

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

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**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**

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Interim report of the Republic of Armenia on the implementation of recommendations submitted by the Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings

Core concepts and definitions

1. The 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.

*Trafficking in human beings is considered to be a crime, which shall be qualified as such based on the intention of the perpetrator and his or her acts and, thus, the consent of the victim is null and void where any of the measures provided for by Article 132 of the Criminal Code of the Republic of Armenia has been employed. This principle is applicable in case of any crime, and envisaging it in case of trafficking specifically will be in contradiction with the general concept underlying the Criminal Code of the Republic of Armenia.*

2. To harmonise the criminal law definition of THB with the definition contained in the Regulation on the functioning of the NRM (National Referral Mechanism):

*As already mentioned in our previous responses, hard labour as a form of exploitation is fully covered by the interpretation of forced labour and services, as well as of a situation similar to slavery provided for by the current legislation. Besides, as the adoption of the Law of the Republic of Armenia "On identification of and assistance to persons subjected to trafficking in and exploitation of human beings" (hereinafter referred to as "the draft law") is currently under consideration, the definition of "trafficking" under this Law will be brought into compliance with its definition in the Criminal Code of the Republic of Armenia. The draft law has already passed the first reading at the National Assembly of the Republic of Armenia.*

Comprehensive Approach and Coordination

3. 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.

*Activities relating to action against exploitation of/trafficking in human beings are coordinated by all responsible state authorities at marz (regional) level, in particular, regional bodies and local NGOs cooperate in the action against trafficking by giving coverage to action against trafficking, participating in*

*seminars, immediate activities and other measures aimed at prevention. Non-governmental organisations working in the field of action against exploitation of/trafficking in human beings in Armenia, as observer members of the working group on action against trafficking, as well as of the Council in the field of action against exploitation of human beings, in close cooperation with state authorities, carry out different measures aimed at improvement of knowledge of specialists of relevant fields, narrow specialisation, awareness raising, etc.*

4. 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.

*In 2012 an independent expert carried out assessment of implementation of National Action Plan for 2010-2012. The main recommendations presented were incorporated in the Plan for 2013-2015 and the comments were considered during a meeting of the working group; relevant instructions were issued. As to the assessment of implementation of the National Action Plan for 2013-2015, it should be mentioned that it is directly provided for in the programme and shall be implemented in 2015. Preliminary discussions within the working group took place during the meeting of the working group of 21-23 March 2014.*

#### Data Collection and Research

5. To 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.

*The information system on victims of exploitation of/trafficking in human beings is updated and maintained by the relevant division of the Ministry of Labour and Social Affairs of the Republic of Armenia ensuring strong protection of personal data (only a strict number of relevant persons have access to, and a right to use the information system). The relevant information base on perpetrators of exploitation of/trafficking in human beings is maintained by the relevant unit of the Police of the Republic of Armenia. These two systems contain information on the crime/perpetrators and on the victims of trafficking (sex, age, form of exploitation, country, conditions of exploitation, form of support, etc.). For ensuring the confidentiality of personal data of victims of trafficking, the Ministry of Labour and Social Affairs of the Republic of Armenia and the Police of the Republic of Armenia have developed, approved and put into use a special secret letter-forms for guiding the victims of trafficking, which are filled (as well as opened in case of receipt) by special persons appointed by the Ministry and the Police (one person from each body).*

6. 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.

*The OSCE Office in Yerevan, in cooperation with the working group on action against trafficking and with the funding of the US Department of State, will carry out research on the incidence of forced labour in 2014-2015. A research on working children shall be carried out in relation to trafficking in children, coordinated by the Ministry of Labour and Social Affairs of the Republic of Armenia during 2014-2015. The results of these two researches will be the basis for the development of future anti-trafficking policy.*

### International Cooperation

7. To further enhance international cooperation 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.

*In addition to the previously signed documents, the following bilateral treaties and agreements have been signed in recent years:*

- *Agreement between the Government of the Republic of Armenia and the Government of the Republic of Latvia on Cooperation in Combating Terrorism, Organized Crime, Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors and Other Crimes, signed in Yerevan in 2009;*
- *Agreement on Cooperation between the Police of the Republic of Armenia and the Ministry of Interior of the Russian Federation, signed in Yerevan in 2008;*
- *Agreement between the Government of the Republic of Armenia and the Government of the Arab Republic of Egypt on Cooperation in the Fight against Crime, signed in Cairo in 2007;*
- *Agreement between the Government of the Republic of Armenia and the Government of the Republic of Cyprus on Cooperation in the Fight against Organized Crimes and Other Types of Crimes, signed in Nicosia in 2006;*
- *Agreement between the Government of the Republic of Armenia and the Government of the Republic of Poland on Cooperation in Criminal Matters, signed in Warsaw in 2004;*

*Multilateral treaties are the following:*

- *Agreement on the Cooperation of the Ministries of Internal Affairs (Police) of Member States of the Commonwealth of Independent States in the Fight Against Exploitation of (Trafficking in) Human Beings, signed in Saint Petersburg in 2010;*
- *Agreement on the Cooperation of the Member States of the Commonwealth of Independent States in the Fight against Trade in Human Beings, Organs and Tissues of Human Origin, signed in Moscow on 25 November 2006. The Agreement entered into force for the Republic of Armenia on 4 September 2006.*

#### Awareness Raising, Education and Measures to Discourage Demand

8. To undertake 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.

*Various events are regularly organised for pupils of child care institutions with the aim of raising their awareness to avoid the threat of being subjected to trafficking. As for the targeted educational measures, it should be noted that pupils of child care institutions are pupils of general education schools.*

*The following study materials on trafficking are included in textbooks for the 12<sup>th</sup> grade of general high school:*

- *"Exploitation of (trafficking in) human beings as a negative phenomenon in the contemporary global society" is included in "Social Studies" textbook ("The influence of globalisation on representatives of the modern Armenian society" topic).*
- *"Action against international terrorism, drug addiction and trafficking" subtopic is included in the chapter entitled "Issues of contemporary global development" in "World History" textbook.*
- *The concept of "Trafficking" is also included in the curriculum of the subject of "Social Studies" for the 9<sup>th</sup> grade of general basic school.*

*"Trafficking in and exploitation of human beings" teachers' manual published by the Office of the International Organization for Migration in Armenia has been recommended by the order N 1305-A/K of the Minister of Education and Science of the Republic of Armenia of 15 November 2013, as supporting educational literature. The mentioned manual is to be used during trainings for teachers of the subject of "Social Studies" and distributed to teachers of Social Studies from over 1500 schools.*

*Within the framework of the regional programme "Strengthening awareness on trafficking through education in Armenia, Georgia and Azerbaijan", the office of the International Organization for Migration in Armenia, has organised and conducted training courses for 9 children's homes, 7 child care and protection*

boarding institutions, 5 special schools of the Republic of Armenia (892 staff members (791 women and 101 men) of the special schools and 1 penitentiary institution for juveniles, as well as 513 pupils (269 girls and 244 boys)) and 15 staff members invited from the children's rights protection departments of all the marzpetarans of the Republic of Armenia and from the Municipality of Yerevan. IOM has provided the mentioned institutions with 1400 copies of the teacher's manual, 300 copies of "Care for victims of trafficking" manual for the medical personnel and 9000 copies of a leaflet on how to refrain from trafficking, developed within the framework of the Programme.

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

*With the purpose of reducing demand for services of victims of exploitation of/trafficking in human beings, Article 132.3 of the Criminal Code of the Republic of Armenia was introduced in April 2011, that criminalised the use of services of a person in a state of exploitation (where being in the state of exploitation of that person is obvious for the service user). So far criminal cases have not been instigated under this Article.*

#### Social, economic, and other initiatives for groups vulnerable to trafficking in human beings

10. To 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.

*The Government of the Republic of Armenia develops and carries out various social and economic target programmes aimed at reducing poverty, developing economy, opening job positions, and other purposes, which mainly address the improvement of the status of people living in harsh social conditions who are vulnerable from the perspective of being subjected to trafficking.*

*For example, 82 graduates received assistance in 2013 within the framework of four subprogrammes envisaged by "State assistance to graduates of child care institutions of the Republic of Armenia" annual programme. In particular 25 graduates – in the "halfway" subprogramme on preparing beneficiaries for the future life; 37 graduates - supervision over the future living conditions of beneficiaries; 5 graduates - vocational guidance, education and training; and 15 graduates - organisation of treatment. The following additional activities were carried out within the framework of the programme:*

- 1. Survey, preparation of individual programmes — 17 graduates,*
- 2. Halfway subprogramme on preparing beneficiaries for the future life — 25 persons,*

3. *Supervision over the future living conditions of beneficiaries — 37 children,*
4. *Vocational guidance, education and training — 12 children,*
5. *Notarization of real estate contracts — 15 apartments,*
6. *Organisation of treatment — 15 children.*
11. *To continue ensuring the registration of all children at birth.*

*The activities are underway and are carried out according to the regulated procedure. A new-born child is not dismissed from hospital unless a birth certificate for the new-born child issued by the Civil Status Acts Registration (CSAR) bodies is submitted, i.e. the fact of the child birth is registered in the state body.*

#### Border Measures and measures to enable legal migration

12. *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.*

*IOM has created and localized 7 Migration Resource Centres (MRC) within the State Employment Service Agency of the Ministry of Labour and Social Affairs of the Republic of Armenia, which provide migrants with information on legal residence and employment in foreign countries, as well as on the risks of exploitation and trafficking. IOM regularly carries out trainings for the staff members of MRCs and other agencies on the subjects concerning actions against trafficking, international migration law, etc.*

*The IOM Mission in Armenia has provided the National Security Service of the Republic of Armenia with more than 700 leaflets and brochures on safe migration for the purpose of distributing them in the border points of the Republic of Armenia.*

*The implementation of these activities is stipulated in the 2013-2015 National Action Plan against Trafficking in Human Beings (points (5) and (6)), the activities being carried out by different agencies, non-governmental and international organisations. Detailed information is provided in the 2013 Report on the implementation of NAP<sup>1</sup>. Actions for regulation of legal migration are envisaged in details in the 2012-2016 Action Plan for Implementation of Concept Paper on Policy for State Regulation of Migration in the Republic of Armenia, which was approved by the Government of the Republic of Armenia on 10 November 2011.*

#### Identification of victims of trafficking in human beings

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<sup>1</sup> The 2013 Report on the Implementation of the National Action Plan (NAP) is attached

13. 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.

*The new process of identification of victims of exploitation of/trafficking in human beings, which provides for distinguishing between the identification process and the criminal process, is enshrined in the new draft law. The draft law has passed the first reading at the National Assembly of the Republic of Armenia.*

- to 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

*According to the new draft law, the representatives of partner non-governmental organisations, those of the Prosecutor General's office, the Ministry of Labour and Social Affairs, and the Police will participate in the process of identification of victims of exploitation of/trafficking in human beings by taking up equal rights in the Identification Commission. In the course of identification, direct and indirect criteria should be applied, which shall be established in the normative act attached to the Law.*

- to enhance efforts to identify victims of THB subjected to labour exploitation

*With a view to increasing detectability of the cases relating to labour exploitation/trafficking and detecting the victims of this crime, round table meetings with the participation of the staff members of the Police, Prosecutor's Office and Labour Inspectorate have been organised within the framework of the Anti-Trafficking Programme of the OSCE Office in Yerevan for submitting proposals with regard to the discussion of the issue and regulation of further activities. Further activities are underway.*

- 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).

*Non-governmental and international organisations regularly organise and hold, particularly in the marzes of the Republic, training courses for the staff members of the relevant agencies which are engaged in the process of identification of victims of exploitation of/trafficking in human beings. The courses are aimed at raising the professional knowledge of the mentioned staff in the field of identification of victims of*

*exploitation of/trafficking in human beings. Detailed information on the trainings is provided in the 2013 Report, action 15<sup>2</sup>.*

### Assistance Measures

14. 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

*The issues of providing relevant support and protection to the victims of exploitation of/trafficking in human beings are regulated by the new draft law (Articles 21 and 22 of the draft law.)*

*As enshrined in the new draft law, the forms, types, duration, scopes of the protection and support for victims of exploitation of/trafficking in human beings and victims of special category may not in any way be interrelated with or conditioned by the participation thereof in the activities which are carried out by the law enforcement bodies as prescribed by the law of the Republic of Armenia. The provision of support and protection may not pursue an expectation of receiving other services or any compensation for the services provided.*

- 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

*According to the draft law, the Ministry of Labour and Social Affairs of the Republic of Armenia is the coordinator of the process of providing support to the victims of exploitation of/trafficking in human beings. The process of providing support jointly with the cooperating non-governmental organisation is also enshrined in the law.*

- 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

*Development of minimum standards of the appropriate services provided to the victims of exploitation of/trafficking in human beings is envisaged in the NAP for 2013-2015, the activities are underway.*

- to improve the assistance provided to child victims of trafficking, including accommodation and medium- and long-term support programmes tailored to their needs

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<sup>2</sup> The 2013 Report on the Implementation of the National Action Plan (NAP) is attached

*The draft law provides for a process of providing and ensuring relevant support to child victims of exploitation of/trafficking in human beings.*

- to provide adequate assistance measures, including accommodation, to men victims of THB

*The draft law provides for a process of providing and ensuring relevant support to all victims of exploitation of/trafficking in human beings.*

### Recovery and Reflection Period

15. 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

*Reflection/consideration period prescribed by the Convention is stipulated in Article 19 of the draft law.*

### Residence Permit

16. 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.

*It is regulated by Article 19 of the draft law; in addition, Article 15 of the Law of the Republic of Armenia "On Foreigners" will be amended (the draft has been submitted to the Government of the Republic of Armenia).*

### Compensation and Legal Redress

17. 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.

*It is regulated by Articles 22 and 25 of the draft law.*

### Repatriation and Return

18. To undertake 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.

*It is regulated by Articles 22 of the draft law.*

#### Substantive Criminal law

19. To review the legislation with a view to establishing the liability of legal persons for their involvement in THB offences

*Exploitation of/trafficking in human beings is a crime and criminal liability prescribed by the Criminal Code of the Republic of Armenia is imposed on any person engaged in it. Thus, an administrative or civil liability may not be established in case of an act containing elements of the crime of trafficking. No other forms of liability (civil, administrative) have been established for the legal persons engaged in trafficking. Under the 2012-2016 Strategic Programme for Legal and Judicial Reforms, a new draft law of the Criminal Code of the Republic of Armenia was submitted to the Government of the Republic of Armenia on 1 September 2014 and the discussion of the possibility of subjecting legal persons to criminal liability which is to be imposed for all forms of crime, is covered by the concept paper thereon.*

#### Investigation, Prosecution and Procedural law

20. To 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

*As prescribed by the Law of the Republic of Armenia "On operational intelligence activity", special technical means are used in case of investigation of all forms of crime, including the cases relating to exploitation of/trafficking in human beings.*

21. 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.

*The new Criminal Procedure Code of the Republic of Armenia enshrines the measures for the protection of child witnesses/victims and the relevant process. In addition to the existing effective measures for protection of victims or witnesses of crime, several new ones will be added, such as, restriction on approaching and communicating with the person under protection. A psychologist is involved in all the investigation activities and proceedings with the participation of a minor. The rights of the legal representative and the psychologist to participate in investigation activity and to state considerations are clarified prior to commencing the activity. The right of the investigator to ask questions is also clarified for*

*the legal representative and psychologist participating in the investigation activity with regard to giving testimony.*

22. To continue providing regular training to judges, prosecutors and other legal professionals on THB and the rights of its victims

*Non-governmental and international organisations in cooperation with the relevant state bodies of the Republic of Armenia regularly organise and hold training courses for judges, investigators and policemen. Peculiarities of disclosing, investigating and conducting proceedings of the crime relating to exploitation of/trafficking in human beings, rights of victims of trafficking and the protection thereof, as well as other issues are presented and discussed during the courses. For the detailed information see the NAP Report, event 15<sup>3</sup>.*

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<sup>3</sup> The 2013 Report on the Implementation of the National Action Plan (NAP) has been provided and is available on request.