

Armenia

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In June 2001, the Government of Armenia established a National Commission tasked with developing a National Plan of Action for children's rights. The commission has begun consultations to consider existing laws relating to human rights, disadvantaged children, education, and health issues.¹⁶³ In October 2002, the Government of Armenia established an Interagency Commission on Human Trafficking to coordinate anti-trafficking activities in the country.¹⁶⁴

Since June 2000, the Organization for Security and Cooperation in Europe (OSCE) Yerevan Office has assembled and distributed an information pack on the subject of anti-trafficking, including policy and legislative documents.¹⁶⁵ To facilitate government efforts against trafficking, the OSCE has developed a matrix that outlines all ongoing and planned anti-trafficking activities by NGO's and international organizations.¹⁶⁶ The World Bank is currently implementing the Second Social Investment Fund Project, which is upgrading schools, repairing school heating systems, and funding furniture purchases for schools, as well as other community development activities.¹⁶⁷

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 years in Armenia are unavailable.¹⁶⁸ However, there are reports that children are working in family businesses and on family farms, which is not forbidden by law.¹⁶⁹ Additionally, children in the streets of Yerevan can be observed, often during school hours, selling newspapers and flowers.¹⁷⁰ Conscription of minors

¹⁶³ Ministry of Foreign Affairs of the Republic of Armenia, *Embassy of the Republic of Armenia Letter*, Embassy of the Republic of Armenia, Washington D.C., October 24, 2001.

¹⁶⁴ Organization for Security and Cooperation in Europe Yerevan Office official, electronic communication to USDOL official, February 20, 2003.

¹⁶⁵ Organization for Security and Cooperation in Europe, *Joint study on trafficking in human beings published in Armenia*, [Online News Service] November 14, 2001 [cited July 15, 2002]; available from http://www.osce.org/news/generate.php3?news_id=2143.

¹⁶⁶ OSCE Yerevan Office official, electronic communication, February 20, 2003.

¹⁶⁷ World Bank, *Project Appraisal Document: Second Social Investment Fund Project - Armenia*, [Website] April 18, 2000 [cited August 8, 2002]; available from http://www-wds.worldbank.org/servlet/WDServlet?pcont=details&eid=000094946_00042805302426.

¹⁶⁸ World Bank, *World Development Indicators* [CD-ROM], Washington D.C., 2002.

¹⁶⁹ By Armenian law and custom, children working in family-run small businesses (including farms) are considered to be doing chores. U.S. Embassy—Yerevan, *unclassified telegram no. 2213*, August 2000. See also U.S. Department of State, *Country Reports on Human Rights Practices 2001—Armenia*, U.S. Department of State, Washington D.C., March 2002, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8221.htm>.

¹⁷⁰ Ministry of Foreign Affairs of the Republic of Armenia, *Embassy of the Republic of Armenia Letter*.

into the armed forces is also reported to be of special concern.¹⁷¹ A report by the IOM and OSCE in 2001 found that women and children are trafficked from Armenia to Turkey and the United Arab Emirates, often to work in the sex trade.¹⁷²

Primary and secondary education is free for all children and compulsory until the age of 14.¹⁷³ The gross primary enrollment rate was 87.4 percent in 1996.¹⁷⁴ Primary school attendance rates are unavailable for Armenia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁷⁵ Dropout, retention, and absenteeism rates remain high in Armenia; possibly as a result of the high number of non-native Armenian-speaking students and the requirement that all classes must be taught in the Armenian language.¹⁷⁶ Access to education in rural areas remains poor.¹⁷⁷ Agricultural responsibilities take precedence over school in rural areas, and children work in the fields during harvest season leading to prolonged absence from school.¹⁷⁸

Child Labor Laws and Enforcement

The Labor Code of 1996 prohibits the employment of children under the age of 16, except in rare cases when a child of 15 years can work in non-dangerous labor situations, with the consent of his/her parents and/or of the labor union of the organization.¹⁷⁹ Children under the age of 18 are prohibited from working in "harmful or hazardous" conditions, such as underground work, and may not work overtime, on holidays, or at night.¹⁸⁰ Additionally, children may not work in employment activities that may compromise their health, physical, or mental development, or interfere with their education.¹⁸¹ UN officials raised concerns regarding disparities between the Labor Code and the

¹⁷¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: Armenia*, CRC/C/15/Add.119, United Nations, February 2000, para. 48.

¹⁷² International Organization for Migration, *Trafficking in Women and Children from the Republic of Armenia: A Study*, International Organization for Migration, Yerevan, 2001, 11. See also U.S. Department of State, *Country Reports on Human Rights Practices 2001—Armenia*, Section 6f.

¹⁷³ U.S. Department of State, *Country Reports on Human Rights Practices 2001—Armenia*, Section 5.

¹⁷⁴ World Bank, *World Development Indicators*.

¹⁷⁵ For a more detailed description on the relationship between education statistics and work, see the *Introduction* to this report.

¹⁷⁶ Because of the serious economic problems, an increasing number of Armenian as well as minority students are leaving school early to work to help support their families. See UN Committee on the Rights of the Child, *Concluding Observations*, para. 44. See also U.S. Embassy—Yerevan, *unclassified telegram no. 2213*.

¹⁷⁷ UN Committee on the Rights of the Child, *Concluding Observations*, para. 44.

¹⁷⁸ Ministry of Foreign Affairs of the Republic of Armenia, *Embassy of the Republic of Armenia Letter*.

¹⁷⁹ *Ibid.*, Articles 19, 198.1.

¹⁸⁰ Workers between the ages of 16-18 must have a shorter workday and cannot work more than 36 hours per week, according to the Labor Code (children between the ages of 15 and 16 can only work 24 hours per week). The government maintains a list of "hazardous and harmful" jobs in which children are not allowed to work. See *Ibid.*, Labor Codes, 200, 02, 15.

¹⁸¹ U.S. Embassy—Yerevan, *unclassified telegram no. 2213*.

Armenian Civil Code.¹⁸² According to Article 13 of the Civil Code, minors under the age of 15 are required to obtain a parent's consent in order to engage in employment contracts, but this consent is not required for children to engage in small contracts relating to everyday matters.¹⁸³ The Constitution and the 1992 Law on Employment prohibit forced labor by children.¹⁸⁴ The Armenian Administrative Code makes prostitution illegal and punishable by fine.¹⁸⁵ Armenian laws do not prohibit trafficking in persons specifically, however kidnapping is prohibited and is punishable by imprisonment of 5 to 12 years.¹⁸⁶

The Ministry of Welfare and the National Police are responsible for monitoring and enforcing child labor laws. There are no reports of child labor complaints being investigated since at least 1994.¹⁸⁷ Armenia is a member of the ILO but has not ratified either ILO Convention 138 or ILO Convention 182.¹⁸⁸

¹⁸² UN Committee on the Rights of the Child, *Concluding Observations*, para. 22.

¹⁸³ This legal loophole would explain why children under the age of 15 may legally work in family businesses, such as agriculture. See Committee on the Rights of the Child, *Consideration of Reports Submitted by the States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1995, Addendum: Armenia*, CRC/C/28/Add.9, United Nations, July 1997, Paragraph 9. See also UN Committee on the Rights of the Child, *Concluding Observations*, para. 22.

¹⁸⁴ U.S. Department of State, *Country Reports on Human Rights Practices 2001—Armenia*, Section 6c.

¹⁸⁵ International Organization for Migration, *Trafficking in Women and Children from the Republic of Armenia: A Study*, 34.

¹⁸⁶ Traffickers of women and children can be prosecuted under different articles of the Criminal Code. See U.S. Department of State, *Country Reports on Human Rights Practices 2001—Armenia*, Section 6f. International Organization for Migration, *Trafficking in Women and Children from the Republic of Armenia: A Study*, 34.

¹⁸⁷ If a complaint alleging child labor abuse is brought to the attention of the Ministry of Labor, an agent in the Ministry may investigate or turn the case over to the National Police. Family-run businesses may not be monitored as closely because of legal and cultural reasons. In this context, exploitation of children by a child's family may not be reported. See U.S. Embassy—Yerevan, *unclassified telegram no. 2213*.

¹⁸⁸ ILOLEX, *Database of International Labor Standards*, [Database] September 29, 2002 [cited September 30, 2002]; available from <http://ilolex.ilo.ch:1567/english/docs/declworld.htm>.