

AMERICAN UNIVERSITY OF ARMENIA

A STUDY OF WOMEN'S EMPLOYMENT AND LABOR RIGHTS DURING
THE PERIOD OF TRANSITION IN ARMENIA

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LIST OF ABBREVIATIONS AND ACRONYMS

CEDAW	Committee on Elimination of Discrimination against Women
ILO	International Labor Organization
LCA	Labor Code Article
NGO	Non Governmental Organization
NHDR	National Human Development Report
RA	Republic of Armenia
SCF	Save the Children Fund
SME	Micro, Small and Medium Enterprises
UNDP	United Nations Development Program
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund
WB	World Bank

ABSTRACT

The purpose of this essay is to describe the employment and labor rights and opportunities of women in Armenia during the transition period. This issue is quite actual all over the world and there are significant achievements in this field in many countries.

The essay will discuss why this issue is important for Armenia. Though the actuality of this problem doesn't need any conformation, nevertheless, the consideration of women's rights today in our society seems to be not so vital, that is why this essay starts with showing the importance of the problem.

Then, the essay dwells upon the issue of correspondence of Armenian legislation to the norms within the context of the International law in the aspect of gender issue.

Afterwards, there comes the examination of the real state of affairs concerning the opportunities of women to exercise their employment and labor rights endowed by the Law.

Further, findings regarding the causes of factual gender disparity in the field of employment and labor rights are brought in the essay.

Finally, through the consideration of discussed and analyzed data and findings, the possible mechanisms to ensure the representation of women at all levels and protection of their economic rights are proposed.

1. INTRODUCTION

According to international statistics, women account for 53 % of the global population, 51 % of the labor force and they create 45 % of the global income (UNDP Report 1999). According to data from International Labor Organization, two thirds of total working hours are worked by women. However, they receive only one tenth of the global income, and manage one hundredth of the global property (UNDP Report 1999).

Four fifth of women workers are concentrated in ten categories of work, each of which is predominantly female - nurses, teachers, librarians, social workers, salesperson, health technicians, service workers, and textile and clothing workers (Shafritz 1992). Not only women are concentrated in predominantly female categories, which are characterized by relatively low wages, but they also tend to earn less than men even when they are employed in the same occupational category (Shafritz 1992).

Achieving equality for women and ensuring that women have equal access to political life as well as equal opportunities in all aspects of economic and social development has been important universally for the last half of the century.

Women's issue is important in Armenia, since women do not have equal access to public life and equal opportunities with men in political, economic, and social fields. Mostly women are not integrated into decision-making bodies in Armenia, they do not participate in policy formation. After the independence the Armenian Parliament ratified most of the international treaties protecting human rights. The Republic of Armenia ratified all UN principle instruments concerning human rights, and provisions of many of those instruments are stipulated in the Constitution of the country. Armenia ratified also basic conventions of the (ILO), as one of the main agencies of the UN. The provisions of these conventions are reflected in the local

legislation. However, the Armenian labor-related legislation does not consider provisions included into the "Convention on Equal Treatment and Equal Opportunities for Employees with Family". The government didn't establish the mechanisms necessary to protect women from discrimination.

This essay is concerned with the women's employment and labor rights issues and attempts to discuss this problem and to show its acuteness for our society. The essay contains the discussion of the national legislation, striving to show whether it is progressive or not within the aspect of gender issues. It also contains the analyses of the real situation of women as well as the causes bringing about the factual gender disparity in the fields of employment and labor rights. Finally it discusses the possible mechanisms and ways out to improve the working conditions of women and protect their rights.

It should be said that the need for equal participation of women in the decision - making process at all levels is necessary for development of rights of an individual and a citizen, and gender equality is the prerequisite for the development of the society. If decisions are elaborated, taken and implemented mostly by men and women are excluded from this process, it means that half of the experience, knowledge, skills and potential accumulated by the nation, is not represented or involved in national life, which is the real state of affairs nowadays for Armenia.

RESEARCH QUESTIONS

1. Why is the issue of women's rights actual for Armenia?
2. Does Armenian legislation correspond to the norms within the context of the International law regarding the gender issues, particularly employment and labor rights?
3. Do women in Armenia really exercise their employment and labor rights endowed by the Constitution and Labor Code?
4. What may be the reasons of factual inequality between men and women in realization of their employment and labor rights?
5. What legal mechanisms could ensure women's representation at all levels?

LITERATURE REVIEW

For the study of the women's employment and labor rights issue variety of sources have been used. The main sources for collecting data have been books, journals and monographs. They contained very rich information and evidence on various cases of discrimination against women in labor markets of various countries, including cases in Armenia, as well as various points of view of economists on the problem. Though, it should be mentioned that there is not so rich bibliography on the issue regarding purely the cases for Armenia. Nevertheless, the existing literature allowed to make analyses of the problem, to bring some facts and statistical data which helped to show the acuteness of the problem. The utilized sources also allowed to bring some examples of other countries where some aspects of the problem have already found their solution, and helped to make reference to Armenia when making proposals for the solution of the problem to some extent by increasing the representation of women at all levels. Internet source has also been utilized allowing to collect more information and some statistical data on the problem.

EMPLOYED METHODOLOGY

For the purpose of this essay mainly secondary data analysis method has been employed. This method involves the use of the existing data and research studies when collecting information on the problem, which is then being analyzed to answer the research questions of the essay. Besides, comparative analysis method is also being used to reveal whether the national legislation corresponds to the norms of the international law.

2. The Actuality of Women's Rights Issue for Armenia

Consideration of women's rights in the contest of human rights is an important issue as it serves as a sort of criteria in evaluation of democratic changes in the society, thus acquiring particular importance for the societies in transition. The principle of gender equality and its understanding as an equal situation, independence, responsibility and participation of both genders in all the spheres of public and private life is an important issue for any society which claims to be Democratic. For Armenia, the member of the UN, of the European Council, as well as the country in transition striving to improve the life of its society, this issue is obviously quite important. The most simple explanation of it can be the assertion that no society can be considered to be democratic where the rights of some groups are discriminated in any aspect.

In our society there is a widespread opinion that the issue of discrimination against women and their rights is not so important as compared to such global problems as survival, bad economic conditions in the country, and so on, and, therefore, it can be put off until other socio-economic problems are solved (Women's Republican Council of Armenia 1999). The consideration of women's rights in the context of human rights should exclude such approach, as it slows down the construction of civil society, which cannot exist without realization of rights and freedoms of all citizens independently of gender (Women's Republican Council of Armenia 1999).

The concept "human rights-women's rights", as well as diverse practice of its introduction started to develop in early 1990's and are one of the constantly developing directions of the international movement for raising women's status in the society (Women of Armenia 2000). For the first time the idea "human rights-women's rights" was recognized in the Viennese Declaration adopted at the World Conference on Human Rights in 1993 (Women of Armenia

2000) . It declared that "women's and girls' rights is an integral and indivisible part of the universal rights" (Women of Armenia 2000).

Consideration of women's rights in the contest of human rights allows to analyze the widespread violation of human rights, including ousting of women from key spheres of public and political and socio-economic life, which the society is facing due to transition processes typical of Armenia as well (Women of Armenia 2000).

In the Universal Declaration of Human Rights human rights are declared universal, equal and inalienable. Accentuation of these key principles of human rights is important from the viewpoint of women's rights protection and this fact should be perceived by our society and most importantly by women themselves (Women's Republican Council of Armenia 1999).

The principle of inalienability of human rights confirms the impossibility of alienation of human rights, and for women the priority of human rights over social, religious and cultural traditions (Women of Armenia 2000).

The principle of indivisibility of human rights recognizes the link between civil, political, social, economic and cultural aspects of human rights and rejects any attempts to build the hierarchy as a result of which women appear to be ousted from the public political life (Women of Armenia 2000).

The principle of universality may seem obvious, but may also be viewed as radical demand to recognize women as a carriers of human rights, so that mechanisms, program and the system of human rights protection itself include a component of women's rights not as an additional to human rights, but rather as fundamental human rights (Women of Armenia 2000).

The principle that is most difficult to realize is from the point of view of its introduction in life is the principle of equality of rights emphasized as a principle of gender equality (Women of Armenia 2000).

Since adoption of the Universal Declaration of Human Rights, the humanity has made a big step forward in understanding of genuine equality between men and women. This is why under present conditions the constitution should not only stipulate the equality of rights and freedoms of women and men, but also should provide the mechanisms for the realization of those equal opportunities (Women's Republican Council of Armenia 1999).

The right of Armenian women to participate in decision-making doesn't differ in any way from other constitutional rights, however, because of the patriarchal stereotypes dominating society, this very right needs to be motivated more frequently (Women's Republican Council of Armenia 1999).

Following independence in September 1991, the Armenian Parliament ratified most of the international treaties protecting human rights. However, the government didn't establish the mechanisms necessary to protect women from discrimination, and the prevalent attitude in the society, is the belief that women's foremost role is as wives and mothers, and this belief is traced in the government's report to CEDAW referring to women's traditional and natural role as mothers (www.igc.org/iwraw/publications/countries/armenia.htm).

Every society has unique and deeply rooted preconceptions, which regulate the stereotypes of men and women and develop gender patterns characteristic of the given society, and these patterns are not universal for different geographical locations, races and groups, but are unique and result from the past experience of the given nation, its mentality, history, religion,

geographic location, traditions, level of civilization, in other words, by the overall culture of the society (UNDP Report 1999).

Armenia is in transition period, and together with socio- economic conditions, the conditions of women have also deteriorated, and regression of many values in our society today coincides with domination of male stereotypes (UNDP Report 1999). Armenian society today may be described as a patriarchal one (UNDP Report 1999). In our national mentality, women are conceived more as executors than decision-makers and are automatically expelled from decision-making process and management (UNDP Report 1999).

Though the majority of managers say that the final decision between male and female candidates is made on the basis of their past performance and abilities, there is a strong perception by both men and women that some jobs are "women's jobs" and some are clearly "men's" jobs (Wallace 1982).

These stereotypes in fact lead to lower positions for women and hence to lower wages, and meanwhile due to these stereotypes men may be considered to be more interested in work and be more able and prepared for certain types of work, women are considered to be more interested in home, child caring, family, etc. and are seen as less prepared in spheres requiring technical knowledge. So, lower professional commitment is expected more from women than men (Wallace 1982). Thus, the labels "men's jobs" and "women's jobs" tend to reduce employment opportunities.

The feminization of poverty is quite actual for Armenia, and it has been observed as a very significant indicator of discrimination against women in the labor market. (www.undp.am/rescoord/report/4.htm) Because of discrimination that led to women's exclusion from labor market, women choose not to use their whole potential and often refuse to look for a

job, preferring to get financial support to bring up their babies (www.ngoc.am/newsletter11/article11.htm).

On the other hand, a viable and operational civil society is a pre-requisite, which ensures human rights in a democratic state. Armenia is currently at a stage of formation of civil society and this is why the activities to promote gender equality should be viewed as a guarantee of irreversibility of democratic reforms (Women Republican Council of Armenia 1999).

Besides the arguments, brought at the beginning of the paper, motivating the necessity and importance of women's participation in the sphere of decision-making the most important ones, according to the Women of Armenia (2000) are:

1. Democracy includes the principle of egalitarianism, gender equality.
2. Legitimacy of political system and power without women's participation is called into question.
3. Women's participation in the formation of state policies promotes greater equilibrium, democracy, stability and leads to effective use of human resources.

Apart from the all reasons and arguments mentioned above, other considerations and analysis brought from the UNDP Report (1999) once more emphasize the importance of the issue of women for Armenia. Thus, according to the UNDP Report (1999), the present state of affairs of Armenian woman is as follows:

- The number of women of working age in society is increasing.
- The tension in the labor market is accompanied by the decreasing economic activity of women: unemployment among women in the 40-49 year old age group is the main cause for relatively high economic activity in this group.

- About half of economically inactive women are 20-25 years of age and will attempt to find a job in future.
- The employment of women shifted away from the industrial sector towards agriculture and traditional sectors, like education and health.
- Women are extremely underrepresented in governance and law enforcement bodies.
- The overwhelming majority of women are underemployed (75 % have 10-20 working hours per week) and earn considerably less than men: in 1998, the average wages of working women accounted for less than half those of men (48 %).
- Official unemployment has a "female" face: women account for about 70 % of officially registered unemployed and more often turn to employment services.
- The average age of unemployed women is gradually decreasing; women in the 41-55 age group have less chance for finding a job.

According to the Center for Gender Studies report, women who do not fit into the official labor market have been forced to seek other ways to generate income (www.ngoc.am/newsletter11/article11.htm). In recent years, there has been a growing trend for Armenian women to engage in unofficial trade, which forced them to travel to neighboring countries, such as Turkey, and bring merchandise for sale back to Armenia (www.ngoc.am/newsletter11/article11.htm). There can be no doubt that this has an adverse effect on the economy of Armenia.

Anyway, apart from all the moral reasons convincing that this issue is really actual and should be solved, the Universal Declaration of Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, International Pact on Civil and Political Rights and

quite a number of other international documents ratified by Armenia just oblige the state to ensure equal rights of women and men to occupy posts at all levels of state administration, to participate in the formation and implementation of state policies.

There is no doubt that gender bias against women in the labor market exists and that it results in the following: inequitable hiring, promotion and supervision decisions, as well as lower salaries less and powerful positions for women (Wallace 1982).

All this is an enough argument for the importance of women participation in decision-making processes and at the same time they answer the research question concerning the importance of the issue of women rights for Armenia. The realization of human rights depends on how well those whose rights are under the threat can present these rights.

In conditions when the state is unable to ensure and guarantee the realization of equal rights and equal opportunities for men and women, the ignorance of women of their rights, the fact that they do not realize that their restricted rights is not a result of they physiology (pregnancy, breast-feeding, etc.), but rather caused by social reasons, brings about widespread practice of discrimination of women and violation of the principle of gender equality (Women's Republican Council of Armenia 1999). The awareness of one's rights and the ability to insist on their realization form the basis of democratic culture of ensurance and protection of these rights in the society (Women's Republican Council of Armenia 1999).

3. Correspondence of the Armenian Legislation to the Norms within the Context of the International Law Regarding the Gender Issues.

The new market relations as well as the political changes such as the inclusion of Armenia into the Council of Europe and its membership in the United Nations Organization make all the imperatives for Armenia adapt its laws and regulations to the international standards on human rights as well as to make them correspond to international labor norms.

The Republic of Armenia ratified all UN principle instruments concerning human rights and provisions of many of those instruments are stipulated in the Constitution of the country. The Constitution of the country also stipulates the principle of direct transformation, according to which norms, envisaged in documents ratified by countries, immediately transform into norms of the domestic law. There have been no precedents in application of this principle during judicial proceedings, involving human rights protection (Women of Armenia, 2000).

Thus, as the article 4 of the Constitution of the Republic of Armenia states, the State provides for the protection of human rights and freedoms based on the Constitution and laws in accordance with the principles and norms of the international law. This means that the Armenian legislation doesn't contain any norms discriminating against women within the context of the international law and may be described gender neutral. Major violations and discrimination may be seen in the opportunities to realize the rights stipulated by the legislation.

Nevertheless, the Election Code of Armenia contains a discriminatory provision under which women are given only 5% quota in the party lists of candidates for the parliament (Article 100, point 2) (Women of Armenia, 2000).

It is important that laws be professionally formulated to limit the representation of either of the gender groups in governing and managerial positions to 60% (UNDP Report 1999).

The gender equality between men and women is also guaranteed by the International Bill on Human Rights and by the Convention on Elimination of All Forms of Discrimination Against Women (Women's Republican Council of Armenia, 1999).

The principle international instrument, regulating legal status of women, the Convention on Elimination of All Forms of Discrimination against Women, was ratified by the National Assembly on 9 June, 1993 (Women's Republican Council of Armenia, 1999).

In the Republic of Armenia labor relations and women's working rights are mainly regulated by a Labor Code which has been operational since 1976 (Avetikian G. 2001). Many provisions of the Code do not meet requirements of current market relations and in some cases the rights conferred to women in particular prevent their efficient participation in the labor market (Avetikian G. 2001).

However, International Labor Conventions compared with Armenian legislation regarding the rights of working women, have certain commonality, though there are certain differences as well. Thus, one of the main features and advantages of IL Conventions over Armenian legislation is its detailed attention to the problems. For example, if there is only one article in Armenian legislation concerning the women's rights to work at night, then the ILO has a number of conventions regarding this issue (Avetikian G. 2001). To compare Armenian legislation regulating the labor of women with ILO conventions regarding the employment of women, provisions from both RA Legislation and ILO conventions will be brought below in the tables.

Con. No. 3 Convention concerning the Employment of Women before and after Childbirth

(1919)

PROVISIONS OF CONVENTION		PROVISIONS OF RA LEGISLATION
<p>Art/2 For the purpose of this Convention, the term "woman" signifies any female person, irrespective of age or nationality, whether married or unmarried, the term "child" signifies any child whether legitimate or illegitimate..</p>		
<p>Art/3 in any public or private industrial or commercial undertakings, or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman:</p> <p>a) shall not be permitted to work during the 6 weeks following her confinement:</p> <p>b) shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within 6 weeks;</p> <p>c) shall, while she is absent from her work in pursuance of paragraphs a) and b), shall be paid benefits sufficient the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife, no mistake of the medical adviser in estimating the date</p>	<p>LC CH. 11 A/189</p> <p>RA SC Decree of 9 Nov.1994</p>	<p>Women are entitled to maternity and confinement leaves with 56 days before and 56 days after confinement, as well as partially paid child care leaves before the child is one year old if the mother has at least one year's employment record. Benefits for these periods are paid through state social insurance schemes.</p> <p>Working women are entitled to maternity leave before and after childbirth and shall be paid the full salary:</p> <p>a) for 140 days with 70 calendar days before and 70 calendar days after childbirth;</p> <p>b) for 155 days with 70 calendar days before and 85 calendar days after childbirth in case of complicated childbirth;</p> <p>c) for 180 days with 70 calendar days before and 110 calendar days after childbirth in case of birth of twines or more children. Women are also entitled to single paid benefits for child birth, monthly benefits for child care, in addition, working women are entitled to</p>

<p>of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place,</p> <p>d) shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.</p>	<p>ICA/ 19 4</p>	<p>child care benefits before 2 years age of the child.</p> <p>The size of benefit is defined by the legislation. Benefits are paid by enterprises, institutions, organizations, armed forces, learning institutions, etc.</p> <p>The Decree defines the following monthly state benefits:</p> <ul style="list-style-type: none"> a) 4'000 AMD for disabled children; b) 3'000 AMD for parentless children; c) 2'000 AMD for children of other categories listed at sub-point (a) of point 2 of the Decree; d) 1.800 AMD for single mothers; e) 1.800 AMD for persons caring children under 2 years old entitled to partially paid benefits and having the status of unemployed. <p>Article 4 of the current Decree defines that all kinds of state benefits shall be appointed and paid by regional centers of pension security of the Ministry of Social Security of RA.</p> <p>The Government, local legislatures are authorized in the framework of their resources to entitle bonuses in addition to all kinds of benefits provided by laws and regulations to families with children, to entitle additional kinds of benefits and privileges aimed at fulfillment of needs of families with many children, incomplete families and young families, families with disabled children, and needs of children left without of parental care. Women having under 1.5 years</p>
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		<p>old children, in addition to a general break for rest and food, are entitled to an extra break to feed children. These breaks shall have periods amounting to no more than 3 hours and shall be 30 minutes long each. In case of 2 and more children under 1.5 years the length of break shall be at least 1 hour. The break time entitled for child-feeding shall be included in the working hours and shall be paid according to average payment.</p> <p>The rules regulating terms of breaks shall be defined by administrations of enterprises, institutions and organizations in consultation with workers organizations of enterprises, institutions and organizations, taking into consideration mothers' needs.</p>
<p>Art/4 Where a woman is absent from her work in accordance with paragraphs a) or b) of Article 3 of this Convention, or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, to give her notice of dismissal at such a time that the notice would expire during such absence.</p>	<p>LCA/19 7</p> <p>RA SC Decree of 9 Nov. 1994</p>	<p>Dismissal of pregnant women and mothers with children under 1.5 years old by the initiative of administration is prohibited, except in cases of full lay off of enterprises, institutions and organizations, with mandatory job placement, as well as when the work contract is expired.</p> <p>Constraining job enrollment opportunities and reducing wages of women with reasons of pregnancy and breastfeeding is prohibited.</p>

Conv. No. 4 Convention concerning the Employment of Women during the Night (1919)

PROVISIONS OF CONVENTION		PROVISIONS OF RA LEGISLATION
<p>Art/2 For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.</p>		
<p>Art/3 Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.</p>	<p>LC A/52</p> <p>A/185</p> <p>RA SC Decree of 9 Nov. 1994</p>	<p>Pregnant women and women with children under 2 years old shall not be employed during the night.</p> <p>Women shall not be employed during the night time.</p> <p>Women with under 14 years old children and 18 years old disabled children shall be released from night work at first.</p>
<p>Art/4 Article 3 shall not apply-</p> <ol style="list-style-type: none"> 1. in case of force majeure, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character, 2. in case where the work has to do with raw materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss 	<p>LC A/185</p>	<p>Exception is made for those branches of economy where special requirements exist and employment in the night time is allowed for the interim.</p>
<p>Art/6 In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours for sixty days of the year.</p>		<p>N/A</p>
<p>Art/7 In countries where the climate renders work by day particularly trying to the health, the night period may be shorter than prescribed in the above Articles, provided that compensatory rest is accorded during the day.</p>		<p>N/A</p>

Conv. No. 45 Convention concerning the Employment of Women on Underground Work in Mines of All Kinds (1935)

PROVISIONS OF CONVENTION		PROVISIONS OF RA LEGISLATION
<p>Art/1 For the purpose of this Convention, the term "mine" includes any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth.</p>		
<p>Art/2 No female, whatever her age, shall be employed on underground work in any time.</p>	<p>LC A/184</p>	<p>Women shall not be employed in underground enterprises.</p>
<p>Art/3 National laws or regulations may exempt from the above prohibition</p> <ul style="list-style-type: none"> a) females holding positions of management who do not perform manual work, b) females employed in health and welfare services, c) females who, in the course of their studies, spend a period of training in the underground parts of a mine, d) any other females who may occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation 	<p>LC A/184</p>	<p>From the above prohibition females are exempted who do not perform manual work or are employed in sanitary and welfare services.</p>

Conv. No. 100 Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951)

PROVISIONS OF CONVENTION		PROVISIONS OF RA LEGISLATION
<p>Art/1 For the purpose of this Convention:</p> <ul style="list-style-type: none"> a) the term "remuneration" includes the ordinary, basic or minimum wage or salary and any additional 		

<p>emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;</p> <p>b) the term "equal remuneration for man and woman workers for work of equal value" refers to rates of remuneration established without discrimination based on sex.</p>		
<p>Art/2 1. Each member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for man and woman workers for work of equal value.</p> <p>2. This principle may be applied by means of :</p> <p>a) national laws or regulations;</p> <p>b) legally established or recognized machinery for wage determination;</p> <p>c) collective agreements between employers and workers;</p> <p>d) a combination of these various means.</p>	<p>LC A/83</p> <p>A/85</p> <p>RA Const.</p> <p>A/29</p> <p>A/30</p>	<p>By the Constitution of RA the remuneration of workers is defined based on the quantity and quality of their work. No reduction of remuneration shall be made based on sex, age, race and ethnicity.</p> <p>Wage determination is the authority of the state in consultation with workers' organizations.</p> <p>Every citizen of RA has the right to freely choose employment.</p> <p>Everyone has the right to fair remuneration not less than the minimal wage determined by the state and work conditions meeting security and safety requirements.</p> <p>Everyone has the right to rest (break).</p> <p>Terms of maximum working hours, holidays and minimal duration of annual compensated (paid) leave are defined by the legislation.</p>

Conv. No. 103 Convention concerning Maternity Protection (Revised 1952)

PROVISIONS OF CONVENTION		PROVISIONS OF RA LEGISLATION
<p>Art/1 1. This Convention applies to woman employed in industrial undertakings and in non-industrial and agricultural occupations, including woman wage earners working at home.</p> <p>2. For the purpose of this Convention, the term "industrial undertaking" comprises public and private undertakings and any branch thereof.</p>		
<p>Art/2 See Convention 3, Art/2</p>		
<p>Art/3 1. A woman to whom this Convention applies shall, on the production of a medical certificate stating the presumed date of her confinement, be entitled to a period of maternity leave.</p> <p>2. The period of maternity leave shall be at least twelve weeks, and shall include a period of compulsory leave after confinement.</p> <p>3. The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than six weeks, the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations.</p> <p>4. The leave before the presumed date of confinement shall be extended by</p>	<p>LC A/189</p> <p>RA SC Decree of 9 Nov. 1994</p> <p>LC A/190</p>	<p>Women are entitled to maternity and confinement leaves with 56 days before and 56 days after confinement,</p> <p>Working women are entitled to maternity leave before and after childbirth and shall be paid the full salary:</p> <p>d) for 140 days with 70 calendar days before and 70 calendar days after confinement;</p> <p>e) for 155 days with 70 calendar days before and 85 calendar days after confinement in case of complicated confinement;</p> <p>f) for 180 days with 70 calendar days before and 110 calendar days after confinement in case of birth of twins or more children.</p> <p>Before or after confinement a woman shall have annual leave if</p>

<p>any period elapsing between the presumed date of confinement and the actual date of confinement and the period of compulsory leave to be taken after confinement shall not be reduced on that account.</p> <p>5. In case of illness medically certified arising out of pregnancy, national laws or regulations shall provide for additional leave before confinement, the maximum duration of which may be fixed by the competent authority.</p> <p>6. In case of illness medically certified arising out of confinement, the woman shall be entitled to an extension of the leave after confinement, the maximum duration of which may be fixed by the competent authority.</p>		<p>she applied for it independently on her employment record in the enterprise.</p>
<p>Art/4 1. While absent from work on maternity leave in accordance with the provisions of Article 3, the woman shall be entitled to receive cash and medical benefits.</p> <p>2. The rates of cash benefit shall be fixed by national laws or regulations so as to ensure benefits sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living.</p> <p>3. Medical benefits shall include pre-natal, confinement and post-natal care by qualified midwives or medical practitioners as well as hospitalization care where necessary; freedom of choice of doctor and freedom of choice between a public and private hospital shall be respected.</p>	<p>RA Govt. Decree of 10 March 1993#95</p> <p>LC A/189</p> <p>RA SC Decree of 9 Nov. 1994</p> <p>LC A/195</p>	<p>The following state social insurance benefits are determined for:</p> <ul style="list-style-type: none"> a) temporary loss of working ability (disability); b)maternity; c)care of ill child; d)single benefit for child birth; e)funeral. <p>Maternity benefits are paid through state social insurance schemes.</p> <p>All kinds of state benefits shall be appointed and paid by regional centers of pension security of the Ministry of Social Security of RA.</p> <p>Administration of enterprises, institutions and organizations in consultation with workers</p>

<p>4. The cash and medical benefits shall be provided either by means of compulsory social insurance or by means of public funds; in either case they shall be provided as a matter of right to all women who comply with the prescribed conditions.</p> <p>5. Women who fail to qualify for benefits provided as a matter of right shall be entitled, subject to the means test required for social assistance, to adequate benefits out of social assistance funds.</p> <p>6. Where cash benefits provided under compulsory social insurance are based on previous earnings, they shall be at a rate of not less than two-thirds of the woman's previous earnings taken into account for the purpose of computing benefits.</p> <p>7. Any contribution due under a compulsory social insurance scheme providing maternity benefits and any tax based upon payroll which is raised for the purpose of providing such benefits shall, whether paid both by the employer and the employees or by the employer, be paid in respect of the total number of men and women employed by the undertaking concerned, without distinction of sex.</p>		<p>organizations can provide if needed free of charge or favored vouchers for sanatoriums and hospices, as well as to provide material support to pregnant women.</p>
<p>Art/5 If a woman is nursing her child she shall be entitled to interrupt her work for this purpose at a time or times to be prescribed by national laws or regulations.</p>	<p>LC A/194</p>	<p>Women having children under 1.5 years old, in addition to a general break for rest and food, are entitled to an extra break to feed their children.</p>
<p>Art/6 See Convention 3, Art/4 a), b)</p>		

The Armenian legislature giving several privileges to working women paid special attention to mothers and reasonably limited their work in certain undertakings. Work under hard and dangerous conditions as well as employing women in underground mining works are strictly prohibited (Avetikian, G. 2001).

As it was already mentioned, in spite of certain commonality between the Armenian Labor Code and ILO Conventions, many provisions of the Armenian Labor Code do not meet requirements of current market relations. Besides, there are even certain provisions missing in Armenian legislation. Thus, one of the International Labor Conventions (Convention # 89), which is not brought in this essay, relates to women on night shifts in industrial enterprises, whereas this issue is not mentioned in our legislation at all (Avetikian, G. 2001).

Hence, for the purpose of better regulation of labor relations, improvements in legislation should be made, specifically, adoption of a new labor code. A Governmental Commission has prepared a draft labor code (Avetikian, G. 2001).

A number of laws regulate gender equality and women's labor rights, however, even in those cases when the rights of working women are stated in the laws and regulations, there arise problems with realization of those rights and protecting those rights.

Although the principle of equality between men and women is stipulated in the Constitution, the equality of opportunities is not reflected in the legislation. In other words, though the National Legislation of the Republic of Armenia doesn't contain any provisions that explicitly discriminate against the rights of women, but neither does it contain articles that explicitly guarantee equal rights and opportunities for women (UNDP Report 1999).

A bit more in details about the problem with the opportunities for the realization of the rights by women will be mentioned in chapter 4.

4. Do women in Armenia Really Exercise Their Employment Rights Endowed to Them by the Constitution?

In real life women do not exercise the rights endowed to them by the Constitution, since the "gender neutrality" of laws in fact turns against women. Although the principle of equality between men and women is stipulated in the Constitution, the equality of opportunities is not reflected in the legislation, hence major discrimination may be seen in the opportunities to realize the rights stipulated by the legislation. Thus, the equal right of both genders to hold any positions in the systems of state and municipal service stipulated by the legislation in practice proves insufficient for overcoming the factual inequality in the representation of men and women in high -level positions in different spheres.

During the Soviet era women enjoyed a high degree of participation in the economic activity of the country. This was first for the high demand for labor, and also for the commitment of communist regime to the ideas of equality between men and women for economic and social rights. Nevertheless, even during the Soviet era women weren't put into high-level positions. Men were the decision-makers in nearly every sphere of life. Thus, though women had high educational achievements in health and education sectors, and constituted the majority of doctors and teachers in numbers, nevertheless, the majority of hospital directors and university rectors were men. The ministers and the majority of deputy ministers for both sectors have always been men (Government of Armenia, UNICEF, SCF 1998).

So far, formerly, the nature of women's political participation was shaped by the system's and the society's non-democratic spirit on the one hand, and by the traditional stereotyped notion that "politics are not a female affair". The Soviet regime promoted all possible rights for women - including those, which women in the West struggled for decades to attain. Nevertheless,

women's participation in politics was somehow limited and usually was not critical in fundamental issues. All social, political and economic transformations were initiated and arranged by a single ruling party. Actually, incentives for promoting interest groups serving one or another social stratum were absent. Keeping women's political influence in check was typical behavior on the part of most of men in charge (Ter-Stepanian, D. 2001).

There is no government control and assessment of progress in the matter of women 's representation at all levels of administrative positions. The first attempt to collect and disseminate qualitative and quantitative data on women and men holding leading positions at different levels was made in 1998 by the Department for Women 's and Children 's Affairs of the Ministry of Social Security of the Republic of Armenia. Later, the first edition of the collection "Women and Men in Armenia" compiled by the Ministry of Statistics and State Register in 1999 presented data on women's representation in government structures. However, no categorization of civil servants according to official hierarchies was made. The statistics involved all women and men working in the government, presidential staff, ministries, including those not holding leading positions, and therefore using these data one cannot get an idea about the real number of women involved in high-level positions allowing them to influence the sphere of state policy formation. A regular analysis and evaluation, as well as publication of separate data on the representation of women in high-level decision-making are needed for a dynamic monitoring of the gender situation in government structures (Women of Armenia 2000).

Anyhow, according to the data collected from various sources, which are mentioned in the essay, the following statistics is going to be mentioned regarding women's representation in high level positions, affected by the discrimination of opportunities.

The representation of women is very low in law sector (5,6%), as well as in the management levels of the governance system (18,8%). Only 5.6 out of 100 staff working in the governance bodies are women. Every 25 th woman and every 7 th man are employed in the governance system (UNDP Report 1999).

The table brought below will show the representation of women in judicial power and the Prosecutor's Office. As it shows, in the judicial power the representation is as follows: in the Constitutional Court -there is only one woman from nine judges; in the court of Cassation -24 women from 108 judges; in the courts of the first and second instance, appeals courts -27 women from 123 judges. There are no women holding high positions in the system of the Prosecutor's Office (Government of Armenia, UNICEF, SCF 1998).

Representation of women in judicial power and Prosecutor's Office

Sectors	Women	Men
Constitutional Court	1	9
Courts of the first instance and appeals courts	27	96
Court of Cassation	24	84
Prosecutor's Office	No woman in high post	Not available

There is also a tendency of lower representation of women in the legislative and executive powers since 1990 (Government of Armenia, UNICEF, SCF 1998).

Prior to 1990, there was a quota system that guaranteed a specific number of government seats to women, these seat were mostly symbolic, because women still didn't participate in decision-making processes at high levels (Government of Armenia, UNICEF, SCF 1998).

Anyway, from 1980 -1985 and between 1985 - 1990, women constituted around 35% of 340 parliament members. During the period of struggle for independence from 1988 - 1989 women's activity increased remarkably. However, in the 1990 parliamentary elections women won 12 seats only (Ter-Stepanian, D. 2001).

After the independence the quota system was abolished and in the national elections with no quotas imposed, only 9 women candidates won seats in the National Parliament out of 240 seats, which was a significant drop in representation compared to the year of 1980, when women in the parliament had 121 seats out of 340, or 35,6% (Government of Armenia, UNICEF, SCF 1998).

With the introduction of a multi-party system, representation of women in the parliament decreased steeply. Whereas after the 1995 elections women held 12 seats in the Parliament (about 6%), the following parliamentary elections in 1999 saw the number of women parliamentarians drop (Ter-Stepanian, D. 2001).

The next table will show the representation of women in high posts in legislative and executive branches from 1980 - 2001.

Representation of women in legislative and executive branches

Position	1980	1994	1998	2001
Member of Parliament	35,6% (121/340)	3.6% (9/240)	5,8% (11/190)	3,2% (4/131)
Minister	Not available	1	0	0
Deputy Minister	Not available	3	1	6

Thus, as it is seen from the table, only 4 women, or 3,2% sit in the 131-seat National Assembly of the current convocation. Women also are ousted from the policy formation and decision-making at ministerial level. As the table shows, there is no woman minister at all. And

there is only a slight progress at the level of deputy ministers, since compared to the year of 1998, in 2001 there are 6 women ministers. Yet this numbers only confirm that the representation of women in higher echelons is very insignificant and rather symbolic. But this inequality in the representation and policy formation makes it impossible to ensure the protection of women's rights and interests as they are ousted from the legislative positions to influence the decisions regarding the issue of women's rights on the whole.

In the medium echelon women account for 35% of the personnel, and make up 70% of the overall ministry employees. In self-governing bodies they amount to 41% in Yerevan and 42% in other cities and villages (Government of Armenia, UNICEF, SCF 1998).

There is no woman-governor or deputy governor in the structure of regional authorities. In the course of a long time of democratic reforms there was not a single woman among mayors and municipal community heads and their deputies (Women of Armenia 2000). There are no women among the heads of the 47 municipalities in the country and up to the autumn of 1999, only 20 of 859 village communities, or 2% were headed by women; at the same time women accounted for 38% of the staff in the municipalities and local self-governing bodies (UNDP Report 1999). Compared to other countries of the former Soviet Union, the situation in Armenia is not satisfactory. In 1996, Armenia stood out for its low ratio of women at ministerial and vice-ministerial level (2.1%), and was only ahead of Uzbekistan, where this indicator was 1.3%. (UNDP Report 1999).

The analysis of the quantitative data on female representation in the bodies of state administration and local authorities reveals the existence of a "typical patriarchal gender pyramid of power", in which women are represented only at the lower and medium levels and are practically missing from the upper positions. The greatest portion of women is concentrated in

the posts of leaders of dependent structural divisions, their deputies, senior and leading specialists (Women of Armenia 2000).

All over the world four fifth of women workers are concentrated in ten categories of work, each of which is predominantly female - nurses, teachers, librarians, social workers, salesperson, health technicians, service workers, and textile and clothing workers (Shafritz 1992).

According to the data of 1999 brought by the Ministry of Statistics, the sectors in which women prevailed in Armenia were in natural sciences and health (85,6% of total employees), education (83,5%), enterprenuership and personnel management (80,6%). These sectors accounted for more than half of overall women's employment. Women's share of highly qualified and qualified jobs was less than one third (29,3%) (UNDP Report 1999).

The economic decline of the country cannot but be taken into the consideration when analyzing women's employment rights. The economic decline brought to the decrease of economic activity and unemployment both among men and women. Thus, according to the UNDP Report (1999), the average annual rate of decrease in the number of employed women during the period 1990-1997 was 4,6%, while that of men was 0,7%. Thus, the number of employed women and the ratio of employed women to working men has decreased significantly.

As it was already mentioned, the main reason of significant decrease in the number of employed women was caused by the decline of the economy. The greatest decline was experienced by those sectors of the economy, which relied mostly on female employment, while men took over traditionally female jobs. The ratio of employed women to employed men decreased considerably in industry, agriculture, trade and public creating, communal utilities and services, credit and insurance. The number of women employed in trade and public catering sector rose by 2,9%, while the number of men increased by 23,6%. The small increase in the

number of women employed in service sector (58% in 1998 against 56% in 1990) is reduced by the fact that women remained in low paid jobs in such publicly owned sectors as those of health, education, science (UNDR 1999).

Discrimination against women on the labor market is displayed by many factors: during hiring for employment, in low salary, during dismissal, as well as in form of various abuses at work places. The principle of equal payment for equal labor is outlined in the UN Convention on Equal Pay for Equal Work ratified by the Republic of Armenia and stipulated by the country's Constitution and labor legislation. Thus, discrimination in the sphere of salary payment is prohibited (Women of Armenia 2000).

However, an average monthly salary of a working woman makes up less than half of men's salary. Thus, according to the UNDP Report (1999), the average wages of women employed in all sectors of economy, amounts to 48,1% of men's pay.

The discrepancy in wages between men and women is mainly due to the concentration of women in low-paid sectors, which are mostly subsidized ones, such as health care sector, education, science. If in trade and agriculture sectors average salary of men and women is almost equal, then in well-paid sectors as banking sector women's salary totals 1/3 of what is paid to men, that is 34.7% (Women of Armenia 2000).

If we refer to examples not concerning Armenia regarding the issue of salaries, then according to the data provided by two Northwestern economists, Joseph Altony and Rebecca Blank , although, on the average, the women earned salaries equivalent to those of their male classmates when they graduated from Stanford, four years later the female-male parity in salaries had eroded and including bonuses and commissions in the calculation of salary, they found out

that for example MBAs' women salaries were 80 percent of those of their male counterparts (www.jcpr.org/99winter/article2.htm).

There has always been a lot of debate over how much percent of those wage gaps may be ascribed to productivity characteristics and how much to sex discrimination (Wallace 1982). Lloyd and Niemi had 21 studies relating the aspect of differences in male- female earnings controlled by such variables as age, hours of work, marital status, work experience, continuity of work experience, education, turnover, absenteeism, and geographic region (Wallace 1982). In three fourths of their studies differences in productivity could explain less than half of the earnings differential, and much of the unexplained reasons of male-female wage gaps were ascribed to wage discrimination because of gender differences, though wage discrimination for the equal work is prohibited in many countries, including Armenia. Equal work is defined as jobs in the same establishment, the performance of which required equal skills, effort, and responsibility, and working conditions (Wallace 1982).

With respect to the issue of unemployment, then it should be mentioned that unemployment is difficult to measure in Armenia, mostly because of the problems with registration. Thus, for example, registered number of women exceeds significantly that of men. According to the statistic data unemployed women in Armenia account for approximately 64,4 % (Government of Armenia, UNICEF, SCF 1998). The government report explains higher unemployment among women by the fact that "traditionally women are more oriented towards family and children", however, the NGOs estimate that eighty percent of women who would like to work cannot find employment (www.igc.org/iwraw/publications/countries/armenia.htm). One of the reasons that women's unemployment exceeds that of men's may be also because larger number of men choose

not to register. So, possibly the factual unemployment among men could be equal to that of women or even higher (Government of Armenia, UNICEF, SCF 1998).

The Centre for Gender Studies reports that men are routinely the preferred candidates in hiring, which is conducted by predominantly male bosses (www.ngoc.am/newsletter11/article11.htm).

In spite of the fact that the number of women who register in the employment center in the quest of job, exceeds that of men, data from the Ministry of Statistics shows that the number of men who were hired through employment centers is 4,4% of the total registered number, whereas for women this percentage is 2,2 %. It may be concluded from this data, that this difference in hiring in favor of men applying for the employment services, indicates that discrimination practices occur at some level in the labor market (Government of Armenia, UNICEF, SCF 1998).

An overwhelming number of women in Armenia occupy low-skilled positions. According to Barbara Merguerian of the Armenian International Women's Association, almost as a rule, even the most educated women are left out of the highest-paid and executive positions. Women with higher education are often forced to work as restaurant cooks, provide cleaning services or do handicrafts, and there are no mechanisms to enforce the anti-discrimination labor laws -- labor rights violations are commonly not reported and no measures are being taken to improve the situation (www.ngoc.am/newsletter11/article11.htm).

The system of employment is also discriminatory in itself. Apart from professional qualities the selection criteria frequently include appearance, age, which prevent not only elder, but also women of middle age to apply for employment. Although government bodies try to control private employment agencies through introducing special licenses for them, the discrimination on the labor market is not properly controlled (Women of Armenia 2000).

According to the official statistics based on the information received from employment centers, at the end of 1998 when compared to the end of 1992, the number of unemployed women increased 5,3, while that of men 3,9 times only. For every 100 unemployed men, there were 175 unemployed women in 1992 and 240 in 1998. However, this information should be treated carefully for the above mentioned reasons (UNDP Report 1999).

There are several patterns of unemployment for Armenian women. For example such type of unemployment as a voluntary one is widespread nowadays. Low salary and poor working conditions cause are the main reasons of it. Thus, some women prefer just to leave their work and support their families by engaging themselves into trade and business, which are mostly unregistered types of work (Government of Armenia, UNICEF, SCF 1998).

Unemployment analysis by education level demonstrates that there is a close relationship between the employment of women and their educational level. Thus, the jobs of 87% of women with higher education corresponded to their educational background (70,1 % for men) (UNDP Report 1999).

One of the reasons of such close relationship between the employment and the education background may be the fact that women are stuck in low paid sectors and also, according to the UNDP Report (1999) because of unwillingness to change the professional profile notwithstanding low salaries.

The average age of unemployed women is gradually decreasing, and women in the 41-55 age group have less chance of finding a job (UNDP Report 1999).

With respect to the attempt by women to establish a private business, the following may be said. Programs on encouragement and support of individual business of women, broadening and facilitation of women's access to credits and capital are not implemented by the government.

Only 3.7% of women made an attempt to set up their own business compared to 23.5% of men. The number of private enterprises registered as being held by women does not reflect the real situation of women's entrepreneurship, since many enterprises are nominally held by women, but in reality, they are managed by men (their husbands, or close relatives) (Women of Armenia 2000).

The privatization and creation of opportunities for free business development have become prerequisites for the transition to a market economy and the basis for private entrepreneurship has been established. The transition to market economy influenced women in the following way. First of all, women faced the problems like unemployment, discrimination in the labor market, etc. On the other hand, the developing private sector has opened up new opportunities for women to use their potential and open private businesses to ensure their own employment and create new work-places for others (UNDP Report 1999).

According to the surveys, women's primary entrepreneurial activity is focussed on the SMEs (micro, small and medium enterprises), particularly in trade and services (15% and 16,3% of enterprises respectively), while their involvement in the production sector is minimal (6,3% of enterprises) (UNDP Report 1999).

About 90% of employed women are hired employees, only 7.9% of women are self-employed and 0.2% of women are employers. For men these indicators are equal to 23.4% and 2.4% respectively (Women of Armenia 2000)

The main problems which women face in the field of entrepreneurship are caused by Armenia not having created an environment for it. Majority of entrepreneurs, including men, face the same problems, such as deficiencies in the taxation system, liquidity problems, absence of training opportunities, etc. But together with all these problems, women entrepreneurs face

also obstacles caused by the society's stereotypes regarding the place and the role of women, and by the lack of a favorable social climate which is manifested in a negative attitude towards women entrepreneurs. The negative attitude is also manifested in the mistrust shown by the government structure and financing institutions towards women entrepreneurs, which makes their development even harder (UNDP Report 1999).

It should be noted that these stereotypes are caused by the lack of unions, or organizations that would unite business women, which could stand up for business women's rights and interests. This is mainly due to the disarray in ranks of business women and the lack of leading business women that could initiate the establishment of such an organization or union (UNDP Report 1997)

At the same time, women are most active members of trade unions in the country. Out of 26 operating trade unions 6 are led by women, while in 7 ones women are deputy chairpersons (UNDP Report 1997).

Both labor and criminal law in part where it relates to the elimination of discrimination on the labor market towards pregnant women, feeding mothers stipulates administrative penalties for an employer. The analysis of the situation in this sphere revealed that the discrimination against women is most frequently observed in private labor sector. Employers are bound to resist hiring or promotion of women if it results in increased expenses from birth allowances, paid leave or provisions of special facilities. Employers also hire women on a temporary basis to avoid paying these costs, or women get non-prestigious, low-paid employment in small firms. (Government of Armenia, UNICEF, SCF 1998).

5. The Reasons of Factual Inequality between Men and Women in Realization of Their Employment and Labor Rights

In the countries with the economic and political systems being in transition, there arise new problems for women. The working and living conditions of women differ depending on the geographical location of the nation, its culture, natural and human resources of the country. But notwithstanding the significant differences, with the overall economic decline the employment rate of population declines and these are women who experience more the effects of the economy in transition. There is a tendency of dismissing working women from their posts more often than men. Thus, in Czech Republic the number of dismissed women exceeded those of men almost twice (UNICEF 1995). Of course, the decline of economy is an objective reason, but the gender disparity is caused also for other reasons. In fact there are numerous explanations. Only the most general ones brought by the economists will be mentioned below.

They concluded that first of all women were disadvantaged in their earnings because they were not employed in some of the particularly high - paying industries. So, the distribution of women and men across industries is quite disparate (Wallace 1982). Men and women tend to work in different occupations. And wages differ substantially according to the gender composition of the occupation.

Second, women's family concerns and responsibilities probably affected their salary progress, and it is likely that home responsibilities were a key factor in women's discontinuous work experience. The fact that women were more likely than men to evaluate job offers with respect to their effects on spouse's location may have meant that women were more likely than man to accept the offers that were less satisfactory in other respects (for example, salary) (Wallace 1982).

According to Wallace (1982), the increasing number of women going into organizational careers is putting pressure on traditional family and work patterns both for them and the men to whom they are linked. And if for traditional male employee moving up in an organization didn't rise any conflict in the combination of family and work, then for a woman who cares for children and is thus more burdened by family duties the combination of career and family most often brings to conflict (Wallace 1982).

Women's responsibilities for caring children affect such factors like hours of work, type of job they prefer, and it in its turn affects their salaries. Most economists who look at human capital differences between men and women attribute them to differing preferences between the two groups, i.e. women may be brought up to believe that they will spend less time working in their adult years, and more time at home, than their male counterparts.

(www.jcpr.org/99winter/article2.htm)

So, because of this, women may avoid costly investments in education and job training, anticipating that they will not spend enough time in the labor market.

As it was mentioned in chapter 3, one of the reasons causing gender disparity is in "gender neutrality" of laws. In other words, the equality of opportunities is not reflected in the legislation, which though doesn't contain explicitly discriminating articles against men or women, but neither it contains articles that explicitly guarantee equal rights and opportunities for women.

Special measures and technologies of changing the gender structure of power, which are being applied in many developed countries, such as actions supporting women, or application of the principle of preference of the side with less representation with the equal situation of male and female candidates, the system of quotas, etc. are not applied in practice (Women of Armenia 2000).

The absence of gender education among state officials is another reason, causing gender inequality, since it challenges the fact of their awareness of the gender asymmetry of society, hence they seem to be not prepared to take measures to restore the gender balance (UNDP Report 1999).

The lack of a national mechanism of improving the situation of women is also an important reason. Thus, because of the absence of such mechanisms, the government resolution "On the National Plan of Actions on Improvement of women's status and Increasing their Role in the Society in the Republic of Armenia for 1998-2000" recommending that measures on the expansion of women 's representation in the system of decision-making be developed, program has not been realized. The adoption of such a resolution in itself testifies to the recognition of the positive role of women in the development of society and the need for raising their status (Women of Armenia 2000).

The lack of a national mechanism of improving the situation of women also results from the frequent change of government officials, which brings, consequently, to the inconsistency in implementing decisions.

Thus, there is no government control and assessment of progress in the matter of women 's representation at all levels of administrative positions. The first attempt to collect qualitative and quantitative data on women and men holding leading positions at different levels was made in 1998 by the Department for Women 's and Children 's Affairs of the Ministry of Social Security of the Republic of Armenia (Government of Armenia, UNICEF, SCF 1998).

A regular analysis and evaluation, as well as publication of separate data on the representation of women in high-level decision-making are needed for a dynamic monitoring of the gender situation in government structures. According to the data provided by the National

Service of Statistics and State Register, collection called "Woman and Man" is being prepared for publication, however, it is difficult to say whether it will provide data according to the categories of leaders of different levels. The collection and analysis of women's representations at decision-making levels is being conducted also by structural divisions of the UN Armenia Office and intentional organizations (Women of Armenia 2000).

Another reason that the situation doesn't improve is actually because the state on the whole doesn't support any such programs. Non-governmental organizations and scientific-research institutes engaged in the studies of the problem of women 's participation in government structures and decision-making processes are not practically supported by the state, the state does not have possibilities of allocating funds for the conduction of these studies, therefore, studies are mainly conducted within the framework of pro grams financed by intentional foundations...

(Women of Armenia 2000).

Another fault of the state is that the problem of gender education in training managerial personnel has dropped out of the state's field of vision. In conditions of democratization in society and development of new democratic institutions in the republic, no clear-cut system of forming new administrative personnel of both genders, cultivating their statesmanlike and political way of thinking, developing their organizational skills and leadership qualities has been created. The only school of administration operating in the republic has proved unable to solve these and many other problems of personnel training and re-training (Women of Armenia 2000).

Women's NGOs to a certain extent perform the function of raising women's activity. Thus, during the 1999 elections to the National Assembly women's public organizations carried out their activities to support women-candidates who, among other problems, named the protection of rights and interest of women among the priority trends of their election programs. Women 's

organizations input is that they organized seminars on raising women 's electoral activity and electoral literacy, training and briefing of observers. However, the problem is that the participation of women 's organizations in the election campaigns showed their insufficient knowledge of modern electoral technologies. There is a need for teaching female activities the practice of promoting women-candidates and preparing candidates for election from among the leaders of the women's public movement. This practice is common in countries with full-fledge democracy (UNDP Report 1999).

There are no state programs aimed at involving women with higher education in entrepreneurship, developing and supporting women's entrepreneurial initiatives, providing them consultation services. Attempts of some NGOs to promote women's business are also inefficient, since, first, there are very few such NGOs in the country and, secondly, these NGOs lack experience in entrepreneurship. The number of NGOs, including women's NGOs, whose activities are aimed at organizing at-home employment, creating work places on the basis of development of national craft (carpet-weaving, souvenirs, embroidery) is growing in the country. However, among problems, which these organizations frequently face there, is the difficulty in selling a ready production and the absence of information base, which could support the business. In many developing countries, international micro-credit programs so far have not received wide response in Armenia. To raise the efficiency of these programs, it is necessary to consider peculiarities of the economy in transition and carry out additional surveys to find out optimal size of provided credits and opportunities for their efficient realization (UNDP Report 1999).

No gender analysis methods are applied during development of macro and microeconomic and social policies. "Gender in Development" program created in 1997 through the support of

UNDP at the Social Welfare Ministry implemented a number of projects to introduce gender approaches in state policies, establishment of the social partnership on gender issues between the government and NGOs. However, in 1999 the program was suspended (WB Report 1996).

The priorities of state policy do not include support for scientific research in such spheres as women's involvement in economy, which makes impossible introduction of gender approaches in macroeconomic and budgetary policies, as well as planning. Based on available qualitative and quantitative assessments of the employment it is impossible to assess, understand the type, degree and character of non-paid labor, including the development of methods of assessment of its cost. Thus, although women do make a significant contribution to the development both at the expense of paid and non-paid labor, women's household work is not given a quantitative assessment and is not reflected in the national statistics (WB Report 1996).

However, one of the major reasons of gender disparity is first of all caused by the fact that women have no access to policy development and formation of economic structures.

Women practically do not participate in the process of making economic decisions, including the development of financial, budgetary, commercial and other types of economic policy. The State Labor and Employment Service in accordance with the Law on Employment of the Population, which regulates legal, economic and organizational issues in the sphere of population's employment, as a rule offers women a low-paid employment, thus promoting the discrimination (Women of Armenia 2000).

So, if women do not participate in policy formation, then naturally they cannot improve their working conditions and protect their employment and labor rights.

The privatization was one of the main reasons for mass lay-offs of women and men. Yet the number of laid-off women significantly exceeded that of men. Although there were no signs of

discrimination against women during privatization process and distribution of privatization certificates, further manipulations on the securities market were out of state control and brought about violations in the scheme and goals of the privatization. As a result rights of the majority of the population, let alone women, were violated. Poor strata of the population, and first of all women, had to sell their privatization certificates and shares. Irregularities during the privatization brought about sharp differentiation among the population and concentration of main part of the national wealth in hands of a small group of people, who were close to the leadership (Marzpanyan, Harutyun et al. 1999).

The lack of clear state program on elimination of poverty slows down the mechanisms of its reduction such as business development, professional re-training, introduction of flexible forms of labor and working time. The latter, as a rule, are accompanied by weakening of social guarantees, reduction of wages and worsening of labor conditions (UNDP Report 1998). All this increases gender disparity between men and women in the country.

The societal preconceptions are also a major problem causing gender disparity. The society doesn't seem ready for the adoption of laws, promoting creation of conditions and opportunities for men and women to equally make use of the right to change working regime, maternity leave, encouraging equal distribution of family obligations (UNDP Report 1999).

The society's attitude is actually caused by the fact that the problem does not become a priority for state agencies. The government does not support gender education, which is provided only by NGOs and which promotes the concept of equal distribution of family obligations, as well as encourages change of perceptions, bringing about further exploitation of women at home and their discrimination on the labor market.

Available practice of cooperation between state and NGOs, private sector is mainly concentrated in social sector, no such cooperation exists in the field of finance and economy (UNDP Report 1999).

An important problem of women's economic protection, causing in its turn gender disparity, is the lack of women's awareness of their economic rights. The government practically excluded public awareness of economic rights from the list of its obligations. Women's human rights organizations and other NGOs to a certain extent ease the situation through implementation of relevant educational programs and provision of legal advice. Yet they cannot cover the entire population (NHDR 1997).

The mechanism of cooperation between the power structures and public sector has not been elaborated, which hinders the formation of the institution of social partnership. Only the public sector is interested in the problems of gender education and research. The lack of cooperation of the public sector with the mass media slims the possibility of presenting gender problems to the public at large (NHDR 1997).

If the chapter is concluded, then the main causes of factual gender disparity in the aspect of employment and labor rights are as follows:

- The "gender neutrality" of laws, or in other words the fact, that the equality of opportunities is not ensured by the Constitution, through introduction of gender quotas, etc.
- The absence of gender education supported by the state, the consequence of which is that the issue is not paid proper attention, and the state officials are not aware of the gender asymmetry and do not try to restore the gender balance.
- The priorities of state policies do not include support for gender problems. The problem may be considered to be dependent on the previous one, i.e. the lack of gender education.
- Frequent change of government officials, and consequently, the inconsistency in implementing decisions.

- Women's unawareness of their economic rights, and of their rights in general. The realization of one's rights depends on how well those, whose rights are under the threat, can present these rights.
- Finally, the public stereotypes and preconceptions regarding the role of women in the society.

6. Conclusion and Policy Recommendations Regarding the Mechanisms to Ensure Women's Employment and Labor Rights

Having made some conclusions regarding the causes of gender disparity between men and women in the sphere of employment and labor rights, the following recommendations are proposed.

From my point of view any kind of problem first of all exists because of the unawareness of it by the public. So, I am sure, that besides a number of objective reasons, such as bad economic conditions peculiar to the transition period, the rights of women in Armenia are infringed because of the lack of gender education in our society, hence is the absence of due approach to the problem by both the officials and the public itself. Thus, in order to improve the actual opportunities of women and to change the attitude of the public towards the gender problem which is actual today in Armenia as never before, introduction of a gender knowledge into the system of higher education seems to be one of the major tools for the settlement of the problem to some extent. I consider the issue of Gender Education as a primary condition for achieving any success in this field. Promoting gender knowledge in the public through organization of gender courses for different social groups and also for officials, and introducing gender education into the system of higher education as it was mentioned, would help to overcome misunderstanding and non-acceptance of the principles of gender equality in the society and internal psychological barriers.

Making legislative amendments is also necessary, such as introducing the system of gender quotas. Special legislative acts guaranteeing equal opportunities of representatives of both genders to occupy administrative posts in the bodies of state administration proved to be necessary, because women prove unable to compete with men as candidates in elections or

applicants for vacancies of chiefs in the supreme bodies of the executive power. Such legislative amendments would change the legislation from “gender neutral” into the one really ensuring representation of both genders at all levels.

Thus, for example, among developed countries, representation of women is rather high. In the Nordic states the equal approach to decision-making is remarkable. This is not only indicative of progressive values, but also results from a parity gender system of representation that has been introduced (Ter-Stepanian, D. 2001).

Under such a system neither gender may be represented by more than 60-70% in elective bodies. This approach has contributed to overcoming gender stereotypes and traditions in political parties. Currently, the situation varies from the lowest figures in Japan (under 5%) and Turkey (under 3%) to the top indicator in Sweden (over 40%) (Ter-Stepanian, D. 2001).

The role of public organizations (trade unions, non-governmental organizations, etc.) and the mass media is very crucial in promoting working women's legal literacy on labor rights, raising public awareness about the importance of regulating labor relations and promoting a civil society.

Appearance, marital status and family affairs more often than in the case of men. This detail also hinders the promotion of the image of woman - political leader. The most efficient way to fight such stereotypes is promotion of best practices and cases, i.e. advocacy of those individuals whose status and achievements successfully refute biased views and labels. If women and men believe in women's ability to take the charge at the top decision-making levels, it will become a reality. So, to overcome the gender stereotypes the crucial role belongs to NGOs and specifically to mass media, which can show and advertise the female individuals with successful professional practices.

NGOs could have their input in the improvement of the women's employment and labor rights by intensifying activities on raising women 's awareness, implement awareness programs for different social groups. As it was mentioned in chapter 4, women's unawareness of their economic rights, and of their rights in general is also one of the reasons that women's rights are infringed.

NGOs could also intensify control over implementation of provisions and norms stipulated by international instruments in the field of women's rights and elimination of discrimination against women, and prepare reports on implementation of international conventions. In other words, they could act as pressure groups, demanding that the government fulfil commitments assumed under international instruments in the field of human rights.

NGOs, acting as pressure groups, could demand regular reports to the parliament on the situation with women 's rights. In its turn it would promote the inclusion of gender problems in the programs of political parties, and, thus, raise the awareness on the problem among the officials and the public itself, hence increasing the chances of overcoming many obstacles connected with the issue, caused mainly by the unawareness of the problem.

With respect to the input by the government administrative bodies, then the state's main support could be in supporting the development of programs on gender education, promotion of the development of gender research on legal issues.

The government could also support publishing regular statistical reports, reflecting status of men and women in the society, which would be one of the measures on raising public awareness on legal issues, besides it would help to take into consideration quantitative data when monitoring of the gender situation in government structures.

Quantitative data is also necessary for the adoption of new legislation concerning state and municipal service, to provide there overcoming the gender imbalance at administrative posts within the bodies of state administration. The state could create a database on women personnel and their reserves for the purpose of forming a system of nominating women-managers at strategic administrative positions. The government administrative bodies could work out programs of official advancement targeting women.

The state could develop and introduce a mechanism of state support of women's entrepreneurial initiatives, implement programs on development of entrepreneurial skills, use special crediting schemes, as well as educate financial and loan-providing institutions on gender equality and the necessity of gender approach. It could create and support new forms of women's involvement in labor activities (at-home work, self-employment, family business) and develop a special system of state guarantees on credits for enterprises set up by women (Women of Armenia 2000).

With regard to wage differences, the government could revise wages in branches where women predominantly employed and where the evaluation of the labor difficulty is artificially lowered (physicians, teachers, etc.).

In the conclusion is should be said that the need for equal participation of women in the decision making process at all levels is necessary and is more than a basis for development of rights of individual and citizen. Gender equality is the prerequisite for full and comprehensive development of the nation. The society where women are excluded from the social life and the decision making process cannot be considered democratic. In Armenia decisions are elaborated, taken and implemented by men. It means that half of the experience, knowledge, skills and potential accumulated by the national culture, is not represented or involved in national life.

Unfortunately, little has been done by the national authorities to promote the participation of women in the decision making process at the highest level. In spite of the fact that Armenia signed several UN documents on women, a special body in charge of women's issues has not been established yet. The democratic states have attempted to provide increased opportunities for women to participate in all levels of decision making process. For Armenia, as a country, striving to build a stable, democratic society with a prosperous society providing all types of opportunities and equal rights in political, economic, and social spheres is necessary. And what is the most important issue, is that these rights should be implemented and practiced and not remain on the paper.

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