

REPLIES TO THE QUESTIONS RAISED BY THE PRE-SESSIONAL
WORKING GROUP OF THE COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS IN CONNECTION WITH THE
CONSIDERATION OF THE INITIAL REPORT OF ARMENIA
CONCERNING THE FULFILMENT OF ITS OBLIGATIONS

I. GENERAL INFORMATION

A. Land and people

Question 1

The Republic of Armenia has a land area of 29,800 square kilometres.

According to the most recent official census (1989), the Armenian population may be broken down generally by ethnic group as follows:

	In absolute figures	As percentages of total
Armenians	3 083 616	93.3
Azerbaijanis	84 860	2.6
Kurds	56 127	1.7
Russians	51 555	1.6
Ukrainians	8 341	0.2
Assyrians	5 963	0.2
Greeks	4 650	0.1
Others	9 664	0.3
TOTAL	3 304 776	100

The above demographic data have undergone some changes in recent years. The statistical data on the numerical size of the indigenous population and of the national minorities will be updated after the population census due to be held in Armenia in 1999.

Population of the Republic of Armenia by gender and age at the beginning of 1998

(thousands)

	Total	Females	Males
Total population	3 798.2	1 954.0	1 844.2
of which: (years)			
0-4	227.1	107.2	119.9
5-9	351.4	170.8	180.6
10-14	387.5	189.0	198.5
15-19	354.5	173.3	181.2
20-24	310.2	152.3	157.9
25-29	280.0	137.3	142.7
30-34	286.4	149.7	136.7
35-39	330.9	175.1	155.8
40-44	294.9	156.5	138.4
45-49	214.9	115.6	99.3
50-54	134.5	73.0	61.5
55-59	134.1	73.1	61.0
60-64	160.6	88.4	72.2
65-69	135.7	75.7	60.0
70-74	111.1	62.9	48.2
75-79	38.1	24.3	13.8
80-84	25.7	17.1	8.6
85+	20.6	12.7	7.9

Source: Ministry of Statistics.

Main economic indicators for 1997

GDP per capita (US\$)		429.8
Real GDP (US\$)		1 627.4
Real GDP growth (percentage change during year)		3.1%
	GDP structure by main sector	
Industry		24.1%
Agriculture		30.6%
Construction		16.2%
Services		29.1%
	Inflation	
By end of reporting period		21.9%
In middle of reporting period		14.1%
	Public finances	
Total income (US\$ million)		257.1
Total expenditures (US\$ million)		299.4
Budget deficit (US\$ million)		42.3
Balance of payments		
	Exports	233.63 (US\$ million)
	Imports	779.43 (US\$ million)
	Private transfers	67.80 (US\$ million)
	Current account	-306.54 (US\$ million)
	% of GDP	-18.7%
External debt		692.4 (US\$ million)
	% of GDP	42%
Unemployment		11.0%

Main macroeconomic indicators for January-June 1998

	Jan-June 1998	Jan-June 1998 as % of Jan-June 1997
GDP (million drams)	307 841.3	106.7
Industrial output (million drams)	128 967.7	103.2
Output of consumer goods (million drams)	64 321.4	111.1
Electric power generation (million kWh)	3 256.0	104.6
Gross agricultural output (million drams)	114 316.7	100.4
Construction		
Capital construction (million drams)	21 394.6	-
Residential buildings brought into use (total area, thousand m ²)	63.7	111.8
Fixed assets put into operation (million drams)	19 056.7	-
Goods transport (million tkm)	274.4	126.3
Foreign trade (US\$ million)	527.1	105.4
of which:		
Imports (US\$ million)	407.4	99.6
Exports (US\$ million)	119.7	131.1
Average monthly wage per worker (drams)	15 917	131.6
Money incomes of the population (million drams)	237 891.0	136.6
Money expenditures of the population (million drams)	240 511.5	135.9
Small-scale retail trade (million drams)	138 208.4	108.3
Paid services rendered to the population (million drams)	79 574.2	109.6
Consumer price index	109.0	118.9

Main macroeconomic indicators for January-February 1999

	Jan-Feb 1999	Jan-Feb 1999 as % of Jan-Feb 1998
GDP (million drams)	91 706.0	106.5
GDP deflator index	-	102.5
Industrial output (million drams)	40 869.6	94.9
Output of consumer goods (million drams)	15 137.7	80.5
Electric power generation (million kWh)	1 157.0	85.8
Gross agricultural output (million drams)	23 461.1	103.2
Construction		
Capital construction (million drams)	4 891.0	103.0
Residential buildings brought into use (total area, thousand m ²)	12.4	147.6
Goods transport (million tkm)	468.3	103.0
Foreign trade		
US\$ million	157.2	97.3
billion drams	84.8	
of which:		
Imports		
US\$ million	26.8	81.2
billion drams	14.5	
Exports		
US\$ million	130.4	101.4
billion drams	70.3	
Average monthly wage per worker (drams)	16 447	134.3
Money incomes of the population (million drams)	88 740.3	99.2
Real money incomes of the population (million drams)	87 831.5	101.4
Money expenditures of the population (million drams)	93 679.6	101.2
Small-scale retail trade (million drams)	44 689.2	116.5
Paid services rendered to the population (million drams)	21 953.1	80.7
Consumer price index	104.0	96.9
Producer price index	-	101.9

Source: Ministry of Statistics.

B. General legal framework within which human rights are protected

Question 2

The State bodies having competence with regard to the protection of human rights include the courts of first instance and appellate courts and the Court of Cassation of the Republic of Armenia. Also competent to deal with such matters are the Office of the Procurator-General and other bodies within the procuratorial system, the Ministry of Internal Affairs and the Ministry of National Security and the structures subordinate to them, as well as the Ministry of Justice of the Republic of Armenia.

Question 3

In handing down their decisions the courts may refer both to the relevant provisions of the Covenant and to other international human rights treaties to which the Republic of Armenia is a party.

Question 4

As of 1 July 1999 the Republic of Armenia had ratified the following Conventions of the International Labour Organization:

- Equal Remuneration Convention (No. 100), 1951
- Employment Policy Convention (No. 122), 1964
- Labour Relations (Public Service) Convention (No. 151), 1978
- Discrimination (Employment and Occupation) Convention (No. 111), 1958
- Workers' Representatives Convention (No. 135), 1971
- Safety and Health in Mines Convention (No. 176), 1995
- Convention on the Prevention of Major Industrial Accidents (No. 174).

Question 5

The requirements of the Covenant are being taken into account in the process of enhancing the legislation of the Republic of Armenia and its provisions are incorporated into the relevant national legislative acts.

Question 6

C. Information and publicity concerning the rights covered by the Covenant

Question 7

The Government at least twice a month issues the “Official Bulletin of the Republic of Armenia”, which publishes Acts, Presidential decrees and orders containing normative

provisions, National Assembly and Government decisions, and international treaties of the Republic of Armenia. The Bulletin is intended both for officials and for members of the public, who can obtain it by subscription or freely through trade outlets.

In addition, Acts and international treaties, as well as reviews and commentaries on them, are publicized in the press and other mass media or as individual brochures.

Question 8

The report was prepared by the Ministry of Foreign Affairs on the basis of data obtained from the relevant ministries and departments. Then, through the Centre for Human Rights and Democracy, it was made available for discussion by non-governmental organizations. The observations and proposals received were taken into account in the final version of the report.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT

Article 2. Non-discrimination

Question 9

In accordance with the United Nations Convention of 1951 and Protocol of 1967, the Refugees Act was passed by the National Assembly on 3 March 1999 and then approved by the President of the Republic of Armenia.

The Act does not contain a separate provision to exclude discrimination. However, a study of its articles shows that the Act excludes any discrimination whatsoever on national, religious, racial or other grounds. This is also evidenced by the national composition of persons who have obtained refugee status in the Republic of Armenia, which includes representatives of different races and nationalities from various parts of the world.

Under chapter 5, articles 18 and 19, of the Refugees Act, persons who have obtained refugee status in Armenia have the same rights and obligations as Armenian citizens, with the exception of the rights to vote and to stand for election, to be members of any party in Armenia or to be appointed to such posts as are defined by Armenian legislation. Amendments to some of the articles of the Act are envisaged at a later stage.

Question 10

After the well-known events of February 1988 in Sumgait, the Azerbaijani population of Armenia began to leave the territory of the republic. It should be pointed out that the Azerbaijanis left Armenia voluntarily and were given every opportunity to take their property out of the country. No obstacles were placed in their way by the authorities.

Furthermore, the Azerbaijanis - mostly inhabitants of the earthquake zone - who left the republic were paid compensation in the amount of 70 million roubles, which was the equivalent of 110 million dollars. However, the Armenian refugees who departed from Azerbaijan during these years have still not received compensation for the material goods and other valuables left behind in Azerbaijan.

Question 11

We do not know what information served as the basis for the Committee's concluding observations to the effect that Armenian legislation hinders national minorities in the use of their own languages. Armenian legislation in general, and the Language Act in particular, not only do not hinder but actually guarantee the minorities' free use of their mother tongue (Language Act, art. 1). The rules contained in article 2 of the Act state that general-education teaching and upbringing in the communities of the national minorities of the Republic of Armenia may be arranged in the minorities' mother tongues, in accordance with and under the auspices of the State programme on education, together with compulsory teaching of the Armenian language.

In addition, the national minorities of the Republic of Armenia, with the permission of the Government (and subject to the consent of the relevant commission of the National Assembly), may organize not only general-education, but also vocational, higher and other educational institutions in the territory of the Republic of Armenia.

Under article 5, paragraph 3, of the Press and Other Mass Media Act, the national minorities have the right to obtain, prepare and disseminate information in their mother tongue.

Article 3. Equality between men and women

Question 12

The following documents defining mechanisms for the realization of opportunities for women have been approved:

“Outline plan for improving the status of women in the Republic of Armenia”, No. 242 of 15 April 1998;

“National Plan of Action to improve the status of women and enhance their role in society from 1998-2000 in the Republic of Armenia”, No. 406 of 26 June 1998.

In view of the present situation, when many positions have been lost by women, the outline plan has focused on:

- the legal status of women;
- the right to work;

- the right to health care;
- the right to education.

In accordance with the main provisions of the outline plan, it will be necessary to undertake the following:

- gender analysis of existing legislation with a view to bringing it into conformity with international legal standards;
- development of special educational programmes to promote the involvement of women in the country's economic and social life.

One of the measures to combat violence against women involves improving the procedure for keeping statistical records of criminal and other legal offences. Great attention is being paid to the elaboration of comprehensive programmes for the social rehabilitation of women subjected to violence.

In order to help women compete better in the labour market, emphasis is placed on vocational training and retraining programmes, as well as on programmes for promoting the involvement of women in entrepreneurial activities and the development of small and medium-sized businesses.

Issues of social protection for women during the reproductive period, family planning and preventive health care are also being addressed.

Mechanisms for the practical realization of opportunities for women are included in the National Plan of Action.

Proposals are being made to provide the conditions for women's full participation on equal terms in decision-making at all levels of management.

To help ensure equal rights and equal opportunities in the labour market, in the business and financial sector, there are plans to elaborate republican and regional employment programmes and programmes for refugee and disabled women.

In order to safeguard women's health and increase their life expectancy, a reproductive health programme will be implemented, criteria for preventive medical care for women and minors will be formulated and introduced, and the range of State-funded medical assistance and medical services for women and children will be expanded.

With a view to preventing violence against women, work is under way to improve the applicable legislation, special social services will be set up to assist victims of violence and the work of the mental health care centre for women in situations of distress will be intensified.

A programme of social assistance for student families will also be elaborated. Work is under way to produce a compilation of statistical information on the family, women and children, as well as an analytical handbook entitled “Women and men of Armenia”.

Enormous importance is attached to the work of all the mass media in ensuring the greatest possible effectiveness of the National Plan of Action.

Question 13

Average monthly nominal wage by gender, in drams:

	1995	1996	1997
Men	8 693	7 843	22 035
Women	4 705	7 716	10 606

Question 14

To deal with the problems of unemployment in general and of female unemployment in particular, and to place the economically active population in work, the Government of the Republic of Armenia is pursuing an active policy aimed at:

- organization of vocational training and retraining for unemployed persons;
- encouragement of small companies and entrepreneurial activities;
- financial support for unemployed persons to set up their own businesses;
- creation of new jobs through investment;
- organization of relief works;
- development of regional and republican employment programmes;
- provision of employment opportunities for segments of the population finding it difficult to compete in the labour market (women, youths, disabled persons).

Particular attention is being paid to the most vulnerable part of the unemployed population, i.e. women.

Question 15

The studies which have been carried out show that the degree of participation by women in the management of the affairs of society and the State is decreasing: the number of women parliamentarians dropped sharply as a result of the latest elections to the National Assembly. This is due, on the one hand, to the fact that candidates from the “Shamiram” Party failed to enter the current parliament and, on the other hand, to the low starting opportunities for women capable of taking part in decision-making and management at State level.

III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT

Article 6. Right to work

Question 16

Number of persons unemployed at year end:

	1994	1995	1996	1997	1998
Total	91 783	131 705	159 254	174 372	133 779
Men	60 089	91 816	115 808	124 680	92 847
Women	31 694	39 889	43 446	49 692	40 932

The table below provides data on the numbers of unemployed men and women by age group.

Breakdown of the numbers of unemployed men and women by age group:

	as at 1 January 1998			as at 1 January 1999			as at 1 July 1999		
	Total	of which		Total	of which		Total	of which	
		men	women		men	women		men	women
Numbers unemployed	174 372	49 692	124 680	133 779	40 932	92 847	171 048	59 805	111 243
of which by age, years									
under 18 years	4 840	1 731	3 109	2 947	1 125	1 822	2 646	994	1 652
18-22	20 966	6 042	14 924	13 372	4 133	9 239	13 708	4 641	9 067
22-30	43 929	12 435	31 494	33 213	10 012	23 201	37 914	13 098	24 816
30-50	88 764	24 339	64 425	73 222	21 105	52 117	101 065	33 989	67 076
over 50	15 873	5 145	10 728	11 025	4 557	6 468	15 715	7 083	8 632

The data shown in the table can be presented graphically as follows.

Unemployed female population relative to total unemployment:

Breakdown of the unemployed female population by age group:

Question 17

Together with the traditional forms of job placement, the Government is taking steps to help women with interesting and original ideas to compete in the labour market after further

training in the area of entrepreneurship and self-employment. In 1998, for example, a total of 86 business projects, 30 of them proposed by women, were submitted to the State labour and employment service and obtained funding. As at 1 July 1999, 15 of the 45 business projects launched were from women.

An active policy on vocational training, retraining and skills upgrading is being pursued to give unemployed women the opportunity to adapt to the new economic conditions. In 1997, for example, 68 of 115 unemployed persons who completed training courses were women. In 1998, 483 people took skills upgrading and retraining courses, 336 of them being women.

Article 7. Right to just and favourable conditions of work

Question 18

Average monthly nominal wage by sector of the economy, in drams:

	1994	1995	1996	1997	1998
Industry	2 469	7 503	12 337	16 625	21 634
Agriculture and forestry	1 031	5 389	7 544	8 141	10 070
Transport and communications	4 111	9 740	15 401	22 755	30 555
Construction	1 550	12 306	13 524	21 752	29 517
Trade, public catering	1 426	4 529	5 853	8 934	9 989
Housing, utilities and everyday services	1 214	5 480	8 852	10 789	16 518
Health care	883	3 515	5 071	7 036	8 952
Education	728	2 756	3 941	6 615	7 676
Culture and art	733	2 371	4 047	6 554	7 635
Science	1 529	5 139	8 089	10 077	12 975
Credit and State insurance	8 593	22 414	22 811	26 007	41 918
General government	1 119	2 927	10 516	15 572	20 616
Other	915	3 604	6 991	11 792	14 839
Total	1 720	5 910	8 613	11 870	15 466

Source: Ministry of Statistics.

The established minimum wage in the republic was:

1994, as of 1 December - 375 drams;

1995, as of 1 June - 540 drams;

1996, as of 1 September - 830 drams;

1997, as of 1 January - 1,000 drams.

Question 19

Radical changes are taking place in all spheres of life (economic, social, cultural, etc.) in the Republic of Armenia as part of the transition from the planned economy to a market economy and marketization.

This is, of course, having an influence on various issues in the labour field, including the regulation of labour relations, which have hitherto been left out of account. The situation is nevertheless determined by a number of objective causes, notably the fact that the legislation governing labour relations has become obsolete.

The existing labour legislation, which was instituted while there was still a command economy in Armenia based exclusively on State ownership, does not meet the requirements of a market system and therefore fails to provide for the regulation of the legal relationships existing between employers and employees. The legislation does not settle matters of labour protection, collective and individual agreements, disputes, etc.

The challenge now is consequently to adopt a new Labour Code. A certain amount of work has already been done in the Republic to this end. Through the efforts of a working group established by decision of the Prime Minister, a new Labour Code was drafted and discussed by all interested ministries, departments and organizations. Appropriate changes and additions were made to the draft on the basis of the observations and suggestions formulated, and the latest version of the draft new Code was sent for comment to ILO, which has given a positive evaluation. The draft new Code will be submitted to the National Assembly for discussion.

Question 20

The report points out that for the purpose of creating safe and healthy conditions of work it is essential to introduce a system of certification of jobs and enterprises in accordance with international standards of occupational safety and labour protection.

This is to be accomplished in two stages:

- (1) Attestation of jobs in respect of working conditions;
- (2) Certification of jobs and enterprises on the basis of the results of the above attestation.

In order to carry out these activities the Ministry of Social Security has elaborated a “Procedure for the attestation of jobs in respect of working conditions” and “Rules concerning the organization of work to certify the conformity of production facilities with labour protection requirements”.

It will be possible to carry out this certification work only after the adoption of the new Labour Code.

Question 21

Data on occupational diseases over the past five years:

1994 - 10 cases

1995 - 11 cases

1996 - 5 cases

1997 - 3 cases

1998 - 4 cases

Source: Ministry of Health.

Industrial injuries and temporary disability

	1995	1996	1997	1998
Number of accidents	122	76	60	99
of which: at work	-	-	-	26
Number of persons injured with disability lasting one or more working days, total	-	76	54	99
of which: women	-	11	6	21
in intoxicated state	-	2	-	-
Number of fatal injuries, total	15	11	10	9
of which: women	1	1	-	-

	1995	1996	1997	1998
in intoxicated state	-	1	-	-
Number of persons injured with partial disability transferred from main occupation to other work for one or more working days	-	-	6	50
of which: women	-	-	-	1
Financial implications of accidents, thousand drams	-	3 571	3 377	224 722
of which: paid according to disability report sheet	-	3 062	3 377	10 823
value of damaged equipment, tools, buildings and other structures	-	508 967	-	213 900
Cost incurred by enterprise as a result of injured persons not reporting for work, thousand drams	-	-	-	578
Expenditure on occupational safety measures, thousand drams	348 479	383 465	582 336	301 273
of which: under collective agreements on occupational safety	-	181 689	441 712	215 830

Source: Ministry of Statistics.

Question 22

Under article 19 of the Rights of the Child Act, every child has the right to an occupation and to engage in work not prohibited by law, in accordance with his or her actual age, state of health and abilities.

A contract of employment may be concluded with a minor who has reached the age of 16 years, and in exceptional cases when the minor is 15 years of age.

Minors have a privileged right to work, as enshrined in the legislation of the Republic of Armenia. They are prohibited from selling alcoholic beverages and cigarettes and from being

employed to produce or encouraged to consume these items, and also from performing such work as may be detrimental to their health and physical and mental development or may interfere with their education.

Problems and issues related to the work of children and adolescents have not as yet been adequately studied. There are no statistical or other data on the working conditions of minors that would clarify the present situation in this regard.

The only data available concern the number of registered unemployed persons under 18 years of age:

	1 January 1996	1 January 1997	1 January 1998	1 March 1998
Boys	1 777	2 226	2 487	2 025
Girls	3 156	3 944	3 914	2 976
Total	4 933	6 170	6 401	5 001

Source: Ministry of Social Security.

Article 8. Trade union rights

Question 23

Bills on trade unions, on occupational safety and on collective labour disputes have been before the Supreme Council of the Republic of Armenia since 1992. These bills have been considered in the relevant commissions of the Supreme Council with the participation of trade unions. However, none of these bills has yet been passed.

The absence of laws to govern the activities of trade unions under market conditions has complicated work. Considering the important role of trade unions in protecting workers' economic and social rights and interests, the Confederation of Armenian Trade Unions drafted a Presidential decree "On guaranteeing trade union activities during the transition to market methods of management", which was issued on 25 January 1993.

In addition, a Presidential decree "On the procedure for concluding agreements between the Government of the Republic of Armenia and the Confederation of Armenian Trade Unions concerning the remuneration of labour, pensions, indexation of incomes and occupational safety" was issued on 27 April 1993.

Question 24

The fate of the bill "On the settlement of collective labour disputes" is the same as that of the above-mentioned laws - it has not yet been passed.

Question 25

In the settlement of disputes between enterprise trade unions and management, the right to take a final decision, which is binding on the management, lies with the courts.

Question 26

Strikes in Armenia are generally episodic and strictly local in nature. There are as yet no studies or statistical data on this question.

Article 9. Right to social security

Question 27

The basic social security benefits, including family poverty benefit, can in no way be compared with the minimum subsistence income. It should be pointed out that the amount of a minimum subsistence income in the Republic of Armenia has not at the present time been officially established.

Question 28

The system of family benefits for poverty in the Republic of Armenia was introduced on 1 January 1999. Expenditures allocated from the State budget for such benefits in 1999 amount to 21,149,979,000 drams or 5,287,000,000 drams quarterly.

Expenditures on social security

	01.01.95	01.01.96	01.01.97	01.01.98	01.01.99
Number of families receiving benefit	199 894	242 657	141 758	135 018	138 266
Total value of benefits, million drams	2.5	5 705.8	3 428.9	7 410.9	7 483.7

Source: Ministry of Statistics.

Question 29

In 1993 the Supreme Council passed the Disabled Persons Welfare Act, which defines State policy regarding disabled persons and is aimed at the implementation of measures for preventing disablement, rehabilitating disabled persons and ensuring their equality and participation with full enjoyment of their rights in the life of society.

The Act was formulated on the basis of the World Programme of Action concerning Disabled Persons adopted by the United Nations, the Declaration on the Rights of Disabled Persons and other international instruments.

With respect to disabled persons this Act establishes guarantees of the rights to work and to education and vocational training, and provides for various forms of social welfare (pensions, benefits, current money payments, free appliances, free health care and medical services and the availability of technical means for rehabilitation).

The procedure and conditions for giving effect to State guarantees of the employment of disabled persons are set forth in the Employment Act. Bodies have been defined for the placement of disabled persons in employment in the republic.

An employer provides work for disabled persons sent by the State employment service in accordance with the preliminary quotas defined by the State.

A system of tax allowances has been instituted for enterprises where at least 50 per cent of the total workforce consists of disabled persons.

The procedure and conditions for awarding pensions to disabled persons are established by the State Pensions Act, which was passed in 1995. The basic pension has been set at 2,860 drams. A disabled person of the first group receives 120 per cent of the basic pension plus an increment for length of service, while a disabled person of the second group receives 100 per cent and a disabled person of the third group 80 per cent, respectively, of the basic pension.

Changes were made to the Disabled Persons Welfare Act in June 1997 and, instead of the previous allowances, disabled persons were paid a corresponding monetary compensation amount.

The earlier compensation payments to disabled persons were abolished when the social benefits system was introduced in January 1999.

At present the Ministry is working on the formulation of proposals to improve the legislation on issues concerning disabled persons and the establishment of a republican database on disabled persons.

Rehabilitation programmes are being conducted. Measures are being taken to provide prostheses for disabled persons with amputated limbs to enable them to become more self-reliant, to reduce the need for transport and to improve the effectiveness of rehabilitation work with disabled persons, including the provision of various technical facilities for rehabilitation (invalid carriages, hearing aids, etc.).

Provision has been made for a barrier-free environment for disabled persons by the Disabled Persons Welfare Act. Appropriate instructions to ministries and departments on

ensuring access for disabled persons to all structures were given in Government decision No. 600 of 30 November 1993 and decision No. 220 of 2 April 1998. The Commission on Disabled Persons established in 1997 has repeatedly called on State and social organizations and all employers to make the necessary arrangements to facilitate access by disabled persons to buildings and public transport.

Despite all the work being pursued to this end, the creation of a barrier-free environment for disabled persons still remains a problem.

Article 10. Protection of the family, mothers and children

Question 30

Intensive work has been undertaken in recent years in connection with the systemic changes in the Republic of Armenia to improve the applicable legislation. A new Marriage and Family Code has unfortunately not yet been adopted and the 1969 Code is still in force. The following changes and additions to the existing Code were adopted on 10 May 1997:

(a) With the dissolution of the local executive bodies active in the Soviet era, the civil registries were placed under the authority of the Ministry of Justice, as regional offices of the Ministry. This has made it possible to enhance even further the role and improve the work of the registry offices. Only persons with higher legal education can become office heads;

(b) Decisions on adoption, as well as on custody and guardianship, are taken by the local government authorities;

(c) The age of marriage for women was reduced from 18 to 17 years;

(d) Maintenance is also deducted from any unemployment benefit received by the person paying maintenance.

In view of the need to make substantial changes and additions to the current legislation, especially the sections dealing with arrangements for and the upbringing of children without parental support, the Ministry of Social Security in 1998/99 prepared and submitted to the Government drafts of a number of instruments relating to this matter, in particular:

- Outline plan for the adoption of children left without parental support, and custody or guardianship of them;
- Statute of custody and guardianship bodies;
- Procedure for the adoption of children who are citizens of the Republic of Armenia;
- Model statute entitled “Centre for assistance to children left without parental support”;

- Procedure for the admission of children left without parental support into children's homes;
- Draft Government decision on making additions and amendments to decision No. 67 of the Chairman of the Government dated 6 March 1997;
- Outline plan regarding social protection for graduates of children's homes;
- Draft Government decision on additional social benefits for orphan children.

A draft procedure concerning the adoption of children being looked after in children's homes and eligible for adoption has been prepared and will soon be submitted to the Government.

Question 31

The work of protecting the health of children and mothers in Armenia is supported by the State, and the tactics and strategy for the development of maternal and child health-care services are based on the system of medical assistance.

The legal framework concerning health care for all women and children is the Constitution, which states that "the family, mothers and children are placed under the care and protection of the State" (art. 32). Everyone is entitled to the preservation of health. The procedure for medical assistance and services shall be prescribed by law (art. 34).

Under the Medical Assistance and Services Act every person, irrespective of nationality, race, sex, language, religion, age, state of health, political or other opinions, social origin or property status, is entitled to receive medical assistance and services free of charge within the framework of special-purpose State medical programmes.

Medical treatment for children (including the disabled) and for pregnant and socially disadvantaged women is mostly provided free of charge in Armenia. Support costs for disabled persons being treated in children's sanatoriums are covered by the State from budget appropriations.

Parliament passed the Rights of the Child Act on 29 May 1996 as part of the requirements of international conventions of the United Nations. The Act sets forth the rights of the child and the obligations of the State and the relevant bodies, enterprises, institutions or organizations and citizens with regard to the protection of children's rights.

Article 8 of the Act states that primary responsibility for looking after and bringing up a child and for the child's physical development, education and preparation for socially useful work lies with the parents or persons acting in loco parentis.

In the event of incapacity or inability of the parents or persons acting in loco parentis to look after, support and bring up the child in a family, these functions are performed by the State through placement of the child in an appropriate children's institution for social protection.

The law also provides for children deprived of parental support to be placed by the custody and guardianship bodies of the local government authorities with a family.

On the basis of the analysis of the state of health of children and women in Armenia (UNICEF, 1994, 1998), a number of special-purpose programmes have been developed and introduced to improve maternal and child health-care services, including:

- (a) National reproductive health programme, with two components:
 - improvement of prenatal and perinatal care;
 - improvement of sexual health and family planning;
- (b) Programme to control diarrhoeal diseases;
- (c) Programme to control acute respiratory infections;
- (d) National programme on immunization;
- (e) Programme to promote breastfeeding;
- (f) Programme on feeding of under-five-year-olds and feeding of pregnant women and nursing mothers;
- (g) Programme to ensure that pregnant women have the necessary amount of vitamins and iron supplements;
- (h) Programme for the rehabilitation of disabled children.

Question 32

Under article 12 of the Rights of the Child Act, children have the right to live with their parents and must not be separated from them except in cases where, as strictly stipulated by law and in the interests of the child, it is advisable for him or her to live separately from the parents.

This applies in respect of children whose parents have been deprived of or had restrictions placed on their parental rights, have been reported missing, deemed incapable (or to have limited capacity) or declared dead, are serving sentences in penal institutions, or fail to bring up their children or protect their rights and interests.

All the necessary conditions have been created in the five children's homes run by the Ministry of Social Security to ensure the physical, mental and spiritual development of the child and prepare him or her to lead an independent life, and the child is cared for and brought up with priority continuing to be given to the native language, cultural values, ethical principles, national

traditions and customs of the Armenian people. Children in homes receive their instruction in nearby general-education schools.

The Children's Homes Administration and local government authorities are working together to defend the rights and interests of children protected by the State.

Children's homes run by the Ministry of Social Security as of January 1999 were bringing up more than 500 children under 18 years of age, 267 of them being disabled persons living in two specialized homes for children with disorders of the central nervous system or physical deficiencies.

These institutions provide for medico-social and psychological rehabilitation.

The children's homes cater for:

- orphan children having lost one or both parents;
- persons disabled from childhood;
- children whose parents have lost their parental rights;
- children from incomplete families (lone mothers, divorced parents);
- children from extremely deprived or disadvantaged families.

Reformatories for juvenile offenders are administered by the Ministry of Education and Science.

Article 11. Right to an adequate standard of living

Questions 33 and 34

In Armenia, as in all the republics of the former USSR, the universal right to social protection, as well as the guarantee of full employment and the obligation to work, formed the basis of the social contract between private individuals, enterprises and the State.

Social protection was provided to a considerable extent through enterprises, with an important role in its administration being played by the trade unions. Although this system was comprehensive in terms of coverage of possible social risk groups and persons subject to protection, it was nevertheless inadequate and ineffective in meeting people's needs and, moreover, proved to be completely unsuited to the conditions of the transitional period.

The social situation in Armenia during this period was exacerbated by the destructive consequences of the earthquake, the energy crisis, the blockade, the presence of large numbers of refugees and other objective factors, all of which required urgent measures to provide State aid for low-income and disadvantaged segments of the population.

At the outset, any aid to the population, including humanitarian assistance, was made available only according to whether an inhabitant of the republic belonged to a particular social risk group (26 such groups in all). For the most part, it was distributed unevenly and unsystematically, a situation that caused discontent among the population. The principle of social justice was not ensured.

Sociological research and a study of the experiences of other countries in a similar situation led in 1993 to the development of a points system for assessing (by indirect and direct methods) the degree of a family's need, based on social indicators using information about the membership of each family member of a particular social risk group, the number of working-age family members, the family's geographical location and housing conditions, total family income, etc. These data are used in the appropriate mathematical formulae to calculate the neediness of each family and to identify those in greatest need (the larger the number of points, the greater the family's degree of need).

In identifying the needy and excluding people with means from those applying for social support, a significant role is played by visits to families' homes from staff of the regional social services centres and the use of relevant centralized information from the State registry office, State motor vehicle inspectorate and electricity grid, as well as other agencies.

Five years of experience with the above system for the allocation of humanitarian assistance to the population of the Republic of Armenia have shown that it can be used effectively in the implementation of more comprehensive and long-term social programmes. The Government therefore decided as of 1 January 1999 to introduce a unified system of family poverty benefit based on this same principle of a points system to assess the extent of a family's need.

The purpose of introducing this system is to prevent the growth of poverty and to provide State aid to families who are below the poverty line.

Family poverty benefit is awarded to families whose degree of need exceeds the threshold value established by the Government for each calendar year, as well as to those families included, as part of the quotas established by the Government in each calendar year for especially needy (destitute) families, in the additional lists approved by community leaders and duly referred to the regional social services centres.

The family poverty benefit system replaced the previous system consisting of various kinds of allowances, benefits and compensation payments that were awarded to individuals

without regard for the degree of their families' need, on the basis of their belonging to a particular socially vulnerable group (disabled persons, single pensioners, orphans, refugee children and children from areas of distress, including those living in temporary shelters, children of lone mothers, etc.).

The family poverty benefit is granted by the regional social services centres in operation since 1993 according to the family's actual place of residence. It is paid monthly from State budget funds and delivered by the post office directly to the home.

It should be noted that in 1999, with the changeover to a single electricity tariff, needy families not having the necessary points to obtain the family benefit receive a monthly compensation payment from budget funds.

About 300,000 needy families have been included in the lists of those qualifying for family poverty benefit or compensation payments in 1999.

The Government of the Republic of Armenia does not consider the points system for assessing the degree of need of families to be ideal and is carrying out work to improve and develop the system. In this connection, sociological studies and a survey of family income and expenditure are being pursued. The results obtained from analysing the information received will make it possible to gauge how widespread poverty is in the republic and define the indicators to be adopted as a basis for determining the number of persons likely to apply for family poverty benefit in 2000. A working group established with the assistance of the World Bank will submit proposals aimed at improving the methodology for evaluating family need and will, in particular, specify what indicators can be used in the mathematical formulae for needs assessment purposes.

The principles incorporated in the improved methods of family need assessment will be applied in the State Benefits Act, of which a draft is to be considered shortly by the National Assembly.

Question 35

Question 36

Question 37

Article 12. Right to mental and physical health

Question 38

Question 39

Question 40

Financing of health care (million drams):

	1991	1992	1993	1994	1995	1996	1997	1998
Total	461.2	2 979.4	31 081.9	2 919.0	10 598.9	9 103.9	9 540.8	13 441.5
As % of budget expenditures	10.5	13.2	10.4	7.2	8.4	7.1	6.5	7.3

Source: Ministry of Statistics.

Actual costs of in-patient treatment per patient (US\$):

	Yerevan	Other urban areas	Rural areas	Total
Official payment	20	10	10	14
Private payment to doctors and medical personnel	172	65	65	104
Medicines	115	52	60	76
Other costs (food, transport, etc.)	30	40	57	40
Total	337	167	192	234

Source: Ministry of Statistics, Survey of health-care system, December 1996.

Articles 13 and 14. Right to education

Question 41

Some data are provided below concerning expenditure on education in the Republic of Armenia over the past five years (in thousand of drams).

	1994	1995	1996	1997	1998
Pre-school	548 812	2 023 499	1 996 991	31 372	22 702
General education	1 891 629	6 974 537	6 824 521	11 413 368	12 275 380
Vocational and technical	121 136	446 635	661 081	-	476 151
Special secondary	245 552	978 888	956 786	-	1 142 133
Higher	454 733	1 776 560	1 827 886	2 111 475	2 626 147
Other branches of education	83 655	324 089	1 026 050	96 878	820 280
Total	3 345 517	12 524 208	13 293 316	13 653 093	17 362 793

Source: Ministry of Statistics.

	Expenditure in thousands of drams
1995	1 385 598.6
1996	1 623 747.0
1997	1 601 485.2
1998	2 001 456.9
1999	2 219 147.4

Source: Ministry of Education.

Question 42

The education system of the Republic of Armenia formed part of the unified education system of the former USSR and has inherited both the positive and the negative aspects of that system.

While leaving the traditionally good elements, the republic's leaders are trying through reforms to bring the level of education up to world standards. The Education Act, which provides the legal framework for all the reforms aimed at improving education in the republic, was passed in March 1999 for that purpose.

One of the most radical changes involves the introduction of three-level higher education.

The changeover to three-level education began long before the passage of the Act. Three higher educational institutions with a total of more than 15,000 students (Yerevan State University, State Engineering University of Armenia, Armenian Agricultural Academy) had already switched to that system of education. Its priorities are not only to strive to attain generally recognized world standards, but also to introduce more sophisticated forms and methods of teaching, in particular affording the opportunity for systematic verification of knowledge. In addition, differentiation by level makes it possible to regulate the depth of knowledge and skills and the degree of professionalism required in a given field.

The process has been successfully introduced in the above-mentioned institutions and is at the experimental stage in others.

The second overall reform in education concerns private (non-State) higher educational institutions. Their appearance is conditioned by the new economic relationships in the republic and by marketization. The private institutions will be accredited once the legal framework, including the regulatory and other necessary instruments for their authorization and approval, has been established.

Question 43 Number of schools (day and evening schools)
in earthquake zones

	1996	1997	1998
Shirak	175	178	179
Lori	177	169	169
Tavush	83	85	85
Total	435	432	433

Source: Ministry of Statistics.

Question 44 Number of school-age children not
attending school

	1995	1996	1997	1998
Number of children, thousands	125.5	123.0	121.5	123.6
As % of all children aged 7-16 years	21.5	20.7	20.2	20.5

Source: Ministry of Statistics.

Reasons for non-attendance and disruption of lessons

(a) Opinion of school directors

Reasons for non-attendance	As % of replies
Poor health	49.7
Poor financial situation	25.7
Lack of books and school supplies	7.2
Schoolchildren forced to work to help families	10.2
Schoolchildren being coached by tutors during lesson time	4.8
Other	2.4

(b) Opinion of teachers

Reasons for non-attendance and disruption of lessons	As % of replies
Poor health of teachers	21.8
Family problems of teachers	3.9
Additional work to ensure livelihood	6.3
Pupils' casual attitude to study	13.7
No reply	54.3

(c) Opinion of schoolchildren

Reasons for non-attendance and disruption of lessons	As % of replies
Poor health	53.9
Poor financial situation	18.5
Lack of books and school supplies	3.9
Forced to work to help family financially	15.8
Coaching by tutors during lesson time	2.6
Other	5.3

Source: Ministry of Statistics, Survey of educational system, December 1996.

Question 45

For all three levels of general-education schools (initial, intermediate and senior grades) special programmes to teach human rights and the fundamentals of democracy and civil society are being established and will be or already have been included in the curricula. Some of these programmes are now being implemented, while others are at the planning stage.

For pupils at the initial level (grades 1-3), a teaching aid entitled “Hello, its me: my rights and obligations” has been prepared and issued with the assistance of the Norwegian Council for Refugees. The booklet helps to acquaint children with basic human rights concepts.

In order to ensure the successful implementation of human rights teaching programmes in the initial grades, the Centre for the Improvement of Education of the Ministry of Education and Science and the Norwegian Council for Refugees are organizing retraining courses for teachers.

A textbook entitled “Human rights” has been compiled, in accordance with the curriculum, for pupils in grades 7-8. The textbook contains the following chapters: “Concept of human rights” (human rights and fundamental freedoms, history and development, classification of rights, main international instruments, civil society and the rule of law), “Individual rights” (civil and political rights and freedoms, economic, social and cultural rights), “Collective rights” (rights of national minorities, refugees, disabled persons, women and children) and “Protection of human rights” (inter-State and national mechanisms for the protection of human rights).

One important step was the publication of a textbook entitled “Civic education” for pupils in senior grades, as well as the textbook “Fundamentals of the State and law” for pupils in grades 9 and 10, which is the final stage of civic and legal education in general-education schools.

Since subjects such as human rights, the fundamentals of civil society, the theory of the State and the law were included only recently in the curricula of general-education schools, particular importance attaches to the preparation and publication of appropriate manuals and literature for teachers. One such aid - "Human rights: a manual for teachers" - was published in 1996. Another manual, intended for teachers of grades 7 and 8, is now being drawn up.

Article 15. Right to take part in cultural life

Question 46

In late 1990 the State Commission on Economic Reform and Privatization attached to the Council of Ministers of the Republic of Armenia took the decision to convert institutions concerned with culture and the arts to new conditions of management.

An experiment was undertaken in the 1990s to improve the administration and enhance the cost-effectiveness of theatres and other socio-cultural institutions. The underlying idea of the experiment was to introduce in such institutions the principle whereby the funds of the managed organizations are made up as income received for the actual results of work performed and the organizations are entitled to make use of that income independently to cover their costs. In this context, budgetary allocations are considered as one form of income.

This decision meant a reversal of policy for the funding of cultural activities by the State. Previously, having taken upon itself the functions of economic support, the State had limited all other possible sources of financing and retained control over all permitted channels of incoming funds. In the 1990s Armenia opted to change to a multi-channel system of financing cultural activities.

It was obvious that, in order to maintain the network of cultural institutions and provide for their normal functioning, it would be necessary to draw on the most varied sources and means of attracting funds. One such means is the institutional transformation of State and municipal cultural facilities, together with their restructuring and de-statization.

Experience during the first phase of privatization in the Republic of Armenia showed that applying to social facilities the same approaches to ownership change as had been followed for industrial enterprises would be certain to lead to their commercialization and the loss of the social functions they perform (re-profiling).

Upon the entry into force of the first part of the new Civil Code as of January 1999, clear distinctions were made between non-commercial and commercial organizations. With the adoption of the Code, the de-statization of socio-cultural institutions, involving their

transformation not into commercial companies but into non-State-owned or quasi-State-owned non-commercial organizations (“non-commercial privatization”), becomes legally possible.

The Government has been presented with a bill entitled “Fundamentals of legislation on culture” to form the legal framework for the preservation and development of culture in Armenia.

Bills are currently being prepared on:

Museum holdings and museums in the Republic of Armenia;

Library administration and libraries in the Republic of Armenia;

State support for cinematography in the Republic of Armenia;

Exports and imports of cultural assets (amendments and additions to the Act passed in 1994);

Copyright and related rights (amendments and additions to the Act passed in 1996).

A Government decision on social and economic support for theatrical art in the Republic of Armenia is also being drafted.

Question 47

The fomenting of national, racial or religious intolerance is prohibited in the Republic of Armenia by article 48 of the Constitution and article 69 of the Criminal Code.

The Press and Other Mass Media Act also prohibits the publication of information involving the advocacy of war or violence and the fomenting of national or religious hatred.

Question 48

The Copyright and Related Rights Act was passed by the National Assembly on 13 May 1996.

The Act governs the relationships which may arise in connection with the creation and use of works of literature and art or scientific works (copyright) and phonograms for the transmission of television and radio broadcasts (related rights).

Every user must now obtain the permission of the author or purchase a licence from organizations managing property rights on a collective basis to use the author's works.

Copyright applies to works of science, literature and the arts irrespective of the purpose or merit of the work or the means of its expression. Intellectual activity is recognized as being creative and its result is protected by copyright, unless shown to be the outcome of direct copying or plagiarism.

Copyright applies both to published and to unpublished products existing in any form - written, oral, sound or video recordings, in the form of images or in volumetric and spatial form.

The range of fields protected by copyright is expanding: it also includes urban planning, derivative products (translations, transformations, annotations, abstracts, summaries or reviews, stagings, arrangements or other processing of works of science, literature or the arts), compilations and other composite products, applied decorative or scenographic art work, products obtained by means similar to photography, graphic work and comics.

The range of persons whose interests are protected by law has increased substantially. Account is now also taken of the rights of those who participate in the development of a creative work together with the authors or scenario writers, the creators of phonograms, and the performers and directors or producers, i.e. virtually all those who have made any intellectual contribution to the work.

By law the public performance or other use of an author's work entails the payment of royalties. The Government took a decision in 1999 which set minimum rates of remuneration of the author for certain uses of works of literature and art. The law further provides that the author or the organization managing the author's property rights can negotiate a higher rate.

If international treaties to which Armenia is a party establish other rules than those laid down in Armenian law, the rules of the international treaties apply.

Copyright and related rights are also governed by the Civil Code (chaps. 63-64) and the Criminal Code as amended and supplemented in 1997 (art. 140, "Breach of author's rights and rights of invention").

Intellectual property, which also includes industrial property, is governed by the Civil Code (chap. 62), the Criminal Code (art. 140), the State Duties Act, the Patents Act, the Trade Marks and Service Marks and Places of Origin Act and the Company Names Act.
