

## **Defender's assessment of the RA Ministry of Labor and Social Affairs activities in 2011**

### **Shortcomings and problems identified**

- The problems of compensation for damage caused to the employee's life or health during accidents at work and occupational diseases are not regulated yet in respect of those persons who were caused damage by organizations which were liquidated since 1st August, 2004.
- Though the quantitative and qualitative indicators illustrating the effectiveness of inspections, conducted by the RA State Labor Inspectorate have been significantly improved, citizens continued complaining of cases of employment without a contract, non-payment of wages, arbitrary dismissal from work, not providing final settlements and many cases of non-payment for a vacation.
- As a result of legislative changes, a pension payment procedure has been prescribed which was done by a verified warrant of a notary acting only in the Republic of Armenia, which leads to limitation of the social security rights of citizens left to other countries for temporary or permanent residence. The Human Rights Defender applied to the Constitutional Court to clarify the compliance of the abovementioned legislative changes with the RA Constitution.
- Though, as a result of adoption of the RA Law "On Making Amendments to the RA Labor Code" on 24 June, 2010, certain provisions of the Code were harmonized with the requirements of the ILO Conventions and the Reviewed European Social Charter, and some changes were aimed at improving the business environment, however, certain legislative gaps remained unsolved, which lead to violations of the rights of employees.
- Though certain trainings for trusteeship and guardianship commissions were implemented in 937 rural communities during 2009, however, the issue of efficiency of the Commissions' activities is concerning, and the measures taken by the Ministry are not sufficient enough for the comprehensive solution of the problem.
- Sufficient measures for prevention of problems of vulnerable/risk groups of children have not been taken. In certain cases, some vagrant and beggar children are not included in any social program.
- The Ministry has not raised the problems of trade union development, and appropriate measures have not been taken for systemic solution of those problems.
- The actual cost of the minimum consumer basket has not been set in the basis of calculation of implemented social policy and social fees.

### **Positive Developments**

- State programs targeting vulnerable groups have been increased.
- As a result of data inspection in family support systems, 17 thousand needy families lost their right to family benefits, instead, about 9 thousand families were recognized as needy and were included in the system.
- About 65 thousand personal cases were specified in pension system, partially paid sums of almost 5000 pensioners was restored; payments to 17-18 thousand "not existing" pensioners were terminated.
- Amounts of all kinds of state benefits and pensions were increased in 2011.

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*The list of the identified positive developments, gaps and shortcomings is not exhaustive.*

*The introduced Chapter (1) of the HRD Annual Report 2011 is available in full [http://pashtpan.am/pages/downloadPdf/file\\_id/542](http://pashtpan.am/pages/downloadPdf/file_id/542).*

*Summary of the HRD Annual Report 2011 Chapter 2 concerning the activities of the RA Ministry of Health will be published next.*

*The HRD Annual Report 2011 was developed based on the complaints received by the Staff of the Human Rights Defender, legislation analysis, trustworthy and non-disclaimed publications in press, reports of the international and local organizations as well as information received during the interviews with field specialists and human rights defenders.*