



T-ES(2014)GEN-AM

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

ARMENIA

Replies registered by the Secretariat on 29 January 2014

The collection of the responses to the questionnaire was coordinated by the Ministry of Foreign Affairs of the Republic of Armenia. Responses were received by the following government agencies of the Republic of Armenia:

- Human Rights Defender of the Republic of Armenia
- Ministry of Justice of the Republic of Armenia
- Ministry of Labour and Social Affairs of the Republic of Armenia
- Ministry of Education and Science of the Republic of Armenia
- Ministry of Health of the Republic of Armenia
- The Police of the Republic of Armenia
- General Prosecutor's Office of the Republic of Armenia

GENERAL FRAMEWORK	
Question 1:	Definition of "child"
<p>a. Does the notion of "child" under your internal law correspond to that set out in Article 3, letter (a), i.e. "any person under the age of 18 years"?</p> <p>b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with Article 11, para. 2?</p> <p>c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.</p>	
Response	
<p>According to Article 1 (2) of the Law of the Republic of Armenia "On the Rights of the Child" adopted on 29 May 1996, "Child shall mean any person under the age of eighteen, except for cases when the person acquires legal active capacity or is recognised as having legal capacity earlier in the manner prescribed by law. According to Article 24 (2) (3) of the Civil Code of the Republic of Armenia adopted on 5 May 1998, a minor having attained the age of sixteen may be declared as having full active legal capacity where he or she works under an employment contract or, with the consent of his or her parents, adopters or the curator, is engaged in entrepreneurial activity and in case where the law permits the entry into marriage before attaining the age of eighteen, a citizen shall acquire full active legal capacity from the moment of entry into marriage.</p> <p>It should be noted that any age for legal sexual activities is not defined by any legislative acts.</p>	

According to the Family Code of the Republic of Armenia, voluntary mutual consent of the man and the woman getting married, as well as their attainment the age of eighteen is required for entering into marriage, except for cases prescribed by law. Thus, the mentioned Code permits getting married at the age of sixteen, where there exists the consent of his or her parents, adopters or curator, and the other person getting married is at least eighteen years of age. The person may also get married at the age of seventeen, where there exists the consent of his or her parents, adopters or curator.

Moreover, Articles 141 and 142 of the Criminal Code of the Republic of Armenia respectively impose liability for sexual intercourse or other sexual actions with a person obviously below the age of sixteen by a person having attained the age of eighteen and for committing lecherous actions against a person obviously below the age of sixteen by a person having attained the age of eighteen or against a person obviously below the age of fourteen by a person having attained the age of sixteen, which will be detailed below.

According to the Criminal Procedure legislation of the Republic of Armenia, the age - in the absence of documents evidencing the age of the victim - is determined by comprehensive forensic medical and forensic psychological expert examinations. By virtue of the established practice, where the expert opinion mentions minimum and maximum age of the person undergoing expert examination, the minimum age is taken as a basis. Moreover, the day of birth of the person undergoing expert examination is considered the last day of the year mentioned in the expert examination. The issue for applying guarantees established by law against the minor victim in criminal proceedings is settled accordingly.

Question 2: Non-discrimination

Is discrimination, on grounds such as the ones mentioned in the indicative list in **Article 2**, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

Response

According to Article 14.1 of the Constitution of the Republic of Armenia, everyone shall be equal before the law. Discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, ideology, political or other views, membership to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited.

According to Article 4 of the Law of the Republic of Armenia "On the rights of the child", children shall have equal rights irrespective of their nationality and that of their parents or other legal representatives (adopters, guardians or curators), race, gender, language, religion, social origin,

property or other status, education, place of residence, fact of child birth, health or other condition.

Question 3: Overview of the implementation

Please indicate (without entering into details):

- a. the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;
- b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;
- c. whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

Response

- a. In the Republic of Armenia, the protection of children against sexual exploitation and sexual abuse is guaranteed by the Constitution of the Republic of Armenia, Criminal Code of the Republic of Armenia, as well as by the Law of the Republic of Armenia "On the rights of the Child".
- b. "Strategic Programme for the Protection of the Rights of the Child in the Republic of Armenia for 2013-2016" was approved by the Decision of the Government of the Republic of Armenia No 1694-N of 27 December 2012, for the implementation of which is responsible the Ministry of Labour and Social Affairs of the Republic of Armenia. "Strategic Programme for the Protection of the Rights of the Child in the Republic of Armenia for 2013-2016" and the "Timetable of measures of the Strategic Programme for the Protection of the Rights of the Child for 2013-2016" were approved by the Government of the Republic of Armenia on 27 December 2012, for the implementation of which is responsible the Ministry of Labour and Social Affairs of the Republic of Armenia. The main objective of the Strategic Programme is to ensure well-being of the child in the family and the society, whereas the main measures are carried out in the spheres of social protection, health, education, culture, as well as legal protection of minors committed an offence. According to the mentioned documents, it is envisaged to elaborate "Concept Paper and Plan of Measures for the Fight against the Phenomenon of Child Abuse". Upon the adoption of the document, the forms of fight against child abuse and this phenomenon will be defined, procedures for guiding the protection of children against abuse will be elaborated and introduced, on-going trainings for the

specialists (psychologist, pedagogue, social worker, physician, policeman, etc.) engaged in issues of children will be held since 2014.

Moreover, provisions for the protection of children against sexual exploitation also exist in the "National Programme for Organising Fight against Human Exploitation or Trafficking for 2013-2015" approved by the Decision of the Government of the Republic of Armenia No 186-N of 28 February 2013.

c. -

Question 4: Child participation

- a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (**Article 9, para. 1**);
- b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (**Article 14, para. 1**).

Response

The Decision of the Government of the Republic of Armenia No 1324-N of 5 August 2004 approved the minimum state social criteria necessary for the care and upbringing of children in child care and protection institutions. According to criteria II approved by the annex of the mentioned Decision, institutions engaged in child care and protection ensure the implementation of the right of a child and persons acting on their behalf (parents not deprived of parental rights or legal representatives, relatives) to file complaints against unlawful actions of the staff of the children's homes, as well as establish an internal procedure for filing complaints complying with the law, and keep a special box for complaints and proposals.

Question 5: Specialised bodies/mechanisms

- a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (**Article 10, para. 2, letter (a)**);
- b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (**Article 10, para. 2, letter (b)**);
- c. Which legislative or other measures have been taken to organise the collection and

storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (**Article 37, para. 1**).

Response

- a. In the Republic of Armenia, a three-tier system for the protection of children - community, regional and national - has been established and is functioning, the aim of which is to ensure the implementation of unified and co-ordinated child protection policy.

Guardianship and curatorship bodies stipulated by the Family Code of the Republic of Armenia are the first level dealing with protection of the children's rights, which ensure the protection of the children's rights in communities. Guardianship and curatorship commissions also function adjacent to the guardianship and curatorship bodies. The Charter of the guardianship and curatorship bodies was approved by the Decision of the Government of the Republic of Armenia No 164-N of 24 February 2011, Methodological guideline on the activities of the guardianship and curatorship commissions adjacent to the guardianship and curatorship bodies was approved by the Order of the Minister of Labour and Social Affairs of the Republic of Armenia No 69-A/1 of 13 September 2011.

Divisions for the protection of the rights of families, women and children at marzpetarans (Yerevan Municipality) have been functioning since 2006, the task of which is to implement child protection policy approved by the Government of the Republic of Armenia, to ensure the protection of children's rights facing difficult life situations and to elaborate and implement tailor-made projects in marz (in the city of Yerevan). In 2010, exemplary charter of the Divisions for the protection of the rights of families, women and children at marzpetarans was approved by the joint Order of the Minister of Labour and Social Affairs of the Republic of Armenia and the Minister of Territorial Administration of the Republic of Armenia.

The National Commission for the Protection of Children's Rights has been functioning since 2005, in 2012, the revised charter and the composition of the National Commission for the Protection of Children's Rights were approved by the Prime Minister of the Republic of Armenia, the task of which is to support the elaboration and implementation of state policy and strategic programmes aimed at the protection of children's rights and interests, as well as the co-operation among public administration bodies and local self-governing bodies engaged in the protection of children's rights and interest, state, community and private child care protection institutions, non-governmental, political, scientific and other organisations.

According to Article 2 of the National Guidance Procedure for Persons subjected to

Human Exploitation (Trafficking) approved by the Decision of the Government of the Republic of Armenia No 1385-A of 20 November 2008, the main public administration body competent for the fight against crime of trafficking in the Republic of Armenia is the Police of the Republic of Armenia adjacent to the Government of the Republic of Armenia. The information on the detected victim is immediately transferred by the authorised public administration bodies to the Police of the Republic of Armenia adjacent to the Government of the Republic of Armenia.

The Ministry of Healthcare of the Republic of Armenia is responsible for the organisation of medical care and service of children.

b. - Cases of sexual exploitation and sexual abuse of children are registered and recorded in the Centre of the Police of the Republic of Armenia.

c. –

Question 6: National or local coordination, cooperation and partnerships

- a. Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (**Article 10, para. 1**);
- b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (**Article 10, para. 3**)? If so, please specify how;
- c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (**Article 15, para. 2 and Article 16**)?

Response

- a. Co-ordination among state agencies competent for the prevention of sexual exploitation and sexual abuse of children is ensured by the mechanisms defined by the legislation of the Republic of Armenia (see question 5).
- b. -
- c. Within the framework of co-operation among state authorities, local and international non-governmental organisations, local self-governing bodies, "Let's Join Together for the sake of Children and Save the Future" programme was implemented by Save the Children international organisation. The objective of the programme is to prevent the

phenomenon of child abuse. Within the framework of the programme, a procedure for guiding the protection of children has been elaborated, which was piloted in the Marz of Lori of the Republic of Armenia, specialists of the field of child protection of the Marz of Lori of the Republic of Armenia were trained. In 2010-2012, "Reducing violence against children in Armenia" project was implemented by World Vision international organisation, the objective of which was to build the capacity of specialists working with children for the purpose of protecting children against sexual abuse, to improve life conditions of vulnerable groups of children in the Republic of Armenia by strengthening the system of child protection, capacity of interested parties functioning at national, regional and community levels. The project lasted for 36 months and was implemented in the city of Yerevan, Lori and Syunik Marzes of the Republic of Armenia.

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (**Article 38, para. 4**)? Please give examples.

Question 8: Education, awareness raising and training

a. Which legislative or other measures have been taken to:

- ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (**Article 6, Explanatory Report, paras. 59-62**). Please also specify whether this information includes the risks of the use of new information and communication technologies (**Article 6, Explanatory Report, para. 63**);
- encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (**Article 5, para. 1**);
- ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (**Article 5, para. 2**).

b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially

towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (**Article 8, para. 1**);

- c. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (**Article 8, para. 2, Explanatory Report, para. 66**).

Response

The following legal acts exist in the mentioned sector:

Article 18 (5) of the Law of the Republic of Armenia "On Education", adopted in 1999;

"The instruction in a middle school is aimed at the formation of scientific understanding of learners about healthy life style, world and nature, ensuring the minimum volume of knowledge necessary for independent activities".

Article 7 of the Law of the Republic of Armenia "On the rights of the child" adopted in 1996;

"Every child shall have the right to health protection and strengthening";

Article 9 of the Law of the Republic of Armenia "On medical care and service of the population", adopted in 1996;

"Everyone, including the adolescent, shall be entitled to receive information on issues of preservation of his or her sexual health, sexually transmitted diseases, complications and consequences thereof;

Article 5 of the Law of the Republic of Armenia "On reproductive health and reproductive rights of the person", adopted in 2002;

"The adolescents shall be entitled to:

(1) sex education, as well as preservation of sexual and reproductive health;

be aware of issues on sexual maturity, sexual and reproductive health, have necessary knowledge of induced abortion, contemporary methods for prevention of sexually transmitted infections, including human immunodeficiency virus (HIV).

(3) Sex education of adolescents in general education schools and other educational institutions is implemented by persons having professional qualification...".

With respect to the subject matter, the following measures were implemented:

1. In 2007-2008, "24-hour course on issues of HIV / AIDS prevention and of instilling of safe behaviour was introduced in educational programmes of all educational institution".

2. A programme was implemented in 2007-2011 to develop the potential of school teachers and professors of higher education institutions for the introduction of educational programmes for HIV/AIDS prevention.
3. In 2007-2008, school teachers and professors of higher education institutions were provided with relevant guidelines for organising the education process on HIV/AIDS prevention.
4. For the execution of the Decision of the Government of the Republic of Armenia No 111-N of 10 January 2008, "Model curricula for 2008-2009 academic year of secondary general education school" were approved by the Order of the Minister of Education and Science of the Republic of Armenia, according to which a course on "Healthy lifestyle" is taught in 8th grade based on the programme and educational materials recommended by the Ministry of Education and Science of the Republic of Armenia, to which 14 class hours are allocated annually.
5. 2008-2009 With the support of UNESCO office in Moscow, 24 pedagogues - for the purpose of introducing "Healthy lifestyle" course in general education institutions in the academic year - were trained.
6. 2008-2009 - With the support of AIDS Prevention, Education and Care NGO 206 school teachers of the city of Yerevan were trained in January.

The working group - based on the previous practice - has elaborated manuals for "Healthy lifestyle" course for teachers of 8th and 11th grades.

In the course of education the following topics were taught:

1. Sexual maturity: Love: Love as a basis for harmonious mutual relationships between men and women. Reproductive health (8th grade)
2. HIV/AIDS, impact on the organism, prevention (9th grade)
3. Gender roles, gender discrimination, what is sexual harassment, sexually transmitted infections, vulnerable groups, human trafficking, modern-day slavery, what and how to avoid (10th and 11th grades).

For the execution of the National Programme On organising fight against human exploitation (trafficking) in the Republic of Armenia, which - since 2002 - is adopted each time for the term of 2 to 3 years within the whole territory of the Republic of Armenia"

1. Activities aimed at raising the level of information and awareness on the risk of human exploitation (trafficking), especially among risk groups (migrant workers, foreigners, refugees, women, young people (including graduates of orphanages), unemployed

persons, persons with disabilities) continue.

2. Special courses on prevention, detection of child exploitation (trafficking) cases and on organisation of their support are held for employees of child care and protection institutions.

3. Training courses with the manual of "Trafficking" for pedagogues of general education schools continue.

4. For the purpose of detecting and preventing child exploitation cases and of organising their protection, enhanced trainings of employees of institutions implementing the protection of the rights of the child are held.

5. Social, educational, health measures continue to be implemented within the framework of "State Support to Graduates of Child Care Institutions of the Republic of Armenia" programme.

6. Instruction on topics of human rights (including trafficking and gender issues) is provided among learners of general education schools.

7. Discussion of findings of "Research on Working Children" to be implemented within the framework of the Strategic Programme for the Protection of the Rights of the Child in the Republic of Armenia for 2013-2016, and if necessary, elaboration of recommendations related to the fight against trafficking are envisaged.

8. Lecturers on human exploitation (trafficking) are arranged for learners and lecturers of vocational education institutions.

Measures envisaged by the Timetable for the implementation of the National Programme On organising the fight against human exploitation (trafficking) are aimed at awareness-raising of employees of state authorities in direct contact with the population and of Child Care Centres on human exploitation (trafficking), in respect of which training courses for employees of state authorities are held.

For acquiring skills necessary for the organisation of activities for the prevention and detection of sexual exploitation and sexual abuse against children, relevant courses are held for the trainees of the Police Academy of the Republic of Armenia, as well as police officers attending training in the Police Academy.

Question 9: Recruitment and screening

- a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (**Article 5, para. 3**). Please specify to

which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;

- b. Does the screening of candidates apply to voluntary activities (**Explanatory Report, para. 57**)?

Question 10: Preventive intervention programmes or measures.

a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (Article 7, Explanatory Report, para. 64);

b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (Articles 15 to 17). Please indicate in particular:

-who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);

-how the appropriate programme or measure is determined for each person;

-whether there are specific programmes for young offenders;

-whether persons have a right to refuse the proposed programme/measures?

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (**Article 9, para. 2, Explanatory Report, paras. 68-73**);

b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (**Article 9, para. 3, Explanatory Report, para. 74**);

c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (**Article 9, para. 4, Explanatory Report, para. 75**). May

the proceeds of crime be used to finance the above mentioned projects and programmes?
Please provide details (**Article 27, para. 5, Explanatory Report, para. 193**).

Response

a. -

b. Each year - within the framework of the National Programme for organising fight against human exploitation (trafficking) for 2010-2012 and 2013-2015 - a competition is held among journalists for the best article on the topic of human exploitation (trafficking). Winners of the competition receive monetary award. Moreover, it is envisaged by the National Programme for organising fight against human exploitation (trafficking) for 2013-2015 in the Republic of Armenia to:

1. continue to produce - with co-operation of mass media - television and audio programmes, discussions, meetings, etc. for raising the awareness of the society on the risks of human exploitation (trafficking).

2. regularly update the website www.antitrafficking.am and posted materials on the fight against human exploitation (trafficking) in Armenia.

3. hold discussions on use of rules of conduct and characteristics of coverage for the purpose of awareness-raising of journalists on issues of human exploitation (trafficking) and of formation of ethical and professional approaches to information provided on that phenomenon.

as for the second sentence of point "c", illegal proceeds confiscated as prescribed by the National legislation are accrued to the State Budget of the Republic of Armenia.

Question 12: Effectiveness of preventive measures and programmes

a. Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;

b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

a. Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (Article 12, para. 1, Explanatory report, para. 89);

b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (Article 12, para. 2,

Explanatory Report, para. 91). Please provide examples of good practice.

Response

Medical aid and service providers are obliged to keep in secret the fact that the person consulted the physician for help, the information gathered during examination of his or her health condition, diagnosis and treatment. Meanwhile, according to Article 55 (4) (4) of the Criminal Procedure Code of the Republic of Armenia, "The investigator shall be authorised to require documents and materials, which may contain information on the incident and persons relating thereto".

The Criminal Code of the Republic of Armenia envisages criminal liability for leaving a person in danger, as well as for failure to report crime:

Article 128 of the Criminal Code of the Republic of Armenia

"Leaving in danger

1. Failure to render necessary and obviously urgent assistance to a person in a situation dangerous to life, or failure to inform the appropriate authorities of the necessity to render assistance, where the criminal was not obliged to take care of the victim and he or she was not the one to put him or her in a situation dangerous to life shall be punished by a fine in the amount of fifty-fold to one-hundred-fold of the minimum salary.

2. Leaving a person — who is in a situation dangerous to life or health and is deprived of the possibility to undertake self-preservation measures — in a helpless situation, where the criminal had a real possibility to render assistance to that person and was obliged to take care of him or her, or he or she was the one to put him or her in a situation dangerous to life shall be punished by a fine in the amount of one-hundred-fold to one-hundred-and-fifty-fold of the minimum salary, or by detention for a maximum term of two months.

3. The act provided for in part 2 of this Article, which has caused death or other grave consequences shall be punished by a fine in the amount of one-hundred-and-fifty-fold to two-hundred-fold of the minimum salary, or by detention for a maximum term of three months, or by imprisonment for a maximum term of three years".

Article 335 of the Criminal Code of the Republic of Armenia:

"Failure to report crime

"1. Failure to report a grave or particularly grave crime in preparation, that is certainly known — shall be punished by a fine in the amount of three-hundred-fold to five-hundred-fold of the minimum salary or by detention for a term of one to three months or by imprisonment for a term of maximum two years.

2. Spouse and close relatives of the person having committed a criminal offence shall not be subject to criminal liability for failure to report the crime".

Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (**Article 13, Explanatory Report, para. 92**).

Response

There are currently a number of hotlines operating in the Republic of Armenia, including the Child Protection Telephone service of the Fund for Armenian Relief (FAR). Applicants are provided with the required information. The principle of confidentiality of personal information is observed.

Since 2013, the General Department of Fight Against Organised Crime of the Police of the Republic of Armenia has been operating a hotline for providing advice and other required assistance with regard to prevention of trafficking.

Question 15: Assistance to victims

a. Please indicate which types of assistance described in Article 14 are provided to victims of sexual exploitation and sexual abuse of children. (Explanatory Report paras. 93-100) Please specify:

- how the assistance is adapted to the victims' age and maturity;
- how due account is taken of the child's views, needs and concerns;
- if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.

b. Please specify if and to what extent internal law provides for the possibility of removing (Article 14, para. 3, Explanatory Report, para. 99):

- the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;
- the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.

c. If internal law does provide for this:

- are the conditions and duration of such removal to be determined in accordance with the best interests of the child?
- are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (Article 11, Explanatory Report, paras. 87-88).

d. Which legislative or other measures have been taken to ensure that victims of an offence

established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (Article 38, para. 2, Explanatory Report, paras. 258-259).

Response

a. In 1999, the Children Admission and Orientation Centre of the FAR was established, renamed in 2012 to Children Support Centre. The Centre provides services to children exposed, due to various reasons, to difficult life situations. It provides assistance to children aged 3-18 with behavioural issues, as well as children deprived of family care, those out of school, as well as those subjected to abuse, and involved in panhandling and vagrancy.

The Centre provides children aged 3-18 facing difficulties with temporary accommodation, relevant short-term services, including medical, social and educational, psychological services, as well as relevant care, food, clothes and education relevant as per age of the child.

Based on the Decision of the Government of the Republic of Armenia N 1659 of 20 December 2012, Yerevan "Zatik" Orphanage state non-commercial organisation of the Ministry of Social Security of the Ministry of Justice of the Republic of Armenia has been renamed to Yerevan "Zatik" Children Support Centre state non-commercial organisation of the Ministry of Labour and Social Affairs of the Republic of Armenia. Every year, for a period of 6 months, the centre provides twenty-four-hour care to children aged 3-18 facing difficult life situations before their return to biological families or placement in an orphanage or child care and protection boarding establishments. Beneficiaries include also children exposed to sexual exploitation and sexual abuse.

Within the framework of reforms implemented in the social sphere, an integrated social services system has been introduced in the country, identifying and helping families exposed to difficult life situations, for the purpose of protecting their legitimate interests or preventing such situations.

According to Article 5 of the National Referral Mechanism for Trafficking Victims, approved by the Decision of the Government of the Republic of Armenia N 1385 of 20 November 2008:

The assistance provided to the victim involves the three following stages: preliminary, intermediate and final assistance.

Where at the time of detection the victim subjected to trafficking or the danger of trafficking is in the territory of the Republic of Armenia, the detected and identified victim is provided with preliminary assistance upon the mediation of the Ministry of Labour and Social Affairs of the Republic of Armenia, child protection departments of the relevant bodies and authorities of the Republic of Armenia, including the marzpetarans (regional administrations and Yerevan municipality). Where necessary, the Ministry of Labour and Social Affairs of the Republic of

Armenia may cooperate with relevant non-governmental organisations.

In cases provided for in point 26 of the National Referral Mechanism for Trafficking Victims, preliminary assistance includes:

- (1) first medical aid;
- (2) urgent in-kind aid (food, clothes, hygiene items, etc.);
- (3) legal advice;
- (4) where necessary, provision of temporary accommodation for a maximum period of 30 days;
- (5) psychological aid.

Where the victim is in the territory of a foreign country, the decision on providing assistance is adopted by diplomatic and consular authorities, based on point 27 of the mechanism and the assistance system operating in the given country.

Intermediate assistance is provided at the identification stage and includes:

- (1) provision of temporary accommodation for a maximum period of up to 60 days;
- (2) medical examination and aid in compliance with the Decision N 318 of the Government of the Republic of Armenia of 1 March 2004 "On provision of free medical aid and services guaranteed by the state".
- (3) legal aid;
- (4) psychological aid;
- (5) measures aimed at reintegration in the society, including facilitation of professional trainings;
- (6) where required, urgent financial assistance in the defined amount.

Final assistance is provided based on final identification, taking into account the person's needs and includes the whole package provided for by the law of the Republic of Armenia "On social assistance", as well as further reintegration measures.

According to Article 22 of the draft law of the Republic of Armenia "On identification and assistance of persons subjected to trafficking or exploitation", assistance of victims and special category victims aims at overcoming the disturbances caused by trafficking or exploitation, and ensuring full social reintegration of victims in the society.

Assistance of victims and special category victims may include the following:

- (1) provision of temporary accommodation;
- (2) in-kind aid;
- (3) provision or restoration of necessary documents;
- (4) medical aid and services;
- (5) psychological aid;
- (6) advisory assistance;
- (7) legal aid;

- (8) provision of care, including in a relevant institution;
- (9) provision of translation services;
- (10) provision of general education;
- (11) ensuring the accessibility of secondary education and primary vocational education;
- (12) ensuring employment;
- (13) organisation of safe return;
- (14) lump-sum monetary reward.

Question 16: Criminal law offences

- a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;
- b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;
- c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;
- d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

Sexual Abuse (Article 18)

- 1. Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
- 2. Engaging in sexual activities with a child where
 - use is made of coercion, force or threats;
 - abuse is made of a recognised position of trust, authority or influence over the child, including within the family;
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Child Prostitution (Article 19)

- 1. Recruiting a child into prostitution or causing a child to participate in prostitution;
- 2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;
- 3. Having recourse to child prostitution.

Child Pornography (Article 20)

- 1. Producing child pornography;
- 2. Offering or making available child pornography;
- 3. Distributing or transmitting child pornography;
- 4. Procuring child pornography for oneself or for another person;
- 5. Possessing child pornography;
- 6. Knowingly obtaining access, through information and communication technologies, to child pornography.

Participation of a Child in Pornographic Performances (Article 21)

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes
3. Knowingly attending pornographic performances involving the participation of children.

Corruption of Children (Article 22)

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

Aiding or abetting and attempt (Article 24)

1. Intentionally aiding or abetting the commission of any of the above offences.
2. The attempt to commit any of the above offences.

Response

With regard to protection of children from sexual exploitation and sexual abuse, the following acts have been defined as crimes in Chapter 18 of the Criminal Code of the Republic of Armenia titled Crimes against the sexual integrity and sexual freedom:

- (1) rape of a minor (Point 2 of Article 138(2));
- (2) rape of a person under 18 by a parent ,or teacher or an employee of the educational or medical education, charged with his or her upbringing or care (point 1 of Article 138(3));
- (3) rape of a person under 14 (Point 2 of Article 138(3));
- (4) sexual, including homosexual actions against the will of the person, through abuse or threat of abuse of the latter or another person, or by use of the helpless situation of the victim (According to Article 138(4), any person below the age of twelve shall also be considered to be in a helpless situation, the same actions against a minor (point 3 of Article 139(2)), actions against a person below the age of fourteen (point 2 of Article 139(3)), against a person under the age of eighteen by a parent, or teacher or an employee of an educational or medical establishment charged with his or her upbringing or care (point 1 of Article139(3));
- (5) compelling a person below the age of sixteen to sexual intercourse or actions of sexual, including homosexual nature, through blackmail, threat to destruct, damage or take property, or by use of the victim’s material or other dependence (Article 140(2));
- (6) sexual intercourse or other sexual actions with a person obviously below the age of sixteen by a person having attained the age of eighteen, where there are no elements of the criminal offences provided for in the points above (Article 141(1)); the same actions against a person below the age of fourteen (point 2 of Article 141(3)); against a person below the age of eighteen

by a parent, or teacher or an employee of an educational or medical establishment or another person charged with his or her upbringing or care (point 1 of Article 141(3));

(7) lecherous actions with a person obviously below the age of sixteen by a person having attained the age of eighteen, or with a person below the age of fourteen by a person having attained the age of sixteen (Article 143(1)); the same actions against a person below the age of fourteen (point 2 of Article 142(3)); against a person below the age of eighteen by a parent, or teacher or an employee of an educational or medical establishment, or another person charged with his or her upbringing or care (point 1 of Article 142(3)); the same actions committed:

(a) by a person having attained the age of sixteen, by use or threat of use of violence;

(b) against a person obviously below the age of sixteen by a person having attained the age of twenty one;

(c) against a person below the age of fourteen by a person having attained the age of eighteen;

(d) through electronic communication networks (points 1-3 and 6 of Article 142(2)).

(8) engaging — by a person having attained the age of eighteen — a child in prostitution or in actions connected with preparation of pornographic materials or objects (Article 166(1)); the same act that has been committed by a parent, teacher or another person charged with the upbringing of the child (Article 166(2)); the same acts have been committed against two or more persons accompanied by use or threat of use of violence (Article 166(3));

(9) introduction of child pornography through computer systems or storage of child pornography in a computer system or in a computer data-storage system (Article 263(2));

(10) promoting prostitution by exploitation of minors (point 6 of Article 262(2)).

Furthermore, for all the referred crimes the age of the child is the basis for qualifying the act as a graver criminal offence, or is an aggravating circumstance, and for all the acts referred to above a more severe punishment is imposed, where the acts has been committed against a minor or a person below the age of twelve or a person below the age of fourteen. The Criminal Procedure Code of the Republic of Armenia does not classify them as cases of private prosecution, and the initiation of criminal proceedings and their progress do not depend on the circumstance whether the victim has filed an appeal or not.

At the same time, the Administrative Code of the Republic of Armenia stipulates administrative liability for the following acts:

(1) sale of literature and video tapes containing pornography to persons below the age of 18 (Article 158);

(2) engaging of persons below the age of 18 in the sale of literature and video tapes containing pornography (Article 158).

The internal law provides for all types of acts indicated in the table of this questionnaire.

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with Article 26? Please specify under which conditions

Response

Within the Republic of Armenia, a legal person is subject only to civil and administrative liability. In compliance with the Criminal Code of the Republic of Armenia, only a natural person is considered to be the subject of a crime. According to Article 24 of the Criminal Code of the Republic of Armenia, only a person having attained the age of sixteen before committing a criminal offence shall be subject to criminal liability, and for certain criminal offences also persons having attained the age of fourteen.

Furthermore, according to the Administrative Offences Code of the Republic of Armenia, only a natural person having attained the age of 16 may be a subject of administrative liability.

Question 18: Sanctions and measures

a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (Article 27, Explanatory Report, paras. 182-193);

b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (Article 29, Explanatory Report, paras. 203-208).

Response

a. According to Article 132(2) of the Criminal Code of the Republic of Armenia, recruiting, transporting, transferring, concealing or receiving a child or a person deprived — as a result of a mental disorder — of the possibility to fully or partially realise the nature and significance of his or her act or to direct it, for the purpose of exploitation, as well as exploitation of such persons and their placing in exploitative situation, is punished by imprisonment for a term of seven to ten years, with or without confiscation of property, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

Article 138 of the Code defines that rape committed against a minor is punished by imprisonment for a period of four to ten years, whereas rape against a person below the age of fourteen is punished by imprisonment for a term of eight to fifteen years.

Article 139 of the Code defines that homosexuality or other sexual actions against the will of the victim, by use or threat of use of violence against him or another person, or by use

of the victim's helpless situation, against a minor is punished by imprisonment for a term of four to ten years, whereas the same against a person below the age of fourteen is punished by imprisonment for a term of eight to fifteen years. Sexual intercourse or other sexual actions with a person obviously below the age of sixteen by a person having attained the age of eighteen is punished by a fine in the amount of one-hundred-fold to two-hundred-and-fifty-fold of the minimum salary, or by imprisonment for a maximum term of two years (Article 141 of the Criminal Code of Armenia).

Committing lecherous actions against a person obviously below the age of sixteen is punished by a fine in the amount of two-hundred-fold to four-hundred-fold of the minimum salary, or by imprisonment for a maximum term of two years (part 1 of Article 142 of the Criminal Code of Armenia).

- b. Chapter 54 of the Criminal Procedure Code of Armenia regulates the relations with regard to legal cooperation between the Republic of Armenia and foreign states. Only an international agreement with a foreign state may be a legal basis for the recognition and enforcement of a judgment of that state.

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (**Article 25, Explanatory Report, paras. 165-176**).

Response

According to Article 3 of the Criminal Procedure Code of Armenia, within the territory of the Republic of Armenia, irrespective of the scene of the crime, criminal proceeding shall be conducted in accordance with the provisions of the Criminal Procedure Code of Armenia, unless otherwise provided for by the international treaties of the Republic of Armenia.

Proceedings with regard to an offence, committed beyond the territory of the Republic of Armenia but on board an aircraft, ship or river boat lawfully flying the flag or bearing the distinctive emblem of the Republic of Armenia and registered in an airport or a port of the Republic of Armenia are conducted in compliance with the norms of Criminal Procedure Code of Armenia.

When conducting separate investigative or judicial operations upon the motion of courts or criminal prosecution bodies of another state, the criminal procedure legislation of the foreign state may be applied, unless otherwise provided for by the international treaties of the Republic of Armenia.

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in **Article 28**, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (**Explanatory Report, paras. 194-202**).

Response

According to Article 132(2), crimes referred to in Question 18 of this questionnaire are considered to be committed under aggravating circumstances.

Question 21: Measures of protection for the child victim

- a. Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (**Article 31, para. 1, letter (a) and para. 2**). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;
- b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (**Article 31, para. 1, letter (c)**);
- c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (**Article 31, para. 1, letter (d)**);
- d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (**Article 31, para. 1, letter (e)**);
- e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (**Article 31, para. 1, letter (f)**);
- f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (**Article 31, para. 1, letter (b)**);
- g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided.

Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (**Article 31, para. 1, letter (g)**);

- h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (**Article 31, para. 3**).

Response

h. Article 167 of the Criminal Procedure Code of the Republic of Armenia provides for compensation of costs incurred by the victim, civil plaintiff, civil defendant, representative of the suspect or accused person, defence counsel providing free legal assistance to the defendant, attesting witness, professional, translator, expert, and witness, by means of the state budget and through criminal procedure.

According to Article 6 of the Law of the Republic of Armenia "On social protection of children deprived of parental care", the Government of the Republic of Armenia defines, among others, the provision of free legal assistance as one of the state social standards required for the care and upbringing of children deprived of parental care.

The law of the Republic of Armenia "On the Profession of Advocate" also envisages the provision of free legal assistance. In particular, Article 6 of the law defines that the state ensures the provision of free legal assistance. Whereas Article 7 of the referred law fully concerns the public defence and public defender's office. Public defence is the free legal assistance provided which includes advice with regard to drafting of statements of claims, applications, appeals and other procedural documents of legal nature, including the provision of legal information, as well as representation or defence in criminal, civil, administrative and constitutional cases.

Public defender's office, apart from providing legal assistance to the suspect or accused person in a criminal case, provides, among others, free legal assistance to children left without parental care, as well as persons

Question 22: Investigations and criminal measures to protect the child victim

a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (Article 30, para. 2, Explanatory Report, paras. 211-215);

b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if

the victim has withdrawn his or her statement? (Article 32, Explanatory Report, para. 230);

c. Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (Article 33, Explanatory Report, paras. 231-232);

d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (Article 31, para. 4). Please also describe under which conditions it is possible;

e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (Article 31, para. 5). Please specify under which conditions, if so required;

f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (Article 30, para. 5);

g. Please also describe what techniques have been developed for examining material containing pornographic images of children (Article 30, para. 5).

Question 23: Child friendly interviewing and proceedings

a. Please describe how interviews (**Article 35**) with child victims are carried out, indicating in particular whether:

- they take place without unjustified delay after the facts have been reported to the competent authorities;
- they take place, where necessary, in premises designed or adapted for this purpose;
- they are carried out by professionals trained for this purpose;
- the same persons are, if possible and where appropriate, conducting all interviews with the child;
- the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;
- the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in

respect of that person.

b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;

c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies?

(Article 36).

Response

b. The legislation of the Republic of Armenia does not provide for video recording of interviews with child victims and child witnesses, but the Criminal Procedure Code of the Republic of Armenia defines that when conducting procedural actions verbatim recording, filming, sound recording and video recording may be conducted (point two of Article 29 of the Code).

Where the questioning has been accompanied with photographing, sound and (or) video recording, and filming, the protocols must contain notes on performance of photographing, sound and (or) video recording and filming, applied technical means, conditions of photographing, sound and (or) video recording, and filming, and the statements and remarks of the questioned person concerning the length of interruptions of photographing, sound and (or) video recording, and filming, signatures of the investigator and the questioned person confirming the accuracy of the protocol, notes on drawing by the questioned person during the questioning of charts, diagrams, pictures, and their attachment to the protocol.

c. According to Article 98(13) of the Criminal Procedure Code of Armenia, the questioning of defendant without apparent visibility of other participants of the proceedings may be conducted through audiovisual and other technical means (shroud, protective screen, cover) and with limited number of participants of proceedings following a warning on protection of confidentiality. In exclusive cases the court may release the defendant from the obligation to participate in a court hearing upon availability of a written confirmation of the testimony previously given by him or her.

Where necessary, the presiding judge of court hearing may prohibit the performance of audio and video recording of the questioning by audiovisual and other means during the trial.