security or the disability of a parent or physical health issues may not serve as a ground for removing the child from the family or deprivation of parental rights.

- a) *What measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention? (General question, Conclusions 2019).*
  - b) *What measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children's specific learning environments)? (General question, Conclusions 2019).*
  - c) *What measures have been taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children)?*
  - d) *Please provide information on the measures taken to ensure that state allocation of resources to private education does not negatively impact on the right of all children to access free, quality public education (based on a Statement of Interpretation from Conclusions 2019).*
  - e) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*
- ✓ Two schools in Yerevan held courses entitled "Bullying in Educational Institutions and the Ways of its Prevention" which were aimed at fostering the reduction of bullying; 73 teachers participated in the courses.
  - ✓ The programme "Bullying, its Manifestations and Prevention in Schools" has been launched in co-operation with the Swedish "Global to Local" NGO; within the scope of the programme, actions to reduce bullying will be carried out in one school of Shirak, Tavush and Lori Marzes of the Republic of Armenia each.
  - ✓ Within the scope of the programme "Ensuring Development of Teaching Skills of Teachers and Teacher's Assistants in General Education Schools", a course entitled "Bullying in Educational Institutions and the Ways of its Prevention" has been held in 52 schools covering 1334 teachers.
  - ✓ Within the scope of the co-operation between the Ministry of Education, Science, Culture and Sport of the Republic of Armenia and World Vision Armenia

international organisation, training courses entitled "Safe and Favourable Environment in Schools" have been held for teachers for the reduction of bullying in 12 schools of the Republic of Armenia.

*Throughout 2021:*

- ✓ Training courses entitled "Bullying, its Manifestations and Prevention in Schools" have been held in the schools of the Shirak, Tavush and Lori Marzes of the Republic of Armenia each, in co-operation with the Swedish "Global to Local" NGO. Within the scope of the programme, actions aimed at reducing bullying have also been held with teachers, as well as students and their parents.
- ✓ Within the scope of the programme "Ensuring the Development of Teaching Skills of Teachers and Teacher's Assistants in General Education Schools", a training course entitled "Bullying in Educational Institutions and its Prevention" was held for 2861 specialists and employees of 120 schools involved in the programme in Yerevan and in the Aragatsotn, Shirak, Gegharkunik and Kotayk Marzes of the Republic of Armenia.

*Throughout 2022:*

- ✓ "Programme for Prevention and Reduction of Cyber bullying" is being held in 10 general schools in Yerevan and Lori Marz of the Republic of Armenia in co-operation with the "Theatre for Changes" NGO.
- ✓ Around 4155 specialists from 268 educational institutions have undergone ongoing training courses on bullying and received mentor support within the scope of the programme "Ensuring the Development of Teaching Skills of Teachers and Teacher's Assistants in General Education Schools".
- ✓ Jointly with the Swedish "Global to Local" organisation, within the scope of the "Programme for Reduction of Bullying in General Education Schools", every month, consulting is provided to the co-ordinators selected from one school of the Tavush, Lori and Shirak Marzes of the Republic of Armenia each and two schools of Yerevan, who hold different events for reduction of bullying in their schools.

Pursuant to Order of the Minister of Education, Science, Culture and Sport of the Republic of Armenia No 01-L of 1 February 2020 "On approving the procedure for formation of the Student Council adjunct to the Minister of Education, Science, Culture and Sport of the Republic of Armenia", a Student Council adjunct to the Minister of Education, Science, Culture and Sport of the Republic of Armenia was established; its main goals are to create favourable conditions for learners to express themselves and express their opinions freely, to protect the rights and freedoms of students, etc.

Since 2020, the Ministry of Education, Science, Culture and Sport of the Republic of Armenia is organising annual "Best of the Year" competition; members of the Student Council are included — through a draw — in the Evaluation Commission of the competition which allows them to have a direct participation in the implementation of new projects and promotion of the best practice in general and pre-school education institutions.

To ensure the continuity of children's education in the conditions of the Coronavirus pandemic, the Ministry of Education, Science, Culture and Sport of the Republic of Armenia closely co-operated with territorial administration bodies, various government agencies and educational institutions. Back in 2020, the Ministry co-operated with various partnering organisations to address the issue of providing necessary technical resources in order to organise distance learning for students engaged in distance learning process that had launched in the Republic of Armenia during the epidemic. As a result of that co-operation, 730 pieces of equipment were obtained, in addition, UCOM and VivaMTS mobile phone operators provided their support to the distance learning process; they provided special tariff plans for using the Zoom, Skype, Viber, Whatsapp, Messenger, Zangi and Telegram apps.

Pursuant to Article 414 of the Law of the Republic of Armenia "Criminal Procedure Code of the Republic of Armenia" adopted on 30 June 2021 (entered into force on 1 July 2022):

1. Any decision on restricting the liberty of a minor should be rendered following a detailed analysis of all the circumstances of the proceedings for the purpose of minimising the restraint to the extent possible.
2. Legal representative of a minor shall be immediately informed about the arrest, detention or extension of the term of the detention.
3. Where there is a need to apply detention, house arrest or impose administrative supervision on a minor arrested on the basis of an immediately arisen reasonable suspicion of having committed an offence, he or she must be brought before a court within 48 hours from the moment of the arrest. Where the arrested minor is not detained upon a court decision within 12 hours from the moment of having been brought before a court, he or she shall be immediately released.
4. When considering the issue of applying detention on a minor accused, the possibility of placing him or her under educational supervision as prescribed by Article 129 of this Code shall be considered.
5. Detention may be applied to a minor being accused of having committed an offence of minor or medium gravity only in cases where he or she has violated the conditions of the alternative measure of restraint applied thereto. In any case, custody may be applied as a means of restraint in relation to a minor accused as an extreme measure and for the shortest period of time.
6. Detention or house arrest may be applied to a minor or the time periods thereof may be extended during the pre-trial proceedings for a period of no more than one month

every time. The maximum time period of detention or house arrest applied to a minor during the pre-trial proceedings may not exceed:

- (1) two months when being accused of a crime of minor or medium gravity;
  - (2) six months when being accused of a grave or particularly grave crime.
7. The detention or house arrest applied to a minor accused having committed a particularly grave crime may be further extended for maximum two more months in exceptional cases.
8. Every appropriate motion on releasing a minor must be immediately considered and resolved by the body conducting the proceedings.

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

*Provision of information is not required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

In April 2021, the activities of the State Employment Agency of the Ministry of Labour and Social Affairs of the Republic of Armenia were terminated (Government Decree No 251-N of 25 February 2021). Starting from May 2021, the Unified Social Service (USS) of the Ministry of Labour and Social Affairs of the Republic of Armenia — through its 49 territorial centres — continues to provide free support and consulting to migrant workers with regard to job opportunities, legislative amendments in the labour migration sector in the relevant country of departure, the legislation of the main countries receiving migrant workers from the Republic of Armenia, special provisions related to the employment terms and living conditions for migrant workers, the rights of migrant workers and their families having obtained permission to join or accompany them while departing or arriving, labour trafficking, as well as consulting to returnees with regard to the procedure for being record-registered at employment centres, vacancies, annual state employment programmes and integration into the labour market, accordingly, ensuring the effective exercise of the right of migrant workers and their families to protection and to receive assistance.

Within the scope of the co-operation between the Department for Ensuring Employment and Development of Work Potential of the USS and "Armenian Caritas" benevolent NGO, through mobile employment offices, discussion meetings are regularly held with labour migrants or their representatives in the communities, as well as at the territorial centres of the Republic of Armenia; during those discussion meetings people are informed about the annual state employment programmes and the opportunities to be engaged in them, the

consequences of illegal migration, the legislative amendments, the rights and obligations of migrants, the more frequent offences and encroachments targeting labour migrants. In addition, they raise the problems they encounter in the labour migration sector and are provided with informational materials and booklets free-of-charge.

Within the scope of co-operation with partnering organisations, training courses are organised for employees of the territorial centres of the Service on the topics of the legislative amendments and anti-discrimination in the labour migration sector of the relevant countries of departure. Permissible and relevant steps are taken against the disorienting propaganda related to emigration and immigration through national laws and regulations.

The Government of the Republic of Armenia is developing and implementing a unified state policy for regulation of external labour mobility of the workforce, within the scope of which it concludes international agreements on organising of work abroad and protection of the interests of labour migrants.

The state policy on regulation of employment in Armenia is implemented through active programmes in the labour market, while the employment of foreign citizens and stateless persons with the right of residency (residency status) in the Republic of Armenia is regulated by the Law "On employment", other laws of the Republic of Armenia and the international agreements of the Republic of Armenia.

Pursuant to part 1 of Article 15 of the Labour Code of the Republic of Armenia: "Foreign nationals and stateless persons shall have the same labour rights in the Republic of Armenia as the nationals of the Republic of Armenia, unless otherwise provided for by law." Foreign nationals and stateless persons shall have the right to get record-registered at the territorial centres of the USS and receive employment services, as well as to benefit from state employment programmes. According to the data of the USS, there were 30 foreign nationals and stateless persons record-registered at the territorial centres of the USS as of 1 November 2022 (2 persons were hired during the year).

The website <https://migration.am/> was launched in 2019 as the official website of the Migration Service of the Ministry of Territorial Administration and Infrastructure of the Republic of Armenia (Migration Service). Information about the paths for legal migration <https://migration.am/legal-migration>, as well as the illegal migration and the risks of becoming an illegal migrant <https://migration.am/illegal-migration> is posted on the official website.

Relevant information for foreign nationals who wish to immigrate to Armenia or who are already in Armenia for the purpose of working is available on the platform <https://workpermit.am/am/home>, another official website of the Migration Service. Both websites are multilingual and are also available in English and Russian languages. The Migration Service provides important information also through Facebook (<https://www.facebook.com/armenia.ms>) and Twitter (<https://twitter.com/SMSArmenia>).

In March 2022, through funding provided by the International Organization for Migration, an agreement was concluded with Armenpress Armenian News Agency, according to which the news feed of the Migration Service shall be translated and posted on armenpress.am in five foreign languages, including Armenian, Russian, English, French, Turkish and Arabic.

In 2019 and 2022, the Migration Service also held the Media and Migration Programme. In each year, specialists of the Migration Service held four thematic workshops with representatives and officers of the media in order to improve the quality of coverage of migration-related topics and build the capacities and enhance the skills of journalists in this sector. Through this method, literate media content also helps to provide accessible information to those interested in the topic. In addition to the aforementioned actions, the Migration Service also conducts daily media monitoring through the Rumors Monitoring tool. The search for selected key words helps to send automatic notifications regarding migration-related news. Relevant measures are taken in case of disorienting or fake materials.

In January 2022, the Migration Service introduced the electronic system for issuance of work permits (<https://workpermit.am/am/home>). The system is based on modern technological solutions and allows labour migrants and their family members to obtain work permits in the Republic of Armenia through a facilitated and rapid procedure. In January-October 2022, around 7,000 applications were received through the electronic system for work permits; 1660 applications to obtain a work-based temporary residency status were received; 4109 applications for receiving a card certifying lawful residency status in Armenia were received from the citizens of the member states of the Eurasian Economic Union, and 1286 applications were received from the family members of 4109 applicants for the same purpose.

Part 1 of Article 45 of the Constitution of the Republic of Armenia prescribes that everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of labour interests. No one may be compelled to join any private association.

According to Article 4 of the Law of the Republic of Armenia “On trade unions”, a trade union shall be founded upon the decision adopted during the founding meeting (conference, congress) convened at the initiative of its founders (at least three employees). Article 6 of the Law of the Republic of Armenia "On trade unions" prescribes that employees who have concluded an employment contract with the employer concerned and who perform work within and outside the territory of the Republic of Armenia, including foreign nationals and stateless persons, may become participants of (members to) a trade union. Employees who have concluded employment contracts with various employers in the relevant branch (related branches) of economy (manufacturing, service, profession)

may also become participants of (members to) a trade union. That is to say, it should be noted that, under the legislation of the Republic of Armenia, there are no hindrances for migrant workers to join trade unions.

Pursuant to Article 15 of the Law of the Republic of Armenia "On refugees and asylum", asylum seekers and refugees shall have the same rights and obligations as stateless persons and foreign nationals lawfully residing in the Republic of Armenia. Consequently, within the scope of those rights, they can receive legal support and aid in the same conditions that are prescribed for foreign nationals and stateless persons lawfully residing in the Republic of Armenia.

At the same time, refugees and asylum seekers may apply to the Migration Service for receiving legal support and aid. The employees of the relevant division of the Service (Asylum and Legal Affairs Division) will provide them with complete consulting with regard to all the rights prescribed for the relevant category persons under the legislation of the Republic of Armenia, including the rights to receive legal support and aid. Upon necessity, they will be referred to partner non-governmental organisations which provide legal support, such as the Office of the Public Defender of the Republic of Armenia where they can receive free legal aid, pursuant to the Law of the Republic of Armenia "On advocacy".

According to part 1 of Article 63 of the Constitution of the Republic of Armenia (Right to Fair Trial) "Everyone shall have the right to a fair and public hearing of his or her case, within a reasonable time period, by an independent and impartial court." According to part 1 of Article 64 of the Constitution (Right to receive legal aid) "Everyone shall have the right to receive legal aid. Legal aid shall be provided at the expense of state funds in the cases prescribed by law." According to Article 8 of the Constitutional Law of the Republic of Armenia "Judicial Code" (Ensuring the right to judicial protection and fair trial) "The activities of courts must be organised in such a way as to ensure effective judicial protection of rights and freedoms of each person through a fair and public hearing of his or her case within a reasonable time period by an independent and impartial court established by law." Pursuant to part 1 of Article 11 of the Civil Procedure Code of the Republic of Armenia (Equality before the law and court) "The administration of justice in civil cases shall be conducted on the basis of the principle of equality of all persons participating in the case before the law and court."

According to part 1 of Article 30 of the Law of the Republic of Armenia "On Foreigners" (Voluntary leave of foreigners from the Republic of Armenia), "A foreigner shall be obliged to voluntarily leave the territory of the Republic of Armenia, where:

- (a) the validity period of his or her entry visa or of residency status has expired;
- (b) the grounds referred to in parts 1 and 3 of Article 8 of this Law exist;
- (c) his or her application for obtaining a residency status or extending it has been rejected;
- (d) he or she has been deprived of residency status on the grounds referred to in points "a"- "d" of Article 21 of this Law;

- (e) the temporary residency status issued on the ground prescribed by Article 28 of this Law has been repealed, or the term of temporary residency status issued on the ground prescribed by point "b" of part 1 of Article 15 of this Law has expired."

It becomes clear from the aforementioned provision that the persons lawfully residing in the territory of the Republic of Armenia may not be expelled, where they do not pose a risk for the national security of the country or do not commit crimes contradicting the public interests or morality. It should also be mentioned that pursuant to part 1 of Article 55 of the Constitution of the Republic of Armenia (Prohibition of expulsion or extradition), "No one may be expelled or extradited to a foreign state, if there is a real danger that the given person may be subjected to death penalty, torture, inhuman or degrading treatment or punishment in that country", while Article 32 of the aforementioned Law (Circumstances prohibiting the expulsion of foreign nationals) prescribes the following: "1. Expulsion of foreigners to a State where human rights are violated, particularly, where he or she may face persecution on the grounds of racial, religious affiliation, social origin, citizenship, or political convictions, or if the foreigners concerned may be subjected to torture or cruel, inhuman or degrading treatment or punishment, or to death penalty, shall be prohibited. Evidence on existence of real danger of facing persecution or torture or cruel, inhuman or degrading treatment or of death penalty shall be submitted to the court by the foreigner concerned.

2. Expulsion of a foreigner residing in the Republic of Armenia shall be prohibited, where he or she:
  - is a minor, and his or her parents lawfully reside in the Republic of Armenia; or
  - has a minor under his or her care; or
  - is over the age of 80.
3. Collective expulsion of foreigners shall be prohibited."

Pursuant to Annex 1 approved under Government Decree No 318-N of 4 March 2004, asylum seekers and their family members are included in the list of socially disadvantaged and specific (special) groups of the population entitled to free medical aid and services guaranteed by the State.

Pursuant to point 1 of part 1 of Article 28 of the Law "On medical aid and services for the population": "Those providing medical aid and services shall be obliged to provide immediate and urgent medical aid to each person, irrespective of the grounds and other circumstances guaranteeing payment for that aid."

By the Law of the Republic of Armenia "On medical aid and services for the population" (Article 15): "Foreign nationals and stateless persons being in the territory of the Republic of Armenia shall have the right to medical aid and services in accordance with the

legislation of the Republic of Armenia, as well as the international agreements of the Republic of Armenia.

The family members with refugee status are not included in Annex 1 to Government Decree No 318-N of 4 March 2004, but, pursuant to point 9 of Annex 2 to the Decree, "a referral for medical aid and services free of charge or under preferential conditions may be issued to persons not included in the list of socially disadvantaged and specific (special) groups by referring commissions permanently operating within organisations providing ambulatory medical assistance that are located in the territory of the Republic of Armenia" (point 3 of Chapter 1 of the Methodical Guide approved under Annex 1 to Order of the Minister of Health of the Republic of Armenia No 457-A of 21 February 2018).

Medical aid and services for foreign nationals with diseases included in the list of diseases presenting a danger for others — approved under Government Decree No 1286 of 27 December 2001 — is organised free of charge, irrespective of the relevant interstate (international) agreements (treaties).

Pursuant to part 6 of Article 11 of the Law "On psychiatric aid and services", urgent psychiatric aid and services for foreign nationals shall be provided free of charge.

Pursuant to point 6 of the Procedure approved under Annex 1 to Government Decree No 420-N of 30 March 2006, "Nationals of the Republic of Armenia, as well as every person in the Republic of Armenia with the status of a refugee or an asylum seeker shall, within the scope of government funding, be entitled to free primary healthcare services guaranteed by the State from the doctor providing primary healthcare services whom he or she has chosen and with whom he or she is record-registered.

Pursuant to point 7 of the aforementioned Procedure, "Foreign nationals and stateless persons living in the Republic of Armenia can choose a doctor providing primary healthcare services, make an appointment and, on a paid basis, according to the price list established by the medical institution, receive primary healthcare and other primary medical aid services unless otherwise prescribed by the international agreements of the Republic of Armenia."

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

*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) *Please provide information on whether the Covid-19 crisis had an impact in particular on the possibilities for and the consequences of remote work on the right of workers with family responsibilities to equal opportunities and treatment.*

b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Due to the spread of Coronavirus disease, certain amendments and supplements were made to the Labour Code of the Republic of Armenia in 2020 (Law No HO-236-N of 29 April 2020 “On making supplements and amendments to the Labour Code of the Republic of Armenia” was adopted which entered into force on 8 May 2020) for the purpose of preventing, to the extent possible, violations of the rights of employees.

Not only the concept of “remote work” was defined by the supplements made to the Labour Code of the Republic of Armenia, but it was also stipulated that in case of possibility of organising work in a remote mode the employees shall not be considered as being in lay off and their salary shall be fully retained. The supplement made has enabled to work in a remote mode amid Coronavirus pandemic.

In particular, the Labour Code of the Republic of Armenia:

- has been supplemented by a new Article 106.1, part 1 of which prescribes that the remote work is the work carried out outside the workplace during the period of preventing natural disasters, technological accidents, epidemics, accidents, fires and other emergencies or the period of urgently eliminating the consequences thereof, where it becomes impossible to carry out the work in the workplace due to the mentioned circumstances. Meanwhile, newly supplemented part 3 of Article 187.1 of the Labour Code of the Republic of Armenia prescribes that in cases determined by part 1 of Article 106.1 of the Code, the salary of the employee shall be fully retained.
- part 1 of Article 114 has been supplemented by new points 5 and 6 which, accordingly, prescribe that rescission of employment contract upon the initiative of the employer shall be prohibited:
  - (1) during the period of preventing natural disasters, technological accidents, epidemics, accidents, fires and other emergencies or the period of urgently eliminating the consequences thereof, where the employee has failed to appear to work due the mentioned circumstances;
  - (2) during the time period of unplanned shift of holidays or unplanned holidays at educational (including pre-school) institutions, where the employee has failed to appear to work to organise the care of his or her child under the age of twelve.

Article 220 of the Labour Code of the Republic of Armenia has been set out in a new wording under Law No HO-236-N of 29 April 2020 “On making supplements and amendments to the Labour Code of the Republic of Armenia”:

1. Failing to perform employee’s duties or improper performance of such duties due to the fault of the employee shall be deemed as violation of work discipline.

2. The following shall not be deemed as violation of work discipline:
  - (1) failure by the employee to appear to work or appearing to work for an incomplete working day during the period of preventing natural disasters, technological accidents, epidemics, accidents, fires and other emergencies or the period of urgently eliminating the consequences thereof due to those circumstances;
  - (2) failure by the employee to appear to work or appearing to work for an incomplete working day for the purpose of organising the care of a child under the age of twelve during the time period of unplanned shift of holidays or unplanned holidays at educational (including pre-school) institutions."

Under Law No HO-236-N of 29 April 2020, the Labour Code of the Republic of Armenia has been supplemented by new Article 187.1 the parts 1 and 2 of which prescribe the following:

1. Where the employee has failed to appear to work or has appeared to work for an incomplete working day during the period of preventing natural disasters, technological accidents, epidemics, accidents, fires and other emergencies or the periods of urgently eliminating the consequences thereof due to those circumstances, the employee shall be paid at least for the time actually worked or the work having actually been done.
2. In the case when the employee has appeared to work for an incomplete working day in order to organise the care of a child under the age of twelve during the time period of unplanned shift of holidays or unplanned holidays at educational (including pre-school) institutions, the employee will retain his or her salary in full, where his or her absence during the working day does not exceed two hours. Where the absence during a working day exceeds two hours in the circumstances mentioned in this part, as well as where the employee does not appear to work for the whole working day, he or she shall be paid at least for the time actually worked or the work having actually been done.

Thus, as a result of the above-mentioned amendments and supplements:

- during the period of Coronavirus pandemic the work was organised in a remote mode;
- prohibition of rescission of employment contract upon the initiative of the employer has been prescribed:
  - ✓ during the period of preventing natural disasters, technological accidents, epidemics, accidents, fires and other emergencies or urgently eliminating the consequences thereof, where the employee has failed to appear to work due to those circumstances;
  - ✓ during the time period of unplanned shifts of holidays or unplanned holidays at

educational (including pre-school) institutions, where the employee has failed to appear to work to organise the care of a child under the age of twelve.

- regulations regarding the remuneration of work in the above-mentioned cases have also been prescribed;
  - it has also been stipulated that the following shall not be deemed as violation of work discipline:
    - (1) failure by the employee to appear to work or appearing to work for an incomplete working day during the period of preventing natural disasters, technological accidents, epidemics, accidents, fires and other emergencies or urgently eliminating the consequences thereof due to those circumstances;
    - (2) failure by the employee to appear to work or appearing to work for an incomplete working day for the purpose of organising the care of a child under the age of twelve during the time period of unplanned shifts of holidays or unplanned holidays at educational (including pre-school) institutions.
- (a) *Please provide information on whether the Covid-19 crisis had an impact on the right to parental leave.*
- (b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

The right to a leave granted for taking care of a child under the age of three is prescribed by Article 173 of the Labour Code of the Republic of Armenia. According to part 1 of the mentioned Article leave for taking care of a child under the age of three shall be granted upon the request of the mother (step-mother), father (step-father) of the family, or the guardian who is actually taking care of the child. The leave may be taken as a single period or used in parts. The employees entitled to such leave may take it out of turn.

No amendments have been made to the above-mentioned provision of the Labour Code of the Republic of Armenia following the Covid-19 crisis.

Under Law HO-415-N of 16 September 2020 “On making supplements and an amendment to the Labour Code of the Republic of Armenia” (the amendments entered into force on 29 September 2020), "paternal leave" has been supplemented to Article 171 of the Labour Code of the Republic of Armenia as a special purpose leave.

The Labour Code of the Republic of Armenia has been supplemented by new Article 176.1 which has regulated the paternal leave. In particular, it is prescribed under part 1 of Article 176.1 of the Labour Code of the Republic of Armenia that within 30 days after the date of birth of the child, upon the wish of the newborn's father, a paid leave with a duration of

five working days shall be granted, for each day whereof the employer shall pay an average daily salary.

The right to a leave granted for taking care of a child under the age of three is prescribed by Article 173 of the Labour Code of the Republic of Armenia. According to part 1 of the mentioned Article leave for taking care of a child under the age of three shall be granted upon the request of the mother (step-mother), father (step-father) of the family, or the guardian who is actually taking care of the child. The leave may be taken as a single period or used in parts. The employees entitled to such leave may take it out of turn. Thus, persons entitled to a leave granted for taking care of a child under the age of three under this Article may exercise this right up to when the child attains the age of three.

Under the legislation of the Republic of Armenia, right to benefit for taking care of a child under the age of two shall be vested in a parent, adopter or guardian of a child, who is on leave for taking care of a child under the age of three up to when the child attains the age of three, as prescribed by the Labour Code of the Republic of Armenia. Therefore, where the father takes care of the child and is on leave for taking care of a child, he is entitled to benefit for taking care of the child.

- (a) *Please provide information on whether the Covid-19 crisis had an impact on the prohibition of dismissal on the ground of family responsibilities and whether there were any exceptions to the prohibition of dismissal on the ground of family responsibilities during the pandemic.*
- (b) *Please explain whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.*
- (c) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Article 114 of the Labour Code of the Republic of Armenia prescribes the cases when rescission of employment contract upon the initiative of the employer is prohibited. In particular, points 2, 2.1 and 2.2 of part 1 of Article 114 of the Labour Code of the Republic of Armenia prescribe, accordingly, that rescission of employment contract upon the initiative of the employer shall be prohibited:

"(2) during the leave of the employee;

(2.1) in the case of pregnant women, from the day of submitting a reference on pregnancy to the employer until one month after the maternity leave;

(2.2) during the entire period of taking care of the up to one year old, except for the cases provided for by points 1, 5, 6, 8 and 10 of part 1 of Article 113 of this Code."

No amendments have been made to the above-mentioned regulations of the Labour Code

of the Republic of Armenia following the Covid-19 crisis.

Due to the spread of the Coronavirus disease, certain amendments were made to the Labour Code of the Republic of Armenia in 2020 (as already mentioned above, Law No HO-236-N of 29 April 2020 “On making supplements and amendments to the Labour Code of the Republic of Armenia”) (entered into force on 8 May 2020)), and new points 5 and 6 were supplemented to part 1 of Article 114 of the Labour Code of the Republic of Armenia, which prescribe that rescission of employment contract upon the initiative of the employer shall be prohibited:

- ✓ during the period of preventing natural disasters, technological accidents, epidemics, accidents, fires and emergencies or urgently eliminating the consequences thereof, where the employee has failed to appear to work due to those circumstances;
- ✓ during the time period of unplanned shifts of holidays or unplanned holidays at educational (including pre-school) institutions, where the employee has failed to appear to work to organise the care of a child under the age of twelve.

No new regulations were defined with regard to point "b" under the Labour Code of the Republic of Armenia.

Information regarding the compensation for dismissal on the ground of family responsibilities is referred to in Article 8.