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## Committee on Economic, Social and Cultural Rights

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Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant

### Replies of Armenia to the list of issues in relation to its fourth periodic report<sup>\*</sup>, <sup>\*\*</sup>

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document may be accessed from the web page of the Committee.



## I. General information

### Reply to paragraph 1 of the list of issues E/C.12/ARM/Q/4

1. The Covenant rights have been applied or invoked by the Supreme Judicial Council of Armenia.
2. During the implementation of the Strategy for Judicial and Legal Reforms, in addition to public defence the legislation stipulates mechanisms for providing *pro bono* legal aid by individual advocates or law firms, as well as other individuals. The next major direction concerns the development of mechanisms for *pro bono* legal aid. In particular, the scope of beneficiaries of public defence was expanded, including therein also:
  - Foreigners – on cases for appealing against decision on expulsion;
  - Persons who are subject to proceedings for recognition of incapacity or limited capacity, as well as proceedings of recognition as an incapable citizen or citizen who is free of limitations of his/her activity;
  - Victims, where the latter are compulsory fixed-term military servants or children under the age of 16.
3. At the same time, incentive measures were envisaged for the advocates who provide *pro bono* legal aid, as well as mechanisms were envisaged for contributing the provision of such aid and regarding voluntary accountability thereon.

### Reply to paragraph 2 of the list of issues

4. Within the framework of fulfilment of the obligations under the Paris Agreement, the following has been elaborated. On April 22, 2021, the Government approved the Nationally Determined Contributions (NDC) under the Paris Agreement for 2021-2030. The document establishes the priority areas where actions aimed at ensuring low-carbon development and adapting to the adverse effects of climate change will be implemented. The implementation of the 2021-2030 NDC is ensured through the national and sectoral strategies and the action plans thereof, including the strategies for the energy, transport, agriculture and forest sectors.
5. The 2021-2030 NDC are based on the principle of green economy and are compatible with the Sustainable Development Goals reflected in social and economic development goals of Armenia, the Comprehensive and Enhanced Partnership Agreement (CEPA) with EU.

The following measures have also been done:

- Draft Financial Strategy for the implementation of the Nationally Determined Contributions (NDC) for 2023-2030 of Armenia;
  - Draft Decision of the Government “On approving the long term low-emission development strategy (until 2050) of the Republic of Armenia”;
  - The conceptual recommendation drafted to elaborate the “Law on the climate”.
6. Also, for the first time, by its decision of May 13, 2021, the Government adopted the draft Decision “On approving the National Action Plan on adaptation of climate change and the list of actions for 2021-2025”. Serving as a road map, the NAP, which consists of 26 measures, provides an opportunity to identify, address and review the national needs, challenges, priorities and necessary resources for adaptation, establishing a necessary mechanism for the inclusion of the NAP for adaptation to climate change in the processes of territorial management and local self-governance, sectoral policy and financial planning, as well as for the proper fulfilment of international commitments undertaken by the country. Climate change adaptation plans for the sectors of energy, agriculture, tourism, healthcare has been elaborated, as well as other measures.
  7. The Inter-Agency Coordination Council for the implementation of the requirements and provisions of the UN Framework Convention “On Climate Change” and the Paris Agreement was established by the Decision of the Prime Minister. Three working groups:

for mitigation and adaptation, accountability, and financing were established adjacent to the Council. In 2021, the Council established an award ceremony, entitled: “Women in the Climate”.

### **Reply to paragraph 3 of the list of issues**

8. One case of intimidation of the Human Rights Defender of the Republic of Armenia and issuing threats against the latter was recorded; no cases of using violence or other harassment were recorded. On June 23, 2020, Mr. Arman Tatoyan, Human Rights Defender of the Republic of Armenia, reported to the National Security Service of the Republic of Armenia that on June 14, 2020, Aleksander Shapiro Suliman, Adviser on international relations of the Party “National Revival Movement”, Expert Commissioner of the non-commercial organisation of the International Committee for the Protection of Human Rights, the Founding Director of “Azerbaijan-Israel Medical Center”, called him and aggressively threatened regarding the conduct of the powers of the Human Rights Defender of the Republic of Armenia. Afterwards, Mr. Tatoyan received a message containing threats from the same person through the “WhatsApp” application, to which he did not respond. On August 3, 2020, a criminal case was instituted in the Investigative Department of the National Security Service of Armenia under Article 332.1 of the Criminal Code of the Republic of Armenia, which was sent to the Investigative Committee according to jurisdiction. During the preliminary investigation, a sufficient factual data substantiating the circumstance that the crime was committed by Aleksander Shapiro Suliman has not been obtained, therefore, the criminal proceedings were suspended on November 18, 2020, on the ground of point 1 of part 1 of Article 31 of the Criminal Procedure Code of Armenia (the person, who should have been involved as an accused in the case, is unknown).

### **Reply to paragraph 4 of the list of issues**

9. On November 6, 2000, the National Assembly of Armenia adopted the Law “On Protection of Economic Competition”. Pursuant to the Law, in 2001, the Competition Protection Commission (hereinafter “the Commission”) was established for the implementation of state policy in the sphere of economic competition protection. Since 2007 the Commission reserved the right to carry out inspections (the state aid provisions were included in the scope of controlled spheres). In 2018, the Law was conformed to the Treaty on Eurasian Economic Union and the best international experience.

10. In 2021 the Law have undergone comprehensive amendments, the Commission carried on its activities under the new name called Competition Protection Commission, which is an autonomous body with a high degree of independence.

## **II. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Maximum available resources (art. 2 (1))**

#### **Reply to paragraph 5 (a), (b) of the list of issues**

11. Within the scope of the Integrated Household Living Conditions Survey conducted by the Statistical Committee, information on the income and assets of population is not collected before taxes.

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Proportion of the population living below the poverty line after taxes and transfers	26.5%
Proportion of the population living below the poverty line before the social transfer (before receiving pension and social assistance)	48.7%

Proportion between the total income of the richest decile (part) of the population and the total income of the poorest 40 percent of the population after taxes and transfers 1.65

#### Reply to paragraph 5 (c), (d) of the list of issues

*The proportion of public revenue that is generated through taxes*

2020	2021	2022*
88.8	94.2	93.4

\* Data for 2022 is a preliminary figure.

12. Also, please see the data provided by the Ministry of Finance in Annexes 1 and 2.

13. The indicators of tax revenues and state duties provided by the State Revenue Committee of Armenia for 2020-2022 and the 1st quarter of 2023 are presented in the table below:

#### AMD billion

Indicator	2020 year	including from		2021 year	2022 year	2023 1st quarter
		August to	December, 2020			
Tax incomes and state duties	1 385.2	595.5		1 586.9	1 926.0	461.4

#### Reply to paragraph 5 (e) of the list of issues

14. In the Republic of Armenia, since 2020 and up to now, the rates of VAT and profit tax have been set at 20 percent and 18 percent, respectively. The income tax rates have been changed as follows:

Time period	Income tax rate
from 1 January 2020	23 percent
from 1 January 2021	22 percent
from 1 January 2022	21 percent
from 1 January 2023	20 percent

#### Reply to paragraph 5 (f) of the list of issues

15. The data on the funds actually allocated to the state employment programmes of the population in 2020-2022 and the proportion in relation to the GDP are presented in the tables below:

Year	Financial means, AMD thousand	Proportion in relation to GDP, percent %
2020	1 941 784.64	0.03
2021	1 627 001.18	0.02
2022	859 744.2	0.01

#### Public expenditure as a percentage of GDP

2020	2021	2022*
30.6	28.7	26.4

16. Total public expenditure, the proportion of the public budget that is allocated to social spending, including employment, education, food, health, water and sanitation, social security, housing and culture, %

	2020	2021	2022*
<b>Total</b>	<b>46.5</b>	<b>48.4</b>	<b>43.5</b>
Housing construction and communal services	0.5	0.5	0.4
Health	7.8	8.0	6.3
Culture, sport and religion	1.8	1.5	2.0
Education	7.6	7.4	7.4
Social security	28.8	31.0	27.4

\* Data for 2022 is a preliminary figure.

### Reply to paragraph 5 (h) of the list of issues

Military expenses as a percentage of GDP and of the public budget

	2020	2021	2022*
Defence expenditures to GDP	6.3	4.8	5.7
Defence expenditures to total public expense	20.5	16.8	21.4

\* Data for 2022 is a preliminary figure.

### Reply to paragraph 6 of the list of issues

17. The main directions of measures aimed at combating corruption in the Republic of Armenia were enshrined in the Decision of the Government of Armenia of October 3, 2019, “On approving the Anti-Corruption Strategy and its Implementation Action Plan for 2019-2022 of the Republic of Armenia” (hereinafter referred also to as “the Anti-Corruption Strategy”), as well as measures aimed at combating corruption were enshrined in the sectoral strategies of judicial and legal reforms. It should be noted that a number of changes implemented within the framework of the aforementioned strategic documents were also aimed at preventing corruption among members of parliament, judges and prosecutors. In particular:

- On 24 March 2020, the National Assembly adopted legal acts providing for amendments to the Constitutional Laws “Judicial Code” and “The rules of procedure of the National Assembly”, the Law “On public service” and related legal acts, whereby mechanisms for checking the integrity of judges have been introduced, the rules of conduct of judges and the grounds for subjecting a judge to disciplinary liability have been specified, the types of disciplinary penalties have been extended, the procedures for subjecting a judge to disciplinary liability have been specified, etc. Meanwhile, through these legislative amendments, the scope of corruption-related crimes have been defined within the framework of the Criminal Code, other changes have been made, as well;
- On January 19, 2021, amendments aimed at improving the declaration system were made to the Law “On public service” as well as to the related laws. The specified amendments applied also to the declarations submitted by judges, prosecutors and members of parliament. In particular, the scope of information submitted in declarations on property, incomes and interests was revised, the declaration on expenditures, and a requirement to present information regarding the property actually possessed were introduced, and a number of other amendments were implemented;
- On April 14, 2021, the National Assembly adopted laws providing for amendments to the Constitutional Law “Judicial Code” and the related laws aiming at establishment of Anti-Corruption Court. A requirement to check the integrity of candidates for judges of the Anti-Corruption Court was envisaged. According to the amendments, 10 judges would conduct examination of corruption-related crimes, and 5 judges would conduct examination of anti-corruption civil cases. Within the framework of this legislative package, mechanisms for checking the integrity of the candidates of

prosecutors were envisaged. The specialised Anti-Corruption Court started its activities in 2022.

18. Meanwhile, as for the review of judicial acts rendered in the mentioned cases through the re-examination procedure, it has been established that it will be carried out by certain judges of the Criminal Court of Appeal and the Civil Court of Appeal, respectively, the number whereof in each Court has been set as at least 6. And with the legislative amendments implemented on December 23, 2022, the establishment of an Anti-Corruption Court of Appeal was envisaged, which would start its activity in 2024. Meanwhile, with the amendments implemented by the National Assembly in the Judicial Code on February 9, 2022, the establishment of a separate Anti-Corruption Chamber in the Court of Cassation was envisaged:

- On December 7, 2022, the National Assembly adopted legal acts providing for amendments to the Law “On public service” and the related laws. The implemented amendments were also related to the restrictions on the acceptance of gifts by judges, prosecutors and parliament members, as well as the requirements of conflict of interests and incompatibility. The main amendments implemented were aimed at revising the concept of conflict of interest, clarifying the instruments for solving the situation of conflict of interest, and the scope of sanctions in case of regulating the conflict of interest, consolidating the restrictions on receiving gifts in one legal act, revising the concept of gifts, improving the mechanisms for record-registration of gifts and creating a registry for record-registration of gifts, establishing mechanisms for administrative liability for violating the restrictions on receiving gifts;
- On April 16, 2020, the National Assembly adopted the Law “On civil forfeiture of illegal assets” and related laws. Based on the mentioned legal acts, the institute of forfeiture of illegal assets under civil law procedures was introduced in Armenia. Based on the specified amendments, in September 2020, the Department for Cases of Civil Forfeiture of Illegal Assets was established within the Prosecutor General’s Office.

19. Every year, a comprehensive information on the results of the investigation of corruption-related crimes is published on the official website of the Prosecutor’s Office of Armenia (*available in Armenian*).

20. During 2020, 1810 materials on corruption-related crimes were prepared in the proceedings of the competent bodies of Armenia, about 1232 were criminal cases.

21. In 2020, 2535 criminal cases were examined in the proceedings of the preliminary investigation bodies of Armenia.

22. In 2020, proceedings in 716 corruption related criminal cases were completed. Proceedings of the 419 criminal cases out of the completed criminal cases were dismissed on an acquittal ground, and those of the 114 were on a non-acquittal ground. The rest of 183 criminal cases, the proceedings whereof were completed, with the indictment regarding 410 persons were forwarded to court.

23. During the mentioned period, proceedings of 156 criminal cases out of 2535 criminal cases pending in proceedings were suspended, 136 out of which were on the ground of the person being unknown, 17 were on the ground of the person being on the wanted list, and 3 were on other grounds. 308 criminal cases were forwarded according to subordination, 321 cases were joined, preliminary investigation into 1034 cases was transferred to the next year.

24. During 2020, the property damage caused to the state by the completed materials and completed criminal cases in the corruption-related crimes was AMD 6.337.386.160, and at the same time, during 2020, AMD 4.518.295.697 was recovered.

25. In 2020, 104 corruption-related criminal cases with regard to 152 persons were examined and completed in the courts. 1113 persons were convicted in 78 out of the specified ones, 10 persons were acquitted in 7 cases, 19 cases with regard to 29 persons were dismissed.

26. During 2021, 1409 materials on corruption-related crimes were prepared in the proceedings of the competent bodies of Armenia, in 798 out of which criminal cases were instituted. 2312 criminal cases were examined in the proceedings of the preliminary

investigation bodies of Armenia. In 2021, proceedings in 730 corruption related criminal cases were completed. Proceedings of the 414 criminal cases out of the completed criminal cases were dismissed on an acquittal ground, and those of the 129 – on a non-acquittal ground. 187 criminal cases, the proceedings whereof were completed, with the indictment regarding 433 persons were forwarded to court.

27. Proceedings of 255 criminal cases out of 2312 criminal cases pending in proceedings were suspended, 224 out of which – on the ground of the person being unknown, 27 – on the ground of the person being on the wanted list, and 4 – on other grounds. 353 criminal cases were forwarded according to subordination, 215 cases were joined, preliminary investigation into 765 cases was transferred to the next year.

28. During 2021, as compared to 2020, the indicators regarding recovery of property damage caused by the completed materials and completed criminal cases in the cases of corruption-related crimes have decreased. In particular, during 2021, as compared to 2020, the property damage caused by the completed materials and completed criminal cases decreased by nearly 28%. At the same time, during 2021, nearly 91% was recovered. Otherwise stated, in 2021, 9% of the damage caused by the completed criminal cases was recovered, and in 2020 – 71.4% of the damage caused was recovered.

29. In 2021, 83 corruption-related criminal cases with regard to 150 persons were examined and completed in the courts. 97 persons were convicted in 53 out of the specified ones, 11 persons were acquitted in 6 cases, 24 cases with regard to 42 persons were dismissed.

30. During 2022, 719 materials on corruption-related crimes were prepared in the proceedings of the competent bodies of Armenia, in 278 out of which criminal cases were instituted, and during 2022, 896 corruption-related criminal proceedings (cases) in total were instituted and initiated.

31. In 2022, 99 corruption-related criminal cases with regard to 197 persons were examined and completed in the courts. 132 persons were convicted in 67 out of the specified ones, 18 persons were acquitted in 7 cases, 24 cases with regard to 46 persons were dismissed.

32. Please also see Annexes 3, 4 and 5.

33. Since October 23, 2021, till April 01, 2023, 1,378 criminal cases/proceedings of corruption nature were investigated in the Anti-Corruption Committee. During the mentioned period, 3916 applications/reports were submitted to the Anti-Corruption Committee. The Anti-Corruption Committee is an investigative body, therefore no record is taken of the verdicts.

## **Non-discrimination (art. 2 (2))**

### **Reply to paragraph 7 of the list of issues**

34. The draft law “On Ensuring Equality Before the Law” was developed and submitted to the Government in December 2019. The Law was later returned for further amendments, and on May 22, 2020 (the Office of the Prime Minister assigned to revise the draft).

35. The adoption of the Law is planned to be included in the Action Plan for 2023–2025 arising from the National Strategy for the Protection of Human Rights. Currently, the revision process has resumed again and after the revision, it will be presented to external circulation.

### **Reply to paragraph 8 of the list of issues**

36. Currently, the Draft Law of the Republic of Armenia “On national minorities” is being revised, the aim whereof is to provide a more systematic definition of persons belonging to national minorities living in Armenia, their rights and the mechanisms necessary for their protection, to define the tasks of executive bodies of central authorities and local self-government bodies in that sphere. The Draft provides also for establishing a Chamber of National Minorities, which will serve as a platform for discussing the issues of national minorities and proposing solutions.

37. Article 29 of the Constitution enshrines that discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited. The above-mentioned constitutional guarantee has been reflected in Article 5 of the draft Law “On national minorities” according to which discrimination on the ground of belonging to a national minority shall be prohibited. Persons belonging to national minorities shall have rights and responsibilities on equal basis with the citizens of the Republic of Armenia who are Armenian by origin. The regulations ensuring equality for the realization of the rights and freedoms of persons belonging to the national minority are envisaged by the draft Law “On ensuring legal equality”.

38. Regarding cases of privatization of lands in 1991, the Human Rights Defender requested thorough explanations from the head of the relevant community, who gave detailed clarifications on each issue raised in the complaint. The investigation into the complaint was terminated on the ground of absence of any violation of human rights.

### **Equal rights of men and women (art. 3)**

#### **Reply to paragraph 9 of the list of issues**

39. As a result of the amendments to the Electoral Code, a minimum threshold of quota in the National Assembly elections was set at 30 percent, according to which the involvement of women in the political parties represented in the National Assembly should be at least 30 percent. The legislative change was made to increase the involvement of women in politics and the decision-making process. The involvement of women in the legislative body amounted to 23% (including at local level). In the executive bodies the figures are as follows: 9% at the level of ministers and 25% at the level of deputy ministers, and in judicial bodies 27%.

40. In accordance with the quota system in place, 17 commissions were formed to conduct the interview phase for filling the vacant positions of general secretaries in the state administration system: in 11 cases, the number of women in the commission exceeded the number of men. In 2022, compared to the previous year, there was a 19.63% increase in the number of women holding positions in the civil service; the same indicator is around 2% in the case of men.

41. Since the independence of Armenia, men held the position of minister for 235 times, women for 8 times. In 2021, 13 of the 44 deputy ministers were women (28%) in 8 ministries.

42. The component of gender-sensitivity has been ensured for all the programmes to ensure gender-sensitive approach within the state administration system, including the State Budget of Armenia since 2020, as a result whereof the content of the State Budget has reflected the objectives of gender equality and social justice. In particular, starting from 2020, three gender-sensitive programmes aimed at fight against domestic violence are being implemented with the state budget: “Support centre services for persons subjected to violence within the family”, “Shelter service for persons subjected to violence within the family”, “Temporary support to persons subjected to domestic violence”.

#### **Reply to paragraph 10 of the list of issues**

43. Below is the statistical data by the Unified Social Service regarding the number of persons, including women, involved in the state employment programmes for 2020-2022:

<i>Year</i>	<i>Interested parties in total</i>	<i>women</i>
2020	5 675	3 094
2021	3 958	2 600
2022	1 800	596

44. Thus, in 2020-2022, 11433 persons in total were involved in state employment programmes, 6290 persons or 55.0% out of which were women.



45. The Labour Code of Armenia prohibits the discrimination (part 1 of Article 3.1). It is prescribed by the Labour Code that men and women shall receive equal pay for equal or equivalent work. And it is prescribed by part 3 of Article 180 of the Labour Code that the same criteria shall apply to both men and women in case of applying a job qualification system, and this system must exclude any discrimination based on gender. Pursuant to Article 33 of the Labour Code, the state supervision over the observance by employers of the requirements of the labour legislation and other regulatory legal acts containing norms of labour law, as well as of collective and employment agreements shall be exercised by the authorised inspection body (Health and Labour Inspection Body), imposing sanctions in cases provided for by law.

46. As for rectifying the large gender pay gap, it should be noted that in Armenia, women and men are paid the same amount for the same work. This is also confirmed by the results of the study conducted by consulting companies “America” and “CIVITTA Armenia” in 2022, within the framework of the elaboration of the Draft Employment Strategy. As shown by the statistics, the gender pay gap is largely due to the fact that the employment of women is relatively high in the education and health sectors, and the employment of men – in the construction and transportation sectors. In other words, women are employed to a relatively greater extent in the sectors where there is a greater demand for employees with higher education, but the pay in the specified sectors is generally lower. In particular, according to the data provided by the Statistical Committee of Armenia, 39% of employed women have higher education, 27.2% have secondary vocational education, and 31.3% have secondary education. In non-agricultural sectors, 28.5% of employed women are employed in the education and healthcare sectors, 12.6% are in wholesale and retail trade sector, 9.6% are in manufacturing industry, 6.9% are in public administration and defence, mandatory social security, and only 1.8% are in construction and transportation sectors.

47. Referring to the question on the list of professions declared hazardous for women, we would like to inform that such a prohibition is provided for by Article 258 of the Labour Code, part 1 whereof prescribes that engaging pregnant women or women taking care of a child under the age of one in heavy, harmful, especially heavy and especially harmful works defined as such by the legislation of Armenia is prohibited, and the purpose thereof is the protection of motherhood.

### **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

##### **Reply to paragraph 11(a) of the list of issues**

48. To decrease the unemployment rate among young people, including those who do not study and do not work, some state employment measures were taken in 2020-2022. In particular, The Ministry of Labor and Social Affairs implemented the measure entitled “Provision of support to unemployed persons for gaining professional work experience in the acquired profession”. Within the framework of this measure, 371 young people in 2020 and 322 young people in 2021, aged 16-29, gained work experience and became employed. At the same time, in 2020, 1272 young people were enrolled in all state employment measures, in 2021 – 1185 young people, in 2022 – 345 young people.

49. Furthermore, in 2022, a new component was added to the programme to provide lump-sum support to the employer in case of employing veterans of wars unleashed by Azerbaijan against Nagorno Karabakh in 2016 and 2020, and there were 278 beneficiaries of the new program. As a result of all state employment programmes (except for paid public and seasonal employment programmes), in 2020 – 1,778 persons (1,287 urban residents), in 2021 – 1251 persons (618 urban residents), in 2022 – 552 persons (374 urban residents) were employed or became self-employed.

**Reply to paragraph 11 (c) of the list of issues**

50. In 2020–2022, according to the statistical reports of the Unified Social Service, 1,213 women taking care of children got the opportunity of reinstatement to the position and organising the care of the child in parallel with the job thanks to the programme “Provision of support to job seekers who are on a leave to take care of a child under the age of three, in case of return to work before the child attains the age of two, for organising childcare in parallel with the job”.

51. 308 women were involved in the programme “Professional training for young mothers who are non-competitive in the labour market and have no profession at the employer’s office”.

52. In 2020–2022, 1,1433 persons in total were involved in all state employment programmes, 6290 persons (55.0%) out of which were women. Thus, the specified number of unemployed women got the opportunity to have a stable source of income and to meet their needs.

**Reply to paragraph 11 (d) of the list of issues**

53. Please see Annex 6 regarding information provided by Statistical Committee of Armenia on employed persons by sex and residency, employed persons by working time arrangement, informal employment persons by sex and residency and informal employment by Armenian marzes (regions) and Yerevan city.

**Right to just and favourable conditions of work (art. 7)****Reply to paragraph 12 of the list of issues**

54. The labour legislation of Armenia and other regulatory legal acts containing norms of labour law shall apply to employment relations in Armenia, irrespective of the fact whether the work is performed in the Republic of Armenia or in another state upon the assignment of the employer. This regulation means, that the status of an employee or the fact of being or not being a migrant worker is not separated.

55. It is prescribed by part 4 of Article 7 of the Labour Code of Armenia that where the employer is a foreign state or its diplomatic representation, a foreign entity or a foreign person, the labour legislation of Armenia and other regulatory legal acts containing norms of labour law shall apply the employment relations having arisen with the employers permanently residing in the Republic of Armenia to the extent that the diplomatic immunity is not violated.

56. At the same time, addressing the question on extending the scope of powers of the Health and Labour Inspection Body currently carrying out supervision over the labour legislation, we would like to inform that in accordance with the legislative amendments to the Labor Code made in December 2019, the Health and Labour Inspection Body has been vested in 2021 authorised to exercise state supervision over the observance of the requirements of the labour legislation, other regulatory legal acts containing norms of labour law, the requirements of collective and employment agreements, as well as to impose sanctions in cases provided for by law. Thus, starting from 1 July, 2021, the Health and Labour Inspection Body has been vested with the power to exercise full-scale supervision over labour legislation.

57. At the same time, before 1 July 2021 (prior to the entry into force of the above-mentioned legislative amendments), in times of the COVID-19 pandemic and quarantine declared in Armenia since March 2020, in order to prevent possible violations of employees’ rights in that emergency situation, some relevant amendments were also made to the Labour Code of the Republic of Armenia. As a result, the scope of the Health and Labour Inspection Body has been extended in accordance with the requirements of the Convention No 81 of the International Labour Organisation, including also the exercise of supervision over observance of the procedure for concluding or rescission of the employment contracts, detecting cases of performance of works in the absence of an individual legal act on accepting for employment or written employment contract (illegal employment), maintenance of

durations of working time and rest time, calculation and payment of the salary in the manner and time limits prescribed by law; the exercise of supervision over the fulfilment of liabilities provided for by the collective agreements; the exercise of supervision (and not only) over timely payment of amounts due to be paid as a compensation of damage caused by accidents at workplace and occupational diseases. By another amendment, entered into force from 17 July 2020, the number of staff positions of the Health and Labour Inspection Body has increased by 60.

#### **Reply to paragraph 13 of the list of issues**

58. Pursuant to part 1 of Article 179 of the Labour Code of Armenia, the minimum monthly salary and hourly wage shall be defined by law. Other amount for the minimum monthly salary (hourly pay) may be defined by law for separate branches of economy, residences, and certain groups of employees. The amount of the minimum salary does not include taxes paid from the salary, social or other mandatory payments prescribed by law, bonuses, additional payments, awards and premiums.

59. Part 2 of Article 179 of the Labour Code of Armenia defines that, a minimum salary higher than the minimum salary defined by part 1 of the same Article, may be defined by the collective agreement, and part 3 of the same Article defines that the amount of the hourly pay or monthly salary of the employee may not be less than the amounts defined by parts 1 and 2 of the same Article.

60. The amount of the minimum monthly salary, as well as the minimum amount of hourly tariff rate for the employees paid based on task rate and hourly pay rate are defined by the Law “On the minimum monthly salary”, for the entire economy of Armenia.

61. The last two amendments to the Law “On the minimum monthly salary” providing for increase in the minimum monthly salary were made:

- In November 2019, when the minimum monthly salary has increased from AMD 55.000 to AMD 68.000, starting from 1 January 2020;
- In December 2022, when the minimum monthly salary has increased from AMD 68.000 to AMD 75.000, starting from 1 January 2023.

62. The changes in the amount of the minimum monthly salary were made based on the relevant research, wherein proposals on the amount of the minimum monthly salary were made, taking into account the socio-economic situation of the country, as well as taking as a basis the analysis of macroeconomic indicators of the country, the outcomes of the construction of appropriate mathematical models and the study of international experience.

#### **Reply to paragraph 14 of the list of issues**

63. Please see Annex 7 for Industrial injuries recorded in organizations carrying out outpatient and inpatient medical care.

64. Relevant statistics within the framework of this issue can be found on the website of the Statistical Committee of Armenia, the links are presented below:

- [https://armstat.am/file/article/soc\\_vich\\_2020\\_10.pdf](https://armstat.am/file/article/soc_vich_2020_10.pdf);
- [https://armstat.am/file/article/soc\\_vich\\_2020\\_e\\_10.pdf](https://armstat.am/file/article/soc_vich_2020_e_10.pdf);
- [https://armstat.am/file/article/soc\\_sit\\_2021\\_10.pdf](https://armstat.am/file/article/soc_sit_2021_10.pdf);
- [https://armstat.am/file/article/soc\\_sit\\_2021\\_en\\_10.pdf](https://armstat.am/file/article/soc_sit_2021_en_10.pdf).

65. The Labour Code prescribes that material liability of an employer emerges when the employee not insured from accidents at work and from occupational diseases has contracted an occupational disease, has been maimed or has died. The referred Article of the Labour Code prescribes that the employer shall compensate for the damage caused as prescribed by the Civil Code of Armenia.

66. The right to receive compensation for damage in case of contracting an occupational disease, being maimed or in case of death is defined for all employees.

## Trade Union rights (art. 8)

### Reply to paragraph 15 of the list of issues

67. The Labour Code of Armenia regulates collective employment relations. It contains provisions related to social partnership in the field of labour, collective agreements, including the conclusion and rescission of agreements, collective labour disputes, including strikes. At the same time, the Labour Code, these norms do not apply to employment relations between the officers of the armed forces, police, national security bodies and persons holding public positions (except for discretionary positions).

68. According to Article 4 of the Law “On public service”, public positions shall be elective or appointive positions occupied as a result of political processes, discretionary decisions, as well as other procedures provided for by law. (...) Public positions shall be classified into 2 groups: state and community, and state positions shall, in turn, shall be classified into the following groups: political, administrative, autonomous and discretionary.

69. According to Article 2 of the Law “On Investigative Committee of the Republic of Armenia”, service in the Investigative Committee is a state service. According to this Law, the Chairperson of the Investigative Committee, deputies thereof, heads of the general departments of the Central Body of the Investigative Committee, heads of departments and deputies thereof, heads of divisions, deputies of heads of divisions, senior investigators of particularly important cases, investigators of particularly important cases, senior investigators and investigators, as well as the officers in the personnel reserve of the Investigation Committee based on the grounds prescribed by the law, shall be considered to be persons holding autonomous positions in the Investigation Committee.

70. Therefore, the norms prescribed by Section 2 of the Labour Code of the Republic of Armenia shall apply to persons holding autonomous positions in the Investigative Committee of the Republic of Armenia to the extent these relations are not regulated by the Law “On the Investigative Committee of the Republic of Armenia”.

71. At the same time, the Law “On the Investigative Committee of the Republic of Armenia” defines the rights of persons holding autonomous positions in the Investigative Committee.

72. On 22 March 2023, the draft Law “On making amendments and supplements to the Labour Code of Armenia” (hereinafter referred to as “the Draft”) was adopted by the National Assembly in the first reading, which envisages large-scale amendments to the Labour Code of Armenia. Regulations related to strike shall also be reviewed by the Draft. In particular:

- Legal regulations related to rendering a decision on declaring a strike shall be mitigated, which, in contrast to the current norms of the Labour Code of Armenia, provide for the possibility of declaring a strike in case of self-expression of fewer employees (for example, according to the current regulations, votes of the two-thirds of the total number of employees are required for a strike at the employer, whereas the proposed amendments require presence of at least half of the votes);
- It has been planned that social partners shall also participate in the establishment of the minimum requirements to be ensured during the strike in certain organisations (for going on strike wherein the Labour Code of Armenia prescribes that the minimum conditions (services) necessary to meet the urgent (vitaly necessary) needs of the society must be ensured) participate in defining the minimum requirements to be ensured during the strike also the social partners (the regulation is adapted to the requirements of the Convention No 87 of the International Labour Organization).

73. Regulations regarding the representatives of employees shall also be reviewed by the Draft. In particular:

- For the purpose of adapting Article 119 of the Labour Code of the Republic of Armenia to the provisions of Article 28 of the Revised European Social Charter, a requirement for observance of the guarantees prescribed by the mentioned article of the Labour Code of the Republic of Armenia for employees elected to the representative bodies of employees has been provided, also within six months upon

the expiry of the powers thereof. In this regard, it is worth noting that part 1 of Article 119 of the Labour Code of the Republic of Armenia stipulates that the employees elected to representative bodies of employees may not be dismissed from work upon initiative of employer during the implementation of their powers, without the preliminary consent of the representative body of employees, except for cases provided for by points 1, 5, 6 and 8-10 of part 1 of Article 113 of the Labour Code;

- It has been envisaged to stipulate the right to appeal through judicial procedure the decisions and activities of an employer and the authorised persons thereof violating rights of the employees as the right of representatives of employees;
- It has been envisaged to establish the provision of the necessary conditions, space and logistical means to the representatives of employees to exercise their powers through the procedure prescribed by the collective agreement or the consent of the parties as the obligation of the employer.

74. It is envisaged to expand the toolkit of trade unions, as well as to adapt the regulations of the Law “On trade unions” with the requirements of the international obligations (Conventions of the International Labour Organization and the Revised European Social Charter) undertaken by Armenia. It is currently in the stage of revision.

75. At present, the current regulation of Article 6 of the Law “On trade unions” prescribes that:

- “Employees who have concluded an employment contract with the employer concerned and who perform work within the territory of Armenia and outside the territory of Armenia, including foreign citizens and stateless persons, may become participants of (members to) a trade union organisation;
- Employees who have concluded employment contracts with various employers in a relevant branch (related branches) of economy (production, service, occupation) may also become members to trade union organisations;
- An employee may be a participant of (member to) more than one organisation, provided this does not contradict the charters thereof;
- The procedure for becoming a participant of (member to) a trade union organisation shall be prescribed by the charter of that organisation;
- Officers of the armed forces, the police, the national security service, prosecutor’s office of the Republic of Armenia, as well as judges and Constitutional Court judges may not be participants of (members to) a trade union organisation”.

## **Right to social security (art. 9)**

### **Reply to paragraph 16 of the list of issues**

76. The state policy on social assistance is based on the principle of assessing social need and providing proportionate social services, encouraging the socio-economic engagement a person. The programme emphasizes encouraging, stimulating of work of every capable citizen and enhancing the skills and capabilities of the person. The new law “On social assistance” and the package of amendments to related laws (amendments and supplements are made to 19 laws) have been submitted to the Office of the Prime Minister of Armenia. The package is aimed at creating legal grounds for the variety of social services equivalent to the social needs of socially disadvantaged, poor families.

77. To achieve the stated goal and to implement the social assistance policy, it was necessary to introduce a new system for assessment to make the social assistance programmes more addressed and efficient, providing an opportunity to encourage the socio-economic activity of the beneficiaries. Such concept of a new system for family indigence assessment has been elaborated and the hybrid method of verifying family means has been chosen as the basis of the new system for family indigence assessment.

78. In parallel, the implementation of the pilot programme is also being organised and the new system is planned to be introduced from 1 October 2023.

79. To overcome the economic difficulties emerged as a result of the military aggression unleashed by Azerbaijan against Nagorno Karabakh (Republic of Artsakh) in September-November of 2020, a number of measures were adopted by the Government of Armenia in 2020-2021. In particular, the Decisions of the Government:

- “On approving the measure for social support for the compensation of the costs of temporary hosts to the adult citizens registered in the communities left out of the supervision of the Republic of Artsakh as a result of the military aggression unleashed by Azerbaijan against the Republic of Artsakh from 27 September 2020”;
- “On approving the measure for social support for the compensation of the costs of temporary hosts to adult citizens who lost their residential property located at the registration address of the communities of the Republic of Artsakh as a result of destructions or for other reasons as a result of the military aggression (...)”;
- “On approving the measure for social support and the procedure for the provision thereof for compensation of the costs of legal entities and individual entrepreneurs providing temporary host accommodation services to adult citizens as a result of the military aggression unleashed by Azerbaijan against the Republic of Artsakh from 27 September 2020”. With this measure, social support was provided to legal entities and individual entrepreneurs that provided temporary host accommodation services in Armenia to forcibly displaced persons from Nagorno Karabakh;
- “On approving the measure for support provided for the purpose of compensation for the damages caused to the residential property of citizens in the communities of the Republic of Armenia as a result of the shelling during the war unleashed by Azerbaijan from 27 September 2020”. With this measure, the social support was provided to 74 citizens of the communities of Syunik Marz of Armenia in the form of a lump-sum financial assistance through the transfer to the bank account of the beneficiary to compensate for damages caused to the residential property. In Armenia, 120 people applied for such compensation, and all of them received the support;
- “On approving the measure for social support to military servicemen having sustained an injury (wound) or having got mental health problems as a result of the military aggression unleashed by Azerbaijan against the Republic of Artsakh from 27 September 2020”. With this measure, social support was provided to military servicemen in the form of a lump-sum financial assistance for each beneficiary.
- “On approving the measure for social support to the families of civilian victims and of missing persons and to disabled as a result of the hostilities (...)”.

80. With regards to the terms of point 16 (“Please also provide information on the main peculiarities of the reforms implemented in the field of social protection (E/C.12/ARM/4, Art. 135) and the progress and issues registered so far.”), the Government adopted Programme on 18 August, 2021, approved also by the National Assembly, that envisaged:

- Point 4.1 (Demography):
  - The circle of beneficiaries receiving benefits for care for a child under the age of 2 would be expanded, at the expense of unemployed mothers, regardless of their place of record-registration (residence);
  - In the context of improvement of the demographic situation, a draft law would be developed, clearly stipulating the incentives for births and the social guarantees granted to multi-child families, including in the form of granting monthly financial assistance of AMD 50,000 to families for the third child and next children under the age of 6;
- According to point 4.6 of the Programme (Labour and social protection), the Government would take steps to equalise the average amounts of the minimum pension and the pension to the values of food and consumer baskets respectively, to eliminate extreme poverty by 2026:

- It should be noted that to ensure the fulfilment of the provisions of the Programme with regard to pensions, the amount of the minimum pension and of benefits of old-age, disability, loss of the breadwinner had increased from 1 January, 2022, to AMD 28600 (instead of AMD 26500).

From 1 September, 2022, the pensions and benefits increased by AMD 3000.

Increase in the amount of pensions and benefits is also envisaged by the Budget of the Republic of Armenia for 2023;

- For the purpose of improving the demographic situation:

Based on the amendment made to the Law “On state benefits”, the right to benefit for care for a child under the age of 2 was also provided to parents living in rural areas, regardless of the fact of being on leave for care prescribed by the Labour Code. This means that in addition to parents on leave for care, parents living in rural areas were also included in the circle of beneficiaries. If the parent lives in a rural area and is on leave for care at the same time, the benefit for care is doubled.

Based on the amendment made in 2022 to the Law of 26 October 2022 “On state benefits”, the right to benefit for care was also established for parents living in urban areas, regardless of the fact of being on leave for care. As a result, in connection with care of a child born after 1 January 2023, a benefit for care is paid to all parents – living both in rural and urban areas, those being on leave for care or not.

The amount of the benefit for care is differentiated for parents being or not being on leave for care.

Upon Decision of the Government No 1566-N of 29 December 2015, in case a child is born on or after 1 January 2023, the amount of the benefit for care is set in the amount of AMD 37500 if the parent is on leave for care and AMD 31600 if the parent is not on leave for care.

Moreover, if the parent lives in a rural area and is on leave for care at the same time, the benefit for care is doubled;

- Upon Decision of the Government of 23 December, 2021, for the third and every subsequent child born in the family on or after 1 January, 2022, financial assistance has been established in the amount of AMD 50 000 per month, up to and including the month when the child attains the age of 6.

81. For measures implemented to neutralise negative economic impact of Coronavirus disease please see Annex 8.

### **Protection of the family and children (art. 10)**

82. To reduce the degree of engagement of children in hazardous work and early prevention of the cases of involving them in begging, as well as to identify the persons who involve minors in begging and vagrancy, in 2020-2022, relevant measures were taken by the Police of Armenia. The measures include meetings and conversations regularly held in educational institutions by competent Police officers to prevent begging and vagrancy among minors. The Police officers explain the danger and consequences of begging. Besides, inspection visits were regularly organised and conducted by the competent officers of the specialised sub-divisions of the Police in the most crowded places, favourable for begging and vagrancy, entertainment facilities, churchyards, and shopping centres. To identify persons engaged in begging and vagrancy, as well as those inciting minors to beg or engaging them in begging, from 19 September to 23 November of 2022, a complex event was held at the initiative of the General Department of the Police of Ensuring Public Security. During the event, the Police officers visited the areas of cafes and public catering facilities and transferred phone numbers to the administration for the purpose of immediately alerting if

they noticed minors engaged in begging. Parents of 2 minors engaged in begging detected during the event were subjected to administrative liability.

83. According to the statistics provided by the Information Center of the Police of Armenia, the statistics on the crimes registered during 2020-2022 under elements of paragraph 2 of Article 132 of the former Criminal Code of the Republic of Armenia and Article 189 of the current Criminal Code /Trafficking in or exploitation of a child or a person deprived of the possibility to realise the nature and significance of his or her act or to direct it as a result of mental disorder/ are presented, where minors were the victims:

<i>Article</i>	<i>Quantity Forwarded to the court</i>		<i>Dismissed</i>	<i>Pending</i>
2020				
part 1 of paragraph 2 of Article 132	1	1	0	0
point 4 of part 2 of paragraph 2 of Article 132	2	1	1	0
2021				
point 4 of part 2 of paragraph 2 of Article 132	2	2	0	0
2022				
part 1 of paragraph 2 of Article 132	1	0	0	1

84. By amendments, to be made to the Labour Code of Armenia”, the working hours of working children were reviewed, and it was also established that they may be engaged in work beyond the hours envisaged for compulsory education.

#### **Reply to paragraph 18 of the list of issues**

85. The Council of Europe Convention “On preventing and combating violence against women and domestic violence” was signed by Armenia on 18 January of 2018. To ratify the Convention, more awareness raising campaigns are to be launched, and this takes time. The ratification instruments are in the process of preparation.

86. To provide support to persons subjected to domestic violence, the Ministry of Labour and Social Affairs is implementing the following:

- “Support centre services for persons subjected to domestic violence”. Services include counselling through the Hotline service, social-psychological support, legal counselling, assistance to victims of domestic violence, informing person applied to the support centre about his/her rights and available services. Since 2023, the services provided by these support centres expanded to include measures on women’s economic empowerment (in Aragatsotn, Gegharkunik and Tavush provinces). Within the scope of this Action, in 2023 it is envisaged to provide services to 1500 person victims of domestic violence;
- “Shelter service for victims of domestic violence”, where services prescribed by legislation are provided to person subjected to domestic violence in the city of Yerevan and marzes. The shelter provides safe housing for beneficiaries, social assistance, psychological, legal and medical assistance, providing with food and clothing, necessary equipment for school children. Within the scope this Action, in 2023 it is envisaged to provide services to 60 persons subjected to domestic violence;
- 3. “Temporary support to victims of domestic violence”. Within the scope of this measure, the Ministry of Labour and Social Affairs provides financial support to victims of domestic violence. The financial support is provided to satisfy the minimum livelihood needs, for treatment and health recovery, for renting an accommodation, for reimbursement of tuition fee for training courses taken for the



purpose of employment. Within the scope of this Action, in 2023 it is envisaged to provide financial support to 100 persons subjected to domestic violence.

## **Right to an adequate standard of living (art. 11)**

### **Reply to paragraph 19 of the list of issues**

87. Upon its Decision of 18 November, 2021, the Government will adopt its draft Decision “On approving the Unified Social Strategy for housing and the 5-year Action Plan” by 3 June 2024. It is expected by the mentioned Draft to establish mechanisms for providing low-income and socially disadvantaged families and other vulnerable groups with permanent or temporary shelters and for unified social policy on providing housing.

88. For the purpose of providing socially disadvantaged families with housing, the Ministry of Labor and Social Affairs develops the following drafts Decisions of the Government:

- “On approving the target programme for providing state support for acquisition by families in need of shelters an apartment or a residential house”, the purpose whereof is to resolve the problem of providing housing to socially disadvantaged families and those in need of shelter in Armenia by obtaining a mortgage loan;
- “On approving the list of persons (families) having the right to compensation for the rent of the house, procedure for and condition of compensation, making supplements to Decision of the Government of 12 March 2020, whereby the list of persons (families) having the right to compensation for the rent of the house, procedure for and condition of compensation will be approved.

### **Reply to paragraph 20 of the list of issues**

89. In recent years, Armenia faced many large-scale challenges: in 2020, the global crisis of the Covid-19 pandemic (a 6-month state of emergency was declared in the Republic of Armenia), the aggressive war unleashed by Azerbaijan against Nagorno Karabakh (Artsakh) in September-November of 2020 and military aggression against the sovereign territory of Armenia in September 2022. The devastating consequences of these challenges have not yet been overcome, despite the massive efforts made.

90. Regarding the reduction of regional disparities, it should be noted that under point 2 of the Decision of the Government “On measures aimed at reducing tariffs for services of natural gas, electric energy consumed by socially disadvantaged families and drinking water supply and drainage (wastewater treatment) provided thereto” it is proposed that the Public Services Regulatory Commission of Armenia, when setting tariffs, considers the families having grades higher than the “20.00” grades of disadvantaged condition record-registered in the family benefit scheme as a separate consumer group by setting possibly lower tariffs for these services.

91. Consumer price index (CPI) measures changes both over the time and the space in the value of actual fixed quantity of the goods purchased for population’s personal use and services. In Armenia, for the calculation of consumer price index, monthly consumer price (tariff) monitoring is conducted according to the determined methodology in Yerevan city and 10 marzes (regions) of the Republic, taking into consideration the international experience on CPI calculation, suggestions and recommendations of EU experts. The review of the weights for CPI calculation is carried out every year taking as a base period the December of the previous year.

### **Consumer price index of the Republic of Armenia in 2014-2022**

	2014	2015	2016	2017	2018	2019	2020	2021
Annual (year to previous year)	103.0	103.7	98.6	101.0	102.5	101.4	101.2	107.2
December to December previous year (end of period)	104.6	99.9	98.9	102.6	101.8	100.7	103.7	107.7

**Reply to paragraph 21 of the list of issues**

92. Based on “Development of human capital” section of the of the Government Programme of 18 August, 2021 (the Government will take steps to eliminate extreme poverty by 2026), it is envisaged to introduce mechanisms for rapid response, resistance in emergency situations. For that purpose, the Ministry of Labour and Social Affairs of Armenia is implementing two programs:

- On creating services necessary for improving the food security of socially disadvantaged people and population affected by emergency situations, the Ministry, jointly with WFP, is implementing a pilot program on providing food assistance cards;
- Social Emergency System (SES) for rapid response with regard to meeting the primary social needs of people (families) who are in a difficult life situation and need urgent help. In 2023, the programme is being implemented in the city of Yerevan and in the marzes adjacent thereto.

93. According to the data of Demographic and Health Surveys (DHS) for 2015, around 15% of the children under the age of 5 have had overweight or obesity. According to the data of survey of the Epidemiological Surveillance of Childhood Obesity conducted in 2019, the prevalence of overweight among children aged 7-8 in Armenia comprises 27.7%.

94. One of the priorities of the policy conducted by the Ministry of Health is the promotion of breastfeeding, which greatly contributes to the prevention of both undernutrition and obesity of children. Within the scope of the Action Plan for promoting a healthy lifestyle, approved by the decision of the Government, the awareness-raising campaigns for public aimed at changes in nutritional behaviour are being carried out. “Nutrient Profiling” was prescribed and approved by the order of the Minister of Health, which is a tool developed for regulating the children-targeted food advertisement.

95. On 27 July, 2006, the Government approved the “Procedure for refunding tuition fee (fully or partially discount) in the form of student benefit and granting state educational allowance at higher education institutions of Armenia” to provide the students, who is under any grade higher than the marginal grade of socially disadvantaged condition of families, partial refund of tuition fee in the amount of 50% to 90% of the annual tuition fee according to certain criteria of academic performance.

96. On May 14, 2013, in order to provide support to socially disadvantaged students, the Government approved the sub-programme of subsidising the interest rate of educational loans extended to students. The aim was to ensure equal accessibility, increase the enrolment of the poor and extreme poor population in the higher education system of Armenia.

**Right to physical and mental health (art. 12)****Reply to paragraph 22 of the list of issues**

97. The introduction of Comprehensive Health Insurance (CHI) will contribute to increasing the budget allocated to the health sector, the level of access to health services provided by medical institutions. On 2 February, 2023, the Government of Armenia adopted Decision “On approving the Concept paper on introducing comprehensive health insurance”. According to the Concept paper, a comprehensive health insurance will be introduced in Armenia in stages during 2024-2027. The introduction of CHI will lead to the increase of finance allocated to medical institutions and will stimulate the re-equipment of medical institutions of marzes. In particular, construction works of around 50 medical institutions are envisaged by 2026, most of them in marzes (provinces) of Armenia.

**Reply to paragraph 23 (a) of the list of issues**

98. The measures include:

- Order of the Minister of Health of 8 July 2022 approved the Action Plan and the List of Actions for Maintaining and Improving Mental Health for 2023-2026, to provide access to mental health services;

- Pursuant to Order of the Minister of Health of 24 September, 2020, a children's psychiatric service was established at "Avan" Mental Health Center" CJSC to provide free-of-charge medical care until the renovation works of the children's psychiatric unit were completed.

### **Reply to paragraph 23 (b) of the list of issues**

99. The HIV/AIDS counselling and testing process has been decentralised for groups vulnerable to HIV/AIDS (in particular, migrant workers) for the purpose of making HIV medical care and service more affordable for the mentioned groups, including in marzes of Armenia. The mentioned measures are also aimed at spreading practical knowledge about HIV among healthcare workers of primary health care facilities and raising awareness.

100. To promote the decentralisation of antiretroviral treatment programme in Armenia and the improvement of the system for screening and prevention of cervical cancer for women living with HIV, the Grant Programme on antiretroviral drug delivery mechanism was introduced in 2022. Until 28 March, 2023, 225 persons living with HIV in Shirak, Lori and Ararat marzes were included in the component of antiretroviral treatment decentralisation programme. Among women living with HIV, 707 inquires about Pap test and 334 Pap tests were carried out among women aged 30-60 receiving ARV treatment (antiretroviral treatment) within the programme component of Pap test.

101. The on-going awareness-raising and educational measures are implemented among health workers aimed at reducing stigma and discrimination of people living with HIV. Courses on stigma and discrimination are included in all ongoing professional education trainings of healthcare workers working in the sector of HIV. Stigma index research is in process.

102. Counselling on HIV and research services for men who have sexual relations with men, transgender people, women who provide commercial sex services, people who inject drugs, and people living with HIV within the scope of the Grant programme of the Global Fund, as well as for people living with HIV, and social and psychological support services are also provided in their own communities through non-governmental organisations co-operating with the National Centre for Infectious Diseases of the Ministry of Health. The National Centre also carries out works to eliminate obstacles of using healthcare services for the mentioned groups, raise awareness about human rights, particularly the right to health, dissemination of information, identification of cases of stigma and discrimination, and referring beneficiaries to healthcare institutions.

103. Part 1 of Article 123 of the former Criminal Code of Armenia established criminal liability for subjecting another person to an obvious danger of infecting with human immunodeficiency virus, as well as the 2nd part of the same Article – for intentionally or self-confidently infecting another person with human immunodeficiency virus by a person who was aware of his or her disease. The new Criminal Code, entered into force from 1 July, 2022, decriminalised the act of subjecting another person to obvious risk of infecting with HIV pathogen.

104. The attitude of healthcare workers towards drug users does not contain elements of stigma. The training courses regularly held with the healthcare workers in the sector with regard to the obligations and responsibilities and rules of professional ethics of healthcare workers and persons carrying out medical care and service provided for by the Law "On medical assistance and service to the population" contributes to the increase in the level of awareness among healthcare workers.

105. As a result of the large-scale amendments made in 2020 to the Law "On medical assistance and services to the population", the term "medical secret" was stipulated, and the requirements for the development of medical secrets were specified.

### **Reply to paragraph 23 (c) of the list of issues**

106. Since 2006, a gradual decrease in the morbidity of tuberculosis has been observed in Armenia. The steady downward trend has been more than 5 percent over the past decade. In

2022, the morbidity was 14.8 cases per 100,000 inhabitants, decreasing almost 3 times compared to the index recorded in 2012.

107. Within the scope of the “2021-2025 National Programme for the Control of Tuberculosis”, screening programmes of active detection of cases are implemented among contacts of tuberculosis patients and groups vulnerable to the disease.

108. On 20 October, 2008, the Ministry of Health issued an “On approving the Sanitary Rules and Hygienic Norms N 3.1.1-010-08 of the epidemiological control of tuberculosis in the Republic of Armenia”, aiming at adapting tuberculosis prevention process with modern approach.

109. Medical centres have been equipped with the latest equipment for the rapid detection of tuberculosis.

## **Right to education (arts. 13–14)**

### **Reply to paragraph 24 (a) of the list of issues**

110. Pursuant to the Law of Armenia “On general education”, the transition to the system of universal inclusive education has been made in all 10 marzes (provinces) of Armenia and in the city of Yerevan.

111. The opportunities for children in need of special conditions for education to receive quality education have expanded creating inclusive educational system at all general education schools. Today, around 9000 children in need of special conditions for education study at general education schools, who receive pedagogical-psychological support. The vacant positions of assistant teacher, psychologist and special pedagogue have been introduced in general education school, there is a scale of the increased amount of funding defined for children with special educational needs, according to the degree of severity of the need of a child.

112. The transition to the universal inclusive education system was made through the re-organisation of several special general education institutions into pedagogical-psychological support centres. At the same time, the students of the reorganised special schools were transferred to general education schools near their place of residence. As a result, 17 territorial pedagogical psychological support centres and the Republican Pedagogical Psychological Centre are currently operating in Armenia. In 3 marzes, the pedagogical-psychological support services have been delegated to organisations that have experience in such services.

### **Reply to paragraph 24 (b) of the list of issues**

113. At the same time, 7 special schools (instead of the previous 23 special schools in total) continue to operate to ensure the education of 555 children with special needs. Pursuant to the amendments made to the Law “On general education”, it is envisaged to re-organise special schools into special-resource centres. Currently, with the support of the UN Children’s Fund, testing of the model of re-organising the Yerevan Special Educational Complex for Children with Hearing Impairments into a special school-resource centre, is in progress.

### **Reply to paragraph 24 (c) of the list of issues**

114. The pedagogical and psychological support services for the organisation of the child’s education are provided at three levels: educational, psychological and pedagogical support provided to a studying child, his or her parent and a pedagogical employee. Children with disabilities (who have been declared as children in need of special conditions for education) receive environmental, standard adjustments for general education. Adapted bathrooms, ramps, etc. are built in schools.

115. Training courses on inclusive education, the toolkit for assessment of children and the provision of pedagogical-psychological support services have been conducted for the specialists and teachers’ assistants of general education schools and territorial pedagogical-

psychological support centres in all marzes. Besides, starting from 2020, within the scope of the programme “Ensuring Development of Teaching Skills of Teachers and Teacher’s Assistants in General Education Schools”, around 2000 pedagogues are trained and receive mentor assistance annually.

116. At the same time, one-fifth of the pedagogical workers providing three-level services of pedagogical-psychological support for the organisation of child’s education undergo appropriate training annually.

117. Besides, appropriate funds are annually provided from the State Budget for the capital renovation and reconstruction of general education schools. The renovations work takes into account the principle of inclusiveness.

118. Activities with a social emphasis aimed at accessibility and availability of education have also been implemented, including the re-imburement of the cost of transportation and the food supplies for pre-schoolers and elementary grade students of general education schools.

119. At the same time, the legislative amendments continued in the direction of enlarging the groups included in state educational institutions implementing higher and post-graduate vocational educational programmes, increasing equal accessibility for different social groups. The amendments carried out in the sector of higher education are aimed at improving the legislative grounds to promote the responsiveness of state financial support, expanding greater accessibility and affordability of educational services. To ensure the constitutional rights of the citizens of Armenia to free education, every year, by the decision of the Government of Armenia, with the full reimbursement of the tuition fees (free of charge) by the state in the form of student benefits, admission places of on-site teaching are allocated to higher education institutions according to educational programmes. For the 2020-2021 academic year, 4485 places were allocated by the state in the form of student benefits with full compensation of tuition fee (free of charge) according to specialisations and higher education programmes, for the 2021-2022 academic year – 4495 places, and for the 2022-2023 academic year – 4529 places.

## **COVID-19**

### **Reply to paragraph 25 of the list of issues**

120. In order to ensure the continuity of children’s education in the conditions of the coronavirus pandemic (COVID-19), the Ministry of Education, Science, Culture and Sports of Armenia closely co-operated with the territorial administration bodies of Armenia, various departments, educational institutions and various partner organisations. School-aged students from socially vulnerable groups, involved in the distance learning process, were provided with the necessary technical means. The target group included single parents, socially disadvantaged families with two or more schoolchildren. On the basis of social partnership, a number of international, local organisations, foundations and private companies provided more than 3 thousand computers and other technical equipment to the general education institutions. At the same time, computer equipment available at general educational institutions has been provided to teachers and students per their needs.

121. The mobile operators UCOM, VivaMTS and Beeline supported the distance learning process and provided special tariff packages. A new distance education platform has been launched – <https://heravar.amedu.am/>. Schoolchildren transferred from Artsakh to Armenia, within the scope of the co-operation between the Ministry of Education, Science, Culture and Sports and the TUMO Center for Creative Technologies, were given the opportunity to carry out distance learning in the TUMO centres.

122. The National Institute of Educational Technologies (NIET) has organised a distance accelerated course /with a duration of 2 weeks/ on the topic of “Skills for Organising Distance Learning” for teachers of all the subjects.

123. “Public lessons” and “Open lessons” were held for students of senior classes every day during the live broadcast of the Public Television Company. The Ministry of Education,

Science, Cultural and Sport has created quite a number of Armenian-language on-line resources, which have been launched through the Armenian Educational YouTube channel. YouTube courses for children with special educational needs were accompanied by sign language translation.

124. Within the scope of the “Fourteenth Action Aimed at Addressing the Economic Impact of Coronavirus disease” approved by Decision of the Government of Armenia of 23 April, 2020, assistance was provided to the students of educational institutions implementing higher and post-graduate educational programmes of Armenia, allocating up to 100% compensation of the tuition fee for the second semester of the 2019-2020 academic year.

### **Nagorno-Karabakh Conflict**

125. Pursuant to Decision of the Government of Armenia of 10 December 2020, during the aggressive war unleashed by Azerbaijan against Nagorno Karabakh (Artsakh) in September-November of 2020, students who participated in combat operations were provided with compensation from the State Budget of Armenia. The measure included secondary vocational, bachelor’s, master’s, postgraduate and clinical residency educational programmes of the on-site and off-site paid teaching system. At the same time, to ensure the continuity of the education of students of Nagorno Karabakh studying in the universities of Armenia during the war, an individual approach was applied to these students.

126. The displaced persons from Nagorno Karabakh, who are in Armenia due to the occupation of places of their residence, have the opportunity to continue their education in all educational institutions implementing primary vocational (handicraft) and secondary vocational educational programmes, in their respective speciality, regardless of restrictions of license seat and the availability of necessary documents, to be included in the educational process, and to be provided with academic statements of information regarding their studies before returning to NK.

127. Relevant works were also carried out to organise the further studies of the students of Artsakh who could not return to the territories occupied by Azerbaijan or settled in Armenia in the educational institutions and colleges of the Ministry of Education, Science, Culture and Sports of Armenia.

128. Moreover, citizens displaced from Nagorno Karabakh, including children, were provided with accommodation in 22 educational institutions operating under the subordination of the Ministry of Education, Science, Culture and Sports of Armenia and “Zeytun-Campus” Educational Foundation.

129. Students in the general education system were also included in their respective educational programmes without any obstacles. Also, adjustment of the needs of the students displaced from Nagorno Karabakh (stationery, textbooks, needs of transportation services, etc.) was carried out for the unhindered realisation of their right to education. Both the schools and the territorial administration bodies of Armenia were involved in the process of providing the displaced children and studying in Armenia with the necessary school supplies.

130. Also, there was a need to acquire an additional quantity of educational textbooks. The textbooks were provided to children from the school library fund, as well as from the “Circulating Textbook Fund”, free of charge.

131. In September-November 2020, 9988 children displaced from Nagorno Karabakh were registered and studied at general education schools of Armenia. Most of those children left the schools of Armenia during the months of February-May 2021, returning to Nagorno Karabakh or moving to another country.

### **Blockade**

132. Azerbaijan’s ongoing unlawful blockade of the Lachin Corridor by Azerbaijan, the only humanitarian lifeline connecting Nagorno-Karabakh with Armenia and the outer world, continues to have a detrimental effect on the rights of about 30,000 children living in Nagorno-Karabakh, in flagrant violation of the 1989 Convention on the Rights of the Child. On 22 February 2023, the International Court of Justice issued an order within the case instituted against Azerbaijan under the International Convention on the Elimination of All

Forms of Racial Discrimination (CERD), affirming that there is an imminent risk of irreparable harm to Armenians' rights under the CERD, and ordering Azerbaijan to take all necessary measures to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions.

133. Due to the blockade, thousands of children are not able to duly exercise their right to education, in violation of the UNESCO Convention against Discrimination in Education. In the course of the blockade the activities of kindergartens and schools had to be suspended due to the lack of food and disruption of vital infrastructure. Even if restored, the education process is greatly affected by the cancellation of classes and the conduct of classes in inappropriate conditions. Hundreds of children are deprived of the opportunity to return to their families and homes.

## **Cultural rights (art. 15)**

### **Reply to paragraph 26 of the list of issues**

134. All the representatives of national minorities residing in Armenia that are citizens of the Republic of Armenia, both as individuals and as ethnic communities, are naturally holders of the right of national minorities.

135. The Law "On education" ensures the right to education irrespective of nationality, race, gender, language, religion, political or other views, social origin, property status or other circumstances.

136. Pursuant to Article 1 of the Law of Armenia "On language", "The Republic of Armenia shall guarantee the free use by national minorities of their languages within its territory". Article 2 of the same Law prescribes that "In communities of national minorities of Armenia, the general education and upbringing may be organised in their native languages by compulsory instruction of the Armenian language, in compliance with the state programme and under the state patronage".

137. Pursuant to point 10 of Article 4 of the Law "On General Education", general education of national minorities may be organised in their native or national language, by compulsory instruction of the Armenian language. This point guarantees the right of national minorities to preserve and develop their language.

138. There are general education institutions that offer classes in languages of national minorities (Russian, Assyrian, Yezidi, Kurdish) in Armenia. The Russian Language is taught as a foreign language also in 2-12 grades of general education institutions, and in 3-12 grades – English or French or German by choice of institution or another language with a programme guaranteed by the Ministry of Education, Science, Culture and Sport. The Russian Language is studied from the 1st grade in general education institutions (classes) where the language of instruction is Russian.

139. For representatives of national minorities, for the purpose of expanding the opportunity to receive education in their native language, textbooks are published for schools of national minorities at the expense of the funds allocated from the State Budget of Armenia, for primary, secondary and high school classes. Electronic versions of subject textbooks, including published textbooks of Assyrian, Kurdish, Yezidi, subject criteria and programmes used in general education institutions are available on the "Database of Resources" sub-site of the "Armenian Educational Portal".

140. In addition, in settlements with mixed population, where the number of national minorities is small, an opportunity for the facultative instruction of the language is envisaged as well.

141. The requirement for compulsory 12-year secondary education equally refers to representatives of national minorities.

142. According to Article 7 of the Law "On preservation and utilisation of immovable monuments of history and culture and of historical environment", political, ideological,

religious, racial, and national discrimination is prohibited in the sphere of preservation and utilisation of monuments.

143. The “Non-State Press Publication” Programme operates in the sector of book publishing and libraries of the Ministry of Education, Science, Culture and Sports, one of the priorities of which is the support of the national minorities to the periodicals. The purpose of the programme is preserving the language, culture and customs of the national minorities of Armenia. Within the scope of this programme, 33 periodicals received support during 2020-2023 (please see Annex 9). The periodicals represent the Yezidi, Ukrainian, Belarusian, Assyrian, Kurdish, Greek and Jewish communities of Armenia.

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