

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW THAT DELAYED ADVANCEMENT

In 2019, Armenia made a minimal advancement in efforts to eliminate the worst forms of child labor. Article 33 of the Labor Code was amended to fully authorize the Health and Labor Inspection Body to enforce labor laws, including those related to child labor, beginning in July 2021. Article 33 will empower the Health and Labor Inspection Body to issue penalties for violations and conduct inspections in sectors for which inspection checklists have been approved. In addition, that agency conducted activities to raise awareness about child labor laws. However, despite new initiatives to address child labor, Armenia is receiving an assessment of minimal advancement because it continued to implement a regression in law that delayed advancement in eliminating the worst forms of child labor. Armenia has lacked a functioning labor inspectorate since the 2014 repeal of Article 34 of the Labor Code, which previously established the government’s authority to implement labor legislation and collective agreements. Since that time, the government has lacked a mechanism to monitor, inspect, and enforce child labor laws, including a mechanism with the authority to conduct unannounced inspections. The Health and Labor Inspection Body will not be empowered to perform these functions until its new mandate under Article 33 of the Labor Code enters into force in 2021. Children in Armenia engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also engage in child labor in agriculture. The government’s delay in approving the National Action Plan Against Trafficking in Persons impeded coordination efforts to combat human trafficking. In addition, no government programs exist to aid children engaged in child labor in agriculture.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Armenia engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. (1-5) Children also engage in child labor in agriculture. (1,2,6-12) Table 1 provides key indicators on children’s work and education in Armenia.

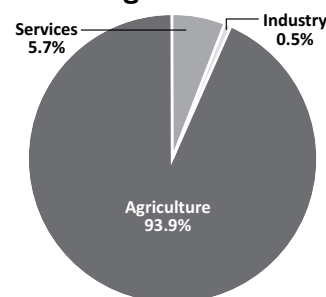
Table 1. Statistics on Children’s Work and Education

Children	Age	Percent
Attending School (%)	5 to 14	95.4
Combining Work and School (%)	7 to 14	8.6
Primary Completion Rate (%)		89.9

Source for primary completion rate: Data from 2018 published by UNESCO Institute for Statistics, 2020. (13)

Source for all other data: International Labor Organization’s analysis of statistics from National Child Labor Survey (SIMPOC), 2015. (14)

Figure 1. Working Children by Sector, Ages 5-14



Based on a review of available information, Table 2 provides an overview of children’s work by sector and activity.

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Table 2. Overview of Children’s Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Farming, including planting and harvesting potatoes (1,6-11)
	Raising livestock, including cattle breeding, cattle herding, and sheepherding (1,6,8,9,16)
Industry	Construction, activities unknown (8,9,11,17)
Services	Vehicle maintenance (1,9,11)
	Selling food (9)
	Street work, including vending, gathering scrap metal, selling flowers, and begging (1,6,8,11,17)
	Working in shops (8,9)
	Dancing in clubs (1,8)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (1-5)
	Forced begging, sometimes as a result of human trafficking (1,5)

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

The Government of Armenia does not routinely collect or maintain official data on child labor. (18,19) However, reports indicate that significant numbers of children, including some below the age of 14, leave school to work in informal sectors in agriculture and construction, and increasing numbers of children are engaged in begging. (12,17)




Although Article 38 of the Constitution of Armenia and Article 6 of the Law of the Republic of Armenia on Education guarantee free universal education, children from ethnic minority and low-income families continue to have reduced access to education. (20-22) Children of families who travel for seasonal labor and work on farms in remote rural areas are also less likely to be enrolled in school and are vulnerable to the worst forms of child labor, including forced child labor in agriculture. (10) Reports also indicate that in rural areas, families may keep girls out of school because of cultural expectations or due to concerns about severe gender imbalance in classrooms. (12,23)

In addition, the Law on Education requires all schools to be inclusive for children with disabilities by 2025, and the 2017–2021 National Strategy for Child Rights Protection includes priority actions to ensure equitable and inclusive education. (22,24,25) However, NGOs report that children with disabilities still face difficulty accessing mainstream education due to inaccessible school buildings and a lack of special teachers and other specialists, especially for students with mental disabilities. (25,26) Although the government has reduced institutionalization of children in recent years, nearly 2,400 children remain in government boarding schools, orphanages, and special education institutions. (27,28) These children are more likely to experience physical and psychological violence and are at a higher risk of becoming victims of human trafficking. (5,27) Children living in these institutions are reportedly also vulnerable to exploitation in child labor, including labor within the institutions. (29,30)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Armenia has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

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The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Armenia’s legal framework to adequately protect children from the worst forms of child labor, including a lack of definitions for forced labor and light work.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	16	Articles 15 and 17 of the Labor Code; Article 57 of the Constitution; Article 41.6 of the Administrative Violations Code (20,31,32)
Minimum Age for Hazardous Work	Yes	18	Article 257 of the Labor Code (31)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Decree on Approval of the List of Occupations and Work That Are Likely to be Heavy and Hazardous for Persons Under the Age of 18 Years, Pregnant Women, and Women Taking Care of a Child under the Age of 1 Year; Articles 140, 148–149, 153, 155, 209, 249, and 257 of the Labor Code (31,33)
Prohibition of Forced Labor	Yes		Article 57 of the Constitution; Article 3 of the Labor Code; Articles 132 and 132.2 of the Criminal Code (20,31,34)
Prohibition of Child Trafficking	Yes		Articles 132 and 132.2 of the Criminal Code (34)
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 132.2, 166, and 261–263 of the Criminal Code (34)
Prohibition of Using Children in Illicit Activities	Yes		Articles 63, 165, and 166.1 of the Criminal Code (34)
Minimum Age for Voluntary State Military Recruitment	Yes	16‡	Law on Military Service and Status of the Military Servant; Article 11 of the Law on Conscription; Government Decree No. 525-N of April 26, 2012 (35-38)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		Article 11 of the Law on Conscription (36)
Prohibition of Military Recruitment by Non-state Armed Groups	No		Article 29 of the Law on the Rights of the Child; Articles 165 and 224 of the Criminal Code (34,39)
Compulsory Education Age	Yes	19	Article 18 of the Law on Education (22)
Free Public Education	Yes		Article 38 of the Constitution; Article 6 of the Law on Education (20,22)

‡ Age calculated based on available information (37)

In 2019, the Administrative Violations Code was amended to significantly increase penalties for hiring children under age 16. (32,40)

The Labor Code allows for children ages 14 and 15 to work restricted hours with the permission of a parent or guardian, but does not list specific activities that constitute light work. (31) In addition, the Constitution, Criminal Code, and Labor Code prohibit forced labor, but enforcement of this prohibition may be hindered by the lack of a definition of “forced labor” in Armenian law. (20,31,34,41)

The laws criminalizing commercial sexual exploitation of children are insufficient because the crime of involving a child in prostitution does not clearly criminalize the users (clients) of prostitution involving children. (34,66)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, the absence of worksite inspections conducted at the national level in Armenia may impede the enforcement of child labor laws.

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Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Health and Labor Inspection Body (HLIB)	Enforces limited range of labor laws for persons up to age 18, and for pregnant or breastfeeding women and workers with children under their care. In 2018, the Health Inspection Body was reorganized and renamed the Health and Labor Inspection Body (HLIB). (11,42)
Police	Enforce anti-human trafficking laws and conduct preliminary investigations of alleged trafficking in persons cases. Every regional police unit throughout the country has a designated officer whose portfolio includes human trafficking. (43) All cases suspected to be human trafficking are referred to the anti-trafficking unit within the Department to Fight against Crimes against Human Beings and Property of the National Police. (38,43)
General Department of Criminal Intelligence within the Police	Enforces laws against the worst forms of child labor and refers identified crimes to the Investigative Committee for further investigation. (43)
Department for the Investigation of Trafficking in Persons, Crimes against the Sexual Inviolability of Minors and Illegal Drug Trafficking Crimes within the Investigative Committee	Conducts in-depth investigations of all cases of human trafficking and the commercial sexual exploitation of children referred to the Investigative Committee by the police. (38,43-45)
Department on Defending the Rights of Minors and Combating Domestic Violence Within the Police	Identifies and conducts preliminary investigation of crimes in which children are victims or perpetrators. (44,45)
Police Hotline	Receives complaints related to human trafficking and migration issues. (5,43,46)

As part of a broader inspection reform agenda, Armenia’s labor inspectorate was abolished in 2013 and the responsibility for conducting labor inspections was transferred to the new State Health Inspectorate, created the same year. (47) In 2014, legislative changes repealed Article 34 of the Labor Code, which had previously established the government’s authority to implement labor legislation and collective agreements. (48) In 2015, subsequent changes to legislation regulating labor inspections left the State Health Inspectorate unable to conduct labor inspections. (41,49) In 2017, continued inspection reform led to the dissolution of the State Health Inspectorate and the creation of the Health Inspection Body, which was tasked with monitoring occupational safety and health standards for employees, along with monitoring a variety of public health standards. (50) In 2018, a law on the State Bodies of Governance Systems came into force changing the Health Inspection Body to the Health and Labor Inspection Body (HLIB). (51)

In 2019, Article 33 of the Labor Code was amended to empower HLIB to issue penalties for violations and conduct inspections in sectors for which inspection checklists have been approved. However, this amendment will not enter into force until July 2021. (52) In the meantime, the HLIB has the ability to launch administrative procedures in response to complaints, including child labor complaints, but these procedures do not involve inspections or site visits. Penalties can only be issued in limited instances, such as situations posing an immediate threat to life and safety. (43) HLIB is only empowered to conduct planned inspections and must inform employers of an upcoming inspection three business days in advance. (18,43,53) Armenian legislation limits the questions inspectors can ask to a legally pre-determined checklist of issues, and checklists including questions related to child labor have not yet been approved for all industries. (18,43) Because additional legislation and regulations need to be approved and enter into force for the HLIB to begin conducting labor inspections, including for child labor violations, HLIB was unable to enforce child labor laws in Armenia in 2019. (43,54,52)

Labor Law Enforcement

In 2019, the absence of worksite inspections conducted at the national level in Armenia may have impeded the enforcement of child labor laws (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2018	2019
Labor Inspectorate Funding	Unknown	Unknown
Number of Labor Inspectors	23 (11)	23 (40,43)
Inspectorate Authorized to Assess Penalties	Yes (11)	Yes (43)

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Table 6. Labor Law Enforcement Efforts Related to Child Labor (Cont.)

Overview of Labor Law Enforcement	2018	2019
Initial Training for New Labor Inspectors	Unknown	Unknown
Training on New Laws Related to Child Labor	Unknown	No (40)
Refresher Courses Provided	Unknown	No (40)
Number of Labor Inspections Conducted	0 (11)	0 (40,43)
Number Conducted at Worksite	0 (11)	0 (43)
Number of Child Labor Violations Found	0 (11)	2 (40)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (11)	0 (43)
Number of Child Labor Penalties Imposed that Were Collected	0 (11)	0 (43)
Routine Inspections Conducted	No (11)	No (43)
Routine Inspections Targeted	No (11)	No (43)
Unannounced Inspections Permitted	No (11)	No (40,43)
Unannounced Inspections Conducted	No (11)	No (43)
Complaint Mechanism Exists	Yes (11)	Yes (43)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (11)	Unknown

In 2019, HLIB had 23 labor inspectors, 15 of whom were civil servants and 8 of whom were contractors. (40,43) The number of labor inspectors is likely insufficient for the size of Armenia’s workforce, which includes more than 1.5 million workers. According to the ILO’s technical advice of a ratio approaching 1 inspector for every 20,000 workers in transition economies, Armenia would employ about 75 labor inspectors. (55,56) In addition, officials have expressed concern that inspectors hired as contractors, rather than civil servants, may not receive sufficient training to adequately enforce child labor laws. (57) In December 2019, the governing council of HLIB approved a staff list that included 30 inspector positions. Furthermore, HLIB reported that it plans to increase the number of inspectors to 80 by July 2021 to implement the expanded inspection mandate that will come into force at that time. (43,52)

During the reporting period, HLIB conducted training seminars on child labor laws for representatives from supermarkets in Yerevan and Armavir, provided informational materials on child labor to communities in Ararat and Armavir provinces during harvest season, and carried out awareness-raising outreach on occupational health and safety (OSH) regulations related to hazardous child labor. (43) In August, the government approved a methodology for developing risk-based inspections, and government officials indicated that they are in the process of drafting and approving industry-specific inspection checklists pursuant to this methodology. These checklists will enable HLIB to conduct on-site inspections to detect labor violations, including those related to child labor. (40,43) Several draft checklists related to OSH, including one that covered prohibitions against hazardous child labor in mining, were published for public comment this year. (43,58) Although HLIB did not conduct any inspections during the reporting period, it identified two violations of minimum age laws through administrative procedures. (40) HLIB also launched a new website that enables complaint submissions via e-mail and established a new mechanism for responding to complaints that are received. (43,28)

Criminal Law Enforcement

In 2019, criminal law enforcement agencies in Armenia took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including investigation planning.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2018	2019
Initial Training for New Criminal Investigators	Unknown	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	Unknown	Yes (40)
Refresher Courses Provided	Unknown	Yes (40)
Number of Investigations	1 (11)	2 (43)
Number of Violations Found	0 (11)	2 (43,46)
Number of Prosecutions Initiated	1 (11)	1 (40)

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Table 7. Criminal Law Enforcement Efforts Related to Child Labor (Cont.)

Overview of Criminal Law Enforcement	2018	2019
Number of Convictions	0 (11)	0 (40)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Unknown	No (40)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (11)	Yes (46)

During the reporting period, the police investigated six criminal cases on suspicion of labor trafficking, one of which involved a minor. This case was dropped due to a determination that a crime had not been committed. (43) Two potential sex trafficking cases were investigated, one of which involved commercial sexual exploitation of a minor. This case was referred for prosecution, and further investigation is ongoing as part of the pre-trial process. (40,43) The government also reported one minor who was a victim of labor trafficking. (46)

The Ministry of Justice provided training on human trafficking and forced labor to 540 penitentiary staff, 54 judge candidates, 86 investigator candidates, and 96 prosecutor candidates. Three investigators from the Investigative Committee participated in an international training on human trafficking and sexual abuse of children. (40,46) The police provided training on human trafficking to 146 police officers and offered training to officers on child exploitation. (40,46)

Law enforcement officials may not receive sufficient specialized training on interviewing victims of child trafficking, which in some cases can prevent local investigators from collecting sufficient evidence to build a prosecutable case. (1,5) Although the Criminal Procedural Code includes provisions to protect witnesses and minimize victim re-traumatization, the government may not employ these measures in all trafficking cases, including those involving minors. (46)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efforts to address all forms of child labor.

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Ministerial Council to Combat Human Trafficking	Implements, coordinates, and monitors government efforts on trafficking in persons. Chaired by the Deputy Prime Minister. (54,46) The Ministerial Council to Combat Human Trafficking was largely inactive during the reporting period due to the government's delay in approving the National Action Plan (2019–2021), which would have otherwise determined the Ministerial Council's activities during the reporting period. (46)
Inter-Agency Working Group Against Trafficking in Persons	Advises, organizes, and implements decisions made by the Ministerial Council to Combat Human Trafficking. Chaired by the Ministry of Labor and Social Affairs. (43,54) The Inter-Agency Working Group Against Trafficking in Persons was largely inactive during the reporting period due to the government's delay in approving the National Action Plan (2019–2021), which would have otherwise determined the Working Group's activities during the reporting period. (46)

Although Armenia has the Ministerial Council to Combat Human Trafficking to coordinate efforts to address child trafficking, it does not have coordinating mechanisms to address other forms of child labor, including street work, the services sector, and agriculture. (17)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including mainstreaming child labor issues into relevant policies.

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Table 9. Key Policies Related to Child Labor

Policy	Description
National Strategy for Child Rights Protection	Includes an Action Plan for 2017–2021 that calls for the development and introduction of oversight and monitoring mechanisms to prevent the involvement of children in the worst forms of child labor. (24) The government continued to implement this action plan during 2019. (40)
2019 Annual Program on Protection of Children's Rights	Aims to provide social protection for vulnerable children. (11,59)
Concept on Combating Violence Against Children	Defines government priorities for combating violence against children and outlines a list of related activities. Addresses labor exploitation of children, especially in rural communities, and commercial sexual exploitation of children, especially child trafficking. (45)

In 2019, the National Assembly approved an amendment to Armenia's 2014 Law on Identification and Assistance to Victims of Human Trafficking and Exploitation that enables the provision of one-time monetary assistance to child trafficking in persons victims through their legal guardians. (60)

Although the government drafted a new National Action Plan (NAP) Against Trafficking in Persons (2019-2021) in 2018, approval of this plan was delayed prior to and during the reporting period. As a result, this NAP was not approved and did not enter into force in 2019. (28) The period of the draft NAP was amended to 2020–2022 and was adopted in 2020. (46) Research was unable to determine whether activities were undertaken during the reporting period to implement the Concept on Combating Violence Against Children or the Annual Program on Protection of Children's Rights.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2019, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address the problem in all sectors.

Table 10. Key Social Programs to Address Child Labor

Program	Description
Family Benefits Program†	Poverty-mitigation program for families with children. Families receive a monthly payment based on their financial situation, the number of children in the family, and the geographical location of their home. (61) In 2019, the government continued to provide payments under this program and increased the amounts some categories of families receive. (62)
UNICEF Country Program for 2016–2020	Seeks to improve child protection systems, including through expanding programs for children in extreme poverty, improving social integration of children with disabilities, and developing a victim-witness protection system. (63) This program continued to be active during the reporting period. (64)
Shelter for Victims of Human Trafficking‡	Government-funded shelters operated in partnership with NGOs that provide medical, psychological, social, and legal services to victims of human trafficking and access to education for children. (3) In 2019, the government also operated a second shelter in Yerevan. (46,60) However, at the end of 2019 this second shelter closed due to funding limitations, leaving one shelter operational. (28)

† Program is funded by the Government of Armenia.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (61)

Although the Government of Armenia has implemented programs to address child labor, research found no evidence that it has carried out programs to assist children engaged in child labor in street work or in agriculture.

During the reporting period, the Ministry of Education, Science, Culture and Sports approved a program to reimburse students and teachers for travel costs to school to facilitate access to education in remote regions. (40)

Analyses of the Family Benefits Program indicated that a lack of information about the program may reduce participation rates among poor and extremely poor families. (17,65)

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VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Armenia (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that Armenian law specifies the types of light work acceptable for children ages 14 to 15.	2014 – 2019
	Facilitate enforcement of labor law by codifying a definition of forced labor.	2016 – 2019
	Criminally prohibit and penalize the use of a child for prostitution.	2019
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2018 – 2019
Enforcement	Ensure that the Health and Labor Inspection Body is empowered to conduct unannounced inspections, including in response to complaints, and can issue penalties for any child labor violations detected.	2017 – 2019
	Draft and approve inspection checklists that fully empower the Health and Labor Inspection Body to conduct inspections for child labor violations in all industries, and ensure that such inspections are carried out.	2019
	Publish information on the Health and Labor Inspection Body's labor inspectorate funding.	2017 – 2019
	Ensure a referral mechanism exists between labor authorities and social services.	2019
	Strengthen labor inspection by increasing the number of labor inspectors to meet the ILO's technical advice and ensuring that labor inspectors are civil servants rather than contractors.	2017 – 2019
	Protect children by providing law enforcement officials with specialized training on interviewing victims of child trafficking.	2018 – 2019
	Implement existing witness protection mechanisms to protect victims of child trafficking who cooperate with law enforcement.	2011 – 2019
Coordination	Establish coordinating mechanisms to combat child labor, including all its worst forms.	2009 – 2019
Government Policies	Publish information about activities undertaken to implement policies related to child labor, including the Concept on Combating Violence Against Children, and the Annual Program on Protection of Children's Rights.	2016 – 2019
Social Programs	Improve understanding of child labor issues in Armenia by regularly collecting and maintaining data on child labor.	2019
	Ensure that all children, including children in remote areas, those from low-income families and families that travel for seasonal labor, and those belonging to ethnic minorities, have equal access to education.	2010 – 2019
	Ensure the availability of out-of-care services for deinstitutionalized children in parallel with increased efforts to prevent institutionalization of children, and ensure that children currently residing in government institutions are not engaged in child labor.	2015 – 2019
	Ensure that mainstream education is accessible to children with special education needs and children with disabilities by improving the accessibility of the physical infrastructure and increasing the availability of special teachers and other specialists for students with mental disabilities.	2014 – 2019
	Implement programs to address child labor in street work and in agriculture.	2009 – 2019
	Publicize information about the Family Benefits Program to encourage participation by eligible families with children.	2018 – 2019

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