

Armenia

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

In June 2001, the government established a National Commission to establish a national plan of action on children's rights. The Commission will consider education, human rights issues, and vulnerable children as it develops the action plan.⁸⁶ In addition, OSCE, IOM and UNICEF are currently implementing an anti-trafficking project aimed at establishing a legal basis for combating trafficking.⁸⁷

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Armenia are unavailable.⁸⁸ However, reports indicate the existence of child labor in agriculture, in the commercial sex industry, and among street children.⁸⁹ In the city of Yerevan, children were found selling newspapers and flowers, often during normal school hours.⁹⁰ In rural areas, children perform household chores and work in seasonal harvesting.⁹¹ In 2001, a report by IOM and OSCE found that women and children are trafficked from Armenia to the Middle East, Turkey, and Russia to work as prostitutes.⁹² Minors are also reportedly conscripted into the Armenian armed forces to work as child soldiers.⁹³

⁸⁶ Embassy of the Republic of Armenia letter to ICLP official, October 24, 2001 [hereinafter Embassy of the Republic of Armenia letter][letter on file].

⁸⁷ The first part of the project involved a survey of the situation in Armenia, public awareness efforts, and government lobbying. The second stage is the initiation of legislation on the prosecution of trafficking. See OSCE, *Project: Trafficking in Human Beings*, OSCE Office, Yerevan, at <http://www.osce.org/yerevan/projects> on 10/25/01.

⁸⁸ *World Development Indicators 2001* (Washington D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

⁸⁹ The UN Committee on the Rights of the Child expressed concern about street children and hazardous work conditions for children in the informal sector. See 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, February 24, 2000 [hereinafter *Concluding Observations*]. See also Embassy of the Republic of Armenia letter.

⁹⁰ Ibid.

⁹¹ Embassy of the Republic of Armenia letter. See also *Country Reports on Human Rights Practices 2000—Armenia* (Washington, D.C.: U.S. State Department, 2000) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=672>.

⁹² IOM, *Trafficking in Women and Children From the Republic of Armenia: A Study* (Yerevan, 2001) [hereinafter *Trafficking in Women and Children*], 11. See also *Country Reports 2000* at Section 6f.

⁹³ The UN Committee on the Rights of the Child is concerned about the alleged conscription of young children into the State party's armed forces, particularly refugee children from Azerbaijan. See *Concluding Observations*.

Primary and secondary school is compulsory up to age 14.⁹⁴ In 1996, the gross primary enrollment rate was 87.4 percent.⁹⁵ 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.⁹⁶ There are high dropout, repetition, and absenteeism rates, and access to education is poor in rural areas.⁹⁷ In rural areas, seasonal harvesting and other agricultural responsibilities often take precedence over education and result in prolonged absences from school.⁹⁸

Child Labor Laws and Enforcement

The 1996 Labor Code sets the minimum age for employment at 16 years with certain exceptions, and children 15 years of age are allowed to work in non-dangerous conditions with the consent of their parents or the labor union of the organization for which they work.⁹⁹ Children under 18 years may not engage in hazardous work, nor may they work overtime, on holidays, or at night.¹⁰⁰ The 1996 Law on Rights of Children specifically prohibits work that would cause physical or mental harm to a child, or interfere with the child's education.¹⁰¹ UN officials raised concerns regarding disparities between the Labor Code and the Armenian Civil Code. According to Article 13 of the Civil Code, minors under the age of 15 years are required to obtain a parent's

⁹⁴ U.S. Embassy—Yerevan, unclassified telegram no. 2213, August 2000 [hereinafter unclassified telegram 2213].

⁹⁵ *World Development Indicators 2001*.

⁹⁶ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁹⁷ In rural areas, and particularly among ethnic minorities (including the Kurds and Yezdis), cultural norms frequently dictate that children quit school early to contribute to their family agriculture or business. See *Concluding Observations* and unclassified telegram 2213.

⁹⁸ Embassy of the Republic of Armenia letter.

⁹⁹ Labor Code of the Republic of Armenia [hereinafter Labor Code], Articles 19,198, as cited in Embassy of the Republic of Armenia letter. See also unclassified telegram 2213.

¹⁰⁰ According to the Labor Code, workers between ages 16 and 18 must have a shorter workday and cannot work more than 36 hours a week (24 hours for those between ages 15 and 16). The Government's Ministry of Social Welfare, which has jurisdiction over labor problems, maintains a list of jobs considered to be "hard or hazardous." See Labor Code at Articles 200, 201, 202, 215, as cited in Embassy of the Republic of Armenia letter. See also unclassified telegram 2213.

¹⁰¹ Unclassified telegram 2213.

consent in order to engage in employment contracts, but this consent is not required for children to engage in small contracts.¹⁰² The Constitution and the 1992 Law on Employment prohibit forced labor by children.¹⁰³ The Administrative Code of Armenia makes prostitution illegal and punishable by a fine.¹⁰⁴ Armenian laws do not prohibit trafficking in persons specifically, although the Administrative Code criminalizes kidnapping.¹⁰⁵

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 1994.¹⁰⁶ Armenia has not ratified either ILO Convention 138 or ILO Convention 182.¹⁰⁷

¹⁰² This legal loophole would explain why children under age 15 may legally work in family businesses, such as agriculture. See UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1995, Addendum, Armenia, CRC/C/28/Add.9*, July 30, 1997. See also *Concluding Observations*.

¹⁰³ *Country Reports 2000* at Section 6c.

¹⁰⁴ *Trafficking in Women and Children* at 34.

¹⁰⁵ Cases of trafficking in women currently in court are being prosecuted under the Criminal Code prohibition on brothels. See *Country Reports 2000* at Section 6f and *Trafficking in Women and Children* at 34.

¹⁰⁶ If an agent of the Ministry of Welfare finds probable cause to assume that labor laws are being violated, the case may be addressed by the Ministry or turned over to the National Police. Family-run businesses may not be as closely monitored because of legal and cultural reasons. In both Armenian law and custom, the family is considered a privileged unit that should be and is subject to an absolute minimum of state interference. In that context, exploitation of children by a child's family may not be reported. See unclassified telegram 2213 and *Concluding Observations*.

¹⁰⁷ ILOLEX database: Armenia at <http://www.ilolex.ilo.ch>.

NOTE: Hard copies of all Web citations are on file.