

**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**



**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*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Armenia on 14 April 2008;

Having examined the Report concerning the implementation of the Convention by Armenia, adopted by GRETA at its 14th meeting (25-29 June 2012) in the framework of the first evaluation round;

Having examined the comments of the Armenian Government on GRETA's report, submitted on 14 September 2012;

Welcoming the measures to combat trafficking in human beings taken by Armenia, and in particular:

- the creation of the Council to Combat Trafficking in Human Beings, co-ordinating the efforts of all relevant public bodies, non-governmental and international organisations, and the adoption of a comprehensive National Action Plan for Combating Trafficking in Human Beings for 2010-2012;
- the setting up of a National Referral Mechanism for Trafficked Persons;
- the considerable efforts to raise public awareness about trafficking in human beings and to train relevant professionals;
- the steps taken to increase public funding for the provision of assistance to victims and potential victims of trafficking;

- the adoption of a legislative provision criminalising the use of services of a person with the knowledge that the person is a victim of trafficking.

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Armenia, in particular:

- further strengthening the aspect of prevention through social and economic empowerment measures for groups vulnerable to human trafficking;
- improving the identification of victims of trafficking by disconnecting it from victims' participation in criminal proceedings, stepping up proactive investigations, with a special emphasis on cases involving children and trafficking for labour exploitation, and continue strengthening the training of frontline staff;
- ensuring that all victims of trafficking have effective access to assistance and protection, regardless of whether they co-operate with the law enforcement authorities;
- ensuring that the recovery and reflection period provided for in Article 13 of the Convention is defined in Armenian law and introducing the possibility for victims of trafficking to apply for a renewable residence permits;
- improving victims' access to compensation by providing them with information and legal aid, as well as through setting up a State compensation scheme accessible to victims of trafficking;
- taking legislative and practical measures to ensure the effective protection of victims of trafficking, especially children, during the investigation and to protect their safety during and after court proceedings.

1. Recommends that the Government of Armenia implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Armenia (see addendum);

2. Requests the Government of Armenia to inform the Committee of the Parties of the measures taken to comply with this recommendation by 13 November 2014;

3. Invites the Government of Armenia to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Armenia

Core concepts and definitions

1. GRETA considers that spelling out the irrelevance of the consent of the victim to the intended exploitation could improve the implementation of the legal provisions establishing THB as an offence and provide victims with greater confidence in self-reporting to NGOs and public authorities.
2. GRETA invites the Armenian authorities to harmonise the criminal law definition of THB with the definition contained in the Regulation on the functioning of the NRM.

Comprehensive approach and co-ordination

3. GRETA considers that the Armenian authorities should take further measures to:
 - ensure co-ordination at the regional level, including co-operation among regional units of public bodies responsible for anti-trafficking activities and local NGOs;
 - promote the possibility of NGOs to participate in the work of the anti-trafficking bodies.
4. GRETA invites the Armenian authorities to use the independent evaluation of the implementation of the National Action Plan as a tool for assessing the impact of the activities and for planning future policies and measures to combat human trafficking.

Data collection and research

5. GRETA considers that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Armenian authorities should develop and maintain a comprehensive and coherent information system on trafficking in human beings 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.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.
6. Further, GRETA invites the Armenian authorities to conduct and support research on THB-related issues as an important source of information for future policy measures. Areas where research is particularly needed to shed more light on the extent of the problem of THB, in particular trafficking for labour exploitation and child trafficking.

International co-operation

7. GRETA considers that the Armenian authorities should further enhance international co-operation in the criminal and non-criminal fields by concluding agreements with countries to which Armenian nationals are trafficked and countries of origin of victims trafficked to Armenia.

Awareness raising, education and measures to discourage demand

8. GRETA considers that the Armenian authorities should take steps to develop targeted awareness-raising and educational measures for groups vulnerable to THB, in particular children and young people leaving child-care institutions. Further, GRETA invites the Armenian authorities to carry out an assessment of the effectiveness of awareness-raising measures.

9. GRETA invites the Armenian authorities to continue their efforts to discourage demand for services from trafficked persons, targeting in particular the most common forms of THB in the country.

Social, economic and other initiatives for groups vulnerable to THB

10. GRETA considers that the Armenian authorities should further strengthen the aspect of prevention through social and economic empowerment measures for groups vulnerable to THB. Such measures should be based on the identified root causes of THB (such as difficult economic and social conditions, absence of employment opportunities, inadequate education, etc.) and should aim to decrease their impact.

11. GRETA encourages the Armenian authorities to continue ensuring the registration of all children at birth.

Border measures and measures to enable legal migration

12. GRETA invites the Armenian authorities to take measures to ensure that adequate information is provided to potential migrants concerning legal residence and employment in foreign countries, as well as the risks of exploitation and trafficking.

Identification of victims of trafficking in human beings

13. GRETA urges the Armenian authorities to review the current identification procedure with the view to disconnecting the identification of victims of THB from their participation in criminal proceedings. Further, GRETA urges the Armenian authorities to:

- ensure that all actors involved in the identification of victims of THB adopt a more proactive approach and increase their outreach work to make identification more effective;
- strengthen the multi-agency participation in the formal identification of victims of THB and encourage the application of existing direct and indirect criteria for victim identification;
- enhance efforts to identify victims of THB subjected to labour exploitation;
- 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, NGOs).

Assistance measures

14. GRETA urges the Armenian authorities to take further legislative and practical measures to provide victims and potential victims of THB with adequate assistance and protection, and in particular to:

- ensure that all victims of THB have effective access to assistance and protection they need, regardless of whether they co-operate with the law enforcement authorities;
- ensure that the necessary human and financial resources are made available to ensure unhindered and effective provision of the necessary assistance to all victims of THB, including when such assistance is delegated to NGOs as service providers;
- guarantee the quality of the services delivered by all service providers for instance by establishing a set of mandatory quality standards and an effective supervision of their observance;

- improve the assistance provided to child victims of trafficking, including accommodation and medium- and long-term support programmes tailored to their needs;
- provide adequate assistance measures, including accommodation, to men victims of THB.

Recovery and reflection period

15. GRETA urges the Armenian authorities to ensure that the recovery and reflection period provided for in Article 13 of the Convention is defined in Armenian law. Further, GRETA urges the Armenian authorities to ensure that victims of THB are systematically informed of the recovery and reflection period and are effectively granted such a period.

Residence permits

16. GRETA urges 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 regularly inform them of such possibility.

Compensation and legal redress

17. GRETA urges the Armenian authorities to step up 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 urges the Armenian authorities to set up a State compensation scheme (e.g. a compensation fund) accessible to all victims of THB.

Repatriation and return

18. GRETA considers 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 the rights, safety, dignity and protection. Particular attention should be paid to ensuring that appropriate risk assessment is carried out prior to their return.

Substantive criminal law

19. GRETA considers that the Armenian authorities should review the legislation with a view to establishing the liability of legal persons for their involvement in THB offences.

Investigation, prosecution and procedural law

20. GRETA considers that the Armenian authorities should step up their efforts to proactively investigate THB offences, with a special emphasis on cases involving children and cases of THB for labour exploitation. Further, when investigating trafficking cases, GRETA considers that the Armenian authorities should envisage in law the use of special investigative techniques, as defined in the Council of Europe Recommendation Rec(2005)10 when investigating THB cases and listed in the United Nations Convention against Transnational Organised Crime

21. GRETA urges 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. As part of these measures, the bodies responsible for the protection of victims should be clearly designated and any gaps in the relevant legislation should be addressed.

22. Further, GRETA considers that the Armenian authorities should continue providing regular training to judges, prosecutors and other legal professionals on THB and the rights of its victims.