



**G R E T A**  
GROUP OF EXPERTS  
ON ACTION AGAINST  
TRAFFICKING IN HUMAN BEINGS

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Report concerning the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Armenia

SECOND EVALUATION ROUND

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## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA's country-by-country monitoring deals with all parties to the Convention on an equal footing. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to all parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental. By the beginning of 2014, most of the parties had been or were being evaluated for the first time, whilst the number of parties to the Convention continues to grow.

GRETA decided to launch the second evaluation round of the Convention on 15 May 2014. Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA has decided to examine during this new evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of a obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to provide, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual final comments made by the national authorities, are made public and sent to the Committee of the Parties to the Convention.

## I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) by Armenia took place in 2011-2012. Following the receipt of the Armenian reply to GRETA’s first questionnaire on 3 August 2011, an evaluation visit was organised on 17-20 October 2011. The draft report on Armenia was examined at GRETA’s 13th meeting (19-23 March 2012) and the final report was adopted at GRETA’s 14th meeting (25-29 June 2012). Following the receipt of the comments of the Armenian authorities, GRETA’s final report was published on 21 September 2012.<sup>1</sup>

2. In its first evaluation report on Armenia, GRETA welcomed the setting up of the legal and institutional framework for combating trafficking in human beings (THB), including the adoption of national action plans and the setting up of a National Referral Mechanism for trafficked persons. However, GRETA urged the Armenian authorities to review the victim identification procedure with a view to ensuring that the identification of persons as victims of THB is disconnected from their participation in criminal proceedings. Further, GRETA urged the authorities to ensure that all victims of trafficking have access to adequate assistance and protection, paying particular attention to child victims. Other recommendations concerned the provision in law of a recovery and reflection period for victims of trafficking and the possibility to be granted a residence permit, as envisaged in the Convention. Given that lack of compensation granted to victims of trafficking, GRETA called on the Armenian authorities to set up a State compensation scheme accessible to all victims of trafficking. Moreover, GRETA urged the authorities to ensure the effective protection of victims of THB, especially children, during the investigation and during and after court proceedings.

3. On the basis of GRETA’s report, on 13 November 2012 the Committee of the Parties to the Convention adopted a recommendation to the Armenian authorities, requesting them to report back on the measures taken to comply with this recommendation by 13 November 2014.<sup>2</sup> The report submitted by the Armenian authorities was considered at the 15th meeting of the Committee of the Parties (5 December 2014). The Committee of the Parties decided to transmit the authorities’ report to GRETA for consideration and to make it public.<sup>3</sup>

4. On 5 January 2015, GRETA launched the second round of evaluation of the Convention in respect of Armenia by sending the questionnaire for this round to the Armenian authorities. The deadline for submitting the reply to the questionnaire was 5 June 2015. Armenia submitted its reply on 15 June 2015.<sup>4</sup>

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<sup>1</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia, first evaluation round:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630c7f>

<sup>2</sup> Recommendation CP(2012)8 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia, adopted at the 8th meeting of the Committee of the Parties on 13 November 2012:

<sup>3</sup> Report submitted by the Armenian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)8 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630c7d>

<sup>4</sup> Reply from Armenia to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, second evaluation round:

<http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630cab>

5. In preparation of the present report, GRETA used the reply to the questionnaire by Armenia, other information collected by GRETA and information received from civil society. An evaluation visit to Armenia took place from 14 to 18 December 2015 in order to hold meetings with relevant actors, collect additional information and examine the practical implementation of adopted measures. It was carried out by a delegation composed of:

- Ms Leonor Ladrón de Guevara y Guerrero, member of GRETA;
- Mr Helmut Sax, member of GRETA;
- Mr David Dolidze, Administrator in the Secretariat of the Convention.

6. During the visit, the GRETA delegation met Mr Vatche Gabrielyan, Deputy Prime Minister and Head of the Council on Issues of Trafficking and Exploitation of Human Beings. The GRETA delegation also held meetings with officials from the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Defence, the Ministry of Health, the Ministry of Sport and Youth, the Ministry of Labour and Social Issues, the Ministry of Education and Science, the General Prosecutor's Office, the National Security Service, the Investigation Committee, the Police (including the specialised police department for combatting human trafficking) and the judiciary. Further, the GRETA delegation met representatives of the Office of the Human Rights Defender.

7. In addition to meetings in Yerevan, the delegation travelled to Gyumri where it met representatives of the public authorities and law enforcement bodies involved in combating human trafficking.

8. Separate meetings were held with representatives of non-governmental organisations (NGOs) and officials from the local offices of the International Organization for Migration (IOM) and the Organization for the Security and Co-operation in Europe (OSCE).

9. In the course of the visit, the GRETA delegation visited a shelter for adult victims of trafficking run by the NGO UMCOR in Yerevan. It also visited the Children's Assistance Centre "Zatik" in Yerevan and the Children's Social and Psychological Centre in Gyumri, both operated by the Ministry of Labour and Social Issues.

10. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

11. GRETA wished to place on record the assistance provided by the Armenian authorities in the organisation of the second evaluation visit, in particular by Mr Vahram Kazhoyan, Ambassador Extraordinary and Plenipotentiary, Director of the International Organisations Department at the Ministry of Foreign Affairs, and Ms Lucine Hakobyan, Secretary of the Inter-agency Working Group on Combating Trafficking in Human Beings.

12. The draft version of the present report was approved by GRETA at its 26th meeting (4-8 July 2016) and was submitted to the Armenian authorities for comments on 1 September 2016. The authorities' comments were received on 2 November 2016 and were taken into account by GRETA when adopting the final report at its 27th meeting (28 November - 2 December 2016). The report covers the situation up to 2 December 2016; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 41-46).

## II. Main developments in the implementation of the Convention by Armenia

### 1. Emerging trends in trafficking in human beings

13. Armenia remains primarily a country of origin of victims of trafficking in human beings (THB), with some internal trafficking taking place as well. According to data provided by the Armenian authorities, 14 victims of THB were identified in 2012, 19 in 2013 and 13 in 2014. A further 23 victims were identified in the period November 2015 - September 2016. The majority of the victims were women (32), followed by men (20) and children (17). The prevailing form of exploitation was sexual exploitation (32 victims), followed by forced labour or services (30 victims) and the removal of organs (6 victims); further, there was one case of internal trafficking of a child for the purpose of forced begging. Most of the identified victims were Armenian nationals exploited abroad, the main countries of destination being the United Arab Emirates, Turkey and the Russian Federation. As regards foreign nationals trafficked to Armenia, there were four Chinese citizens identified in 2014.

### 2. Developments in the legal framework

14. Since the first evaluation round, the most important legal development in the field of action against THB in Armenia was the adoption of the Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and Exploitation ("Anti-Trafficking Law"), which entered into force on 1 July 2015 and led to reviewing the National Referral Mechanism (NRM) for victims of THB and introducing a recovery and reflection period and residence permits for victims of THB. GRETA welcomes the adoption of new, dedicated anti-trafficking legislation. Further, amendments to the Law on Refugees and Asylum were adopted on 16 December 2015.

15. On 30 July 2015 the Government adopted Decree No. 851 setting out the procedure for selection of representatives of NGOs in the Identification Commission (see paragraph 19). Other new relevant secondary legislation includes Decree No. 1200-N of 15 October 2015 establishing the rules of procedure of the Identification Commission, Decree No. 1356-N of 29 October 2015 on the procedure for providing protection to victims of THB, Decree No. 353-N of 6 April 2016 establishing the procedure for organising safe return of victims of THB and exploitation, and Decree No. 492-N of 5 May 2016 establishing the procedure and size of support provided to presumed and identified victims of THB.

16. The above-mentioned legislative measures are discussed in greater detail in later parts of this report (see in particular paragraphs 93, 96 and 104).

### 3. Developments in the institutional framework

17. The Council on Issues of Trafficking and Exploitation of Human Beings (hereafter "Anti-Trafficking Council") continues to co-ordinate activities in the field of preventing and combating THB in Armenia. It is chaired by the Deputy Prime Minister and is composed of relevant Ministers and other senior officials<sup>5</sup> as well as NGOs which participate in a consultative capacity. The Council meets at least twice a year.

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<sup>5</sup> Minister of Justice, Minister of Foreign Affairs, Minister of Sport and Youth Affairs, Minister of Economy, Minister of Finance, Minister of Education and Sciences, Minister of Labour and Social Affairs, Minister of Health Care, Deputy Prosecutor General, Deputy Head of the Investigative Committee (Head of the Principal Department for Investigation of Special Importance Cases), First Deputy Director of the National Security Service, First Deputy Head of the Police, Head of the Department of International Relations, Staff of the President of Armenia, Head of the State Migration Service of the Ministry of Territorial Administration, Deputy Head of the State Health Inspection, Chair of the Standing Committee on Human Rights and Public Affairs of the National Assembly, Human Rights Defender (Ombudsman).

18. The Inter-agency Working Group on Combating Trafficking in Human Beings (hereafter "Anti-Trafficking Working Group"), which is subordinated to the Anti-Trafficking Council, is responsible for implementing the activities envisaged by the National Action Plan, evaluating their effectiveness, developing co-operation programmes and preparing documents for the approval of the Anti-Trafficking Council. The Working Group is headed by the Director of the International Organisations Department of the Ministry of Foreign Affairs and is composed of representatives of relevant ministries and agencies at the level of Heads of Departments. In addition, representatives of relevant non-governmental and international organisation involved in the anti-trafficking activities in Armenia regularly participate in the meetings of the Anti-Trafficking Working Group. The Working Group submits reports to the Anti-Trafficking Council twice a year on the implemented activities. These reports are subsequently approved by the Government and are published on the Government website.

19. Pursuant to the new Anti-Trafficking Law, an Identification Commission was set up, composed of representatives of the Ministry of Labour and Social Issues, the Prosecutor General's Office, the Police, and NGOs specialised in working with victims of trafficking: "UMCOR", "Hope and Help" and "Democracy Today" (see paragraph 93). The representative of the Ministry of Labour and Social Issues is the Chairperson of the Identification Commission.

20. Pursuant to the Law on the Investigative Committee which entered into force on 28 June 2014, a new structure, the Investigative Committee, was set up and tasked with the investigation of serious offences, including THB. To clarify the role of the Investigative Committee in anti-trafficking action, amendments to other laws and by-laws were adopted or are in the process of adoption, in particular to the Anti-Trafficking Law and Prime Minister's Decree of 7 December 2007 "On the establishment of a Council on the issues of exploitation of human beings (trafficking)". The proposed amendments include adding a representative of the Investigative Committee to the composition of the Identification Commission and listing the Investigative Committee, along with the Police, in Article 13 of the Anti-Trafficking law as one of the bodies to which competent authorities submit information concerning THB offences.

21. GRETA welcomes the setting up of new structures, involving civil society, for the identification of victims of trafficking.

#### 4. National Action Plan

22. At the time of GRETA's second evaluation visit, the Armenian authorities were implementing the fourth National Action Plan on Fighting Exploitation (Trafficking) of Human Beings for 2013-2015, which was adopted on 28 February 2013. It included activities focusing on improving the identification of victims of THB through the adoption of new legislation, developing competence-based capacities of relevant stakeholders, preventing trafficking, especially for the purpose of labour exploitation, and improving co-operation with the media as regards reporting on THB. An interim and final evaluation of the implementation of the Action Plan was envisaged. In their comments on the draft GRETA report, the Armenian authorities informed GRETA that the Working Group had agreed to develop a methodology for the evaluation, to select an independent expert and to carry out an analysis of the implementation of the previous Action Plan. GRETA would like to be kept informed of the outcome of the evaluation of the Action Plan.

23. A new National Action Plan for the period 2016-2018 was adopted by the Armenian Government on 7 July 2016. It consists of five chapters relating to the development of the legislation on THB and its implementation; prevention of THB; identification, protection and assistance of victims of THB; co-operation; and carrying out of studies, monitoring and evaluation.



## 5. Training of relevant professionals

24. In its first evaluation report, GRETA urged the Armenian authorities to strengthen training to frontline staff involved in the identification of victims of THB (including the Police, border guards, labour inspectors, social workers, staff of special institutions for children and NGOs). Further, GRETA considered that the Armenian authorities should continue providing regular training to judges, prosecutors and other legal professionals on THB and the rights of victims.

25. In 2010, the National Institute for Labour and Social Research reviewed the training curricula of civil servants under the programmes "Human Rights" and "Gender Issues" and incorporated the issue of combating trafficking (exploitation) of human beings. The "Human Rights" programme includes the topics "Main issues of trafficking in human beings", "National and international legislation on the protection of human rights" and "State social policy towards trafficking victims, assistance and protection mechanisms". The "Gender Issues" programme includes the topics "Violence as a social phenomenon and gender problem" and "Trafficking in human beings from a gender perspective". A total of 12 hours are allocated to these two programmes (6 hours each). The programmes are mandatory for civil servants and some 300 civil servants receive training every year at the Institute, which is fully funded by the state budget. The authorities have specified that the training modules related to human trafficking are under review with a view to reflecting new developments.

26. Training sessions on the issues of trafficking and exploitation are held at the Police Education Centre for police officers. In total about 1300 police officers participated in these courses in 2012-2014. In 2014, the Police developed a module on juvenile justice, based on which training sessions were conducted at the Police Education Centre for police officers working with children. Further, specialised police officers have participated in training sessions organised by the NGOs UMCOR and "Hope and Help", including interactive seminars on the detection of crimes related to THB and money laundering, their investigation and prosecution, and detection and prevention of labour trafficking cases (see paragraph 33).

27. The National Security Agency provides training to border guards, which includes the topics of forced labour, THB and illegal border-crossing. The training is provided at the training centre of the Border Control Detachment of the Border Guard Troops. In the course of 2014, a total of 118 border guards took part in these courses. Further, IOM provided 150 copies of the handbooks "On direct assistance for the victims of trafficking" and "Caring for trafficked persons" to the Border Guards training centre. The UNHCR office in Armenia, together with the State Migration Service and the Armenian Red Cross Society, organised training for border guards and officials of the Passport and Visa Department. Within the project entitled "Provision of Equipment and Infrastructure for the Bagratashen-Sadakhlo Border Crossing Point between Armenia and Georgia and enhancement of their capacities", the United Nations Development Programme (UNDP), in co-operation with the ICMPD, organised in 2013-2014 two bilateral workshops for border guards posted on the border of Armenia and Georgia on treatment of refugees and asylum seekers at borders.

28. Officers of the recently established Investigative Committee must undergo training not less than once every two years. The training programme includes a course on the topic of "Trafficking or exploitation of human beings" which was at the stage of development. According to the authorities, during 2015-2016 some 110 officers of the Investigative Committee were trained on human trafficking and exploitation, with special attention to child trafficking. Another 30 officers were to be trained by the end of 2016.

29. The Ministry of Defence organised lectures on THB for the Military Police, deputies in charge of activities conducted with commander staff and assistants to commanders on social-legal activities as part of six four-day sessions of training on human rights. Further, in 2014, the Embassy of the United States of America supported the organisation of a "training of trainers" for staff of the Peacekeeping Brigade within the Ministry of Defence. It covered issues related to THB and the main approaches to combating it in the context of international peacekeeping missions. With a view to making training more systematic, within the programme for combating trafficking and forced labour in the military, a manual was developed and will be used to provide training to staff of the Peacekeeping Brigade.

30. During 2012-2015 the IOM implemented a project entitled "Solidifying awareness on trafficking in persons in Armenia, Azerbaijan and Georgia through education". As part of this project a series of training courses were conducted on detection and assistance to trafficking victims for staff of the State Employment Agency and territorial centres for social services in Yerevan municipality. Within the framework of the same project, courses were also organised for staff of health-care institutions in Yerevan and different regions of Armenia.

31. The NGO "UMCOR", in co-operation with relevant public bodies, organised training sessions on trafficking and forced Labour for the social security departments of Yerevan municipality and 12 other administrative districts, representatives of guardianship and trusteeship committees, the State Health Inspectorate, the State Employment Agency, social services centres, the Armenian Employers Republican Union, and NGOs working with vulnerable groups and refugees. Apart from Yerevan, training courses were conducted in the regional administration offices of Aragatsotn, Lori and Gegharkunik, the municipalities of Tashir and Martuni, as well as for mayors of villages with high rates of seasonal migration in Armavir, Kotayq, Aragatsotn, Gegharkunik and Lori regions. The main topics included trafficking of adults and children for the purpose of forced labour; civil society's role in combating trafficking; Armenian policy and legislation on combating trafficking; assistance to victims of THB; abuse of a position of vulnerability; investigation and prosecution of THB; victims' protection and reintegration; and vertical and horizontal co-operation in the process of victims' referral and reintegration. From October 2013 to October 2014 some 20 training sessions were organised for 353 persons, including representatives of regional administrations, education divisions, divisions of family, women and child rights protection, health and social welfare divisions, education divisions, regional state health inspectorates and regional police officers.

32. Further, on 12 December 2014 a conference was organised by the Ministry of Foreign Affairs in co-operation with the NGO UMCOR for consuls and other diplomatic staff accredited to Armenia on the topic "Human Trafficking for Forced Labour: the Situation in Armenia and International Prospects". Some 25 diplomats were informed about activities to combat human trafficking in Armenia and the experience of other countries in combating these crimes.

33. The NGO Hope and Help has organised 20 training courses mostly for representatives of law enforcement bodies, legal professionals and the judiciary, covering 383 specialists in total. Training was also provided to 51 experts from various NGOs (psychologists, social pedagogues and social workers), 21 representatives of the State Employment Agency, 12 labour inspectors from State Health Inspectorate, 7 employees from private security services, and 6 school directors. The training covered issues related to investigations of offences involving children subjected to sexual violence and THB.

34. Since 2013 the NGO Association of Audio-visual Reporters has implemented two projects to develop an anti-trafficking information platform and facilitate access to legal information on THB. One of the objectives of this project is enhancing the skills of media professionals to report on THB in a responsible way. Training is organised for journalists jointly with media spokespersons of relevant ministries. From October 2014 to October 2016 six training sessions were held in different parts of Armenia (involving 82 media representatives and 75 staff members of public agencies) on how to report on human trafficking in the media and build awareness of the relevant legislation.

35. GRETA welcomes the steps taken by the Armenian authorities, NGOs and international organisations to provide training on THB-related issues to relevant professionals. However, GRETA notes that since the adoption of the new Anti-Trafficking Law, no specific training has been provided on the new provisions and the reviewed NRM. GRETA considers that the Armenian authorities should increase their efforts to provide training to relevant professionals at national, regional and local level on the Anti-Trafficking Law and related by-laws, including to social workers, medical doctors, child specialists, police officers, prosecutors, judges, staff of guardianship and trusteeship commissions and representatives of self-government.

## 6. Data collection and research

36. In its first evaluation report, GRETA considered that the Armenian authorities should develop and maintain a comprehensive and coherent information system on THB by compiling reliable statistical data from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.).

37. GRETA's first report referred to the setting up of two databases, one on victims of THB and the other on traffickers, managed respectively by the Ministry of Labour and Social Issues and the Police. The Police and the Prosecutor General's Office continue collecting statistical data on criminal cases and convictions, while the Ministry of Labour and Social Issues collects data on the number of victims assisted through the NRM. The latter database is operated respecting the principle of secrecy of personal data and can only be accessed by authorised personnel. Further, the recently established Investigative Committee collects data on on-going and completed investigations on THB. Trafficking-related data collected by public bodies is transmitted to the Anti-Trafficking Council and is included in its reports.

38. NGOs providing assistance to victims of THB record information about victims assisted by them after referral through the NRM, as well as about victims assisted outside the NRM. NGOs keep the information concerning victims strictly confidential, including information provided to the Ministry of Labour and Social Issues for the database on victims receiving state-funded assistance.

39. The data collected by public bodies and NGOs is disaggregated according to sex, age, type of trafficking (transnational or internal) and form of exploitation.

40. The IOM Data Protection Manual, published by the IOM office in Armenia in 2010, has been disseminated to representatives of public bodies and NGOs within the project "Solidifying awareness on trafficking in persons in Armenia, Azerbaijan and Georgia through education".

41. Since its establishment in September 2015, the Identification Commission has been responsible for collecting statistical information relating to victims identified by it. The authorities have informed GRETA that there are no plans to bring together data collection relating to victims of THB identified by the Identification Commission, on the one hand, and data collection relating to victims of THB who take part in criminal proceedings, on the other hand.

42. GRETA considers that the Armenian authorities should complete without delay the setting up of a comprehensive and coherent information system on trafficking in human beings by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on the investigation, prosecution, convictions and compensation in human trafficking cases. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for such national information system.

43. Concerning research related to THB, the OSCE Office in Yerevan implemented the project "Pilot study on forced labour and labour trafficking in Armenia"<sup>6</sup>, which was completed at the end of 2015. Under this project, surveys were conducted in Yerevan and five regions of Armenia (Ararat, Kotayq, Lori, Shirak and Syunik) with the aim of finding out to what extent forced labour, trafficking of adults for the purpose of forced labour and child trafficking occur in Armenia. The Investigative Committee contributed to this research with data concerning criminal cases. The conclusions of the research were that while trafficking of adults for the purpose of labour exploitation is infrequent in Armenia, exploitation of children through the worst forms of child labour and forced labour is a more serious problem (see also paragraph 66).

44. The NGO Armenian Caritas carried out a regional campaign against illegal migration and trafficking which included a research project entitled "Migration trends in Gegharkunik, Lori and Shirak Marzes of the Republic of Armenia". The research examined migration trends of these three regions and public awareness about migration and human trafficking, based on a survey among 219 students and interviews of migrants and representatives of local government. The report on this research, which was finalised at the end of 2015, recommended more training on safe migration and prevention of THB among students, migrants and local officials. The NGO Armenian Caritas carried out another research on "Migrants working and living in Russia"<sup>7</sup> which was completed in June 2016 and covered Gegharkunik, Shirak and Lori regions. A total of 380 people who had migrated to the Russian Federation were interviewed. The survey found that 82.4% of migrants left to seek employment. The project highlighted the lack of knowledge of labour rights in the Russian Federation and the ensuing vulnerability of migrants.

45. Representatives of civil society were of the view that little was known about the extent of child trafficking for the purpose of sexual exploitation and there was the need to carry out research on this issue.

46. GRETA welcomes the research carried out on different aspects of THB in Armenia and considers that the Armenian authorities should continue to promote and fund research in order to shed more light on the extent and nature of THB in Armenia, in particular as regards child trafficking, trafficking of Armenian nationals for the purpose of labour exploitation, trafficking within Armenia, and the vulnerability to trafficking of Syrian nationals fleeing the conflict who migrate to Armenia (see paragraph 74).

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<sup>6</sup> The final report of the project is available via link: <http://www.osce.org/yerevan/212561>

<sup>7</sup> The final report entitled "Armenian Labour Migrants in Russian Federation: Difficulties Abroad and Challenges at Home" is available via link: <http://smsmta.am/upload/migrantrdeng.pdf>

### III. Article-by-article findings

#### 1. Prevention of trafficking in human beings

##### a. Measures to raise awareness of THB (Article 5)

47. In its first evaluation report, GRETA considered that the authorities should develop targeted awareness-raising and educational measures for groups vulnerable to THB, such as children and young people leaving child-care institutions.

48. During the reporting period, the Armenian authorities have continued to work at improving awareness of THB among the general public, as well as targeting specific groups (as regards children, see paragraphs 61-65). In 2014 and 2015 the Anti-Trafficking Council organised a competition for journalists on reporting about THB, one of the objectives of which was to inform the public about the negative impact of THB and where to seek help. A Facebook page "Information platform on the fight against trafficking in Armenia" was created to increase awareness among journalists about THB and how to report on it. In addition, announcements on topics related to THB, including a hotline phone number, were placed in the newspapers "Gind", "Yeter", "TV Mall" and "TV Aliq", as well as an on-screen information line on "Shant" TV company's satellite channel. Information materials were also distributed at travel agencies, bus stations and elevators in Yerevan residential buildings.

49. Within the project implemented by the NGO Audio-visual Journalists' Association (see paragraph 34), the website [www.antitrafficking.am](http://www.antitrafficking.am) was updated in two languages, Armenian and English, and a Russian version will be added in the near future. The website includes information materials, videos and relevant court judgments. Since 2016, the maintenance of this website is financed from the state budget.

50. In order to raise public awareness, the "Audio-visual Journalists' Association" produced four broadcasts concerning different forms of trafficking (forced begging, sexual exploitation, forced labour). Representatives of the Investigative Committee have participated in a number of television programmes and interviews to raise awareness of the risks of human trafficking. GRETA was informed that television remains the primary source of information for the general public and is therefore one of the most efficient ways to increase public awareness on THB. Public service announcements concerning THB have been included in the broadcasting time reserved for the Police on public and private channels. The Law on Advertising and the Law on Television and Radio were recently amended by defining the concept of social advertising and promoting its use on television channels.

51. GRETA was informed that while awareness about THB among the general public has increased, the perception of trafficking as a phenomenon linked mainly to sexual exploitation prevailed. Representatives of NGOs noted that the stigmatisation of victims of THB for the purpose of sexual exploitation was one of the reasons for their unwillingness to seek assistance. According to representatives of the Office of the Human Rights Defender, many victims of THB do not understand that they were victims of an offence and do not seek assistance due to lack of awareness of human trafficking and the rights of victims.

52. While welcoming the steps taken to raise awareness of THB among the general public, including through co-operation with NGOs and increasing access to social advertising, GRETA considers that the Armenian authorities should continue their efforts to raise awareness of THB by designing future actions in this area in the light of impact assessment of previous measures and focusing on the needs identified. Greater attention should be paid to informing the public about the risks of recruitment through social media and the Internet, and addressing the stigmatisation of victims of THB for the purpose of sexual exploitation.

b. Measures to prevent THB for the purpose of labour exploitation (Article 5)

53. The fourth National Action Plan for 2013-2015 pays particular attention to prevention of THB for the purpose of labour exploitation, in particular by raising awareness of THB among at-risk groups such as labour migrants, women and young people (including orphanage graduates), as well as conducting training courses on THB, including for the purposes of labour exploitation, for staff of relevant public bodies (law enforcement, judiciary, prosecution, labour inspectors and local and regional authorities).

54. The NGO UMCOR has produced and distributed information leaflets on forced labour and trafficking in the underground of Yerevan and has placed posters with the hotline phone number in 810 elevators of 346 buildings in Yerevan's four administrative districts. Upon UMCOR's initiative, seminars on prevention of forced labour and THB were organised in 38 villages in different regions of the country (Ararat, Armavir, Kotayq, Lori, Aragatsotn and Gegharkunik). The leaflets "How to reduce the risk of becoming a trafficking victim" and "Beware of trafficking" have been distributed at travel agencies, hostels for foreign students and truck drivers, as well as in libraries of schools and cultural centres.

55. The Armenian authorities have referred to Article 3 of the Labour Code, which defines the principles of labour relations, including the ban on any form of forced labour and violence against workers. The State Health Inspectorate (under the Ministry of Health) carries out inspections of the compliance with the Labour Code and other relevant legal acts and gives written instructions to employers in case of violations.

56. GRETA was informed about an on-going reform of inspection bodies in Armenia involving the transfer of the Labour Inspectorate from the Ministry of Labour and Social Issues to the Ministry of Health, merging its functions within the State Health Inspectorate. All labour inspections have been suspended until the setting up of this new entity. In their reply to GRETA's draft report, the Armenian authorities indicated that the new labour inspectorate had not yet been set up and discussions were on-going concerning its statute, functions and powers. GRETA notes that the new National Action Plan for 2016-2018 includes activities that concern the Labour Inspectorate.

57. According to the Armenian authorities, in 2014, officers from the Police Department for Fight against Organised Crime and the Passport and Visa Department and their territorial subdivisions made checks to work and home addresses of foreigners living in Armenia to establish any possible cases of THB. However, no such cases were disclosed. Similar check-up visits were made during 2015-2016, again with no victims of THB identified.

58. Representatives of public bodies and NGOs informed GRETA that the recruitment of Armenian nationals from poor families in rural areas continues through fraudulent job announcements. In this respect, GRETA notes with concern that there is still no licensing procedure for private employment agencies. Representative of the Investigative Committee informed GRETA that in some cases private employment agencies had been set up for fraudulent purposes, but no instances of recruiting potential victims of THB through such agencies had been detected.

59. According to the research conducted by the NGO Armenian Caritas (see paragraph 44), 70% of the respondents considered that migration seriously affected their communities. The research revealed a tendency of entire families moving abroad due to their difficult social conditions. Against this background, the authors of the research concluded that it was important to continue raising awareness of safe labour migration and the consequences of illegal migration, including THB.<sup>8</sup>

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<sup>8</sup> Research report "Migration Trends in Gegharkunik, Lori and Shirak Marzes of the Republic of Armenia".

60. GRETA urges the Armenian authorities to strengthen their efforts to prevent trafficking for the purpose of labour exploitation, in particular by:

- ensuring that the setting up of the new health and labour inspection is completed and clear competences of monitoring and inspection of workplaces is provided to this entity, including unannounced visits to all sectors of economy and the responsibility to prevent and detect cases of THB for the purpose of labour exploitation;
- sensitising relevant officials, in particular the police, labour inspectors and social workers, about THB for the purpose of labour exploitation and the rights of victims;
- strengthening the monitoring of recruitment and temporary work agencies, including by introducing licensing procedures and reviewing the legislative framework for any loopholes;
- strengthening efforts to curb fraudulent job offers disseminated by means of the Internet and social media and to build up public awareness on safe migration and the risks of trafficking.

c. Measures to prevent trafficking in children (Article 5)

61. The child protection system in Armenia has a three-level structure, consisting of the National Commission for the Protection of the Rights of the Child, regional divisions on family, women and child rights protection, and community-level guardianship and trusteeship commissions. Prevention of trafficking in children is included in the statutory obligations of these structures. The social protection system does not have a specific unit responsible for child trafficking, but this function is in the competence of the Department for Family, Women and Children Issues at the Ministry of Labour and Social Issues.

62. The Armenian authorities have indicated that awareness of THB among school children is promoted through the topic "Philosophy" of the subject "Social science", which includes the theme "Exploitation/trafficking of human beings as a negative phenomenon in contemporary global society" (allocated eight hours in the curriculum of 12th grade students). In addition, the theme "The fight against international terrorism, drug addiction and trafficking", part of the topic "Modern world" under the subject "World history", is allocated 11 hours. Further, the theme "Corruption and trafficking", part of the topic "Power" under the subject "Sociology", is allocated nine hours in the curriculum for the 8th grade.

63. The IOM Office in Armenia has developed the handbook "Trafficking: exploitation of human beings", which was approved by the Minister of Education and Science as a teaching manual for students and professors in higher educational institutions and was distributed to universities preparing teachers (5000 copies in Armenian, 500 copies in English and 500 copies in Russian). This manual was introduced in 2013 as a pilot in six universities (the State University in Yerevan, the State Pedagogical Institute in Yerevan, the State Linguistic University, the Armenian Open University, the State Pedagogical University in Gyumri and the State University in Gavar). As a result of the pilot phase, the manual has been adapted on the basis of comments and recommendations from students and professors.

64. The Police has organised a series of awareness-raising activities for children with the aim of reducing the risks of trafficking and forced begging. In April 2015 the Police organised meetings and discussions for children at schools during which the issue of trafficking and exploitation was addressed.

65. The Division for Combating High-tech Crimes of the General Department of the Police monitors the Internet, including announcements placed by physical and legal persons, aiming at detecting possible cases of child abuse, including trafficking.

66. GRETA refers to the Pilot Study completed by the OSCE in 2015 (see paragraph 43) which concluded that exploitation of children through the worst forms of child labour and in some cases through forced labour is a serious problem, affecting mostly children in rural areas where child labour is considered a common phenomenon. Cases of child labour reported in the Pilot Study concern children between 9 and 17 years of age engaged in activities like shepherding, harvesting, trading, construction work and work as dancer in a club. Further, the study notes that state institutions for child care are generally lacking preventive measures to address possible cases of child trafficking and in some cases children may even be involved in physical work within these state institutions, which further exacerbates their vulnerability to exploitation. According to the Armenian authorities, the cases reported in the Pilot Study concerned child care institutions where children perform tasks such as cleaning rooms or working in the homes' gardens, which does not comprise risks in terms of THB and could in fact be useful for the children.

67. Further, GRETA refers to the Report of the UN Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to Armenia in May 2015, which concluded that the current child protection system in Armenia is not effective in preventing different forms of exploitation of children.<sup>9</sup> The report's findings suggest that the National Commission for the Protection of the Rights of the Child is lacking a strategic policy-making role and has not made any impact assessment of child protection legislation and programmes. The report underlines that the effectiveness of the regional Divisions on Family, Women and Child Rights Protection is hampered by their limited staff and overlapping functions. Moreover, the guardianship and trusteeship commissions (of which there are a total of 900 Armenia), which have the responsibility of securing the protection of children in vulnerable situations and overseeing the adoption of children, are not fully able to perform these functions because not all of them have trained social workers.

68. In their comments on the draft GRETA report, the Armenian authorities have contested the conclusions of the Special Rapporteur on the sale of children, child prostitution and child pornography, asserting that child care institutions are effectively controlled and their staff regularly trained. The authorities have specified that there are five types of child care facilities, only three of which could be considered as presenting risks of trafficking - day care centres, boarding institutions and special schools – due to the fact that the children are not always physically present in these facilities and can be exposed to risks when they are not under the control of staff.

69. The Armenian authorities have also informed GRETA of the completion of a research initiated in 2014 by the International Labour Organization (ILO) and the National Statistical Service of Armenia with the support of the US Department of State, aimed at shedding light on the involvement of children in the worst forms of labour. GRETA would like to be informed of the results of this research when they are available.

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<sup>9</sup> Available at: <http://www.refworld.org/docid/56dfe0134.html>.



70. Another problem related to human trafficking is that of child, early and forced marriages, official data on which is limited in Armenia. According to the Concluding observations on the initial report of Armenia submitted under Article 12 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, this problem mostly concerns girls from the Yezidi community.<sup>10</sup> The report of the Special Rapporteur on the sale of children, child prostitution and child pornography indicates that Yezidi girls enter marriage at the age of 13-14 years mostly through arrangements by their parents, which constitutes a violation of children's rights and makes them vulnerable to sexual abuse and trafficking. To address this problem, amendments were made to Article 10 of the Family Code of Armenia, which sets the minimum age for concluding a marriage at 18. Exceptionally, 17-year old persons can get married with the consent of their parents, adoptive parents or guardians. This minimum age for concluding a marriage could be lowered to 16 years when there is the consent of the child's parents, adoptive parents or guardian, and the other person is at least 18 years old.

71. During the second evaluation visit, the GRETA delegation met representatives of the Division on Family, Women and Child Rights Protection of Gyumri who referred to activities to prevent THB among children in schools and boarding schools by informing them about risks. However, no training on the identification of victims and the reviewed NRM had been provided to the officials of this division.

72. GRETA urges the Armenian authorities to strengthen the prevention of trafficking in children through improved support for children in vulnerable situations, paying particular attention to children from rural areas at risk of child labour, girls from the Yezidi community and children placed in child care institutions. Increased attention should be paid to strengthening the role and capacity of the child protection systems to prevent trafficking in children and alerting other relevant stakeholders to possible cases of trafficking.

d. Social, economic and other initiatives for groups vulnerable to THB (Article 5)

73. In its first report, GRETA considered that the Armenian authorities should strengthen prevention of THB through social and economic empowerment measures for groups vulnerable to THB by aiming to decrease the impact of identified root causes of THB (such as difficult economic and social conditions or absence of employment opportunities).

74. The Armenian authorities have stressed that poverty and unemployment remain important root causes of THB in Armenia. They have referred social and economic programmes which aim at improving of the situation of people living in difficult social conditions and other vulnerable groups, including victims of human trafficking and domestic violence and persons leaving child care institutions. By way of example, in 2013, 82 graduates from child care institutions received assistance within the programme "State assistance to graduates of child care institutions", which includes preparing beneficiaries for future independent life, providing those in need with housing, vocational training and medical treatment.<sup>11</sup>

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<sup>10</sup> Adopted by the Committee on the Rights of the Child at its sixty-third session (27 May-14 June 2013).

<sup>11</sup> See the Report submitted by the Armenian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2012)8 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (document CP(2014)19 of 5 November 2014).

75. Further, the Armenian authorities have referred to the programme "Support to small and medium enterprises", implemented by the Ministry of Economy, which pays particular attention to supporting the entrepreneurial activities of Syrian refugees. According to the authorities, about 6200 small and medium enterprises have benefited from this programme in 2014. In the course of 2014 training and professional consultation was provided to 211 entrepreneurs (35% of whom were women), out of which 198 received state registration and established their own businesses. About 190 new jobs were created as the result of this programme.

76. GRETA was informed that an estimated 15 000 to 16 000 Syrians of Armenian origin had moved to Armenia in the wake of the military conflict in Syria. No victims of THB have been identified among them, but representatives of NGOs and international organisations consider that they may be vulnerable to THB. According to research carried out by Caritas on "Trafficking in human beings in conflict and post-conflict situation",<sup>12</sup> despite the possibilities for refugees from Syria to obtain legal employment in Armenia, there are risks of them being subjected to exploitation. Of the 31 Syrians interviewed in the course of the research, 26 stated that they had worked without pay for several months before being laid off. Interviewees alleged that the reasons for their dismissal were linked to attempts of sexual exploitation or recruitment into illicit drug traffic. According to this research, Syrian refugees in Armenia face economic difficulties as most of them fled their country without taking any assets. Some of them may become victims of THB in Turkey and United Arab Emirates where they seek employment through fraudulent job offers made by local recruitment agencies.

77. In the course of the evaluation visit, GRETA was informed that a new social assistance law was recently adopted in Armenia, resulting in the setting up of a new network for integrated social assistance. According to the authorities, the 55 regional offices for social assistance employ 530 staff members. The authorities have informed GRETA that in the course of 2016 all social workers completed training on the implementation of the rules for inter-agency co-operation for the provision of social assistance. Further, awareness-raising of the new procedures for identifying victims of THB has been carried out in Yerevan, Tavush, Gegharkunik, Shirak, Syunik and Ararat regions. This awareness-raising is on-going and will cover all regions of Armenia.

78. GRETA considers that the Armenian authorities should adopt comprehensive measures to enhance the prevention of THB through social, economic and other measures for groups vulnerable to THB, including outreach work among the Syrian refugees. Further concrete social and economic initiatives should be taken vis-à-vis persons in regions with high unemployment rates, with a view to preventing them from falling victim to traffickers.

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The English version of the report is available at <http://www.caritas.am/en/publications/research>.

e. Measures to prevent trafficking for the purpose of organ removal (Article 5)

79. GRETA notes that while trafficking in human beings for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs<sup>13</sup> are distinct crimes, they share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.<sup>14</sup> Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the “donor” and ensuring that “donors” are treated as victims of trafficking in human beings. GRETA encourages the Armenian authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs.

80. According to Article 132, paragraph 4, of the CC of Armenia, removal of human organs or tissues is considered as a form of exploitation relevant for THB. Further, Article 125 of the CC establishes illegal transplantation of organs as a criminal offence, punishable by a fine of 300 to 500 minimum monthly salaries or up to three years’ imprisonment for the basic offence.

81. The transplantation, removal and preservation of organs are regulated by the Law on Transplantation of Organs and (or) Tissues of Human Origin, adopted on 16 April 2002, and several Government Decrees. Removal and transplantation of organs from deceased donors is regulated under Chapter 2 of this law, and removal and transplantation from live donors under Chapter 3. Live donors must give their informed consent to the removal of organs or tissues and must be warned in writing about possible complications. The trade in organs and tissues from living or deceased donors is prohibited. In Armenia, kidney transplants from living donors are performed only at the Arabkir Child and Juvenile Health Institute.

82. The authorities have referred to a case of trafficking for the purpose of organ removal which occurred between November 2011 and March 2012, involving an Armenian national who recruited several persons in Armenia by abusing their vulnerability and transported them to Sri Lanka, where one of them had a kidney removed for transplantation. The accomplices of the trafficker, who were in Israel, paid him 2000 USD for each recruited person. The police started an investigation into this case in 2012 and identified six persons as injured parties (even though the actual removal of organs from five of them did not take place). The trafficker was sentenced under Article 132 of the CC to eight years’ imprisonment. As this case pre-dated the establishment of the Identification Commission, the persons recruited as “donors” were not identified as victims of THB, but had the status of “injured parties” in the criminal proceedings. They did not claim compensation.

83. GRETA considers that, as part of their training, medical professionals involved in organ transplantations and other health-care professionals should be sensitised about THB for the purpose of organ removal.

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<sup>13</sup> Opened for signature in Santiago de Compostela on 25 March 2015.

<sup>14</sup> See Council of Europe/United Nations, Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs, 2009, in particular pages 55-56; OSCE, Trafficking in human beings for the purpose of organ removal in the OSCE region, OSCE Occasional Paper No. 6, 2013.

f. Measures to discourage demand (Article 6)

84. Some of the previously mentioned activities aimed at raising general awareness of THB and targeting specific groups, such as children through the schooling system, also play a role in discouraging demand. Further, the NGO Armenian Caritas organised courses on the subject of THB in secondary schools, vocational schools, colleges and universities, which included raising awareness about the demand for services of trafficked persons as one of the driving forces for exploitation.

85. The Armenian authorities informed GRETA that measures to discourage demand were envisaged in the National Action Plan on fighting THB and exploitation of human beings for 2016-2018, but no specific information about these measures was provided.

86. GRETA considers that the Armenian authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the private sector.

g. Border measures (Article 7)

87. The Law on Foreigners sets out the conditions for legal entry and stay in Armenia. On the website of the State Migration Service of the Ministry of Territorial Administration and Emergency Situations there is a section entitled "Foreigners in Armenia", which contains information on their entry and stay in Armenia, work permits, asylum procedure and dual nationality issues.<sup>15</sup> The information is provided in Armenian, Russian and English.

88. The NGO Hope and Help had provided some 2000 information leaflets for distribution at the border check-points Zvartnots, Bagratashen, Bavra, Gyumri, Ayrum, Gogavan and Karchevan. Some 1500 copies of the booklet "Safety of your journey" were published within the IOM project "Solidifying awareness on trafficking in persons in Armenia, Azerbaijan and Georgia through education" and provided to the National Security Service for distributing among passengers at border control points.

89. The Armenian authorities have informed GRETA that intensified border control is carried out at checkpoints in order to detect cases of illegal migration and THB. Flights considered to be high-risk in this respect are those to Sharjah, Dubai, Istanbul and Teheran. Further, movement across the border with Georgia of persons travelling to/from Turkey is subject to special control. Data on Armenian nationals deported from Turkey is periodically examined and they are interviewed at the checkpoints. However, no victims of THB have been identified as a result of border control measures in Armenia.

90. At the time of GRETA's visit, Zvartnots airport had a shelter for short-term accommodation of persons in need, located in the restricted access area. Within the framework of a comprehensive border management programme co-funded by the EU and the Armenian Government, the border checkpoints Bagratashen and Gogavan have been reconstructed and provide short-term accommodation for foreigners; the reconstruction of the checkpoint Bavra is expected to be completed in spring 2017.

91. GRETA invites the Armenian authorities to continue combating human trafficking through border measures and co-operation with neighbouring states.

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<sup>15</sup> [http://smsmta.am/?menu\\_id=40](http://smsmta.am/?menu_id=40)

## 2. Measures to protect and promote the rights of victims, guaranteeing gender equality

### a. Identification of victims of THB (Article 10)

92. In its first report, GRETA urged the Armenian authorities to review the victim identification procedure, with a view to disconnecting the identification of victims of THB from their participation in criminal proceedings. GRETA also urged the authorities to adopt a more proactive approach to identification of victims of THB and increase their outreach work, to enhance efforts to identify victims of trafficking for the purpose of labour exploitation, and to strengthen the training to frontline staff involved in the identification of victims of THB.

93. As noted in paragraph 14, the adoption of the new Anti-Trafficking Law in 2015 reflected a number of GRETA's recommendations. One of the important new features of the procedure for identification of victims of THB, which was introduced by the Anti-Trafficking Law, is the establishment of a Commission on the identification of victims of trafficking in human beings and exploitation ("Identification Commission"). The function of the Identification Commission is to identify as victims of trafficking persons who have been detected and referred to it by other bodies (see paragraph 95) or persons who declare themselves to be victims of trafficking. The composition of the Identification Commission has been approved by Government Decision No. 835-N of 15 September 2015. The Identification Commission has six members (and as many substitute members) and is composed of one representative of the Ministry of Labour and Social Issues (who is the Chair of the Commission), one representative of the Prosecutor General's Office, one representative of the Police and one representative each from the NGOs UMCOR, Hope and Help, and Democracy Today. There are ongoing discussions concerning the possible inclusion of a representative of the Investigative Committee in the Identification Commission. GRETA welcomes the participation of state and non-state actors in the victim identification process and considers it important to keep a balanced composition which ensures that the identification of victims of THB remains de-linked from the criminal proceedings.

94. The rules of procedure of the Identification Commission were approved by Government Decree No. 1200-N of 15 October 2015. The organisation referring a possible victim of THB to the Identification Commission is responsible for preparing the file with information concerning the person. Presumed victims of THB may be invited to an interview with the Identification Commission and may attend the Commission's sessions, accompanied by a representative of the supporting NGO. As per Article 11 of the Anti-Trafficking Law, the decision to give a person the status of a victim of THB or a special category victim<sup>16</sup> is taken by an open ballot and requires a simple majority. If the votes split, and the votes of representatives of NGOs coincide, the latter take precedence. If the votes split, and the votes of NGO representatives in the Commission differ, the vote of the Chairperson is decisive.

95. Article 12 of the Anti-Trafficking Law determines the actors responsible for pre-identification of victims (i.e. the stage of collecting facts and evidence confirming or refuting that a person is a victim of THB) and referral of possible victims of THB to the Identification Commission. These include the Ministry of Labour and Social Issues (including its units in the regions), the Police (including regional sub-divisions) and NGOs which have concluded memoranda with the Anti-Trafficking Council on co-operation on THB issues.

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<sup>16</sup> According to the Anti-Trafficking Law, a person under 18 years of age who has been subjected to trafficking or a person whose age is unknown, but there are reasonable grounds to believe that he/she is under 18 years of age at the moment of detection, is considered a special category victim.

96. Article 14, paragraph 3, of the Anti-Trafficking Law states that “identifying a person as a victim or a special category victim and recognising him/her as a victim in accordance with the criminal procedure rules are processes pursuing different objectives and may in no way derive from each other.” Further, Article 20, paragraph 2, of the Anti-Trafficking Law, states that “the forms, types and duration of the protection and support provided to victims and special category victims may not in any way be interrelated with or conditioned by their participation in the activities carried out by the law enforcement bodies ...”. The same paragraph also stipulates that support and protection should be free of charge. The Armenian authorities consider these provisions to guarantee the disconnection of identification as a victim of THB and access to assistance from co-operation with the law enforcement bodies. However, according to representatives of NGOs providing assistance to victims, due to the earlier practice of the police to require persons reporting THB offences to co-operate in the investigation, the number of such persons remains low.

97. Representatives of the Ministry of Labour and Social Issues informed GRETA that the identification of victims of THB was rendered difficult by the absence of common indicators for the identification of victims of THB and in the inadequate flow of information between public stakeholders and NGOs. Considering the need to make the new identification procedure known by all stakeholders at central, regional and local levels, GRETA stresses the importance of providing systematic training on the new Anti-Trafficking Law. In their comments on the draft GRETA report, the Armenian authorities have indicated that in the course of 2016, IOM supported the drawing up of indicators and tools for victim identification which are expected to be introduced in the course of spring 2017. On 18-19 July 2016 IOM conducted a workshop for members of the Identification Commission and staff of the State Health Inspectorate, the State Migration Service and the Department for Family, Women and Children’s Rights Protection of Yerevan Municipality. In addition, the Ministry of Labour and Social Affairs has launched training for police officers, social workers, staff of employment centres, staff of regional divisions for family, women and children’s rights protection, NGOs and the media.

98. In relation to the identification of victims of THB for the purpose of labour exploitation, according to some interlocutors, the previously mentioned merger of the Labour Inspectorate with the State Health Inspectorate (see paragraph 56) contains a risk of reducing the capacity to carry out inspections, including unannounced visits. The Armenian authorities have stated that once the setting up of the new entity is completed, training for its staff, including on THB, would be essential.

99. Border guards interview presumed victims of THB at the border check-points and provide them with information on the assistance available. The information obtained as the result of such interviews is passed on to law enforcement and other relevant bodies, such as migration and asylum authorities. Measures to identify presumed victims of THB among asylum seekers are taken by the State Migration Service, which is responsible for screening asylum applications in Armenia. Pursuant to Article 13, paragraph 2, of the Anti-Trafficking Law, when there are reasonable grounds to believe that a person seeking asylum may have been subjected to human trafficking, the asylum official conducting the interview must notify the Head of the Asylum Affairs Division (or in his/her absence, the Chief of Staff) who, subject to the written consent of the person, must transmit the information as soon as possible to the Identification Commission. However, GRETA was informed that no persons seeking asylum have been identified as victims of THB in Armenia.

100. In the course of 2014 an inter-agency working group was set up consisting of representatives of the National Security Service, Border Guards, State Migration Service, UNHCR and the Armenian Red Cross Society. The main focus on this working group was enhancement of inter-agency co-operation in the identification and referral of asylum-seekers and persons in need of subsidiary protection, and the development of draft instructions and practical tools for their identification and referral, but did not aim at addressing the identification and referral of victims of trafficking among the asylum seekers.

101. GRETA welcomes the review of the National Referral Mechanism which takes into account the recommendations made in GRETA's first evaluation report, in particular the disconnection of the identification process from the victim's co-operation in the investigation and the inclusion of representatives of specialised NGOs in the Identification Commission. However, GRETA considers that the Armenian authorities should disseminate to all relevant professionals information on the Anti-Trafficking Law and related by-laws, and provide them with training on the functioning of NRM and their role in it. Common indicators for the identification of victims of THB and guidance for their applications should be distributed to all relevant actors and applied in practice in order for the new NRM to become fully operational.

102. In addition, GRETA considers that the Armenian authorities should ensure that the reform of the labour inspectorate takes into account the need for a comprehensive approach to the identification of victims of trafficking for the purpose of labour exploitation through close co-operation with the Police, tax authorities and other competent bodies, paying particular attention to at-risk sectors, such as agriculture, construction, tourism and entertainment. The mandate of labour inspectors should cover all sectors of the economy, as well as private households.

b. Assistance measures (Article 12)

103. In its first evaluation report, GRETA urged the Armenian authorities to take further measures to provide victims and potential victims of THB with adequate assistance and protection, regardless of whether they co-operate with the law enforcement authorities. Further, GRETA urged the authorities to ensure that human and financial resources were made available for the effective assistance to all victims, including when the provision of assistance is delegated to NGOs, and to provide adequate assistance measures, including accommodation, to male victims of THB.

104. The assistance of victims of THB is regulated in Chapter 4 of the Anti-Trafficking Law. Article 21 of the Law defines the measures of support at the pre-identification stage (emergency medical aid, temporary accommodation, general education, in-kind assistance of first necessity, psychological aid, provision of information). Article 22 of the Law provides for measures of support to identified victims of trafficking (both adult and children). These measures include accommodation, in-kind assistance, medical and psychological assistance, information and legal aid, translation/interpretation, access to education and employment, arrangements for safe return, and a lump-sum monetary compensation. Following the entry into force of the Anti-Trafficking Law, new procedures for assistance to victims were introduced on 29 October 2015 by Government Decree No. 1356-N. Further, on 5 May 2016 the Government adopted Decree No. 492-N on establishing the procedure and size of support to possible victims, victims, and special category victims of THB, in accordance with the Anti-Trafficking Law.

105. The State programme "Social-psychological assistance to trafficking victims", implemented jointly by the Ministry of Labour and Social Issues and the NGO UMCOR, is funded jointly by the State budget and foreign donors. Public funds cover the rent of premises used for the shelter for victims of THB and half of the staff salaries. In 2014 and 2015, State budget allocations equalled 17 179 600 AMD (about 32 000 euros) and 18 290 800 AMD (about 34 000 euros) respectively, while the amount earmarked for 2016 was 19 679 600 AMD (about 37 000 euros). The remainder of the expenses are covered through projects funded by foreign donors (mostly the United States of America). The programme offers assistance to Armenian nationals, foreigners and persons without nationality.

106. GRETA visited the shelter for female victims of THB operated by the NGO UMCOR which can accommodate up to eight persons. This capacity is not always sufficient and occasionally the shelter had accommodated 11 victims at the same time. Adult victims may leave the shelter without an escort, upon informing the management. The shelter has a total staff of 11. The determination of the victim's needs and the development of an individual assistance plan are done in consultation with the person concerned. UMCOR also provides services to victims of THB, including men, who live with their families and visit the organisation during the day. UMCOR has provided shelter and assisted 26 victims of THB in 2012, 29 in 2013, 36 in 2014, 26 in 2015 and 23 in the first nine months of 2016.

107. The NGO Hope and Help also provides assistance to victims of THB. It runs a shelter for short stays (up to 10 days), but in exceptional cases victims of THB have stayed for up to two months in the shelter. Funding is provided by the State Department of the United States of America. In 2012-2015 the NGO Hope and Help assisted a total of 31 victims (11 women, 15 men and five children). In 2016, it provided assistance to three male victims of THB. GRETA was informed that some victims identified by the Identification Commission refused assistance. When an identified victim does contact the NGO within a certain period, the Commission may withdraw entitlement to specialised assistance.<sup>17</sup>

108. Assistance provided by the two NGOs mentioned above is accessible to both women and men, but shelter accommodation is envisaged only for women victims of THB. Representatives of public bodies are of the view that there is no need in separate shelter for men victims of THB, as their number is low and they prefer to return to their homes and receive out-of-shelter assistance.

109. In the experience of NGOs working with victims of THB, after the termination of the assistance programme, victims often need longer-term support for their social reintegration. Victims of THB are not among the groups eligible for social housing, while about 40% of them are in need of such housing. UMCOR continues working with victims after they have left the shelter, even though this work is not funded by the State budget. The reintegration assistance aims at providing victims with vocational training, assistance in finding employment, solving housing issues, as well as medical assistance.

110. While free access to medical assistance for victims of THB is provided for in law, in practice, the realisation of this right is sometimes curbed by bureaucratic formalities. For a victim of THB to receive free medical assistance, the organisation assisting a victim has apply to the Ministry of Labour and Social Affairs, specifying the examination or treatment needed. On the basis of this request, the Ministry of Labour and Social Affairs asks the Ministry of Health to issue a "referral slip" for the victim concerned. This process may take up to three days. GRETA was informed that medical institutions were not always ready to provide free-of-charge services to victims of THB on the basis of the "referral slip", but according to the Armenian authorities, such situations were resolved through a direct intervention by the Ministry of Health official responsible for THB issue. According to the authorities, urgent medical assistance can be arranged immediately by phoning the responsible official of the Ministry of Health.

111. At the time of GRETA's visit to Armenia in December 2015, the Anti-Trafficking Working Group was elaborating criteria for assessing the quality of the assistance provided to victims of THB. These criteria are expected to be finalised in the spring of 2017.

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<sup>17</sup> Pursuant to Section 2, part 3, paragraph 5 of Annex 1 to the Government's Decree No. 1200-N of October 15, 2015 "On the Rules of Procedure of the Commission for Identification of the Victims of Trafficking and Exploitation of Human Beings in the Republic of Armenia; on the Format of the Report Submitted by the Commission for Identification of the Victims of Trafficking and Exploitation of Human Beings to the Council on Issues of Trafficking and Exploitation of Human Beings in the Republic of Armenia".



112. GRETA welcomes the adoption of revised procedures on providing assistance to victims of THB. However, GRETA notes that important operational and practical difficulties persist, curbing the implementation of the assistance measures envisaged under the Anti-Trafficking Law and relevant by-laws. GRETA urges the Armenian authorities to:

- ensure that male victims of THB are guaranteed safe accommodation and adequate assistance adapted to their needs;
- improve access to timely medical assistance and emergency treatment free of charge;
- facilitate the reintegration of victims of trafficking into society by ensuring follow-up after the termination of specialised assistance by NGOs, offering them vocational training and facilitating their access to the labour market;
- increase the share of the state budget in the funding of assistance for victims of trafficking with a view of achieving full state funding of these services.

c. Identification and assistance of child victims of THB (Articles 10 and 12)

113. In the first evaluation round, GRETA urged the Armenian authorities to improve the assistance provided to child victims of trafficking, including accommodation and medium- and long-term support programmes tailored to their needs.

114. According to the Anti-Trafficking Law, a person under 18 years of age who was subjected to trafficking or a person whose age is uncertain but there are reasonable grounds to believe that he/she was under 18 years of age at the moment of detection is considered a special category victim. The bodies responsible for detection and pre-identification of child victims of trafficking are the same as for adult victims. The formal identification is performed by the Identification Commission. The child's legal representative and, if necessary, a psychologist, may attend the relevant sessions of the Commission. There is no separate procedure for child victims of THB. However, in their comments on the draft GRETA report, the Armenian authorities have noted that experience with the application of the new identification mechanism has demonstrated the need for a separate procedure for child victims of trafficking and the current National Action Plan provides for its development.

115. In addition to the above-quoted Articles 21 and 22 of the Anti-Trafficking Law, which provide for measures of support to all victims of THB, including children, Article 24 of the Anti-Trafficking Law provides for additional support related to children's special status. Steps must be taken to find the legal representative of the child, if this is in the child's best interests. If this is impossible or not in the child's best interests, the child is to be provided with a legal representative from the start of the pre-identification until the termination of support. Assistance measures also cover issuing necessary identity documents and birth certificates. Child victims of THB must have access to education, which can be done through private lessons or through attendance of public or special schools.

116. As noted in paragraph 13, a total of 17 Armenian children were identified as victims of THB in the period 2012 - September 2016.

117. Regional police divisions responsible for juveniles co-operate and exchange information about vulnerable children with schools, divisions on family, women and child rights protection, and the guardianship and trusteeship commissions which have responsibilities in the area of combating THB. GRETA met representatives of the Division on Family, Women and Child Rights Protection in Gyumri, which is tasked with the identification of possible child victims of THB, but has had no practical experience in recent years. In their comments on the draft GRETA report, the Armenian authorities have referred to plans to develop indicators for initial identification of child victims of THB and to use them in training.

118. GRETA refers to the findings of the Pilot Study completed by the OSCE in 2015 (see paragraph 67), which concluded that cases of labour exploitation of children, including worst forms of child labour and forced labour, do occur in Armenia, and seem to be considerably under-reported. The shortcomings in the child protection system described in paragraph 67, in addition to the lack of specialised staff in divisions on family, women and child rights protection and guardianship and trusteeship commissions, hampers the identification of child victims of THB and their removal from exploitative situations. In their comments on the draft GRETA report, the Armenian authorities have referred to training provided by the Identification Commission, in co-operation with the OSCE Office in Yerevan, in three regions (Syunik, Gegharkunik, and Tavush), and plans to review the training module and to continue to provide training to relevant staff.

119. There are no specialised shelters for child victims of trafficking in Armenia. Such children may be accommodated and receive assistance in other types of institutions for children or may be assisted in day care centres and institutions for social protection if no accommodation is necessary. The Armenian authorities consider that there is no need for separate shelters for child victims of THB due to the low number of such victims and the fact that they do not always need to be placed in a shelter. If need arises, boys can be accommodated in the shelter of the NGO Hope and Help and girls in the shelter of the NGO UMCOR. In practice, most of the trafficked children are special school students and they are returned to these institutions which offer appropriate staff to work with them. In other cases trafficked children are returned to their families and the support provider works with the whole family. The Armenian authorities consider that there is sufficient number of child-care facilities which may provide services to victims of THB and have trained staff. Nevertheless, they acknowledge that the current training focuses on the legislative amendments and case detection, but lacks a psychological component.

120. In case the child's parents or legal guardians were involved in his/her trafficking and exploitation, the child will be removed from the custody of such persons and a legal guardian appointed. When deciding upon appointing a guardian to a child with at least one parent, the trusteeship commission gives priority to seeking appropriate persons in the child's extended family willing to act as a guardian or adopt the child. If this attempt proves unsuccessful, the trusteeship commission appoints a guardian and the child will be aimed for transfer into foster care. As a measure of last resort, a child may be placed in a boarding school, in which case the director of the school acts as a guardian *ex officio*.

121. According to the Armenian authorities, no unaccompanied minors have sought asylum in Armenia and no foreign children have been identified as victims of THB or considered as being at risk of trafficking. Following amendments to the Law on Refugees and Asylum adopted on 16 December 2015, a draft Government Decree on the appointment of representatives to unaccompanied or separated children and other vulnerable asylum seekers was in preparation at the time of the adoption of this report. According to the draft, a representative of the child will be assigned by the State Migration Service of the Ministry of Territorial Administration and Development. The child's asylum application will be processed only after a representative has been assigned. The representative will be appointed for the entire period of consideration of the asylum application, including in case of a possible appeal of a negative decision before the court. GRETA would like to be kept informed of the adoption of the said Decree.

122. Recalling the recommendations made in the first evaluation report, GRETA once again urges the Armenian authorities to improve the identification of and assistance to child victims of trafficking, in particular by:

- developing and disseminating as a matter of priority indicators and tools for the identification of child victims of THB and using them to provide periodic training to all relevant staff;
- ensuring that relevant actors (police, health/labour inspectorate, staff of divisions on family, women and child rights protection, guardianship and trusteeship commissions, social workers, child specialists) take a proactive approach and increase their outreach work to identify child victims of THB by paying particular attention to children in street situations, children in rural areas and asylum-seeking children;
- ensuring that child victims of trafficking benefit from all the assistance measures provided for under the Convention, including appropriate safe accommodation and access to specialised services, such as psycho-social support and effective access to education;
- developing and providing guidance and training on the identification of child victims of THB for the purposes of exploitation of begging and criminal activities;
- ensuring long-term assistance and monitoring of the reintegration of child victims of trafficking.

d. Protection of private life (Article 11)

123. Article 7, paragraph 1, of the Anti-Trafficking Law, prohibits publicising in the media or in any other way information concerning a person subjected to THB which would identify the latter, except for cases where this would be in the victim's interest and upon the decision of the Identification Commission. Further, Article 12, paragraph 6, of the Anti-Trafficking Law sets an obligation of all competent bodies to adhere to the rules of confidentiality of personal and other information concerning victims of THB made known to them. No personal data of victims of THB is mentioned in public police reports and press-releases. The same principles are applied by the Investigative Committee.

124. In addition, according to Article 201, paragraph 1, of the Criminal Procedure Code (CPC), information obtained during the pre-trial investigation may be made public only upon permission of the investigating body. In its decision of 24 January 2012, the Constitutional Court of Armenia declared this provision to be in conformity with the Constitution.

e. Recovery and reflection period (Article 13)

125. In its first evaluation report, GRETA urged the Armenian authorities to define in law the recovery and reflection period, in accordance with Article 13 of the Convention, and to ensure that victims of THB were systematically informed of this period and are effectively granted it.

126. The Armenian authorities have aimed to implement GRETA's recommendation through the adoption of the Anti-Trafficking Law, Article 19 of which provides for a recovery and reflection period defined as "the period whereby a foreign national who is a presumed victim, a victim or a special category victim, while staying on the territory of the Republic of Armenia, regardless of the legality of his/her residence status, is granted the right and opportunity to overcome the influence of the persons who have committed trafficking in human beings or exploitation, to recover from the consequences of the physical injuries inflicted, as well as to take an informed decision". The duration of the recovery and reflection period is 30 days, calculated from the moment a presumed victim is detected by the body conducting pre-identification, with a possibility of an extension for a further 30 days by decision of the Identification Commission, upon a substantiated motion from the body conducting pre-identification. The Identification Commission may terminate the period before the expiry of 30 days if due to newly discovered facts the person is not identified as a victim of THB or upon the initiative of the person him/herself. During the recovery and reflection period deportation is prohibited and the person concerned is exempt from liability for irregular stay in Armenia.

127. While welcoming the inclusion of the recovery and reflection period in Armenian legislation, GRETA notes that it has so far not been granted to any victims of THB. Representatives of public bodies explained this by the recent entry into force of the Anti-Trafficking Law and secondary legislation, as well as the absence of foreign victims of THB identified since the entry into force of the law in 2015. The authorities stressed that the police and NGOs providing assistance to victims of THB regularly inform possible victims about the recovery and reflection period and assistance offered during this period.

128. GRETA considers that the Armenian authorities should keep under review the practical application of the recovery and reflection period and ensure that it is systematically proposed and effectively granted to presumed victims of THB.

f. Residence permits (Article 14)

129. In its first report, GRETA urged the Armenian authorities to introduce a possibility for victims of THB to apply for a residence permit, on the grounds provided for in Article 14 of the Convention, and to inform them of the possibility to be granted a residence permit.

130. Following GRETA's recommendation, the Armenian authorities included in the Anti-Trafficking Law a provision envisaging the granting of a temporary residence permit to victims of THB. Article 22, paragraph 17, of the Law states that "upon the initiative of the Police, in the manner prescribed by law, a foreign national who is a victim, a special category victim or a legal representative of a special category victim may be given a temporary residence permit and/or a work permit in the Republic of Armenia." The law does not specify on what grounds such a residence permit may be granted and it remains unclear if the victim's personal circumstances may give rise to a residence permit. No foreign victims of THB have been granted a residence permit in the reporting period. The Armenian authorities have stated that providing a temporary residence permit to a foreign victim of THB is considered as one of the forms of assistance envisaged for victims of THB and therefore access to it may not in any way be conditioned by the victim's participation in the activities carried out by law enforcement bodies. However, GRETA notes that the residence permit is to be issued "upon the initiative of the Police".

131. GRETA recalls that Article 14 of the Convention allows Parties to choose between granting a residence permit in exchange for co-operation with the authorities or on account of the victim's needs, or indeed to adopt both simultaneously. There are situations in which victims might be afraid to co-operate in the investigation because of threats from the traffickers. Granting a residence permit on account of the personal situation of the victim takes in a range of situations, such as the victim's safety, state of health and family situation, and tallies with the human-rights based approach to combating THB. GRETA invites the Armenian authorities to ensure that all victims of THB are issued with temporary residence permits when their personal situation warrants it or when they are co-operating with the authorities in criminal investigations or proceedings and their presence in Armenia is required for this purpose, in accordance with Article 14(1) of the Convention.

g. Compensation and legal remedies (Article 15)

132. In its first evaluation report, GRETA urged the Armenian authorities to step up their efforts to provide information to victims of THB about their right to compensation and to ensure that victims have effective access to legal aid in this respect. Further, GRETA urged the authorities to set up a State compensation scheme accessible to all victims of THB.

133. The legal provisions regulating access to compensation for victims of criminal offences have not changed since the first evaluation round. Pursuant to Article 59, sub-paragraphs 1(15) and 1(16), of the Criminal Procedure Code (CPC), an "injured party" has the right to claim compensation for the damage caused by the offence and for the expenses incurred during the criminal proceedings. Further, under Article 60 of the CPC, a physical or legal entity which submits a compensation claim for material damage caused by an offence is recognised as a civil plaintiff. In addition, Article 155 of the CPC stipulates that an "injured party" may also seek compensation through civil proceedings. Article 157 of the CC exempts civil plaintiffs from the payment of costs related to civil proceedings.

134. Pursuant to Article 164 of the CPC, in exceptional cases when an injured party has no opportunity to represent his/her interests, the court may at its own initiative take a decision about the compensation of damages caused by a criminal offence. In addition, Article 167 of the CPC allows for the state budget to reimburse the expenses of the injured party related to his/her appearance in court, including transport costs, accommodation and subsistence allowance where necessary. The Armenian authorities have indicated that there have been no cases in which these measures were applied to victims of THB in 2015 and 2016.

135. According to information provided by the Armenian authorities, no victims of THB have received compensation through criminal or civil proceedings in the reporting period. According to representatives of NGOs, three recent compensation claims were initiated by victims of THB through civil proceedings. In one of the cases the trafficker was declared bankrupt and no compensation was awarded. In the second case the trafficker could not be found, and in the third case, even though the court awarded compensation to the victim, the decision had not been enforced at the time of GRETA's visit. Access to compensation for victims of THB thus remains very difficult in practice. In many cases victims of crimes do not make compensation claims in criminal proceedings. Representatives of the prosecution noted that enforcing compensation decisions in criminal cases is difficult because it is difficult to locate and confiscate the traffickers' assets. Most of the criminal assets are reportedly in the countries of destination, while financial and other assets discovered in Armenia are insignificant and in the vast majority of cases are registered in other peoples' names. Nevertheless, the authorities have stressed that in all cases of THB a financial investigation is conducted, including if necessary through mutual legal assistance, and a decision is made on the seizure of the property of the suspect (see also paragraph 163).

136. Along with the legal possibility of claiming compensation through criminal or civil proceedings, Article 22, paragraph 16, of the Anti-Trafficking Law envisages granting a lump-sum monetary compensation to victims of THB, which currently equals about €500. The aim of this lump-sum compensation is to partially reimburse the damages suffered during the trafficking offence and it cannot in any way substitute or restrict the right of the victim to receive compensation from the perpetrator. The authorities have specified that the lump-sum compensation is a type of assistance to which victims of THB are entitled by virtue of a decision of the Identification Commission upon the completion of the assistance process, i.e. when the support measures stipulated in Article 22 of the Anti-Trafficking Law have been completed or when the competent authority providing assistance considers that the victim has recovered and the necessary conditions for his/her reintegration have been created. GRETA considers that granting a lump-sum monetary compensation to victims of THB should be disconnected from their acceptance of assistance measures and should be based on the fact that they have sustained harm (physical, material and/or moral).

137. At the time of GRETA's evaluation visit in December 2015, several requests made by victims of THB for lump-sum monetary compensation under the Anti-Trafficking Law were under examination. In their comments on the draft report, the authorities have indicated that according to Government Decree No. 492-N of 5 May 2016,<sup>18</sup> the provision concerning the lump-sum compensation for victims of THB will enter into force on 1 January 2017. The budget earmarked for such compensation in 2017 is 1.75 million AMD (around 3 500 euros).

138. GRETA urges the Armenian authorities to take additional measures to facilitate and guarantee access to compensation for victims of trafficking, in particular by:

- reviewing the criminal and civil procedures regarding compensation with a view to improving their effectiveness;
- ensuring that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation in criminal and civil proceedings, and the procedures to be followed;
- enabling victims of THB to exercise their right to compensation by guaranteeing their effective access to legal aid, building the capacity of legal practitioners to support victims to claim compensation and including compensation in existing training programmes for law enforcement officials and the judiciary;
- encouraging prosecutors and judicial authorities to make full use of the legislation on the seizure and confiscation of offenders' assets to secure compensation to victims of THB.

h. Repatriation and return of victims (Article 16)

139. In its first evaluation round, GRETA considered that the Armenian authorities should take additional steps to develop the institutional and procedural framework for the repatriation and return of victims of THB, with due regard to their rights, safety, dignity and protection, paying particular attention to ensuring that appropriate risk assessment is carried out prior to their return.

140. Pursuant to Article 22, paragraph 15, of the Anti-Trafficking Law, the safe return of a foreign victim of THB should be arranged upon his/her consent to the country of his/her nationality or residence. Government Decree No. 353-N of 6 April 2016 establishes the procedure for organising safe return of victims of THB and exploitation.

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<sup>18</sup> The full title of the Decree is "On the Procedure and Size of Support provided to Possible Victims, Victims and Special Category Victims of Trafficking in Human Beings and Exploitation as Prescribed by the Law on the Identification and Assistance of Persons Subjected to Trafficking and Exploitation of Human Beings of the Republic of Armenia".

141. Pursuant to Decree No. 353-N, the return of foreign citizens identified as victims of THB in Armenia, as well as of Armenian nationals and persons having a refugee status in Armenia who were identified as victims of trafficking in another state, is organised upon the voluntary decision of the victim or, in case of a child victim, his/her legal representative, after the necessary safety measures have been taken. The Armenian authorities have specified that these safety measures concern establishing whether there are any conditions detrimental to the life, health and welfare of the person concerned. In case of danger to the victim's safety, the Police shall organise the escort of the victim until his/her exit from Armenia and shall inform competent bodies in the country of return. If the return may endanger the life and health of the victim, upon the initiative of the Police, the victims may be given a temporary residence and/or work permit.

142. The victim's return is co-ordinated by the Ministry of Foreign Affairs. After obtaining the victim's consent to return, his/her travel documents are recovered, if necessary, and contacts are made with the family of the victim or organisations providing assistance in the country of return in order to guarantee the smooth reception and re-integration of the person in the country of origin. According to the Armenian authorities, the four Chinese victims of THB identified in 2014 refused any assistance and wanted to return to China at their own expense; their return was organised by the Ministry of Foreign Affairs through the support of the Embassy of China to Armenia.

143. GRETA welcomes the adoption of a procedure for the safe and voluntary return of victims of THB and invites the Armenian authorities to ensure that the return of victims of THB is conducted with due regard to their rights, safety and dignity, including the right to *non-refoulement* (Article 40, paragraph 4 of the Convention), taking into account the UNHCR's Guidelines on the application of the Refugees Convention to trafficked people, and in the case of children by fully respecting the principle of the best interests of the child.

### 3. Substantive criminal law

#### a. Criminalisation of THB (Article 18)

144. No amendments have been made to the legal definition of the offence of THB since GRETA's first evaluation report. As noted in that report, THB is defined in Article 132, paragraph 1, of the CC as the "recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation, as well as exploitation of a person or putting or keeping him or her in a condition of exploitation, by means of threat or use of force not dangerous for the life or health or other forms of coercion, of abduction, of deception, of abuse of trust (fraud), abuse of power or a position of vulnerability, or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person." The forms of exploitation are defined in Article 132, paragraph 4, of the CC as "the exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, purchase or sale, taking of organs or tissues of a person". The basic offence is punishable by imprisonment from five to eight years.

145. The aggravating circumstances, set out in Article 132, paragraph 2, of the CC, include committing the offence against two or more persons, by a prior agreement between a group of people, through abuse of an official position, by threat or use of violence which endangers a person's life or health, against a pregnant woman, or by arranging the person's illegal border crossing. The penalty for committing THB under these circumstances is imprisonment from seven to 12 years. Further, pursuant to Article 132, paragraph 3, of the CC, if the offence is committed by an organised group and/or causes a person's death or leads to other grave consequences by negligence, the penalty is increased to imprisonment from 10 to 14 years.

146. Trafficking in children is criminalised under Article 132.2, paragraph 1, of the CC as the “recruitment, transportation, transfer, harbouring or reception of a child or a person deprived of the possibility to fully or partially realise the nature and significance of his or her act or to direct it as a result of mental disorder, for the purpose of exploitation, as well as exploitation of such persons or putting them into or maintaining in a state of exploitation.” The basic offence is punishable by imprisonment from seven to 10 years. In case of aggravating circumstances, including the trafficking of a child committed by abduction or other circumstances similar to those defined for Article 132, paragraph 2, of the CC the offence is punishable by imprisonment from 10 to 12 years. If the offence is committed by an organised group or causes the child’s death or results in other grave consequences by negligence, it is punishable by imprisonment from 12 to 15 years.

147. Armenian legislation does not define the term “abuse of a position of vulnerability”. According to the authorities, the abuse of a position of vulnerability would be determined on the bases of the circumstances of each case and would amount to a situation where a person had no other real or acceptable alternative than to submit to the abuse. By way of example, the Armenian authorities have referred to the judgment in the case EKD/0107/01/12 of 8 October 2012, where the Court of Appeal applied Paragraph 83 of the Explanatory Report of the Council of Europe Convention, stating that: “...by abuse of a position of vulnerability is meant abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse. The vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic. The situation might, for example, involve insecurity or illegality of the victim’s administrative status, economic dependence or fragile health. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited. Persons abusing such a situation flagrantly infringe human rights and violate human dignity and integrity, which no one can validly renounce”.

148. “Forced marriage” is not criminalised in the Armenian CC as a separate offence. The Armenian authorities have indicated that while forced marriage and illegal adoption are not mentioned among the forms of exploitation linked to human trafficking, they may serve as corroborative evidence when establishing a trafficking offence. Thus forced marriage can give rise to a situation similar to slavery and, based on the circumstances of the case, it can be qualified as THB under Article 132 of the CC, which includes slavery or practices similar to slavery as a form of exploitation.<sup>19</sup>

149. Involving a child in begging without any features of exploitation is subject to criminal liability (Article 166.1 of the CC). The authorities have referred to seven cases of exploitation of children by involving them in begging which occurred in the period 2008-2014. Two of them were exploited by a family member; five of the children were recognised as victims. In one of the cases the offender was imprisoned for a term of 10 years and six months. In another case from 2013, charges were brought against a man who, in complicity with his wife, forced the children of his sister to engage in begging, taking away the money received. The authorities have indicated that if the money obtained through involving a child in begging is taken from the child, this qualifies as exploitation by forced service and would be qualified as THB under Article 132 of the CC.

150. The definition of THB in Article 132 of the CC does not refer specifically to the exploitation of criminal activities as one of the forms of exploitation. However, the Armenian authorities have stated that forcing children to commit criminal offences would be considered a form of forced labour as under Article 3 of the ILO Convention on the Worst Forms of Child Labour, such child labour comprises the use, procuring or offering of children for illicit activities. By way of example, the authorities have referred to the case EKD/0148/01/13, in which children were exploited through forced begging and theft, which was considered a form of forced labour.

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<sup>19</sup> “On the Procedure for the Protection of Potential Victims, Victims and Special Category Victims as Prescribed by the Republic of Armenia Law on the Identification and Assistance of Persons Subjected to Trafficking and Exploitation of Human Beings”.



151. As noted in the first evaluation report, Article 132 of the CC does not specifically state the irrelevance of the victim's consent to the intended exploitation, when any of the specified means have been used. GRETA sees benefits in stating explicitly in legislation that consent is irrelevant to determining whether the crime of human trafficking has occurred. Setting out this pivotal principle in law could facilitate its use by investigators, prosecutors and judges when dealing with cases of human trafficking and to obtaining a more consistent approach. Indeed, consent is an important factor at different stages of human trafficking cases, for instance: if victims refuse to self-identify as they consider that they consented to exploitation; when taking a decision on whether to investigate and prosecute a case as THB where the victim apparently consented to exploitation; when deciding on the penalty for offenders where there are assertions of consent.<sup>20</sup> GRETA considers that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation could improve the implementation of the anti-trafficking provisions.

b. Criminalisation of the use of services of a victim (Article 19)

152. As noted in the first evaluation report, the use of services of a victim of THB, with the knowledge that the person is a victim, is criminalised under Article 132.3, paragraph 1, of the CC.<sup>21</sup> No convictions have been handed down by Armenian courts under this article since its entry into force in April 2011. The authorities have indicated that there have been no suspected or detected cases of persons using the services of a victim of THB, with the knowledge that the latter was a victim, which would trigger the application of this provision.

c. Corporate liability (Article 22)

153. In its first evaluation report, GRETA considered that the Armenian authorities should review the legislation with a view to establishing the liability of legal persons for their involvement in THB offences.

154. The current Armenian legislation still does not provide for the liability of legal persons for their involvement in criminal offences, but this is reportedly envisaged in Section 7 of the draft CC. Article 23 of the current CC states that only a capable physical person who, at the time of committing the crime, has reached the age of criminal responsibility as defined in the CC. shall be subject to criminal liability.

155. GRETA stresses that establishing the liability of legal persons is an obligation of States Parties to the Convention under Article 22, and therefore urges the Armenian authorities to take legislative and practical measures to ensure that legal entities in Armenia may be held liable for human trafficking offences.

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<sup>20</sup> See UNODC Issue Paper, The Role of Consent in the Trafficking in Persons Protocol, United Nations, Vienna, 2014. Available at: [www.unodc.org/documents/human-trafficking/2014/UNODC\\_2014\\_Issue\\_Paper\\_Consent.pdf](http://www.unodc.org/documents/human-trafficking/2014/UNODC_2014_Issue_Paper_Consent.pdf)

<sup>21</sup> See paragraph 151 of GRETA's first evaluation report.

#### d. Non-punishment of victims of THB (Article 26)

156. As noted in GRETA's first report, pursuant to Article 132, paragraph 5, of the CC, victims of THB are exempted from liability for committing offences of small and medium gravity which they were forced to commit while being in a trafficking or exploitative situation. By way of example, the Armenian authorities have referred to a case investigated by the General Investigation Department of the Police in 2012 involving a victim of exploitation who was forced to commit fraud and another case from 2013<sup>22</sup> concerning two victims of THB who were forced to commit theft. Considering that the victims were forced to commit the said offences while being in a state of trafficking and exploitation, they were exempted from criminal liability in application of Article 132, paragraph 5, of the CC. The Armenian authorities have stressed that the non-punishment provision is applied also to administrative offences and that there have been no cases of imposing administrative sanctions on a person subjected to trafficking, including children.

157. GRETA notes that in the Concluding Observations<sup>23</sup> of the Committee on the Rights of the Child, the Committee urged Armenia not to subject children below the age of 18 to administrative or other types of liability for their involvement in prostitution and to provide them adequate protection and assistance. In their comments on the draft GRETA report, the Armenian authorities have indicated that, in the course of 2015-2016, no cases of involving children in prostitution were detected.

158. While welcoming the presence of a specific legal provision concerning the non-punishment of victims of trafficking for offences they were forced to commit while being in trafficked situation, GRETA is concerned that Article 132, paragraph 5, of the CC, gives a rather narrow interpretation of the non-punishment clause. GRETA considers that the Armenian authorities should ensure that the non-punishment provision is capable of being applied to all offences that victims of THB have been compelled to commit. The authorities should develop guidance and training for police officers, prosecutors and judges on the non-punishment provision. GRETA refers to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team.<sup>24</sup>

### 4. Investigation, prosecution and procedural law

#### a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)

159. The specialised anti-trafficking division established within the General Department for Organised Crime (GDOC) of the Police in 2005 continues to co-ordinate and guide law enforcement activities in this area. To improve the effectiveness of co-operation with the territorial offices of the Police, the Chief of Police issued Order No. 890-A of 22 March 2013, assigning the task of conducting actions to suppress, prevent and detect offences stipulated under Articles 132, 132.2, 132.3, 166, 168, 261, 262 and 263 of the CC<sup>25</sup> to experienced officers of territorial criminal investigation subdivisions of the Police. The information and evidence collected by the Police at the stage of the preliminary inquiry is transferred to the Investigative Committee, which is in charge of the investigation. During the investigation, the Police acts under the instructions of the Investigative Committee.

<sup>22</sup> Case ԵԿԴ/0148/01/13.

<sup>23</sup> Concluding observations on the initial report of Armenia submitted under article 12 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, adopted by the Committee at its sixty-third session (27 May – 14 June 2013).

<sup>24</sup> <http://www.osce.org/cthb/101002>

<sup>25</sup> These CC provisions concern trafficking in human beings and related offences, such as engaging in prostitution aboard or making children work in conditions detrimental to health, security or during night hours.

160. GRETA was informed that investigations into THB cases are carried out by seven specialised investigators at the General Department for Particularly Important Cases of the Investigative Committee. Pursuant to Article 55 of the CPC, when investigating THB-related offences, the Investigative Committee is authorised to request from state and local self-government bodies and private organisations, documents and materials which can contain information about the case in question and persons related to it. It may provide written instructions on operative-investigative activities, which are mandatory for implementation for the investigation body (Police, National Security Service, etc.) and receives information from these bodies on the implementation of such activities and the disclosure of crimes, missing persons and activities aimed at locating lost property.

161. The range of special investigation techniques is defined in Article 14 of the Law on Operative-Investigatory Activities. They include surveillance of correspondence and telephone communications, access to financial data and covert surveillance of financial transactions, use of undercover agents and external and internal surveillance. According to the same law, the list of special investigation techniques used during operative-investigation activities is approved by the Armenian Government. Pursuant to the CPC, investigators apply to court to authorise interception of correspondence, postal, telegraphic and other transmissions, surveillance of phone conversations and search of premises. Search measures are regulated by the CPC; they can be authorised only by the court, upon the motion of the investigator. Where necessary, the investigator may assign the police to conduct search measures.

162. The investigation of offences committed through the Internet is conducted by the Desk for fighting crimes committed in the area of high technologies within the GDOC. It co-operates closely with the anti-trafficking division and has the task of detecting offences committed on the Internet. The CC contains provisions allowing blocking Internet content in Armenia in certain case, for example in case of involvement of a child in prostitution or preparation of pornographic materials (Article 166 and Article 263, paragraph 2 of the CC).<sup>26</sup> According to the authorities, there has been no need to block websites in trafficking cases so far; however, officers of the Desk for fighting crimes committed in the area of high technologies monitor the Internet to detect websites or announcements related to THB.

163. Article 232 of the CPC enables law enforcement authorities to seize property of the offender as a remedy to secure a civil claim and to cover court expenses. Such seizure applies to property generated directly or indirectly as a result of the offence, income generated from the use of this property or other types of benefits. The seizure may be imposed on the property of the suspect and the accused as well as that of persons financially responsible for actions of the suspect and the accused. According to Article 103.1 of the CC, the seizure of property is imposed irrespective of the property belonging to or being in possession of the offender or a third person. The seizure of shared property is imposed on the part owned by the accused. Property is understood as any material wealth, real estate or movables under civil law, including financial means, securities and property rights, documents and other means, confirming property rights or interests. If there are grounds to assume that the property subject to seizure will not be voluntarily disclosed, a search can be conducted with an aim of finding that property. However, according to statistical information provided by the authorities in the reply to GRETA's questionnaire, no criminal investigations into THB cases have resulted in such confiscation in 2012-2015.

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<sup>26</sup> See Armenia Country Report within "[Comparative Study on Blocking, Filtering and Take-Down of Illegal Internet Content](http://www.coe.int/en/web/freedom-expression/study-filtering-blocking-and-take-down-of-illegal-content-on-the-internet)", published by the Swiss Institute of Comparative Law on 20 December 2015. The study was commissioned by the Secretary General of the Council of Europe and prepared by the Swiss Institute of Comparative Law in 2015. The full study is available at: <http://www.coe.int/en/web/freedom-expression/study-filtering-blocking-and-take-down-of-illegal-content-on-the-internet>

164. According to information provided by the Armenian authorities, in 2012, proceedings for THB offences were initiated in 21 cases, out of which 15 were filed to courts. In 2013 proceedings were initiated in 16 cases, out of which 11 were submitted to courts. In 2014 the police launched proceedings in 14 cases, 10 of which were submitted to courts. In 2015, four prosecutions were initiated under Article 132 and two under Article 132.2 of the CC. In the first half of 2016, five cases were initiated under Article 132 and one under Article 132.2. According to information provided by the Prosecutor General's Office, in 2012, 10 persons were convicted for THB and were sentenced to imprisonment terms ranging from four to 11 years. In 2013 convictions for THB offences were handed down in respect of 15 persons, with imprisonment terms ranging from four to 11 years. In 2014, seven persons were convicted of THB and were sentenced to imprisonment terms from six to 12 years. In 2015 three persons were convicted of THB (one was sentenced to 11 years' imprisonment, another to 11 years and 6 months, and the third to 11 years with a four-year probation period). In the first half of 2016, one person was sentenced for THB to 5 years and 6 months' imprisonment. Further, the authorities informed GRETA of a criminal case at the stage of preliminary investigation against Chinese nationals on charges of human trafficking for the purpose of sexual exploitation. One of the accused was placed in a pre-trial detention and another was declared wanted.

165. Following the setting up of the Investigative Committee, in 2015 it investigated 21 cases of THB. Three cases regarding four accused persons were submitted to court (two cases concerned sexual exploitation and one case – labour exploitation). Criminal proceedings in another four cases were suspended due to the failure to locate the suspected perpetrators. In the first nine months of 2016, the Investigative Committee investigated 14 cases of THB, of which seven were initiated in 2015. Two cases were submitted to court (both concerned THB for sexual exploitation). Criminal proceedings in another three cases were suspended due to the failure to locate the perpetrators.

166. GRETA was informed of challenges in investigating and prosecuting cases of trafficking of Armenian nationals abroad for the purpose of labour exploitation (which take place mostly in the Russian Federation), due to the fact that the evidence related to these offences is located mainly outside Armenia and it is difficult to initiate investigations owing to the lack of evidence and the inefficiency of international co-operation in this area.

167. GRETA considers that the Armenian authorities should take further measures to ensure that THB cases are investigated proactively, prosecuted successfully and result in effective, proportionate and dissuasive convictions, including by:

- further developing the specialisation of investigators, prosecutors and judges;
- providing further training to police officers and prosecutors to investigate and prosecute cases of THB for the purpose of labour exploitation, including through co-operation with other relevant actors and countries;
- making greater use of special investigation techniques in suspected cases of THB with a view to ensuring that evidence is obtained at as early a stage of the investigation as possible;
- increasing their efforts to ensure that prosecutors and the judicial authorities make full use of the legislation on the seizure and confiscation of offenders' assets.

b. Protection of witnesses and victims (Articles 28 and 30)

168. In its first evaluation report, GRETA urged the Armenian authorities to take legislative and practical measures to ensure the effective protection of victims of THB, especially children, during the investigation and to prevent their intimidation during and after court proceedings.

169. Article 27 of the Anti-Trafficking Law sets out the measures aimed at the protection of victims of THB, including children. Such protection should be provided by the Police. A victim of THB under protection will be transferred to a safe environment.

170. In the context of criminal proceedings, Article 98.1 of the CPC provides for a range of protection measures for participants in the proceedings, including personal data protection; protecting the person's dwelling and other property; surveillance and secret surveillance of telephone conversations and other transmissions; ensuring safety when appearing at the body conducting criminal proceedings; relocation to another place of residence; change of identity document or physical appearance; change of the place of work, service or education; holding court sessions *in camera*; and interrogating persons in the court room without disclosing their personal identity.

171. According to representatives of NGOs and law enforcement bodies, police officers have repeatedly provided protection to victims of THB and NGOs representatives assisting them, but this has been mainly limited to the participation of victims in court hearings. Pursuant to the requirements of Decree No. 1356-N of 29 October 2015 on the procedure for providing protection to victims of THB, the Chief of Police issued Order No. 1720-A of 29 June 2016, which assigns the General Department for State Protection of the Police as the division responsible for the protection of victims and special category victims of THB, and their legal representatives. The Armenian authorities have indicated that this Department has not yet been involved in protecting victims of THB as the need has not arisen.

172. As regards the protection of child victims in criminal proceedings, Armenian legislation allows them to be interviewed in the absence of the accused. Representatives of the prosecution expressed the view that even though a special instruction on the rights of children in criminal proceedings has been issued to territorial units of the Prosecutors' Office, there are certain gaps in the legislation, for example interviews via video link are not admissible in court, but legislative amendments have reportedly been initiated in this respect.

173. GRETA was informed that the Investigative Committee had set up child-friendly interview rooms in Aragatsotn, Kotayk, Vayots, Dzor and Gegharkunik regional subdivisions, the Investigations Department of Yerevan and the Investigation Division of Shengavit district. In addition, the Investigative Committee has an agreement with the Ministry of Science and Education for interviewing children, where necessary, in a child-friendly environment, for example, in schools operating under the Ministry. The training programme of the Academy of Justice for investigators of the Investigative Committee pays special attention to interviewing child victims of trafficking. In addition, within the programme entitled "Improving Access to Justice for Children in Armenia", implemented by the Offender Rehabilitation Centre and supported by UNICEF, the Investigative Committee published a manual "On the General Rules and Specific Issues Relating to the Treatment of Children". The Investigative Committee also has an agreement with the NGO Save the Children in Armenia for the provision of psychologist services during interviews with children, including victims of trafficking. Child-friendly interview rooms have also been equipped by the Police and police officers have also been trained on working with and interviewing children.

174. GRETA refers to the 2013 Concluding Observations<sup>27</sup> of the Committee on the Rights of the Child, where the Committee was “concerned that in some instances child witnesses and victims were not provided with appropriate protection during trials.” In their comments on the draft GRETA report, the Armenian authorities have informed GRETA that Article 207 of the CPC, which establishes the procedure for interviewing child witnesses and victims, provides that they may be interviewed if it is considered that they can provide information of certain significance to the case. A witness or victim under the age of 16 years shall be interviewed in the presence of a child education specialist. The child’s legal representative also has the right to be present during the interview. A witness under the age of 16 should be removed from the courtroom upon the completion of the interview, except in cases where the court, based on the motion of a party or on its own initiative, considers necessary the further presence of the witness.

175. GRETA considers that the Armenian authorities should:

- make full use of the measures available to protect victims and witnesses of THB and take additional measures to ensure that they are adequately protected from potential retaliation or intimidation in the course of judicial proceedings;
- extend the application of procedural protection measures currently reserved to children under the age of 16 years, to victims and witnesses under the age of 18 years, to bring such measures in full conformity with the Convention;<sup>28</sup>
- ensure that child victims of THB are afforded special protection measures taking into account the best interests of the child. The police, prosecutors and judges, as well as social workers acting as legal guardians of children, should be trained and made aware of the particular vulnerability of child victims of trafficking. In this context, GRETA also refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.<sup>29</sup>

#### c. Jurisdiction (Article 31)

176. Pursuant to Article 14, paragraph 1, of the CC, a person having committed an offence on the territory of Armenia shall be subjected to criminal liability under the CC. According to paragraph 2 of the same Article, crimes which started, continued and were completed on the territory of Armenia and crimes which were committed in complicity with persons who engaged in criminal activities in another state shall be considered as crimes committed on the territory of Armenia. In cases when the proceedings reveal that some of the injured parties are on the territory of another state, their interrogation and other investigative activities are usually implemented in their country of residence and the compiled protocols are transmitted to Armenia in order for the body conducting criminal proceedings to include them in the criminal case investigated in Armenia.

177. Article 15 of the CC stipulates that Armenian nationals as well as stateless persons with permanent residence in Armenia who commit an offence outside Armenia are subject to criminal liability under the CC if the act committed by them is criminalised in the state where it occurred and if they were not convicted for that offence in another state. Foreigners and stateless persons not permanently residing in Armenia who commit a crime outside Armenia are subject to criminal liability under the CC if they committed crimes which are provided in an international treaty to which Armenia is a party or grave and particularly grave crimes which are directed against the interests of Armenia or the rights and freedoms of the Armenian nationals. Paragraph 1 of Article 15 of the CC allows Armenia to establish its jurisdiction over persons who committed offences abroad against Armenian nationals.

<sup>27</sup> Concluding observations on the initial report of Armenia submitted under article 12 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, adopted by the Committee at its sixty-third session (27 May - 14 June 2013).

<sup>28</sup> Article 4(d) of the Council of Europe Convention states that “Child is any person under eighteen years of age.”

<sup>29</sup> Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers’ Deputies.

## 5. International co-operation and co-operation with civil society

### a. International co-operation (Article 32)

178. According to Armenian legislation, the provision of legal assistance to other countries, the implementation of requests for information, investigation and other similar issues are regulated by multilateral and bilateral agreements and international legislation. The Police and the Prosecutor General's Office are the main bodies responsible for international co-operation on combating THB and providing information to the relevant authorities of requesting states. Such information may also be provided without prior request when the Armenian authorities consider that this may be useful for the criminal investigation. In the context of international co-operation, the exchange of information is carried out through diplomatic channels, the National Bureau of Interpol or direct communication with relevant counterparts. The Police engages in direct co-operation with the law enforcement authorities of transit and destination countries tracking persons suspected of committing THB and in the repatriation of Armenian nationals victims of THB, as well as when conducting parallel investigations. No joint investigation teams have been established by the Armenia authorities with other countries

179. No new agreements on international co-operation in the anti-trafficking field have been concluded by Armenia in the period of 2012-2016. The Armenian authorities have pursued their efforts to improve co-operation with Turkey, the United Arab Emirates (UAE) and the National Central Bureau of Interpol in Belgium. Through this Bureau enquiries and information have been sent to law enforcement agencies in Turkey, UAE and China concerning cases of THB, as well as persons who are internationally declared as wanted on charges for committing the above crimes. However, according to the Armenian authorities, co-operation with Turkey and the UAE in the anti-trafficking field remained difficult. Further, despite several requests being sent to central and territorial divisions of the Russian Ministry of the Interior in relation of cases of Armenian nationals being trafficked for the purpose of labour exploitation to the Russian Federation, no criminal investigations have been opened.

180. While welcoming the measures taken by the Armenian authorities to pursue international co-operation in the field of THB, GRETA considers that the Armenian authorities should continue their efforts in this area with a view to preventing human trafficking, assisting victims and investigating and prosecuting human trafficking offences. The authorities should in particular strengthen their efforts in the area of international co-operation as regards THB for the purpose of labour exploitation. GRETA also invites the Armenian authorities to enhance international co-operation to address the risks of trafficking among persons fleeing the conflict in Syria, including through co-operation with the UNHCR.

### b. Co-operation with civil society (Article 35)

181. As noted in paragraphs 17 and 18, specialised NGOs participate in the work of the Anti-Trafficking Council and the Working Group. NGOs are involved in activities to prevent THB (see paragraphs 50 and 54), provide training to relevant professionals (see paragraphs 31-34) and carry out research on topics relevant to combating THB (see paragraph 44).

182. Further, NGO representatives have been included as members of the Identification Commission with a decision-making role as regards the identification of victims of THB. Two NGOs have concluded memoranda of understanding with the Anti-Trafficking Council and may carry out pre-identification of victims of THB (see paragraph 95). The NGOs UMCOR and Hope and Help are providing assistance to victims of THB, which is partially funded by the State budget.

183. GRETA welcomes the excellent co-operation established between the Armenian authorities and NGOs. GRETA invites the Armenian authorities to continue their efforts to maintain strategic partnerships with civil society, as well as to build such cooperation with trade unions and the private sector. In this respect, GRETA refers to the UN Guiding Principles on Business and Human Rights, endorsed by the UN Human Rights Council in its resolution 17/4 of 16 June 2011.



## IV. Conclusions

184. Since the adoption of GRETA's first report on Armenia in September 2012, progress has been made in a number of areas related to combating trafficking in human beings.

185. GRETA welcomes the adoption of dedicated legislation on human trafficking, namely the Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and Exploitation, which entered into force on 1 July 2015. In addition to reviewing the National Referral Mechanism for victims of trafficking, the new legislation introduces a recovery and reflection period and residence permits for victims of trafficking, which were among the main recommendations made in GRETA's first evaluation report. The new Anti-Trafficking Law has been supplemented by a series of by-laws.

186. The Armenian authorities have further developed the institutional framework for combating human trafficking, by setting up an Identification Commission composed of representatives of public bodies and NGOs, which performs the formal identification of victims of trafficking. In addition, following the creation of the Investigative Committee, which tasked with the investigation of serious offences, there are investigators specialised to deal with human trafficking cases.

187. Efforts have been made to provide training to relevant professionals and to expand the categories of staff targeted. The training is often carried out in co-operation with civil society and international organisations.

188. GRETA commends the steps taken since the first evaluation visit to prevent trafficking for the purpose of labour exploitation, which was specifically addressed in the National Action Plan for 2013-2015, through raising awareness about this phenomenon and the risks of accepting job offers abroad. Further, the Armenian authorities have continued to raise awareness of human trafficking among children, through school education, and have adopted certain social and economic measures which have the potential of preventing trafficking by tackling the root causes of this phenomenon.

189. Progress has been made in the area of identification of victims of trafficking, thanks to disconnecting identification from the victim's co-operation with law enforcement bodies, as recommended by GRETA in the first evaluation report. GRETA welcomes the participation of state and non-state actors in the victim identification process. In the area of assistance to victims of trafficking, the new Anti-Trafficking Law and related by-laws have specified the entitlement of victims to different forms of support. Another positive development is the adoption of a procedure for the safe return of victims of THB.

190. Further, GRETA welcomes the partnership established between the Armenian authorities and specialised NGOs, which ensures the latter's effective participation in the planning and implementation of anti-trafficking policies and measures, including in the identification of victims and the provision of assistance.

191. However, despite the progress achieved, some issues continue to be of GRETA's concern. In this report, GRETA requests the Armenian authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in parentheses.

### Issues for immediate action

- GRETA urges the Armenian authorities to strengthen their efforts to prevent trafficking for the purpose of labour exploitation, in particular by:
  - ensuring that the setting up of the new health and labour inspection is completed and clear competences of monitoring and inspection of workplaces is provided to this entity, including unannounced visits to all sectors of economy and the responsibility to prevent and detect cases of THB for the purpose of labour exploitation;
  - sensitising relevant officials, in particular the police, labour inspectors and social workers, about THB for the purpose of labour exploitation and the rights of victims;
  - strengthening the monitoring of recruitment and temporary work agencies, including by introducing licensing procedures and reviewing the legislative framework for any loopholes;
  - strengthening efforts to curb fraudulent job offers disseminated by means of the Internet and social media and to build up public awareness on safe migration and the risks of trafficking (paragraph 60).
- GRETA urges the Armenian authorities to strengthen the prevention of trafficking in children through improved support for children in vulnerable situations, paying particular attention to children from rural areas at risk of child labour, girls from the Yezidi community and children placed in child care institutions. Increased attention should be paid to strengthening the role and capacity of the child protection systems to prevent trafficking in children and alerting other relevant stakeholders to possible cases of trafficking (paragraph 72).
- GRETA urges the Armenian authorities to:
  - ensure that male victims of THB are guaranteed safe accommodation and adequate assistance adapted to their needs;
  - improve access to timely medical assistance and emergency treatment free of charge;
  - facilitate the reintegration of victims of trafficking into society by ensuring follow-up after the termination of specialised assistance by NGOs, offering them vocational training and facilitating their access to the labour market;
  - increase the share of the state budget in the funding of assistance for victims of trafficking with a view of achieving full state funding of these services (paragraph 112).
- Recalling the recommendations made in the first evaluation report, GRETA once again urges the Armenian authorities to improve the identification of and assistance to child victims of trafficking, in particular by:
  - developing and disseminating as a matter of priority indicators and tools for the identification of child victims of THB and using them to provide periodic training to all relevant staff;

- ensuring that relevant actors (police, health/labour inspectorate, staff of divisions on family, women and child rights protection, guardianship and trusteeship commissions, social workers, child specialists) take a proactive approach and increase their outreach work to identify child victims of THB by paying particular attention to children in street situations, children in rural areas and asylum-seeking children;
  - ensuring that child victims of trafficking benefit from all the assistance measures provided for under the Convention, including appropriate safe accommodation and access to specialised services, such as psycho-social support and effective access to education;
  - developing and providing guidance and training on the identification of child victims of THB for the purposes of exploitation of begging and criminal activities;
  - ensuring long-term assistance and monitoring of the reintegration of child victims of trafficking (paragraph 122).
- GRETA urges the Armenian authorities to take additional measures to facilitate and guarantee access to compensation for victims of trafficking, in particular by:
    - reviewing the criminal and civil procedures regarding compensation with a view to improving their effectiveness;
    - ensuring that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation in criminal and civil proceedings, and the procedures to be followed;
    - enabling victims of THB to exercise their right to compensation by guaranteeing their effective access to legal aid, building the capacity of legal practitioners to support victims to claim compensation and including compensation in existing training programmes for law enforcement officials and the judiciary;
    - encouraging prosecutors and judicial authorities to make full use of the legislation on the seizure and confiscation of offenders' assets to secure compensation to victims of THB (paragraph 138).
  - GRETA urges the Armenian authorities to take legislative and practical measures to ensure that legal entities in Armenia may be held liable for human trafficking offences (paragraph 155).

#### Further conclusions

- GRETA considers that the Armenian authorities should increase their efforts to provide training to relevant professionals at national, regional and local level on the Anti-Trafficking Law and related by-laws, including to social workers, medical doctors, child specialists, police officers, prosecutors, judges, staff of guardianship and trusteeship commissions and representatives of self-government (paragraph 35).
- GRETA considers that the Armenian authorities should complete without delay the setting up of a comprehensive and coherent information system on trafficking in human beings by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on the investigation, prosecution, convictions and compensation in human trafficking cases. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for such national information system (paragraph 42).

- GRETA welcomes the research carried out on different aspects of THB in Armenia and considers that the Armenian authorities should continue to promote and fund research in order to shed more light on the extent and nature of THB in Armenia, in particular as regards child trafficking, trafficking of Armenian nationals for the purpose of labour exploitation, trafficking within Armenia, and the vulnerability to trafficking of Syrian nationals fleeing the conflict who migrate to Armenia (paragraph 46).
- GRETA considers that the Armenian authorities should continue their efforts to raise awareness of THB by designing future actions in this area in the light of impact assessment of previous measures and focusing on the needs identified. Greater attention should be paid to informing the public about the risks of recruitment through social media and the Internet, and addressing the stigmatisation of victims of THB for the purpose of sexual exploitation (paragraph 52).
- GRETA considers that the Armenian authorities should adopt comprehensive measures to enhance the prevention of THB through social, economic and other measures for groups vulnerable to THB, including outreach work among the Syrian refugees. Further concrete social and economic initiatives should be taken vis-à-vis persons in regions with high unemployment rates, with a view to preventing them from falling victim to traffickers (paragraph 78).
- GRETA encourages the Armenian authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs (paragraph 79).
- GRETA considers that, as part of their training, medical professionals involved in organ transplantations and other health-care professionals should be sensitised about THB for the purpose of organ removal (paragraph 83).
- GRETA considers that the Armenian authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the private sector (paragraph 86).
- GRETA invites the Armenian authorities to continue combating human trafficking through border measures and co-operation with neighbouring states (paragraph 91).
- GRETA welcomes the participation of state and non-state actors in the victim identification process and considers it important to keep a balanced composition which ensures that the identification of victims of THB remains de-linked from the criminal proceedings (paragraph 93).
- GRETA considers that the Armenian authorities should disseminate to all relevant professionals information on the Anti-Trafficking Law and related by-laws, and provide them with training on the functioning of NRM and their role in it. Common indicators for the identification of victims of THB and guidance for their applications should be distributed to all relevant actors and applied in practice in order for the new NRM to become fully operational (paragraph 101).
- GRETA considers that the Armenian authorities should ensure that the reform of the labour inspectorate takes into account the need for a comprehensive approach to the identification of victims of trafficking for the purpose of labour exploitation through close co-operation with the Police, tax authorities and other competent bodies, paying particular attention to at-risk sectors, such as agriculture, construction, tourism and entertainment. The mandate of labour inspectors should cover all sectors of the economy, as well as private households (paragraph 102).

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- GRETA considers that the Armenian authorities should keep under review the practical application of the recovery and reflection period and ensure that it is systematically proposed and effectively granted to presumed victims of THB (paragraph 128).
  - GRETA invites the Armenian authorities to ensure that all victims of THB are issued with temporary residence permits when their personal situation warrants it or when they are co-operating with the authorities in criminal investigations or proceedings and their presence in Armenia is required for this purpose, in accordance with Article 14(1) of the Convention (paragraph 131).
  - GRETA considers that granting a lump-sum monetary compensation to victims of THB should be disconnected from their acceptance of assistance measures and should be based on the fact that they have sustained harm (physical, material and/or moral) (paragraph 136).
  - GRETA considers that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation could improve the implementation of the anti-trafficking provisions (paragraph 151).
  - GRETA considers that the Armenian authorities should ensure that the non-punishment provision is capable of being applied to all offences that victims of THB have been compelled to commit. The authorities should develop guidance and training for police officers, prosecutors and judges on the non-punishment provision (paragraph 158).
  - GRETA considers that the Armenian authorities should take further measures to ensure that THB cases are investigated proactively, prosecuted successfully and result in effective, proportionate and dissuasive convictions, including by:
    - further developing the specialisation of investigators, prosecutors and judges;
    - providing further training to police officers and prosecutors to investigate and prosecute cases of THB for the purpose of labour exploitation, including through co-operation with other relevant actors and countries;
    - making greater use of special investigation techniques in suspected cases of THB with a view to ensuring that evidence is obtained at as early a stage of the investigation as possible;
    - increasing their efforts to ensure that prosecutors and the judicial authorities make full use of the legislation on the seizure and confiscation of offenders' assets (paragraph 167).
  - GRETA considers that the Armenian authorities should:
    - make full use of the measures available to protect victims and witnesses of THB and take additional measures to ensure that they are adequately protected from potential retaliation or intimidation in the course of judicial proceedings;
    - extend the application of procedural protection measures currently reserved to children under the age of 16 years, to victims and witnesses under the age of 18 years, to bring such measures in full conformity with the Convention;
    - ensure that child victims of THB are afforded special protection measures taking into account the best interests of the child. The police, prosecutors and judges, as well as social workers acting as legal guardians of children, should be trained and made aware of the particular vulnerability of child victims of trafficking. In this context, GRETA also refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (paragraph 175).

- GRETA considers that the Armenian authorities should continue their efforts in this area with a view to preventing human trafficking, assisting victims and investigating and prosecuting human trafficking offences. The authorities should in particular strengthen their efforts in the area of international co-operation as regards THB for the purpose of labour exploitation. GRETA also invites the Armenian authorities to enhance international co-operation to address the risks of trafficking among persons fleeing the conflict in Syria, including through co-operation with the UNHCR (paragraph 180).
- GRETA invites the Armenian authorities to continue their efforts to maintain strategic partnerships with civil society, as well as to build such cooperation with trade unions and the private sector (paragraph 183).

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## Appendix

List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations

### Public bodies

- Ministry of Foreign Affairs
- Ministry of International Economic Integration and Reforms
- Ministry of Labour and Social Issues
- Ministry of Justice
- Ministry of Defence
- Ministry of Health
- Ministry of Sport and Youth
- Ministry of Education and Science
- General Prosecutor's Office
- Investigative Committee
- National Security Service
- The Police
- Court of Appeal
- Court of Cassation
- District Court
- Division for Family, Women and Protection of Rights of the Child of Shirak province
- Police Department of Shirak province
- Office of the Human Rights Defender

### International organisations

- OSCE
- IOM

### NGOs

- Armenian Caritas
- Hope and Help
- Association of Audio-visual Reporters
- UMCOR
- Democracy Today

## Government's Comments

The following comments do not form part of GRETA's analysis concerning the situation in Armenia

GRETA engaged in a dialogue with the Armenian authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Armenian authorities on 16 January 2017 and invited them to submit any final comments. The comments of the Armenian authorities, submitted on 14 February 2017, are reproduced hereafter.



**Government's comments to the draft report concerning the implementation of the  
Council of Europe Convention on Action against Trafficking in Human Beings by  
Armenia  
(Second evaluation round)**

**Paragraph 22**

*At the time of GRETA's second evaluation visit, the Armenian authorities were implementing the fourth National Action Plan on Fighting Exploitation (Trafficking) of Human Beings for 2013-2015, which was adopted on 28 February 2013. It included activities focusing on improving the identification of victims of THB through the adoption of new legislation, developing competence-based capacities of relevant stakeholders, preventing trafficking, especially for the purpose of labour exploitation, and improving co-operation with the media as regards reporting on THB. An interim and final evaluation of the implementation of the Action Plan was envisaged. In their comments on the draft GRETA report, the Armenian authorities informed GRETA that the Working Group had agreed to develop a methodology for the evaluation, to select an independent expert and to carry out an analysis of the implementation of the previous Action Plan. GRETA would like to be kept informed of the outcome of the evaluation of the Action Plan.*

**Comment:** As it has been informed earlier, we decided to develop a methodology and select an independent expert for the evaluation, however due to lack of financing the issue has been ceased. We are searching the financial resources to conduct an independent evaluation of the previous Action Plan.

**Paragraph 69**

*The Armenian authorities have also informed GRETA of the completion of a research initiated in 2014 by the International Labour Organization (ILO) and the National Statistical Service of Armenia with the support of the US Department of State, aimed at shedding light on the involvement of children in the worst forms of labour. GRETA would like to be informed of the results of this research when they are available.*

**Comment:** Here are the conclusions and recommendations, as well as the key findings of abovementioned research:

**Chapter 11. Conclusion and Recommendations**

**11.2 Recommendations**

**A) Methodological and conceptual recommendations:**

- To repeat the survey every five years at least, in order to constantly update the database on the main indicators of child work. In case of a lack of resources, it would be necessary to implement the modular version of the survey with a more limited list of questions.
- To collect and analyze data on working children as often as possible through the "Integrated Living Conditions Survey".
- The standardized methodology of child work, including definitions, concepts and criteria, to be applied as much as possible in similar surveys affecting child's problems, in order to ensure comparability of data.
- To take into consideration the more vulnerable situation of children from poor families.
- To provide incentives for respondents in similar surveys due to the requirement of respondents to provide their information and time. In case of children, chocolate bars or sweets, and in case of households, stationary and/or some money.

## B) National strategic approaches to child labour:

- To raise public awareness on child labour, using advertising campaigns and other popular forms of information transfer (brochures, posters, manuals, radio and television programs, etc.), through government agencies, civil societies and international organizations.
- To organize special courses in educational institutions devoted to the coverage of child labour.
- To regularly collect statistical information on child labour and to ensure its use in state targeted policies, during strategy development as well as in national and monitoring programs for child protection.

- **Key findings**

- *Table 1. Key Findings of National Child Labour Survey, Armenia, 2015*

	Name of indicator	Total	Boy	Girl
<b>1.</b>	<b>No. of child population aged 5-17 (thousands)</b>			
<b>1a</b>	<b>De jure population</b> (including: absentees < 1 year)	<b>459.9</b>	<b>245.3</b>	<b>214.6</b>
<b>1b</b>	<b>De facto</b> child population by age groups	<b>459.2</b>	<b>244.8</b>	<b>214.4</b>
	5-11 yrs.	250.9	133.9	117.0
	12-15 yrs.	134.8	72.0	62.8
	16-17 yrs.	73.5	38.9	34.6
<b>1c.</b>	<b>De facto</b> child population by residence			
	<b>Total</b>	<b>459.2</b>	<b>244.8</b>	<b>214.4</b>
	Urban	253.2	132.7	120.5
	Rural	205.9	112.1	93.8
<b>2</b>	<b>No. of children (from de facto child population) who responded to the survey</b>			
	Children by age groups	<b>453.4</b>	<b>241.3</b>	<b>212.1</b>
	5-11 yrs.	247.8	132.0	115.8
	12-15 yrs.	133.0	71.0	62.0
	16-17 yrs.	72.6	38.3	34.2
<b>2a.</b>	<b>Children by residence</b>			
	<b>Total</b>	<b>453.4</b>	<b>241.3</b>	<b>212.1</b>
	Urban	247.5	129.2	118.2
	Rural	205.9	112.1	93.8
<b>3.</b>	<b>No. of children attending school (enrolment by age group)</b>			
	<b>Total</b>	<b>430.4</b>	<b>228.7</b>	<b>201.7</b>
	5-11 yrs.	233.2	125.7	107.5
	12-15 yrs.	131.7	70.1	61.6
	16-17 yrs.	65.5	33.0	32.5
<b>4.</b>	<b>No. of children not attending school by age group</b>			
	<b>Total</b>	<b>23.0</b>	<b>12.6</b>	<b>10.4</b>
	5-11 yrs.	14.6	6.3	8.3

	Name of indicator	Total	Boy	Girl
	12-15 yrs.	1.3	0.9	0.4
	16-17 yrs.	7.1	5.4	1.7
<b>5.</b>	<b>No. of children who have never attended school by age group</b>			
	<b>Total</b>	<b>13.4</b>	<b>6.1</b>	<b>7.4</b>
	5-11 yrs.	13.4 <sup>30</sup>	6.0	7.4
	12-15 yrs.	0.1	0.1	0.0
	16-17 yrs.	...	...	...
<b>6.</b>	<b>Per cent of children attending school by age group</b>			
	<b>Total</b>	<b>94.9</b>	<b>94.8</b>	<b>95.1</b>
	5-11 yrs.	94.1	95.2	92.8
	12-15 yrs.	99.0	98.7	99.4
	16-17 yrs.	90.2	86.2	95.0
<b>7.</b>	<b>No. of children aged 5-17 yrs. by current economic activity status</b>			
	Not working	401.4	206.4	195.0
	<i>of which: unemployed</i>	0.5	0.3	0.2
	<b>Working (children in employment)</b>	<b>52.0</b>	<b>34.9</b>	<b>17.1</b>
	<i>of which: unemployed</i>			
	<b>Child labour</b>	<b>39.3</b>	<b>27.4</b>	<b>12.0</b>
	<i>of which:</i>			
	Hazardous child labour	31.2	22.5	8.7
	Other child labour	8.1	4.8	3.3
<b>8.</b>	<b>No. of working children by age group</b>			
	<b>Total</b>	<b>52.0</b>	<b>34.9</b>	<b>17.1</b>
	5-11 yrs.	11.3	7.1	4.1
	12-15 yrs.	20.8	13.6	7.2
	16-17 yrs.	19.9	14.2	5.7
<b>9.</b>	<b>Economic activity rate, % to the population of the same age group</b>			
	<b>Total</b>	<b>11.6</b>	<b>14.6</b>	<b>8.2</b>
	5-11 yrs.	4.6	5.4	3.6
	12-15 yrs.	15.7	19.2	11.8
	16-17 yrs.	27.7	37.6	16.7
<b>10.</b>	<b>No. of working children by status in employment, 10-17<sup>31</sup> years</b>			
	<b>Total</b>	<b>46.7</b>	<b>31.8</b>	<b>14.9</b>
	Employee	2.0	1.7	0.3

<sup>30</sup> 97.8% are children up to 7 years, who did not attend school during the 12 month period preceding the survey.

<sup>31</sup> Children aged 5-9 were not asked about their status in employment.

	<b>Name of indicator</b>	<b>Total</b>	<b>Boy</b>	<b>Girl</b>
	Self-employed	9.2	6.9	2.3
	Unpaid family worker	35.5	23.1	12.3
	Other	0.1	0	0.1
<b>11.</b>	<b>No. of working children by 1-digit industry sector, 5-17 years, thousands children</b>			
	<b>Total</b>	<b>52.0</b>	<b>34.9</b>	<b>17.1</b>
	Agriculture, forestry and fishing	47.0	31.1	15.8
	Mining and quarrying	...	...	...
	Manufacturing	0.7	0.6	0.1
	Electricity, gas	0.1	0.1	...
	Construction	0.4	0.4	...
	Wholesale and retail trade; repair	1.7	1.4	0.3
	Transportation and storage	0.0	...	0.0
	Accommodation and food service	0.2	0.1	0.1
	Information and communication	...	...	...
	Professional, scientific and technical	...	...	...
	Public administration and defence	...	...	...
	Education	0.0	0.0	...
	Arts, entertainment and recreation	0.0	...	0.0
	Other service activities	0.3	0.2	0.1
	Public administration and defence	...	...	...
	Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use	1.6	1.0	0.6
<b>12.</b>	<b>No. of working hours per week for working children, 5-17 years (thousands)</b>			
	<b>Total</b>	<b>52.0</b>	<b>34.9</b>	<b>17.1</b>
	1 - 14 hrs	37.0	23.6	13.3
	15 - 29 hrs	11.7	8.4	3.3
	30 - 42 hrs	2.2	1.8	0.4
	43 > = hrs	1.2	1.1	0.1
<b>13.</b>	<b>Per cent distribution by working hours per week of working children, 5-17 years</b>			
	<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>
	1 - 14 hrs	71.1	67.7	78.1
	15 - 29 hrs	22.4	24.0	19.2
	30 - 42 hrs	4.2	5.1	2.4
	43 > = hrs	2.2	3.1	0.3
<b>14.</b>	<b>The mode of payment for the last payment period of child employees, 5-17 years, %</b>			
	<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>
	Piece rate	12.5	14.5	...

	<b>Name of indicator</b>	<b>Total</b>	<b>Boy</b>	<b>Girl</b>
	Hourly	1.0	1.2	...
	Daily	8.8	10.2	...
	Weekly	58.3	56.3	71.3
	Upon completion of task	19.3	17.8	28.7
<b>15.</b>	<b>Per cent distribution of children working by main reason</b>			
	<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>
	Earn family income	1.3	1.8	0.2
	Supplement family income	2.0	2.6	0.9
	Help pay family debt	2.3	2.5	1.9
	Help household enterprise / farm	84.2	82.5	87.9
	Have own money	1.7	2.1	0.8
	Learn skills	4.7	4.1	5.9
	Schooling not useful for future	0.3	0.4	0.0
	School too far away or school does not exist	...	...	...
	Cannot afford school fees	0.4	0.2	0.9
	Not interested in school	1.9	2.4	0.9
	Forced to work	0.3	0.4	...
	Temporarily replacing someone unable to work	0.1	0.2	...
	Other	0.9	1.0	0.6
<b>16.</b>	<b>No. of children who received work related injuries in the last year, 5-17 years</b>			
	<b>Total, thousands children</b>	<b>6.2</b>	<b>4.5</b>	<b>1.7</b>
	<b>Total, %</b>	<b>100</b>	<b>100</b>	<b>100</b>
	Superficial injuries or open wounds	6.2	7.6	2.8
	Dislocations, sprains or stains / fever, extreme fatigue	5.1	5.1	5.0
	Breathing problems, eye, hearing, skin/ stomach problems	85.6	86.2	83.9
	Other	3.1	1.1	8.2
<b>17.</b>	<b>No. of working children undertaking heavy work or work in difficult conditions<sup>32</sup>, 5-17 years</b>			
	<i>Including:</i>			
	<b>No. of working children who lift heavy loads</b>	<b>17.2</b>	<b>14.3</b>	<b>2.9</b>
	5-11 yrs.	2.0	1.2	0.8
	12-15 yrs.	6.6	5.2	1.4
	16-17 yrs.	8.6	7.8	0.8
	<b>No. of working children who work in difficult conditions</b>			
	<b>Total, thousands children</b>	<b>23.6</b>	<b>16.5</b>	<b>7.1</b>

<sup>32</sup>The same child may engage in more than one type of hazardous work. It is important to note that data about children on hazardous working conditions, transporting /carrying heavy loads are based on the subjective perception of children about their work (see questions C38-C43 in Annex 1), but not on the law permitted norms (e.g., noise measurement by decibel etc.).

	Name of indicator	Total	Boy	Girl
	<b>Total, %</b>	<b>100</b>	<b>100</b>	<b>100</b>
	Dust, fumes	46.5	42.5	56.0
	Fire, gas, flames	2.0	0.4	5.7
	Loud noise or vibration	1.8	1.7	2.1
	Extremes of temperature (too hot or too cold)	10.7	10.0	12.4
	Dangerous tools (knife, axe and others)	24.1	30.1	10.2
	Working at height	8.2	7.6	9.6
	Insufficient ventilation	2.4	2.8	1.4
	Chemicals (pesticides, glues, etc.)	3.4	3.8	2.5
	Other	0.9	1.1	0.1

### Paragraph 121

**According to the Armenian authorities, no unaccompanied minors have sought asylum in Armenia and no foreign children have been identified as victims of THB or considered as being at risk of trafficking. Following amendments to the Law on Refugees and Asylum adopted on 16 December 2015, a draft Government Decree on the appointment of representatives to unaccompanied or separated children and other vulnerable asylum seekers was in preparation at the time of the adoption of this report. According to the draft, a representative of the child will be assigned by the State Migration Service of the Ministry of Territorial Administration and Development. The child's asylum application will be processed only after a representative has been assigned. The representative will be appointed for the entire period of consideration of the asylum application, including in case of a possible appeal of a negative decision before the court. GRETA would like to be kept informed of the adoption of the said Decree.**

**Comment:** The draft Government Decree “On the Rules and Conditions for Assigning a Representative within the Asylum Procedures for Asylum Seekers that are Unaccompanied Children or Children Separated from the Family, as well as for Persons Unable to Perceive the Nature and Purpose of the Asylum Procedure Due to Mental Illness, Temporary Mental Disorder, Other Morbid Conditions, Dementia or Disability” was submitted to the Government’s approval on October 20, 2016. There hasn’t been any comment or problem with the substance of the Decree but due to the large number of issues, it is waiting, among other documents to be included in the agenda of the Government meetings.