

QUESTIONNAIRE

COMMITTEE OF THE PARTIES TO THE COUNCIL OF EUROPE CONVENTION ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE

1(a) Does your national legal framework have a reference to the “abuse of a recognised position of trust, authority or influence” as a separate sexual offence against children?

Abuse of a recognised position of trust, authority or influence is not referenced as a separate sexual offence against children in the legislation of the Republic of Armenia.

1(b) Does your national legal framework establish a separate offence of sexual abuse of children by someone in a recognised position of trust, authority or influence instead of considering the fact that the perpetrator holds that position just as an “aggravating circumstance”?

Sexual abuse of children by someone in a recognised position of trust, authority or influence is not defined as a separate sexual offence against children in the legislation of the Republic of Armenia. Such a connection between the abuser and the victim is prescribed as an aggravating circumstance.

1(c) Does your national legal framework list specific categories of adults in contact with children automatically qualifying as holding this position?

There is no specific definition of “position of trust” in the legislation of the Republic of Armenia.

Articles 198 (Violent Actions of Sexual Nature) part 3 clause 1, 199 (Compelling to Actions of Sexual Nature) part 3 clause 1, 200 (Performance of Actions of Sexual Nature towards a Person not having Attained the Age of 16 years) part 3 clause 1, 201 (Committing a Lecherous Act) part 3 clause 1 of the Criminal Code of the Republic of Armenia (hereafter the Criminal Code) provide the types of relationships between the offender and the victim which would constitute an aggravating circumstance namely when the act of violence is committed by a “senior relative, or a person who is entrusted with the upbringing, care or treatment of the child”.

The word “senior” is not defined by the legislation. However, based on Article 11 clause (b) of the Family Code the Republic of Armenia (hereafter the Family Code) , which deals with prohibitions of marriage between certain groups, the term “senior relative” is used in the following manner: *“marriage is forbidden ... (b) between close relatives (direct senior and junior relatives: parents and children, grandfather, grandmother and grandchildren, as well as close and co-parental or co-maternal brothers and sisters, aunt, uncle, uncle and cousin's children);”*

CRIMINAL CODE OF THE REPUBLIC OF ARMENIA

“Article 198. Violent Actions of Sexual Nature

1. Sexual intercourse or other acts of sexual nature, including imitation of sexual intercourse or satisfying sexual needs, which have been committed against the will of the victim of crime, or by

disregarding the will of the victim of crime, by use of violence or threat of use thereof, or abuse of the helpless situation of the victim of crime or other person — shall be punished by imprisonment for a term of three to six years.

2. The act provided for in Part 1 of this Article, committed:

- 1) towards a pregnant woman;
- 2) towards a minor;
- 3) committed by a close relative or partner or ex-partner;
- 4) towards a person being in vulnerable situation due to family condition or disability;
- 5) towards a person being in material or other dependence on from the offender;
- 6) towards a person taken into custody, arrested or detained or serving a sentence in a penitentiary institution, against military servant in the battalion or other place of service, or against a person undergoing treatment or examination in a medical institution — by an employee of the respective institution or facility.
- 7) by a group of people;
- 8) with particular cruelty; or
- 9) by use of weapon or object or means prepared or adjusted in advance to cause bodily injury—
shall be punished by imprisonment for a term of five to ten years.

3. The act provided for in Parts 1 or 2 of this Article, which:

- 1) has been committed towards a person not having attained the age of 18, by an up-going relative or a person who has an obligation of upbringing, care or treatment of the child;
- 2) has been committed towards a person having attained the age of 16 years and under the age of 18;
or
- 3) has negligently caused death of the victim of crime or grave harm to his/her health or has led to suicide of the victim or his/her close relative or close person, or resulted in other grave consequences —
shall be punished by imprisonment for a term of eight to fifteen years.

4. Within the meaning of this Article, a person in the helpless situation is the person deprived of the possibility to show resistance to the criminal or realise the nature of the act committed towards oneself, or a person under the age of 12 years.

Article 199. Compelling to Actions of Sexual Nature

5. Sexual intercourse or other sexual actions, including imitation of sexual intercourse or satisfaction of sexual needs, that have been committed through blackmail, or under the threat of destruction, damage or seizure of property or by using the material or other dependence of the victim of crime, or without reasonable belief in his/her consent or his/her compelling to sexual intercourse or other actions of sexual nature in the same manner, if the elements of criminal offences established in Articles 188 and 189 of this Code were absent — shall be punished by restriction of liberty for a term of one to three years, or short-term imprisonment for a term of one to two months, or imprisonment for a term of one to four years.

6. The act provided for in Part 1 of this Article, committed:

- a. towards a pregnant woman;
- b. towards a minor;

- c. by a close relative or a partner or an ex-partner,
 - d. towards a person being in a vulnerable situation due to family condition or disability;
 - e. towards a person taken into custody, arrested or detained or serving a sentence in a penitentiary institution, towards a military servant in the battalion or other place of service, or towards a person undergoing treatment or examination in a medical institution —by an employee of the respective institution or facility;
 - f. by a group of people—
shall be punished by imprisonment for a term of three to six years.
7. The act provided for in Parts 1 or 2 of this Article, which:
- a. has been committed towards a person not having attained the age of 18, by an up-going relative or a person who has an obligation of upbringing, care or treatment of the child;
 - b. has been committed towards a person having attained the age of 12 years and under the age of 16;
or
 - c. has negligently caused grave harm to the health or mental disorder or has led to suicide of the victim of crime or his/her close relative or close person, or resulted in other grave consequences—
shall be punished by imprisonment for a term of six to twelve years.

Article 200. Performance of Actions of Sexual Nature towards a Person not having Attained the Age of 16 years

- 1. Sexual intercourse or other actions of sexual nature, including imitation of sexual intercourse or satisfaction of sexual needs, in case they were committed by a person having attained 18 years towards a person not having attained 16 years, if the elements of criminal offences established in the Articles 189, 198 and 199 of this Code were absent — shall be punished by restriction of liberty for a term of maximum two years, or short-term imprisonment for a term of maximum two months or imprisonment for a term of maximum three years.
- 2. The act provided for in Part 1 of this Article, committed:
 - 1. towards a person having attained the age of 12 years and not having attained the age of 14 years;
 - 2. by a close relative or a after or an ex-partner
 - 3. by a group of people; or
 - 4. with particular cruelty —
shall be punished by restriction of liberty for a term of one to three years, or short-term imprisonment for a term of one to two months, or imprisonment for a term of two to five years.
- 3. The act provided for in Part 1 or Part 2 of this Article which:
 - 1. has been committed by an up-going relative or a person who has an obligation of upbringing, care or treatment of the child;
 - 2. has negligently caused grave harm to the health or mental disorder or has led to suicide of the victim or his/her close relative or close person, or resulted in other grave consequence—
shall be punished by imprisonment for a term of five to ten years.
 - 4. Natural sexual intercourse or other actions of sexual nature provided for in this Article, including imitation of sexual intercourse or satisfaction of sexual needs, which have been committed by the same person towards the same person for more than once shall be qualified as one (single) crime.

Article 201. Committing a Lecherous Act

1. Disseminating, showing pornographic material or object, including printed edition, movie or video material, material kept in electronic media, image or other object of pornographic nature by a person having attained the age of 18 years among persons under the age of 16, as well as sexual intercourse, unclothing or performing other activity of sexual nature in the presence of a person under the age of 16, having sexual conversation with a person under the age of 16, or other acts inspiring sexual desire among a person under 16, in the absence of elements of criminal offences specified in Articles 198, 199 and 200 of this Code— shall be punished by short-term imprisonment for a term of maximum two months, or imprisonment for a term of maximum three years.
2. The act provided for in Part 1 of this Article, committed:
 1. towards the person under the age of 14;
 2. by a group of people; or
 3. using information or communication technologies —
shall be punished by imprisonment for a term of two to five years.
3. The act provided for in Part 1 or Part 2 of this Article which:
 - 1) has been committed by an up-going relative or a person who has an obligation of upbringing, care, or treatment of the child;
 - 2) has been committed towards the person under the age of 12;
 - 3) has been committed towards a person deprived of possibility to resist the criminal or realise the nature of the act committed towards oneself or a person with mental disorder;
 - 4) has been committed by a criminal organisation; or
 - 5) negligently caused mental injury or other grave consequence—
shall be punished by imprisonment for the term of three to six years.”

FAMILY CODE OF THE REPUBLIC OF ARMENIA

“Article 11. Circumstances Prohibiting Marriage

Marriage is prohibited:

- a) between such persons, at least one of whom is already married in accordance with the law.
- b) between close relatives (direct up-going (senior) and junior relatives: parents and children, grandfather, grandmother, and grandchildren, as well as close and co-parental or co-maternal brothers and sisters, aunt, uncle, and cousin's children)
- c) between adoptive parents and their adoptive children
- d) between the persons, at least one of whom is recognised as incapacitated by the court.”

1(d) Does your national legal framework define the notion of “circle of trust”?

The legislation of the Republic of Armenia does not contain the notion of “circle of trust”.

2(a) Does your national legal framework provide that every child up to 18 years of age is protected against the criminal offence of sexual abuse by someone in a recognised position of trust, authority, or influence?

Yes, the Law of the Republic of Armenia on the Child's Rights (hereafter the Law on Child's Rights) states that every child has the right to be protected from all types of violence including that which is inflicted by the parents, legal representatives, or any other person.

The Family Code further fortifies this right by providing that the child has the right to be protected from the abuse of his/her parents (legal representatives).

THE FAMILY CODE OF THE REPUBLIC OF ARMENIA

“Article 43. Right of the Child's protection

1. A child has a right of protection of his/her lawful rights and interests.

The protection of child's rights and interests is realized by parents (lawful representatives), and in cases stipulated by the given Code, by the departments of custody and guardianship.

A minor recognized completely capable by the procedure established by law has a right to realize his/her rights (in particular the protection right) and obligations independently.

2. A child has the right to be protected from the abuse of his/her parents (lawful representatives).

In case of violation of a child's rights and interests (in particular, violation or partial realization of the obligation of parents or one of them to rear and educate the child, as well as the abuse of the parental rights) a child has a right to apply for help independently to the departments of custody and guardianship.

3. The officials and other citizens, who became aware of the threats to live and health of a child, as well as the cases of violation of child's rights and interests, should inform about that the departments of custody and guardianship of the virtual residence of a child. After getting such information the department of custody and guardianship should undertake necessary means for protection of a child's rights and interests.

THE LAW OF THE REPUBLIC OF ARMENIA ON THE CHILD'S RIGHTS

“Article 9. The Child's Right to be Protected Against Violence

Every child has the right to be protected from any type of violence (physical, mental, etc.).

All persons, including the child's parents, or other legal representatives are forbidden from subjecting the child to violence or degrading punishment or other similar maltreatment.

If a child's rights and legal interests are violated, the person who committed the violation is held accountable per the processes outlined by the laws of the Republic of Armenia.

The government and its relevant institutions are responsible for safeguarding children from all forms of harm, such as violence, exploitation, engagement in criminal behaviour, including drug-related activities, participation in their manufacturing or sale, begging, inappropriate behaviour, gambling, and other infringements upon their rights and lawful interests.”

Furthermore, the Criminal Code provides for the protection of all persons against sexual abuse indiscriminately and it prescribes harsher penalties for the offences committed against persons under

the age of 18 by a person who is entrusted with the upbringing, care or treatment of the child (articles 198 (Violent Acts of Sexual Nature) part 3, clause 1; 199 (Compelling to Acts of Sexual Nature) part 3 clause 1; article 200 (Performance of Actions of Sexual Nature towards a Person not having Attained the Age of 16 years) part 3 clause 1; article 201 (Committing a Lecherous Act) part 3 clause 1 of the Criminal Code, as quoted in question 1(c) & Articles 189 (Trafficking of a Minor or a Person in a Helpless Situation) 202 (Offering a Person under the Age of 16 Sexual Intercourse or Other Actions of Sexual Nature or Creation or Production of Child Pornography (grooming)); 300 part 2 (Preparing, Disseminating or Maintaining Pornographic Materials or Objects) of the Criminal Code of the Republic of Armenia).

CRIMINAL CODE OF THE REPUBLIC OF ARMENIA

“Article 189. Trafficking of a Minor or a Person in a Helpless Situation

1. Trafficking of a Minor or a Person in a helpless situation - recruitment, transportation, transfer, harbouring, or receipt of a child or a person in a helpless situation, as well as exploitation of such persons or putting them in or keeping them under the situation similar to exploitation — shall be punished by imprisonment for a term of seven to ten years.
2. The act provided for in Part 1 of this Article, committed:
 - 1) by use of violence or threat of use thereof;
 - 2) towards a pregnant woman;
 - 3) by a group of persons with prior agreement;
 - 4) by a close relative;
 - 5) by use of official or service powers or influence conditioned thereof; or
 - 6) by moving the person to another state— shall be punished by imprisonment for a term of ten to thirteen years.
3. The act provided for in Part 1 or Part 2 of this Article, which:
 - 1) has been committed by a criminal organisation; or
 - 2) has negligently caused the death of a victim of the crime or grave harm to his/her health or has led to the suicide of the victim or his/her close relative or close person, or resulted in other grave consequences—shall be punished by imprisonment for a term of twelve to fifteen years.

Article 202. Offering a Person under the Age of 16 Sexual Intercourse or Other Actions of Sexual Nature or Creation or Production of Child Pornography (grooming)

1. Offering a meeting using information or communication technologies to a person under the age of 16 by a person having attained the age of 18 and performing actions in regard to the meeting with the aim of sexual intercourse or other actions of sexual nature, including imitation of sexual intercourse or satisfaction of sexual needs, or creating or producing child pornography, in the absence of elements of criminal offences provided for in Articles 189, 198-201 of this Code — shall be punished by short-term imprisonment for a term of maximum two months, or imprisonment for a term of maximum two years.

Article 300. Preparing, Disseminating or Maintaining Pornographic Materials or Objects

1. Proposing pornographic material or object, including a hard copy publication, movie or video material, material kept on electronic carriers, images or other objects of pornographic nature or making it accessible through information or communication technologies to an indefinite scope of people or advertising such material or object among the indefinite scope of people— shall be punished by a fine in the maximum amount of twenty-fold, or public works for a term of eighty to one hundred and fifty hours, or restriction of liberty for maximum two years, or short-term imprisonment for a term of maximum two months, or imprisonment for a term of maximum two years.
2. Creating, producing, acquiring, disseminating, realizing, exporting, importing, proposing, advertising, making accessible, possessing, getting access through information or communication technologies, to child pornography, or keeping of child pornography in the computer, computer system, computer network or other computer devices or in any other way or watching child pornography— shall be punished by a fine in the amount of ten-fold to thirty-fold, or public works for a term of one hundred to two hundred hours, or restriction of liberty for maximum three years, or a short-term imprisonment for a term of maximum two months, or imprisonment for a term of maximum three years.
3. The act prescribed for in Parts 1 or 2 of this Article, committed:
 - 1) by a close relative or a person who has an obligation to bring up, care or treat the child or by an employee of an educational or health organization, who was under the obligation to take care of the child or to supervise the child's behaviour; or
 - 2) was combined with a cruel attitude towards a minor—
shall be punished by a fine in the amount of twenty-fold to fifty-fold, or public works for a term of one hundred and fifty to two hundred and seventy hours, or deprivation of the right to hold certain positions or exercise certain activities for a term of three to seven years, or restriction of liberty for a term of one to three years, or short-term imprisonment for a term of one to two months, or imprisonment for a term of two to five years.
4. The act prescribed for in Parts 1, 2 or 3 of this Article, committed by a criminal organization — shall be punished by imprisonment for a term of three to six years.
5. Within the meaning of this Article, child pornography is considered each material, where the child is depicted performing a real or simulated action of a sexual nature or sexually motivated display of a child's genital.”

2(b) Does your national legal framework indicate that the child's legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority, or influence?

There is no such indication in the legislation of the Republic of Armenia.

3(a) Does your national legal framework criminalise sexual abuse of children where the offender abuses a recognised position of influence?

Yes, Article 199 (as quoted in question 1(c) above) of the Criminal Code safeguards individuals from being coerced into sexual acts. If sexual actions, including simulated acts, are carried out using threats, blackmail, or exploiting the victim's dependency or lack of consent, and if these actions don't meet the criteria for criminal offences as defined in Articles 188 and 189 of the same Code, the offender can face penalties up to four years of imprisonment.

Furthermore, Article 199, Section 3, Clause 1 of the Criminal Code stipulates more severe penalties for committing the abovementioned offence “against a person under 18 years old, by a senior relative or a person who is responsible for the child's upbringing, care, or treatment.”

Article 239 prescribes punishment for inducing or engaging minors in committing acts related to pornography or the preparation or dissemination of materials or objects of a pornographic nature. Part 2 Clause 1 of the same article provides for harsher punishments if the offence has been committed by a person who is entrusted with the child’s upbringing, care, or treatment.

Furthermore, the Criminal Code contains Articles 188 and 189 that address human trafficking offences.

Article 188 part 1 specifically references abuse of trust and influence in the following manner: “Human trafficking - recruitment, transportation, transfer, harbouring, or receipt of persons, as well as human exploitation or putting in or keeping under the situation of exploitation, by use of violence or threat of use thereof or other forms of coercion, through abduction, deception or abuse of trust, using one’s influence deriving from the person’s post or service position or authority, or the personal dependence or vulnerability of the situation of the victim of crime, or providing, promising or offering material or other profit with the aim of obtaining the agreement of the victim of the crime with the person supervising the victim, or accepting a similar proposal from the person supervising the victim to give such an agreement — shall be punished by imprisonment for a term of five to eight years. ” Part 4 of the same article defines human exploitation to include acts of sexual exploitation and prostitution.

Article 189 of the Criminal Code (as quoted in question 2(a) above) deals specifically with the trafficking of a minor in the following manner: “Trafficking of a minor or a person in a helpless situation - recruitment, transportation, transfer, harbouring, or receipt of a child or a person in a helpless situation, as well as exploitation of such persons or putting them in or keeping them under the situation similar to exploitation — shall be punished by imprisonment for a term of seven to ten years.” Pursuant to part 2 clause 4 article 189 of the CC such an act is aggravated by the fact of being committed by a close relative.

CRIMINAL CODE OF THE REPUBLIC OF ARMENIA

“Article 188. Human Trafficking or Exploitation

1. Human trafficking -recruitment, transportation, transfer, harbouring, or receipt of persons, as well as human exploitation or putting in or keeping under the situation of exploitation, by use of violence or threat of use thereof or other forms of coercion, through abduction, deception or abuse of trust, using one’s influence deriving from the person’s post or service position or authorities, or the personal dependence or vulnerability of situation of the victim of crime, or providing, promising or offering material or other profit with the aim of obtaining agreement of the victim of crime with the person supervising the victim, or accepting a similar proposal from the person supervising the victim to give such an agreement — shall be punished by imprisonment for a term of five to eight years.
2. The act provided for in Part 1 of this Article, committed:
 1. towards a pregnant woman;
 2. by a group of persons with prior agreement;
 3. by use of official or service powers or influence conditioned thereof; or
 4. by moving a person to another state—
shall be punished by imprisonment for a term of seven to twelve years.

3. The act provided for in Part 1 or Part 2 of this Article, which:
 1. has been committed by a criminal organization; or
 2. has negligently caused the death of a victim of a crime or grave harm to his/her health or has led to the suicide of the victim or his/her close relative or close person, or resulted in other grave consequences —
shall be punished by imprisonment for a term of ten to fourteen years.
4. Within the meaning of this Article, as well as Articles 188 and 189 of this Code, exploitation is deemed to be the exploitation of prostitution of other persons, or other forms of sexual exploitation, forced labour, or enforcement to provide services or perform illegal acts, putting into slavery or in a situation similar to slavery, purchase or sale (trade), taking the cell, organ, tissue or other biological material or liquid.
5. The victim of crimes prescribed in this Article, as well as Articles 188 and 189 of this Code, shall be released from criminal liability for committing minor or medium gravity criminal offences, in the commitment whereof they were involved in the course of trafficking or exploitation and has committed those criminal offences under coercion.

Article 239. Inducing or Engaging a Child in Committing Acts Related to Pornography or Preparation or Dissemination of Materials or Objects of Pornographic Nature

1. Inducing or engaging a minor in committing an act related to pornography or preparation or dissemination of material or object of a pornographic nature by a person above the age of eighteen, if the elements of a criminal offence specified in Article 189 of this Code are absent — shall be punished by restriction of liberty for a term of a maximum of three years, or short-term imprisonment for a term of a maximum of two months, or imprisonment for a term of two to five years.
2. The act prescribed for in Part 1 of this Article, committed:
 - 1) by a person who has an obligation to bring up, take care of or treat the child;
 - 2) by use of information or communication technologies —
shall be punished with imprisonment for a term of four to eight years.”

3(b) Does your national legal framework criminalise sexual abuse of children where the victim is below 18 and emancipated through marriage, and the perpetrator is the victim’s spouse or marital partner?

There is no separate offence for the above. This will likely fall within the broader offences of sexual abuse (pursuant to Articles 188,189, 198-202, 239, 300 of Criminal Code as referenced above) and domestic violence aggravated by the fact of being committed against a minor.

There is no provision of the law of the Republic of Armenia that limits the responsibility of a person for sexual abuse merely based on the fact of being the victim’s spouse.

3(c) Does your national legal framework criminalise sexual abuse of children where no coercion, force or threat is used by the perpetrator holding the position of trust, authority, or influence?

Yes, the national legal framework criminalizes sexual abuse of children without coercion, force, or threat when the perpetrator holds a position of trust, authority, or influence. Article 200 of the Criminal Code (as quoted in question 1(c)) states that engaging in sexual acts or actions of a sexual nature with a minor under the age of 16 by an individual aged 18 or older, where the elements of more serious criminal offenses are not present (such as trafficking or rape), can result in penalties such as restriction of liberty for up to two years, short-term imprisonment for up to two months, or imprisonment for up to three years. Such an offence being committed by a close relative warrants an even harsher penalty.

According to Article 201, Part 1 of the Criminal Code (as quoted in question 1(c)), engaging in activities such as disseminating or displaying pornographic material to individuals under 16, performing sexual acts or conversations with individuals under 16, or engaging in acts that arouse sexual desire in individuals under 16, without meeting the criteria for more serious criminal offenses as outlined in Articles 198, 199, and 200 of the Code, can lead to penalties of up to three years of imprisonment or up to six years if committed by a senior relative .

Article 239 of the Criminal Code (quoted in question 3(a)) deals with inducing or involving a minor in acts related to pornography or the preparation and dissemination of pornographic materials or objects. If the offence is committed by the a person entrusted with the child's upbringing, care or treatment up to eight years of imprisonment may be imposed as penalty for the offence,

4(a) Does your national legal framework criminalise sexual abuse of children for acts other than sexual intercourse and equivalent actions?

Yes, Article 201, Part 1 of the Criminal Code (as quoted in question 1(c)) provides that engaging in activities such as disseminating or displaying pornographic material to individuals under 16, performing sexual acts or conversations with individuals under 16, or engaging in acts that arouse sexual desire in individuals under 16, without meeting the criteria for more serious criminal offenses as outlined in Articles 198, 199, and 200 of the Code, can lead to penalties of up to three years of imprisonment or up to six years if committed by a senior relative .

Article 202 of the Criminal Code (quoted in question 2(a)) provides the following: "Offering a meeting using information or communication technologies to a person under the age of 16 by a person having attained the age of 18 and performing actions in regard to the meeting with the aim of sexual intercourse or other actions of sexual nature, including imitation of sexual intercourse or satisfaction of sexual needs, or creating or producing child pornography, in the absence of elements of criminal offences provided for in Articles 189, 198-201 of this Code—shall be punished by short-term imprisonment for a term of maximum two months, or imprisonment for a term of maximum two years."

Article 239 of the Criminal Code (quoted in question 3(a)) criminalises inducing or involving a minor in acts related to pornography or the preparation and dissemination of pornographic materials or objects. If the offence is committed by a person entrusted with the child's upbringing, care or treatment, up to eight years of imprisonment may be imposed as penalty for the offence,

4(b) Does your national legal framework ensure equal sanctions for sexual abuse committed within a heterosexual and homosexual sexual activity?

The offences provided in the Criminal Code warrant equal punishment and are applied indiscriminately and they do not provide for a distinction between homosexual or heterosexual activity.

4(c) Does your national legal framework make any distinct reference to “homosexual activities” in the description of criminal offences involving sexual abuse and sexual exploitation of children?

“Homosexual activities” are not referenced separately in the context of sexual abuse.

5(a) Does your national legal framework contain a requirement to investigate and prosecute sexual abuse and exploitation of children by someone in a recognised position of trust, authority or influence without a complaint from the victim or his/her legal representative?

Yes, Article 9 of the Law on the Child’s Rights (quoted in question 2(a) above) imposes an obligation on the government and its relevant institutions for safeguarding children from all forms of harm, such as violence, exploitation, engagement in criminal behaviour, including drug-related activities, participation in their manufacturing or sale, begging, inappropriate behaviour, gambling, and other instances that infringe upon their rights and lawful interests.

According to Article 11 Part 1 of the Criminal Procedure Code of the Republic of Armenia (hereafter Criminal Procedure Code or the CPC) criminal prosecution can either be public or private.

Article 15 of the Criminal Code specifies the exhaustive list of offences that can only be prosecuted based on the application of the victim (private prosecution). However, crimes against the sexual freedom and sexual integrity of a person, including of a minor (as defined in chapter 27 of the Criminal Code of RA) do not fall under this category. These offences are prosecuted publicly and therefore the existence of a complaint is not a prerequisite for prosecution.

Furthermore, according to article 11 Part 4 of the Criminal Procedure Code, the prosecutor has the authority to initiate public prosecution for offences displaying traits of domestic violence or when the victim, due to their vulnerability or dependence on the offender cannot effectively protect their rightful interests, even for the offences that fall within the scope of Article 15 of the Criminal Code.

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 11. Types of criminal prosecution

1. Within the framework of criminal proceedings, criminal prosecution is carried out in public or private order, based on the nature and severity of the crime.
2. The criminal prosecution in the proceedings regarding the crimes provided for in Article 15, Part 1 of the Criminal Code of the Republic of Armenia is carried out in private procedure, and the criminal prosecution in the proceedings regarding all other crimes is carried out in the public procedure.
3. If a part of the actions attributed to the same person is subject to public prosecution, while the other part is subject to private prosecution, then the prosecution is carried out publicly.
4. Regardless of whether a criminal lawsuit has been filed or not, the prosecutor has the right to conduct public criminal prosecution:
 - a. for crimes that have the characteristics of domestic violence.

- b. for crimes provided for in Article 15, Part 1 of the Criminal Code of the Republic of Armenia, if a person cannot protect his legitimate interests due to his/her vulnerability or the fact of his/her dependence on the alleged offender.”

CRIMINAL CODE OF THE REPUBLIC OF ARMENIA

“Article 15. Criminal Liability Based on the Criminal Complaint of the Victim of Crime

1. A person who has committed a criminal offence provided for by Part 1 of Article 167, Part 1 of Article 168, Part 1 of Article 169, Part 1 of Article 170, Part 1 of Article 171, Article 172, Article 173, Part 1 of Article 178, Part 1 of Article 180, Part 1 of Article 182, Part 1 of Article 194, Part 1 of Article 195, Part 1 of Article 227, Part 1 of Article 228, Part 1 of Article 253, Part 1 of Article 254, Part 1 of Article 255, Part 1 of Article 256, Part 1 of Article 257, Part 1 of Article 259, Part 1 of Article 262, Part 1 of Article 263, Part 1 of Article 264, Article 265, Article 266, Part 1 of Article 341 or Part 1 of Article 342 may be subject to criminal liability only on ground of a criminal complaint of the victim of crime, except of cases provided for by the Code of Criminal Procedure of the Republic of Armenia. ”

5(b) Does your national legal framework contain a requirement to continue the proceedings even if the victim has withdrawn his/her complaint/statements?

Article 15 of the Criminal Code (quoted in question 5(a)) specifies the exhaustive list of offences that can only be prosecuted based on the application of the victim. However, offences of sexual nature do not fall under this category and therefore the existence of a complaint is not a prerequisite for an indictment.

According to article 11 Part 4 of the Criminal Procedure Code (quoted in question 5(a)), the prosecutor has the authority to conduct public prosecution for offences displaying traits of domestic violence or when the victim, due to their vulnerability or dependence on the offender cannot effectively protect their rightful interests, even for offences that fall within the scope of Article 15 of the Criminal Code above.

5(c) Does your national legal framework in case of a sexual act committed by an adult in respect of a child aged 14-16 years old which does not result in the child’s death or suicide, require the child victim to lodge a complaint as a prerequisite for investigation and prosecution?

No. Article 15 of the Criminal Code (quoted in question 5(a)) specifies the exhaustive list of offences that can only be prosecuted based on the application of the victim. The offences of sexual nature, regardless of the outcome, do not fall within this category and therefore the existence of a complaint is not a prerequisite for an investigation and prosecution.

6(a) Does your national legal framework provide for non-criminal measures in respect of children below the age of criminal responsibility who commit acts of sexual abuse towards other children?

The Law of the Republic of Armenia on the Prevention of Domestic Violence, The Protection Of Persons Subjected To Domestic Violence, And The Restoration Of Family Peace (hereafter the Law

on Domestic Violence) provides that in cases of domestic violence committed by an underaged person, the police direct the minor to the appropriate community and state centres for rehabilitation purposes.

In the Criminal Code, however, the sanctions relating to any type of offence are applicable only to minors who have reached the age of criminal responsibility, meaning persons who have attained 14 years (Article 94 of the Criminal Code).

THE LAW OF THE REPUBLIC OF ARMENIA ON THE PREVENTION OF DOMESTIC VIOLENCE, THE PROTECTION OF PERSONS SUBJECTED TO DOMESTIC VIOLENCE, AND THE RESTORATION OF FAMILY PEACE

“Article 12: Non-use of protection measures against minors or incapable persons

1. Emergency intervention or protection orders are not issued against a minor or an incapable person.
2. The juvenile perpetrator of violence within the family shall be referred by the Police to relevant community-based or state centres implementing rehabilitation programs following the procedure adopted by the Republic of Armenia Government for juvenile crime prevention if there are no elements of crime in his actions.
3. If the perpetrator of violence within the family is an incapable person, then relevant provisions of the Republic of Armenia Law on Psychiatric Assistance and the Republic of Armenia Civil Procedure Code shall apply.”

CRIMINAL CODE OF THE REPUBLIC OF ARMENIA

“Article 94. Criminal Liability of Minors and the Purposes of Punishment Imposed on them

1. Within the meaning of this Code, a minor who has committed a criminal offence is a person who has attained the age of 14 but is under the age of 18 at the moment of committing the crime.
2. A minor who committed a criminal offence shall be subject to criminal liability according to provisions of this Code, considering the rules established by this Section.
3. Educational coercive measures, a security measure or a punishment can be imposed on a minor who has committed a criminal offence, and in case of being released from punishment by the court, the minor can be placed in a rehabilitation centre for minors.
4. In addition to the general purposes of punishment, the punishment imposed on a minor who has committed a criminal offence, shall pursue also purposes to ensure the minor's physical, mental, spiritual, moral, and social natural development, to educate the minor and to protect him/her from negative influence of other persons.”

6(b) Does your national legal framework differentiate between adults and children above the age of criminal responsibility in the application of sanctions for offences involving sexual abuse of children?

Yes, the sanctions, regardless of the type of the offence, applicable to minors differ from those imposed on adults under the Criminal Code. Furthermore, the purpose of the punishment for minors also differs from that of adults.

Chapter 15 of the Criminal Code deals with the purposes and types of punishments imposed on minors. According to Article 94, Part 1 of the Criminal Code (quoted in question 6(a)), the age of criminal responsibility in the Republic of Armenia is 14.

Article 94 Part 4 of the Criminal Code defines the purpose of punishment in case of minors in the following manner: “In addition to the general purposes of punishment, the punishment imposed on a minor who has committed a criminal offence, shall pursue also purposes to ensure the minor's physical, mental, spiritual, moral and social natural development, to educate the minor and to protect him/her from the negative influence of other persons.”

Types of punishments which can be imposed on minors include fines, public works, restriction of liberty, imprisonment, etc (Article 95 Part 1 of the Criminal Code).

The severity of the applicable penalty also differs in cases of adult and underaged offenders. For this purpose, the legislation of the Republic of Armenia differentiates between minors who have not yet attained the age of 16 at the time of committing the offence and minors who at the time of committing the offence were between the ages of 16 to 18.

The punishment for a minor who commits a criminal offense before turning 16 cannot be more than one-third of the maximum or minimum punishment stipulated by the Criminal Code for a specific offence. For minors aged 16 to under 18 who commit offenses, their punishment cannot exceed one-half of the specified punishment (Article 95 Part 2 of the Criminal Code).

Criminal Code of the Republic of Armenia

“Article 95. Types of Punishment Imposed on Minors

1. Types of punishment imposed on minors shall be as follows:

- 1) Fine;
- 2) Public works;
- 3) Deprivation of the right to exercise certain activities;
- 4) Restriction of liberty;
- 5) Short-term imprisonment;
- 6) Imprisonment.

2. The minimum and maximum term or size of punishment imposed on a minor having committed a criminal offence before attaining the age of 16 shall not exceed one-third of the minimum and maximum term or size of punishment established by the relevant Article or Part of the Article of the Special Part of this Code. The minimum and maximum term or size of punishment imposed on a minor having attained the age of 16 but being under the age of 18, who committed a criminal offence, shall not exceed one half of the minimum and maximum term or size of punishment established by the relevant Article or Part of the Article of the Special Part of this Code. If in the result of the application of the above-mentioned rules the term or size of the punishment is less than the minimum term or size established for that type of punishment, a punishment shall be imposed in the calculated term or size.”

7(a) Does your national legal framework provide for the possibility for child protection professionals to conduct exploratory interviews of a child without informing in advance the parents/legal guardians in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?

Article 69 of the Criminal Procedure Code provides that in cases where the legal guardian of the minor is suspected of having committed an offence against that minor, they cannot participate in the investigatory proceedings involving the child, including the interview process of the child victim.

Furthermore, the Family Code (article 53) stipulates that parental rights cannot be exercised to the detriment of the child and in case it is suspected that the child's safety may be endangered by the parents the guardianship and trusteeship body has the right to immediately take the child away from the parents. Thus, it is safe to conclude that the authorities have the right to conduct the interviews of the child without informing the parents/legal guardians of the minor in advance if it is in the interests of the child.

The Family Code of the Republic of Armenia

“Article 53. Realisation of Parental rights

1. Parental rights cannot be realized contrary to children's interests.

The provision of the interests of children should be the primary concern of the parents.

While the realization of the parental rights the parents are not allowed to damage the physical and mental health of the children, their ethical development. The ways of children's rearing should exclude ignorant, cruel, violent attitude towards them, humiliating human dignity, offence or exploitation.

Parents who realize parental rights against the rights and interests of the children are accountable by the procedure established by law.

2. All the issues of rearing and education of children the parents solve by mutual consent proceeding from the best interests of children and taking into consideration the opinion of a child above 10. In case of impossibility to achieve mutual consent the parents (one of them) can apply to the department of custody and guardianship or court to resolve the dispute.
3. In case of separate living of parents, the residence place of children is decided by the consent of parents. If there is no consent, the dispute between parents is solved by court, proceeding from the interests of children and taking into consideration the opinion of a child above 10. The court takes into consideration a child's affection towards each of parents, siblings, the age of a child, other ethical and personal features of parents, the relations between each of parents and a child, the possibility to create conditions for the rearing and education of a child (the type of occupation/job of parents, their property and family status etc.).

Article 58. Taking of a child in case of a direct threat to his/her life and health

1. In case of the direct threat to the health and life of a child the trusteeship and guardianship body is authorized to take the child immediately from the parents (one of them) or the persons under whose care the child is placed.
2. When taking the child, the department of custody and guardianship is obliged to provide immediately temporary settlement of the child and apply to court within seven days with the suit to deprive the parents (one of them) of parental rights or restrict their parental rights.”

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 69. Circumstances excluding the participation of a legal representative in the proceedings

1. The guardian, the trustee, or within the scope of its powers the officer of the guardianship and trusteeship body of a minor or incapacitated person, close relative of the deceased accused or suspected offender, as well as the head of the legal entity responsible for the victim or property cannot participate in the proceedings, if
 - 1) he/she is in a kinship or other relationship of personal dependence with the judge, public or private participant of the proceedings who participated or is participating in the proceedings at the time of involvement of the legal representative;
 - 2) participated in the proceedings as a judge, public participant, private participant, or a person assisting the proceedings, except where the person acted as a witness;
 - 3) by his/her behaviour the person clearly harms the interests of the person being represented; or by his/her behaviour the person has hindered the implementation of the rights of the person being represented or led to the violation of such rights;
 - 4) he/she cannot be appointed as a legal representative due to law or a court decision;
 - 5) there is evidence of a crime committed by him/her against the interests of the person they represent.
2. A parent or adoptive parent of an accused, victim or witness who is a minor, incapacitated or has a mental health problem may not participate in the proceedings in the cases provided for in clauses 3-5 of part 1 of this article.

7(b) Does your national legal framework provide for the possibility for child protection professionals to conduct exploratory interviews of a child without acquiring the parents/legal guardians' prior consent in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?

Article 69 of the Criminal Procedure Code (quoted in question 7(a)) provides that in cases where the legal guardian of the minor is suspected of having committed an offence against that minor, they cannot participate in the proceedings. This includes the interview process of a child.

Furthermore, the Family Code (article 53 as quoted in question 7(a)) stipulates that parental rights cannot be exercised to the detriment of the child and in case it is suspected that the child's safety may be endangered by the parents the guardianship and trusteeship body has the right to immediately take the child away from the parents.

Thus, the authorities have the right to conduct the interviews of the child without acquiring the consent of the parents/legal guardians of the minor if it is in the interests of the child.

7(c) Does your national legal framework allow for the removal of the suspected perpetrator from the family environment in case of reasonable suspicion of sexual abuse of a child living in the same environment together with the suspect?

Yes, the Law on Domestic Violence provides for 3 distinct measures of protection in cases of domestic violence namely a warning, emergency intervention order and a protection order.

Article 7 of the Law on Domestic Violence provides that an emergency intervention order is made by the authorities in cases where one member of the family has committed violence (which includes sexual violence within the definition of the Criminal Code) against another member of the family and there is a reasonable belief of imminent risk of repeated or continuing violence.

Article 7 Part 3 Clause 1 of the Law on Domestic Violence provides that: "*An emergency intervention order may apply the following restraining measures: 1) Immediately and forcibly remove the perpetrator of violence within the family from the residence of the victim of violence within the family and prohibit his return until the date established in the order;*"

In case where an emergency intervention order has been made and where the victim of violence is a minor and the violence has been committed by the sole caretaker of the child, the guardianship and trusteeship body must be immediately notified of such order after which it will assume the temporary care of the child. Such intervention must be made as soon as possible, but no later than 24 hours, after receiving the copy of the emergency intervention order.

Furthermore, the Article 58 of the Family Code (as quoted in question 7(a)) provides that in case of the direct threat to the health and life of a child the trusteeship and guardianship body is authorized immediately take the child from the parents (one of them) or the persons under whose care the child is placed.

THE LAW OF THE REPUBLIC OF ARMENIA ON THE PREVENTION OF DOMESTIC VIOLENCE, THE PROTECTION OF PERSONS SUBJECTED TO DOMESTIC VIOLENCE, AND THE RESTORATION OF FAMILY PEACE

“Article 5. Types of protection measures for victims of violence within the family

1. Protection measures for victims of violence within the family are:
 - 1) Warning,
 - 2) Decision for emergency intervention, and
 - 3) Protective decision,
2. The decision to apply protection measures shall be well-grounded. The protection measures shall be applied following the principles set forth in this law and ensuring the proportionality of intervention. The application of those measures shall not hinder the institution of a criminal case and criminal prosecution stipulated by law.

Article 7. Emergency intervention order

1. An emergency intervention order is made by a competent police officer to protect the life and health of a member of the family if one member of the family has committed violence against another member of the family and there is a reasonable belief of imminent risk of repeated or continuing violence. An emergency intervention order may also be made if a violent act without elements of offence is committed within one year after receiving a warning.
2. The validity term of an emergency intervention order shall not exceed twenty days. If during the validity term of an emergency intervention order the court examines the application for a protective decision, then it shall be effective until the ruling of the court.
3. An emergency intervention order may apply the following restraining measures:
 - 1) Immediately and forcibly remove the perpetrator of violence within the family from the residence of the victim of violence within the family and prohibit his return until the deadline established in the order;
 - 2) If they live separately, prohibit the perpetrator of violence within the family to visit the workplace, school, leisure places or residence of the victim of violence within the family and, if necessary, persons under victim’s care as well as other venues attended by the latter;

- 3) Order the perpetrator of violence within the family to stay from the victim of violence within the family (and persons under the victim's care, if necessary) at such a distance that will not raise in the latter a reasonable fear for personal safety. The order to apply this measure shall specify the distance;
- 4) Order the perpetrator of violence within the family to surrender all firearms under his possession until the expiry of the deadline specified in the order. If the perpetrator of violence within the family possesses firearms, he shall immediately surrender those firearms to the police officer issuing the order at the time when this restraining order is communicated to him;
- 5) Prohibit the perpetrator of violence within the family to communicate with or contact the victim of violence within the family (and persons under her care, if necessary) through phone, mail or other forms of communication.
4. Restraining order may apply to any or all measures of the section 3 of this article specifying the same or different deadlines for those measures. The decision maker shall follow the principles of this law ensuring the proportionality of restraint when selecting the restraining measures.
5. If the person under imminent threat is a minor or an incapable person, the competent police officer issuing the order shall send a copy of that order and relevant records to the guardianship and trusteeship body which shall assess the situation and undertake measures stipulated in law and its charter.
6. If the emergency intervention order is issued against the only legal representative of a minor or incapable person living with the latter then the guardianship and trusteeship body, upon the receipt of a copy of the order but no later than within 24 hours, shall arrange the care of such minors or incapable persons following the procedure set forth by the Republic of Armenia legislation and based on their best interest.
7. A well-grounded decision of the competent police officer to issue an emergency intervention order shall become effective once it is served to the perpetrator of violence within the family. Its copy shall be served to the perpetrator of violence within the family against signed acknowledgment; if the latter is absent at the scene of action, the content of decision shall be communicated to the perpetrator via phone; if impossible, a copy of the decision shall be sent to the perpetrator via official e-mail or registered mail to the address of registration.
8. When applying the restraining measure stipulated in the section 3, clause 1 of this article the competent police officer issuing an emergency intervention order shall stay at the residence of the victim of violence within the family until the perpetrator of violence within the family collects his belongings and leaves the residence of the victim of violence within the family. After the effectiveness of the order, the perpetrator of violence within the family may take his belongings from that venue only once and accompanied by a police officer.
9. The competent police officer issuing an emergency intervention order shall immediately submit a copy of the order and relevant records to the chief of his unit.
10. The perpetrator of violence within the family shall refrain from such actions that will lead to nonfulfillment of obligations set forth for the perpetrator of violence within the family in the emergency intervention order. If the perpetrator of violence within the family intentionally and regularly commits such actions, the emergency intervention order may be revoked by the competent police officer issuing it. The same officer may revoke the emergency intervention order if as a result of peaceful settlement procedure set forth in this law peace in the family is restored as well as if prior to its expiry the court decides to apply protection order.
11. The Police shall supervise the implementation of the emergency intervention order by the perpetrator of violence within the family.

12. The competent police officer issuing an emergency intervention order shall send a copy of the order to the support centre at the permanent residence of the victim of violence within the family.
13. The restraining measure stipulated in the section 3, clause 3 of this article shall not apply when the meeting between the perpetrator of violence within the family and the victim of violence within the family is arranged in the scope of peaceful settlement procedure stipulated in this law with the permission of the support centre at the premises of the centre or in the presence of a relevant specialist of the centre.
14. Failure to comply to requirements of the emergency intervention order by the perpetrator of violence within the family shall entail liability under the law.
15. The emergency intervention order shall indicate the deadline for its appeal, the appeal body including the court where the order can be challenged, and the legal sanctions for breaching the order. The emergency intervention order can be challenged in the order of hierarchy within five days of notifying the perpetrator of violence within the family, and in the court within the deadline established by the Republic of Armenia Administrative Procedure Code. The appeal against the order shall not suspend its implementation. The administrative appeal shall be examined, and a resulting decision shall be made within five days of its receipt.”

7 (d) Does your national legal framework consider the removal of the child victim from the family environment as a last resort procedure? Is that procedure clearly defined, and does it set out conditions for and duration of the removal?

There is no specific reference to the removal of a child from the family environment as the "last resort" per se. The legislation of the Republic of Armenia provides a certain degree of flexibility for the authorities to determine what is in the best interests of the child.

Article 12 of the Law on Child’s Rights provides that every child has the right to live with his/her parents except where the separation of the child from the parents is necessary in the interests of the child.

Article 41 of the Family Code also provides that “Every child has the right to live and be brought up in a family, to know his/her parents, to be cared for by them (as much as possible), to live together with them, except in cases where this contradicts the child's best interests.”

Article 58 of the Family Code (as quoted in question 7(a)) on the other hand states that: “In the event of an immediate threat to the child's life or health, the guardianship and trusteeship body has the right to immediately take the child from the parents (one of them) or the persons to whom the child’s care is entrusted.”

THE LAW OF THE REPUBLIC OF ARMENIA ON CHILD’S RIGHTS

“Article 12. The Child's Right to Live in a Family

Each child has the right to know his/her parents and to reside together with them, with the exception of those cases stipulated in the legislation of the Republic of Armenia, when by the Court order the separation of the child from the parent or parents is necessary for the protection of the child's interests.

The state and its corresponding bodies are supporting the reunification of the families,”

THE FAMILY CODE OF THE REPUBLIC OF ARMENIA

“Article 41. Right of a Child to Live and Be Reared in a family

1. A person under 18 years old is considered a child.
2. Each child has the right to live and be reared in a family, know his/her parents, feel their care, live with them, except for the cases when it is contrary to their best interests.

A child also has the right to be reared by his/her parents, right of guarantees of his/her interests, multisided development, respect of his/her human dignity, as well as being provided with the necessary living conditions for full physical, mental and spiritual development.

In case of parents' absence, their being exempted from parental rights and other cases of the lack of parental care the right of a child of being reared in a family is provided by the departments of custody and guardianship in accordance with the provisions established by Chapter 17 of the given Code.”

7(e) Does your national legal framework ensure that the different agencies involved in the coordination and collaboration concerning child sexual abuse are allowed to share personal information as appropriate?

Article 26 part 2 of the law of the Republic of Armenia on the Protection of Personal Data (hereafter the Law on the Protection of Personal Data) provides that special category personal may be shared with third parties in exceptional cases provided for by law for protecting the life, health, or freedom of the data subject.

“Special category of personal data” is defined to include information relating to health and sex life of the person.

THE LAW OF THE REPUBLIC OF ARMENIA ON THE PROTECTION OF PERSONAL DATA

“Article 26. Transfer of personal data to third parties

1. The processor may transfer personal data to third parties or grant access to data without the personal data subject's consent, where it is provided for by law and has an adequate level of protection.
2. The processor may transfer special category personal data to third parties or grant access to data without the personal data subject's consent, where:
 - 1) the data processor is considered as a processor of special category personal data prescribed by law or an interstate agreement, the transfer of such information is directly provided for by law and has an adequate level of protection;
 - 2) in exceptional cases provided for by law special category personal data may be transferred for protecting life, health, or freedom of the data subject.”

8(a) Does your national legal framework clearly distinguish cases of suspension of parental rights as a provisional measure to protect the child before a court decision on the conviction of the concerned parent is taken?

The suspension of parental rights is not clearly defined as a provisional measure before a court decision on the conviction of the concerned parent is made.

According to Article 63 of the Family Code the court has the right to limit parental rights if it is in the best interests of the child. This is possible in cases where the behaviour of the parent is detrimental to the child but there are no sufficient grounds for termination of parental rights.

However, Article 59 of the Family Code clearly prescribes cruel treatment of children, including use of physical or mental violence against them, violation of their sexual integrity as grounds for termination of parental rights.

FAMILY CODE OF THE REPUBLIC OF ARMENIA

“Article 59. Withdrawal of parental rights

1. In order to protect the best interests of the child, parents or one of them may be deprived of parental rights if they:
 - 1) maliciously avoid fulfilling parental duties, including paying alimony, for one year in a row;
 - 2) do not change their behaviour within six months after the court decision on the restriction of parental rights enters into force;
 - 3) without justifiable reason refuse to pick up their child from the maternity hospital or organizations providing medical care and service;
 - 4) refuse to take their child from educational, social protection or other similar institutions for a year without a justifiable reason;
 - 5) abuse their parental rights, including inflicting a harmful influence on the child with their behaviour;
 - 6) suffer from chronic alcoholism, drug addiction;
 - 7) suffer from chronic mental illnesses, the list of which is established by the Government of the Republic of Armenia;
 - 8) treat the child cruelly, in particular
 - a. they regularly use such physical violence against the child, which does not contain the characteristics of the criminal offense provided for by the Criminal Code of the Republic of Armenia,
 - b. regularly inflict psychological violence on the child, that is, intentionally causing severe mental suffering, including the threat of physical and sexual violence, periodic humiliation of dignity.
2. A parent is deprived of parental rights if he/she is convicted of an intentional crime against his/her child.
3. The cases set forth in clauses 1, 3 and 4 of part 1 of this article are not grounds for deprivation of parental rights, if the parent is in a medical facility, disciplinary battalion, correctional facility, a place where arrestees or detainees are kept, participates in training gatherings or is in compulsory military service, in the armed forces during combat operations, in captivity, has gone on a foreign business trip, if the deprivation of parental rights does not result from the best interests of the child. The court may also consider reason as reasonable cause.

Article 63. Limitation of parental rights

1. Proceeding from the child’s interests, the court can decide to take the child from the parents (one of them) without deprivation of parental rights (restriction of parental rights).

2. The restriction of parental rights is allowed if leaving the child with parents or one of them is dangerous for the child because of the circumstances beyond the parents/ one of them (mental or chronic disease, existence of grave circumstances etc.).

The restriction of parental rights is also allowed in cases when despite the fact that leaving the child with the parents is dangerous for the child due to the behaviour of the latter, there are no sufficient ground to deprive the parents or one of them of the parental rights. If the parents or one of them do not change their behaviour, after six months from the entry into force of the court verdict to restrict the parental rights, the department of custody and guardianship is obliged to apply to the court with a suit on deprivation of parental rights. The department of custody and guardianship can present a suit on deprivation of the parent/parents of parental rights before this term expires proceeding from the child's interests.

3. A suit on restriction of parental rights can be presented by the close relatives of the child, other departments and organizations who bear the obligations of the protection of child's rights, pre-school, educational and other organizations.

4. The cases of restriction of parental rights are considered with the obligatory presence of the department of custody and guardianship.

5. Within three days after the entry into force of the court verdict on restriction of parental rights the court is obliged to send the extract of the verdict to the state Civic Status Registration Department of the child's birthplace."

8(b) Does your national legal framework clearly distinguish cases of withdrawal of parental rights once the court has convicted the said parent?

Yes, Article 59 of the Family Code (quoted in question 8(a)) clearly prescribes cruel treatment of children, including use of physical or mental violence against them, violation of their sexual integrity or the commission of a criminal offence against them as grounds for termination of parental rights.

Therefore, if the parent is convicted of an offence against the child this will be grounds for termination of their parental rights.

9(a) Does your national legal framework provide for automatic suspension of parental, visitation, and child hosting rights of parents against whom criminal proceedings for sexual abuse of own child are pending? Please provide details.

No, the process is not automatic. However, there are measures such as the temporary suspension of parental rights (Article 63 of the Family Code as quoted in question 8(a)), or emergency intervention order (Article 7 of the Law on Domestic Violence as quoted in question 7(c)) to protect the child until a court decision is made.

9(b) Does your national legal framework provide for automatic withdrawal of parental rights of parents convicted of sexual abuse of own child?

The process of withdrawal of parental rights is not automatic.

10. How does your national legal framework ensure that any person reporting in good faith suspected sexual abuse and sexual exploitation of a child, including a person bound by

professional confidentiality rules, does not get prosecuted or punished by judicial proceedings for defamation, libel or similar offences?

The laws on defamation or libel are strictly applied to statements made in public. There is no right to claim defamation or libel for reporting a suspicion to the police.

Medical professionals have the right to report information regarding the patient to the authorities where they have grounds to suspect that the injuries may have been inflicted as a result of abuse or other unlawful acts. (Article 11, part 5 clause 8 of the law of the Republic of Armenia on Medical Aid and Population Services).

The Law on the Protection of Personal Data, by virtue of Article 26 part 3 clause 2 (as quoted in question 7(e)) provides that: “ The processor may transfer special category personal data to third parties or grant access to data without the personal data subject’s consent, where: (2) in exceptional cases provided for by law special category personal data may be transferred for protecting life, health or freedom of the data subject.”

Moreover, Article 43 part 3 of the Family Code (quoted in question 2(a)) states that “Individuals in positions of authority and ordinary citizens who become aware of instances where a child's life and well-being are at risk, or their rights and interests are being violated, are required to promptly notify the guardianship and trusteeship body. Once this information is received, the child protection agency must take all necessary actions to safeguard the child's rights and well-being.”

THE LAW OF THE REPUBLIC OF ARMENIA ON MEDICAL AID AND POPULATION SERVICES

“Article 11. Medical confidentiality and requirements for its processing

...

5. The Data which is considered to be a medical secret may be transferred, without the consent of the patient or his legal representative, in accordance with the procedure established by the Government only:

...

8) to the police (about the patient (as well as the deceased person) transferred to a medical institution), regarding whose deterioration of health or death is suspected to have been caused by violent, including illegal actions; ...”

11. What kind of legislative or other measures does your national legal framework have in place to ensure that persons close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care?

There are special support centres that have been established by legislation of the Republic of Armenia. These centres, amongst other duties, provide free psychological and legal assistance and other

necessary social services to victims of domestic violence. (Article 19 part 2 of the Law on Domestic Violence)

Starting from 2020, state-funded support facilities for individuals who have suffered from domestic abuse have been established across all regions of the Republic. These support facilities offer a range of services including psychological and legal aid (such as legal counsel and hotline services), as well as legal protective measures. The intention is to relocate victims of domestic violence and those under their care to a shelter, provided that they give their consent in a manner outlined by the law when there is a risk of recurring abuse.

The Support Centres are tasked with the arrangement for the provision of free and necessary psychological and legal assistance and other necessary services to the victims of domestic violence as soon as possible after an emergency intervention order or a protection order has been received by them.

THE LAW OF THE REPUBLIC OF ARMENIA ON THE PREVENTION OF DOMESTIC VIOLENCE, THE PROTECTION OF PERSONS SUBJECTED TO DOMESTIC VIOLENCE, AND THE RESTORATION OF FAMILY PEACE

“Article 19. Support Centre

1. Support centre shall:

- 1) Inform persons who approached the support centre about their rights, available services, protection measures stipulated in the law and procedure to benefit from them in a plain language (in case of people with disabilities in a manner understandable for them);
- 2) Arrange provision of free and necessary psychological and legal assistance and other necessary services to the victims of violence within the family;
- 3) Decide to transfer victims of violence within the family and persons under their care to the shelter upon their consent and in cases and following the procedure specified in this law;
- 4) Review root causes and conditions of violence within the family, manage statistics of cases of violence within the family and submit the results to the Competent Authority;
- 5) Following the procedure established by the Competent Authority arrange the rehabilitation of perpetrators of violence within the family, offer the latter relevant assistance and participation in some activities as a part of rehabilitation program as soon as possible after the receipt of a copy of the warning or emergency intervention order;
- 6) Offer psychological assistance to the victim of violence within the family as soon as possible after the receipt of a copy of the warning or emergency intervention order;
- 7) Implement or facilitate the implementation of conciliation process between the victim and the perpetrator of violence within the family on terms stipulated in article 10 of this law and following the procedure set forth by the Head of the Competent Authority;
- 8) Assist the victims of violence within the family in finding job and receiving social assistance from the state or relevant organizations;
- 9) Upon the consent of the person applying to support centre and to ensure her safety, check with a relevant unit of the Police the presence of grounds for issuing a warning or an emergency intervention order as well as apply to the court to receive a protection order in cases prescribed in this law.”

12. When determining the support required to the victim and the persons close to him or her, how does your national legal framework ensure that the child's disclosure does not worsen his or her situation and that of the other non-offending members of the family?

Article 7 part 1 of the Law on Domestic Violence (quoted in question 7(c)), provides that once a complaint is lodged by a victim of domestic violence (including minors) the police officers to whom the complaint was made makes a decision on emergency intervention. Part 3 the same article sets out the measures that may be undertaken in an emergency intervention in the following manner:

“The following restrictions may be applied by the decision of emergency intervention:

1. The individual who committed domestic violence is mandated to leave the residence of the victim immediately and is prohibited from returning until the specified period as defined by the decision has elapsed.
2. To prohibit the person who committed domestic violence from visiting the victim who resides in a different area from him/her. the person who committed domestic violence is further prohibited from visiting persons under the care of the victim at their place of work, study, recreation, residence, or other places;
3. The person who committed domestic violence is restrained from approaching the victim of domestic violence, and if necessary, also the individuals under their care, at a distance that would reasonably cause fear for the personal safety of the person subjected to domestic violence. The decision specifies the exact size of the distance to be maintained.
4. The weapon in the possession of the person who committed the violence is to be seized and taken into custody before the period specified by the decision ends. Upon being informed about the decision, if the individual involved in the family violence possesses a weapon, they are required to promptly surrender it to the police officer responsible for implementing the decision.
5. The person who committed family violence is restricted from communicating with the victim of family violence through phone, letter, or any other means of communication. If required, this prohibition also extends to communication with the individuals under the care of the victim.”

Article 7 part 8 of the Law on Domestic Violence requires that the police officer remain at the premises where the victims reside until such time as the person who committed the domestic violence collects his/her belongings and leaves the premises.

The article further stipulates that the person who committed the act of violence can only return to the premises with the aim of collecting personal belongings once and while being accompanied by a police officer.

In case where the person who committed the act of domestic violence is the sole caretaker of the minor victim, the guardianship and trusteeship body must be immediately notified of such order after which it will assume the temporary care of the child. Such intervention must be made as soon as possible, but no later than 24 hours, after receiving the copy of the emergency intervention order from the police or the officer who made the order.

Chapter 3 Point 22 of the charter of the trusteeship and guardianship body imposes upon them the right and the obligation to swiftly remove the child from their parents' or guardians' care in situations where there is an immediate threat to a child's safety or well-being. The child will be placed in a temporary accommodation to ensure their safety. Within a period of 7 days, the trusteeship and custodianship body is required to take legal action and approach a court to either terminate or limit the parental rights of one or both parents.

13(a) Does your national legal framework provide for a mechanism to monitor or supervise persons convicted of child sexual abuse and, specifically, persons convicted of child sexual abuse while holding a recognised position of trust, authority, or influence?

Yes, Article 11 part 1 of the Law on Domestic Violence requires that “The police place under preventive monitoring a person who has committed family violence and against whom a warning, emergency intervention, or protection decision has been issued. Additionally, an adult who has been convicted of a crime related to family violence is also included in this monitoring.”

As per article 11 part 3 of the same law, the police officers or social worker of the territorial authority are tasked with conducting at least one meeting per month to monitor the behaviour of the person who is registered for preventative monitoring and the victims of domestic abuse. If the social worker of the territorial body detects a risk of violence recurrence during the monitoring, he/she immediately informs the police about it.

THE LAW OF THE REPUBLIC OF ARMENIA ON THE PREVENTION OF DOMESTIC VIOLENCE, THE PROTECTION OF PERSONS SUBJECTED TO DOMESTIC VIOLENCE, AND THE RESTORATION OF FAMILY PEACE

“Article 11. Preventive registration and deregistration of the perpetrator of violence within the family

1. The perpetrator of violence within the family against who a warning, an emergency intervention order or a protection order is issued as well as an adult with criminal record for family violence shall be registered by the Police for preventive purposes. A social worker from the local centre providing social services set forth in the Republic of Armenia Law on Social Assistance shall, in the scope of preventive registration, carry out monitoring to prevent acts of violence within the family by an adult; in case of a minor the monitoring shall be carried out by the Police in the manner established by the Head of the Competent Authority or the Chief of Police.
2. The person under preventive registration is deregistered if within one year following the last act of violence within the family new emergency intervention or protection orders are not issued against him or he is not convicted for such crime.
3. In the scope of preventive registration, the police officer and the social worker from the local centre shall have at least monthly meetings with the registered person and the victim of violence within the family to raise awareness. The social worker from the local centre shall immediately notify the Police if a risk of repeated violence is identified during the monitoring.”

13(b) Does your national legal framework provide for sharing with other countries data concerning persons convicted of child sexual abuse?

THE LAW OF THE REPUBLIC OF ARMENIA ON THE PROTECTION OF PERSONAL DATA

“Article 27. Transfer of personal data to other states

1. Personal data may be transferred to other country by the data subject's consent or where the transfer of data stems from the purposes of processing personal data and/or is necessary for the implementation of these purposes.

2. Personal data may be transferred to other state without the permission of the authorised body, where the given State ensures an adequate level of protection of personal data. An adequate level of protection of personal data shall be considered to be ensured, where:
 1. personal data are transferred in compliance with international agreements;
 2. personal data are transferred to any of the country included in the list officially published by the authorised body.
3. Personal data may be transferred to the territory of the State not ensuring an adequate level of protection only by the permission of the authorised body where personal data are transferred on the basis of an agreement, and the agreement provides for such safeguards with regard to the protection of personal data which were approved by the authorised body as ensuring adequate protection.
4. In cases referred to in part 3 of this Article the processor of personal data shall be obliged — prior to the transfer of data to other country — apply to the authorised body to obtain permission. The processor of personal data shall be obliged to specify in the application the country where personal data are transferred, the description of the recipient of personal data (name, legal form), description (content) of personal data, purpose of processing and transferring personal data, agreement or the draft thereof. The authorised body shall be obliged to permit or reject the application within 30 days. The authorised body may require from the processor of personal data additional information by observing the time limit for the consideration of the application. In case when the authorised body finds that contractual safeguards are not sufficient, it shall be obliged to specify those necessary changes which will ensure safeguards for the protection of personal data.
5. The authorised body for the protection of personal data, regularly but not less than once in a year, shall be obliged to revise the list of countries ensuring an adequate level of protection of personal data and publish the changes in the official journal and in its official website. 6. Personal data under the disposition of state bodies may be transferred to foreign state bodies only within the scope of interstate agreements, whereas to non-state bodies in accordance with the norms of this Article.

14(a) Does your national legal framework allow for the immediate removal or suspension of a professional or volunteer working with children suspected of sexually abusing a child?

The Labour code of the Republic of Armenia (hereafter the Labour Code), Article 122 part 1 clause 2 provides that the employer has the right to terminate the employment contract on the grounds of loss of confidence in the employee where the employee while carrying out teaching and educating functions, has committed an act that is incompatible with the continuation of the given task.

When terminating the employment contract on the grounds of loss of confidence the employer has the right to rescind the employment contract without notifying the employee. (Article 123 of the Labour Code)

The Labour Code of the Republic of Armenia

“Article 122. Termination of the employment contract because of the loss of confidence toward the employee

1. The employer has the right to terminate the employment contract with the employee towards whom the confidence is lost on the basis envisaged by clause 6 of section 1 of article 113 of this code, if the employee:

- 1) committed an act as a result of which the employer suffered or could have suffered material loss;
- 2) the employee performing educational functions committed an act incompatible with continuing the given work;
- 3) published government, commercial or technological secrets or disclosed them to a competing organization;
- 4) did not comply with (violated) the requirements of legal acts on ensuring the safety and health of workers, rules of organization and implementation of work, instructions, which caused or could cause serious consequences, endangering the life and health of persons or creating a real threat to the life and health of persons or causing damage to their life and health.
- 5) illegally (without consent or notification) used the employer's or other employees' computer equipment or information systems (means of accessing information systems (login, password, etc.)), through which he obtained work or personal data, carried out illegal use of data, recording, destroying, transforming, blocking, duplicating, distributing, or has performed activities involving digital technology, including virus or software installations, that could disrupt or have disrupted the normal operation of the employer.

Article 123. Termination of an Employment Contract without Notice

1. In the cases provided by clauses 4, 5, 6, 8-10 of part 1 of Article 113 of this Code, the employer has the right to terminate the employment contract without notifying the employee.

14(b) Does your national legal framework ensure that professionals working in the public, private or voluntary sectors failing to report offences of child sexual abuse occurring in “out-of-home care” settings are held liable?

Article 43 part 3 of the Family Code (as quoted in question 2(a)) states that “Individuals in positions of authority and ordinary citizens who become aware of instances where a child's life and well-being are at risk, or their rights and interests are being violated, are required to promptly notify the guardianship and trusteeship body.

The consequences for failure to report, however, are unclear.

14(c) Does your national legal framework ensure that legal persons failing to protect children in their care from sexual abuse are held liable?

There is no such regulation in the legislation of the Republic of Armenia.

15(a) How does your national legal framework ensure that special representatives and guardians *ad litem* who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim receive appropriate training and legal knowledge to ensure and safeguard the best interests of the child victim during criminal investigations and proceedings?

The responsibilities of guardians *ad litem* in cases where a child is left without parental care, is undertaken by guardianship and trusteeship bodies.

According to the constitution of the guardianship and trusteeship bodies, established by the Government Decision N 631-Ն from 2 June 2016 guardianship and trusteeship bodies are provided

with comprehensive assistance, guidance, and information concerning state policies, legal provisions, and documents designed to safeguard the well-being of children. They benefit from methodological clarifications and directives furnished by the Ministry of Labour and Social Affairs of the Republic of Armenia. Additionally, regional governors, Yerevan Municipality within Yerevan, as well as qualified individual experts and relevant public organizations and foundations, are readily available sources for essential advice, support, and information in this domain.

15(b) How does your national legal framework ensure that special representatives and guardians *ad litem* who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim avoid combining the functions of a lawyer and guardian *ad litem* in one person?

Lawyers and guardians are two different entities in the legislation of the RA. The guardianship is conducted by the guardianship and trusteeship body, while the legal representation is undertaken by attorneys.

The Criminal Procedure Code distinguishes between legal representatives and authorised representatives. (Article 6)

The CPC defines legal representatives as parents, adopters, guardians, trustees, employees of the trusteeship and guardianship body, within their authorised capacity, close relatives of deceased defendants or individuals who were accused of a crime but have passed away or the leader of a legal entity who is either the victim or the defendant in a property-related case. (Article 6)

The legal representatives are appointed by the investigator (Article 46 part 1 clause 15 & Article 53 part 2 of Criminal Procedure Code).

The authorised representatives within the meaning of the CPC are attorneys who have been duly authorised to represent the person in a case as well as the duly authorised employee of a legal entity. (Article 6)

15(c) How does your national legal framework ensure that special representatives and guardians *ad litem* who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim are provided free of charge for the child victim?

The trusteeship and guardianship body is funded by the state.

Article 19 of the Criminal Procedure Code provides that the victim and his legal representative have the right to receive the legal assistance of a lawyer invited by them and in cases provided by law such legal assistance is provided at the expense of state funds.

Article 6 part 4 of the law of the Republic of Armenia on the Profession of Advocates provides that the Chamber of Advocates is responsible for furnishing legal assistance funded by the State, for cases presented in Articles 41 of the same Law.

Article 41, part 5 clause 16 of the same law provides for free legal aid for victims of domestic violence within the meaning of the Law on Domestic Violence.

“Article 19. Provision of legal aid

1. The arrested person, the accused, their respective legal representatives, the victim, their legal representative, the property defendant, their legal representative, and the witness during the proceedings all have the right to receive legal assistance from a lawyer of their choosing, and in cases specified by law, such assistance may also be provided at the expense of state funds.
2. The body responsible for conducting the procedure is not authorized to prohibit the presence of the lawyer during proceedings involving their client.”

THE LAW OF THE REPUBLIC OF ARMENIA ON THE PROFESSION OF ADVOCATES

“Article 6. The Paid Nature of Practice of the Profession of Advocate

1. An advocate is entitled to receive remuneration for his/her services.
2. The amount of legal fees is established through a written contract signed between the lawyer and the client in accordance with the Civil Code of the Republic of Armenia, (hereinafter referred to as the "contract.")
3. With the consent of the lawyer, legal assistance can be provided free of charge.
4. The state ensures the provision of free legal aid to individuals as stipulated in Article 41 of this law, in accordance with the procedures outlined within the same Article.
5. To establish a reasonable amount of compensation for a lawyer's remuneration in connection with the reimbursement of court costs (damages) by the courts, the Council of the Chamber of Advocates has the authority to establish an average price list for legal services. This specific price list may not be utilized for any other purposes.
6. Payments for legal activities are carried out in accordance with the law of the Republic of Armenia "On Cashless Transactions".

Article 41. Public defence

1. Free legal aid, provided in accordance with the cases outlined in this article, is regarded as a form of public defence.

...

2. The Public Defender's Office, except for the provision of legal aid to individuals who have been arrested or accused within the context of criminal proceedings, as well as those cases detailed in part 6 of this article, offers free legal assistance, as stipulated in this article, to the following individuals:

- 16) Victims of domestic violence within the definition of the law of Republic of Armenia on the Prevention of Domestic Violence, the protection of persons subjected to domestic violence, and the restoration of family peace.

...”

16(a) Do you appoint a special representative or guardian ad litem when there is a conflict of interest between the holders of parental authority and a child?

In case where an emergency intervention order has been made due to the occurrence of domestic violence and where the victim of violence is a minor and the violence has been committed by the sole caretaker of the child, the guardianship and trusteeship body must be immediately notified of such order after which it will assume the temporary care of the child. Such intervention must be made as soon as possible, but no later than 24 hours, after receiving the copy of the emergency intervention order from the police or the officer who made the order.

Furthermore, The Criminal Procedure Code defines legal representatives as parents, adopters, guardians, and trustees, employees of the trusteeship and guardianship body, within their authorised capacity, close relatives of deceased defendants or individuals who were accused of a crime but have passed away or the leader of a legal entity who is either the victim or the defendant in a property-related case. (Article 6)

The legal representatives are appointed by the investigator (Article 41, part 1 clause 15 & article 53 part 2 of Criminal Procedure Code). This means that when there is a conflict of interest between the parents and the child the person responsible for investigation of the case has the right to appoint a legal representative for the child on their own accord. This will either be another relative of the child or the trusteeship and guardianship body.

Similarly, in the case of a protection order (Article 8 part 8 of the law Domestic Violence), where the victim of violence is a minor and the violence has been committed by the sole caretaker of the child, the court will order the guardianship and trusteeship body to assume the temporary care of the child.

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 41. Powers Of the Investigator

1. The investigator

...

15) decides on the appointment of the victim’s legal representative

...

Article 53. Legal Representative of the Victim

...

2. The individual is recognized as the legal representative of the victim by a decision made by the body overseeing the proceedings. ...”

THE LAW OF THE REPUBLIC OF ARMENIA ON THE PREVENTION OF DOMESTIC VIOLENCE, THE PROTECTION OF PERSONS SUBJECTED TO DOMESTIC VIOLENCE, AND THE RESTORATION OF FAMILY PEACE

“Article 8. Protection order

...

8. If the protection order is issued against the only legal representative (or representatives) of a minor or incapable person living with the latter, then the court shall instruct the guardianship and

trusteeship body to arrange temporary care of such minors or incapable persons in accordance with the Republic of Armenia legislation and based on their best interest. ...”

16(b) Is this person allowed to be present throughout the criminal proceedings?

Yes, according to article 53 of the Criminal Procedure Code the legal representative of the victim has all the rights and duties of the victim apart from those rights and duties which are inseparable from the victim.

Pursuant to the same article the legal representative of the victim has the right to be informed when the victim is called to the body conducting the proceedings, and to accompany him as well as to participate in the questioning and other evidentiary operations involving the victim (as defined by article 6, clause 38 of the CPC).

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 53. Legal representative of the victim

...

4. The legal representative of the victim possesses all the rights and responsibilities of the victim, except for those rights and responsibilities that are inherently tied to the victim's person.

The legal representative of the victim also holds the right to:

1. Be informed about the invitation of the victim to the body overseeing the proceedings and to accompany them.
2. Take part in the questioning of the victim, as well as other evidentiary procedures involving the victim's participation.”

17(a) In investigative and judicial proceedings how does your national legal framework ensure that protection measures are available to all children irrespective of their age?

The word Minor is described as a person who has not yet reached the age of 18. Any provisions in the Criminal Procedure Code which provide protection for a minor are applicable to all persons under the age of 18 indiscriminately.

17(b) In investigative and judicial proceedings how does your national legal framework ensure that specificities of sexual abuse committed in respect of a child by someone in a recognised position of trust, authority or influence are taken into account in the measures and procedures applied during criminal investigations and proceedings in order not to aggravate the trauma experienced by the child?

According to the article 212 of the Criminal Procedure Code a psychologist, who meets the qualifications outlined by the Government's established procedure, is engaged in conducting an

investigative operation that involves a minor, an incapacitated individual, or a person with mental health challenges.

Article 212 of the Criminal Procedure Code Part 3 provides that “For the purposes of safeguarding the legitimate interests of a minor, incapacitated person or a person with mental health problems, and by the recommendation of a psychologist, the investigative actions are carried out under such conditions (place, duration, number of participants, etc.) that will allow for the guarantee of the victim’s best interests in as much as possible.”

Article 212 part 4 of the Criminal Procedure Code provides that based on the psychologist's advice and with the goal of safeguarding the legal rights of the underage victim or witness, the investigator prepares and collaborates with the psychologist to determine the questions that will be posed to the minor prior to commencing the investigative procedure of taking the minor’s testimony.

Article 212 part 5 of the Criminal Procedure Code provides that “Based on the psychologist's recommendation and with the objective of safeguarding the legitimate interests of the minor victim or witness, the inquiries directed at the child by the arrested person, the defendant or their representative are posed to the minor only after coordination with the psychologist and without direct communication with the minor”.

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 212. Specificities of an investigative operation involving a minor, an incapacitated person or a person with a mental health problem

1. A psychologist, qualified in accordance with the procedure set by the Government, is engaged in the execution of an investigative operation that involves a minor, an incapacitated individual, or a person with mental health issues. The legal representative of a minor, an incapacitated person, or a person with mental health problems has the right to participate in the investigative operation concerning the person he/she represents.
2. Before commencing the investigative operation, both the psychologist and the legal representative are informed about their rights to participate in the investigative operation and provide comments. In addition, those participating in the investigative operation pertaining to testimonies are informed of their right to ask questions, with the psychologist also having the right to offer professional input regarding the ongoing investigative operation. The examiner retains the right to omit the questions raised or decline to accept the suggestions made; however, it is mandatory that these questions and suggestions be documented in the record in any case.
3. Based on the psychologist's recommendation and with the aim of safeguarding the lawful interests of a minor, incapacitated person, or an individual with mental health issues, the investigative action is conducted under conditions (including location, duration, number of participants, etc.) designed to maximize the protection of their best interests.
4. Upon the psychologist's recommendation and with the objective of safeguarding the legal interests of the minor victim or witness, prior to initiating the investigative action related to testimony, the investigator formulates and agrees with the psychologist on the questions to be posed to the minor.
5. Based on the psychologist's recommendation and with the aim of safeguarding the legitimate interests of the minor victim or witness, the questions directed towards the arrested person, the accused, or their defense counsel are presented to the minor after coordination with the psychologist, without direct communication with the minor.
6. A minor below the age of sixteen who takes part in an investigative operation related to providing testimony is informed of their obligation to provide a truthful testimony. However, they are not

cautioned about the criminal consequences that may arise from refusing to testify or providing false testimony.”

17(c) In investigative and judicial proceedings how does your national legal framework ensure that a child who is a presumed victim of sexual abuse is supported by a professional trained to safeguard children’s psychological well-being?

According to the article 212 of the Criminal Procedure Code (quoted in question 17(b) above) a psychologist, who meets the qualifications outlined by the Government's established procedure, is engaged in conducting an investigative operation that involves a minor, an incapacitated individual, or a person with mental health challenges.

There is a designated division of police force which deals with cases of domestic violence. The officers serving in the division are required to undertake continuous training to better deal with cases of domestic violence. (Article 15 of the Law on Domestic Violence)

The law of the Republic of Armenia on the Prevention of Domestic Violence, the protection of persons subjected to domestic violence, and the restoration of family peace

“Article 15. Mandate of the Police in the area of prevention of violence within the family and protection of victims of violence within the family

1. In the area of preventing violence within the family and protecting victims of violence within the family the Police shall:
 - 1) Facilitate the operation of a specialized unit for prevention of violence within the family and protection of victims of violence within the family. The Government shall approve a special uniform for the specialized unit and the Chief of Police shall set forth the training procedure and other distinct operational features;
 - 2) Specify the procedure for preventive registration as well as the monitoring procedure for prevention of violence within the family by juveniles in the scope of preventive registration and for these purposes meet with them at least monthly;
 - 3) Explain to individuals who informed the Police about violence against them within the family their rights and possibility to benefit from available services, refer them to support centers, if necessary, make a decision to transfer victims of violence within the family and persons under their care to the shelter in cases and following the procedure specified in this law;
 - 4) Arrange regular trainings on prevention of violence within the family and protection of victims of violence within the family for its relevant officers; facilitate participation of its relevant officers in trainings organized by other bodies and organisations;
 - 5) Issue emergency intervention orders stipulated in article 7 of this law, oversee the implementation of relevant provisions in the emergency intervention and protection orders following the procedure set forth by the Chief of Police;
 - 6) Develop criteria to assess the imminent threat specified in article 7 of this law and organize mandatory training for its relevant officers to introduce them specific aspects of application of the aforementioned criteria;
 - 7) Submit statistics it maintains on cases of violence within the family to the Competent Authority.”

18. Since the adoption of the 1st implementation report in the 1st monitoring round in 2015, has your national legal framework been amended to ensure that the justice system accommodates more fully the specificities attached to the participation of children as victims in proceedings and not solely as perpetrators of criminal offences?

Armenia was not yet party to the convention in 2015.

Armenia was not yet party to the convention in 2015. However, it must be mentioned that the latest amendments of the Criminal and the Criminal Procedure Code have come into force in 2022. The amendments incorporate more detailed regulations regarding the participation of child victims in the criminal proceedings and the specificities of the investigation of cases involving a child victim.

19(a) In the investigation phase are interviews of child victims arranged in a child-friendly setting separate from the usual premises where investigations and interviews are conducted (such as police, hospital or court premises), and are such settings provided throughout your territory?

Article 212 part 3 of the Criminal Procedure Code (as quoted in question 17(a) above) provides that “For the purposes of safeguarding the legitimate interests of a minor, incapacitated person or a person with mental health problems, and by the recommendation of a psychologist, the investigative actions are carried out under such conditions (place, duration, number of participants, etc.) that will allow for the guarantee of the victim’s best interests in as much as possible.”

Furthermore, part 6 of the article 214 of the Criminal Procedure Code provides that in exceptional cases, when a person's presence during the execution of an investigative operation is hindered by health conditions or their location, or when there's a necessity to guarantee an individual's safety or safeguard the lawful rights of a minor victim or a witness, in the interests of justice, the investigative operation may be conducted using video communication technology.

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 214. The use of technical means during investigative proceedings

...

- 6) In exceptional circumstances, when it is impossible for a person to be physically present during the execution of an investigative operation due to health reasons or being located in another place, or when it is necessary to guarantee a person's safety or protect the lawful interests of a minor victim or witness, and this is deemed essential for the pursuit of justice, the investigative operation may be conducted using video communication technology (via video).

...”

19(b) In the investigation phase are all staff responsible for interviewing child victims required to undergo suitable qualifying training?

There is no specific regulation regarding this in the legislation of Armenia. However, in cases involving a minor victim, all investigative actions are carried out with the involvement of a duly qualified psychologist. Every step, including the questions posed to the victim, is to be coordinated and agreed upon with the psychologist to ensure their well-being and appropriate handling of the situation.

The investigator has the right to remove the questions asked or not to accept the proposals presented, but in any case, they must be included in the record. (Article 212 of the Criminal Procedure Code quoted in question 17(a))

19(c) In the investigation phase does your national legal framework require that interviews with child victims are conducted as soon as possible after the offence, that their duration and number are limited, and that in their organisation account is taken of the child's age and attention span?

In relation to the duration of the interviews article 217 part 3 of the Criminal Procedure Code provides that “The maximum duration of continuous interrogation is limited to 4 hours for regular individuals and 2 hours for minors, persons with mental health problems, or serious illnesses. After the specified time, the interrogation must pause to provide the interrogated person with a break of at least one hour for rest and food. In any day, the total duration of interrogation cannot exceed 8 hours for regular individuals and 6 hours for minors, persons with mental health problems, or serious illnesses.”

Article 212 part 3 of the Criminal Procedure Code (as quoted in question 17(a) above) further provides that “ For the purposes of safeguarding the legitimate interests of a minor, incapacitated person or a person with mental health problems, and by the recommendation of a psychologist, the investigative actions are carried out under such conditions (place, duration, number of participants, etc.) that will allow for the guarantee of the victim's best interests in as much as possible.”

Part 3 of the article 329 of the Criminal Procedure Code of the RA provides that based on the recommendation of a psychologist, the victim who is a minor will not be subjected to examination in court, if this is in his/her best interest, and if the defence had an opportunity to ask questions to the minor during the pre-trial proceedings.

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 329. Specificities of the interrogation of a minor victim or witness

1. The legal representative of a minor victim or witness has the right to participate in the questioning of the victim or witness.
2. Interrogation of a minor victim or witness is carried out with the participation of a psychologist at the request of the party or at the initiative of the court.
3. A minor victim or a witness is not interrogated on the recommendation of a psychologist, if it is necessary for the protection of his/her legitimate interests, and the defence had the opportunity to pose questions to the minor in the pre-trial proceedings.
4. Prior to commencing the questioning of a victim or a witness under the age of sixteen, the presiding officer provides an explanation of the significance of providing truthful testimony for the just conduct of the proceedings but refrains from cautioning them about the consequences of refusing to testify or providing false testimony.

5. At the conclusion of the interrogation, the legal representative is granted the right to pose questions to the minor victim or witness, subject to the permission of the chairman.”

19(d) In the investigation phase how do you ensure that child victims of sexual abuse by someone in a recognised position of trust, authority or influence are not repeatedly interviewed during the proceedings?

Part 3 of the article 329 of the Criminal Procedure Code (as quoted in question 19(c) above) provides that based on the recommendation of a psychologist, the victim who is a minor will not be subjected to examination in court, if this is in his/her best interest, and if the defence had an opportunity to ask questions to the minor during the pre-trial proceedings.

19(e) In the investigation phase where it is indispensable to interview the child victim more than once, does your national legal framework require that the interviews should, if possible and where appropriate, be conducted by the same person and under the same material conditions as the first?

There is no specific provision requiring that the interviews should, if possible and where appropriate, be conducted by the same person and under the same material conditions as the first. However, according to part 1 of article 210 of the Criminal Procedure Code, the investigative action is carried out by the investigator who is authorised to conduct such actions within the relevant proceeding. This in turn means that in case where the repeated interviewing of the child victim is absolutely necessary it will still be conducted by the same investigator.

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 210. Participants of the investigative proceedings

1. The investigative action is carried out by the investigator duly authorized to conduct investigative actions within the specific proceeding.

...”

19(f) In the investigation phase does your national legal framework offer criminal defence the possibility to contest a child’s disclosure during the interview through questions, thus obviating the need for the child to be present in the court room during the proceedings?

According to article 210 part 3 of the CPC in order to ensure the effectiveness of the investigative operations, the investigator is empowered to involve private participants of the proceedings as well as individuals providing support to the proceedings in the said operations. It is therefore possible for the investigator to allow for the defence to pose questions or contest the disclosure of the minor in order to alleviate the need for the child to be present in court during the proceedings.

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 210. Participants of the investigative proceedings

...

1. To enhance the effectiveness of the investigative operation, the investigator is granted the authority to involve private participants in the proceedings, as well as individuals supporting the proceedings....”

20(a) In the judicial proceedings is systematic use of video equipment made in order to record interviews of child victims or enable him or her to testify remotely during the proceedings?

Yes, according to the article 327, part 1 of the Criminal Procedure Code, in extraordinary circumstances, if the individual under questioning cannot be physically present in court due to health issues or being outside the borders of the Republic of Armenia, or if their presence may endanger their safety or undermine the credibility of their testimony, or if it is essential to safeguard the legal rights of a minor victim or witness, the court has the discretion to conduct the interrogation via video communication using appropriate technical means. This may be done at the request of a party or at the court’s own initiative.

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 327. Special procedure for questioning

1. In exceptional circumstances, when the physical presence of the person scheduled for questioning in court is unfeasible due to health issues, being located outside the borders of the Republic of Armenia, posing a threat to the security of the individual being questioned, or potentially undermining the credibility of the testimony, or when it is essential to safeguard the legal interests of a minor victim or witness, the court, either upon request from a party or at its own discretion, is empowered to conduct the interrogation via video communication technology.

...”

20(b) In the judicial proceedings does your national legal framework make an exception in the requirement to be physically present at court hearings for child victims of sexual abuse, including when they are giving evidence?

According to the article 327 of the Criminal Procedure Code (as quoted in question 20(a) above), in extraordinary circumstances, if the individual under questioning cannot be physically present in court due to health issues or being outside the borders of the Republic of Armenia, or if their presence may endanger their safety or undermine the credibility of their testimony, or if it is essential to safeguard the legal rights of a minor victim or witness, the court has the discretion to conduct the interrogation via video communication using appropriate technical means. This may be done at the request of a party or at the court’s own initiative.

Article 329 part 3 of CPC (quoted in question 19(c)) provides that: “On the recommendation of a psychologist, the victim who is a minor will not be subjected to examination in court, if this is in his/her best interest, and if the defence had an opportunity to ask questions to the minor during the pre-trial proceedings.”

Testimony by means of deposition is also permissible under the Criminal Procedure Code (Article 306 CPC). Deposition is conducted in cases where the person giving the testimony might be unable to attend the trial or there is reasonable suspicion that the person may not give legitimate testimony during the trial.

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 306. Scope of a Judicial Warrant for Deposition of Testimony

1. The deposition of judicial testimony is conducted at the request of the investigator or a private participant in the proceedings. to establish accurate evidence in cases where individuals cannot attend the trial or when there is a reasonable suspicion that the witness will unlawfully refuse to testify.”

20(c) In the judicial proceedings is there any difference in the scope of the application of this requirement based on the child’s age?

No, there is no difference in the scope of the application of this requirement based on the child’s age.

20(d) In the judicial proceedings are video recordings of interviews of child victims regarded as admissible evidence?

Yes. Pursuant to part 1 clause 3 of article 86 of Criminal Procedure Code the victim’s testimony is regarded as a type of evidence in the criminal proceedings.

Article 89 of the Criminal Procedure Code defines the victim’s statements as the information, whether verbal or written, provided by the victim during the trial or the pre-trial proceedings.

Furthermore, Article 214 part 4 of the CPC requires that a video recording must be continuously conducted from the initiation of the investigation operation (which includes the interview process according to article 208 of CPC) until its conclusion, with no breaks, except in the event of unforeseen technical malfunctions or other situations beyond control that make recording impossible.

Pursuant to Article 330 part 1 clause 6 of CPC, at the party's request and the court's approval, the publication of the testimony provided during pre-trial proceedings or in court, in accordance with the requirements stated in the Code, along with any accompanying materials (such as pictures, drawings, diagrams, photographs, audio recordings, video recordings, filming, video films), is permissible in the event described in Part 3 of Article 329 of the same Code.

Article 329 part 3 of CPC (as quoted in question 19(c) above) provides that: “On the recommendation of a psychologist, the victim who is a minor will not be subjected to examination in court, if this is in his/her best interest, and if the defence had an opportunity to ask questions to the minor during the pre-trial proceedings.”

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 86. Types of Evidence

1. The types of evidence in criminal proceedings are:
 - 1) the testimony by the detainee
 - 2) the testimony by the respondent
 - 3) victim’s testimony
 - 4) witness testimony

- 5) expert conclusion
 - 6) expert opinion
 - 7) expert testimony
 - 8) real evidence
 - 9) protocols of evidentiary and other procedural actions
 - 10) hearsay evidence
2. Documents generated through operational-investigative actions and information stored on any form of media are not admissible as evidence in criminal proceedings.

Article 214. The use of technical means during investigative proceedings

...

1. Video recording must be conducted continuously from the beginning of the investigative operation until its conclusion, with exceptions only for unforeseen technical malfunctions or other instances of objective impossibility. If there is an interruption in the video recording, the execution of the investigative action is paused, and the reasons for the interruption are documented in a separate protocol created for this purpose. The execution of the investigative operation resumes once video recording is restored. In the interim, the investigator takes steps to ensure the normal progress and effectiveness of the investigative operation. When video recording is employed, it is imperative to maintain the integrity, visibility (including lighting, etc.), and audibility of the investigative operation. Video recordings may not be edited or otherwise altered in any way.

...”

Article 330. Publication of testimony

1. Video recording must be conducted continuously from the beginning of the investigative operation until its conclusion, with exceptions only for unforeseen technical malfunctions or other instances of objective impossibility. If there is an interruption in the video recording, the execution of the investigative action is paused, and the reasons for the interruption are documented in a separate protocol created for this purpose. The execution of the investigative operation resumes once video recording is restored. In the interim, the investigator takes steps to ensure the normal progress and effectiveness of the investigative operation. When video recording is employed, it is imperative to maintain the integrity, visibility (including lighting, etc.), and audibility of the investigative operation. Video recordings may not be edited or otherwise altered in any way.
- 6) In the instance specified in accordance with Part 3 of Article 329 of this Code.

...”

20(e) In the judicial proceedings what measures do you take to guard against any further contact between a child victim of sexual abuse by someone in a recognised position of trust, authority or influence and a presumed offender during the criminal proceedings?

Article 212 part 5 of the Criminal Procedure Code (as quoted in question 17(b)) provides that “Based on the psychologist's recommendation and with the objective of safeguarding the legitimate interests of the minor victim or witness, the inquiries directed at the child by the arrested person, the defendant

or their representative are posed to the minor only after coordination with the psychologist and without direct communication with the minor”.

The legislation of the Republic of Armenia established measures of special protection of persons involved in the conduct of the proceedings.

Article 73 part 1 of the Criminal Procedure Code provides that special protection measures are applied in relation to the participant of the proceedings, as well as to his family member or other close person if there's a reasonable possibility that their life, health, or lawful interests might be endangered due to the course of the proceedings. These measures can be applied on the basis of an application or of the initiative of the entity responsible for carrying out the proceedings.

According to Article 74 of the Criminal Procedure Code measures of special protection are the following:

“1. The special protection measures to be employed during the proceedings include:

- 1) Restricting approaches or communication with the protected person.*
- 2) Maintaining the confidentiality of information that discloses the identity of the protected person.*
- 3) Exercising oversight over the protected person, their residence, and belongings.*
- 4) Providing the protected person with an individualised protection arrangement.*
- 5) Arranging for the transportation of the protected person to an alternative residence.*
- 6) Substituting documents that verify the protected person's identity or modifying their appearance.*
- 7) Altering the protected person's employment, service, or educational institution.*
- 8) Removing the protected person from the courtroom or conducting a closed court session.*
- 9) Conducting the examination of the protected person in the court under special procedures.”*

Furthermore, as described before, the law on Domestic Violence provides for protection order which can be made by the court to prohibit the offender from approaching the victim of the domestic violence.

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 73. The basis and procedure for applying a special protective measure

1. A special protection measure is employed for individuals involved in criminal proceedings, as well as for their family members or other close persons (hereinafter referred to as "protected persons" in the same chapter), if there is a reasonable belief that their life, health, or lawful interests could be jeopardized as a result of the ongoing legal proceedings.

...”

20(f) In the judicial proceedings does your national legal framework allow taking the child’s testimony without the presumed offender being present?

Yes, according to article 82 part 1 of the Criminal Procedure Code:

“Article 82. Removal of persons from the courtroom or holding a closed court session

1. For the purposes of safeguarding the protected person, the chairman of the court has the right to

1) remove individual persons from the courtroom.

2) to hold a closed court hearing.

...”

20(g) In the judicial proceedings how do you ensure that face-to-face confrontation with the defendant during the proceedings does not take place?

The Criminal Code of the Republic of Armenia provides for special protection measures for persons involved in the criminal proceedings. A special protection measure is applied to the person involved in the criminal proceedings, as well as to his family member or other close persons, if their life, health, or legitimate interests may reasonably be threatened. (Article 73 part 1 of the Criminal Procedure Code as quoted in question 20(e))

According to Article 82 of the Criminal Procedure Code (referenced in question 20(f)), the court has the authority to ensure the safety of the protected person through actions such as removing specific individuals from the courtroom and conducting closed court sessions.

There are also special measures provided under Article 83 of the same Code, for examination of persons who need protection.

Article 329 part 3 of CPC (as referenced in question 19(c)) provides that: “On the recommendation of a psychologist, the victim who is a minor will not be subjected to examination in court, if this is in his/her best interest, and if the defence had an opportunity to ask questions to the minor during the pre-trial proceedings.”

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 83. The special procedure for the examination of the protected person in court

1. Interrogation of a person being defended in court, without publishing any information about his/her identity, can be done using a pseudonym. Interrogation of the protected person can be done using technical means of video communication (via video).
2. If required, the interrogation of the protected person can be conducted under circumstances that prevent the person's identity from being recognized. To achieve this, measures such as using a mask, make-up, altering the protected person's voice, and other lawful means of protection may be employed.
3. Interrogation of the protected person, out of the visibility of other participants in the proceedings, can be done with audio and other technical means (veil, protective screen, film) with the participation by other participants in the proceedings.

20(h) In the judicial proceedings what measures do you take to prevent violation of the child victims' right to privacy by the media through disclosure or publication of personal information or data?

Article 28 part 3 of the CPC provides: “The court has the authority to conduct all or part of the proceedings in private, as stipulated by this Code, to safeguard the privacy of participants, protect the interests of minors, ensure justice, and maintain state security, public order, or morals. Whether requested by a party or initiated by the court, a decision to hold a closed court session is compulsory in the specified circumstances outlined in this Code.”

Article 28 part 4 of the CPC states that “During court proceedings, decrees issued by the court are generally made public. However, depending on the reasons for holding a closed court session, certain portions of the court decree may not be announced publicly as per the court's decision. Nonetheless, the introductory and final parts of these judicial acts are always published regardless of any closed session.”

According to Article 267 part 2 of the Criminal Procedure Code:

“2. Upon the request of one of the involved parties or upon the court's own initiative, a court decision can prohibit the presence of public and media representatives during a court session or a specific portion of it, if there is a legitimate need to restrict the principle of openness in order to guarantee:

- 1)The privacy of personal or family life;*
- 2)The safeguarding of the minor's best interests.”*

Article 22 of the Law on Domestic Violence provides the following:

1. Data concerning private life that competent authorities obtain pertaining to instances of domestic violence and/or criminal cases related to victims or purported victims of domestic violence is classified as confidential. Publishing such information through mass media or other means about these individuals is prohibited without the consent of the domestic violence victim or alleged victim, unless stipulated otherwise by the laws of the Republic of Armenia.
2. Police officers, employees of support centres and shelters are forbidden from disclosing the whereabouts of domestic violence victims and their dependents sheltered therein, or any other details that could reveal their location.
3. Transgressing the right to the inviolability of private or family life carries legal repercussions, and any harm inflicted upon the individual as a result entitles them to compensation as outlined in the law.”

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 28. Public nature of judicial proceedings

1. Court proceedings are generally open to the public, except in instances specified by this Code.
2. Any individual aged 16 and above have the right to attend open court sessions, as do participants or witnesses under the age of sixteen. Additionally, with the court's approval, another person under the age of 16 may also be present at the court session.

3. To protect the private lives of the participants of the proceedings, minors or the interests of justice, as well as state security, public order or morals, the court, at the request of a party or on its own initiative, has the right to make a decision to hold the court session or a part of it behind closed doors in the cases provided for in this Code. In the cases provided for by this Code, holding a closed court session is mandatory.
4. Court orders issued during legal proceedings are publicly disclosed. Depending on the reasons for conducting a closed court session, specific sections of the court order may, by the court's decision, remain undisclosed to the public. However, the introductory and concluding segments of these judicial orders are always made public.

20(i) In the judicial proceedings does your national legal framework provide for free legal aid to child victims of sexual abuse by someone in a recognised position of trust, authority or influence under the same or more lenient conditions as that available to adults?

Article 6 part 4 of the law of the Republic of Armenia on the Profession of Advocates (as referenced in question 15(c) above) provides that the Chamber of Advocates is responsible for furnishing legal assistance funded by the State, for cases presented in Articles 41 and 42 of the same Law.

Article 41 part 5 (as referenced in question 15(c) above) clause 16 of the same law provides for free legal aid for victims of domestic violence within the meaning of the law of the Republic of Armenia on the Prevention of Domestic Violence, the protection of persons subjected to domestic violence, and the restoration of family peace.

20(j) In the judicial proceedings does your national legal framework grant to child victims of sexual abuse by someone in a recognised position of trust, authority or influence the right to be represented in their own name by a lawyer trained in the relevant matters?

Article 50 part 4 of the CPC provides that “The rights of a victim who is a minor, incapacitated, or has a mental health problem shall be exercised by their legal representative, in accordance with the procedure specified in this Code.”

However, the phrase "legal representative" is defined in the Criminal Procedure Code as “the parent, the adoptive parent, guardian or trustee, the officer of the guardianship and trusteeship body (as much as it is within their competence), a close relative of the deceased accused or the person who allegedly committed a crime and died, etc. of the minor or incapacitated person.

According to Article 53 part 2 of CPC (referenced in question 16(a) above), the legal representative is recognised by the decision of the body in charge of executing the proceedings.

The victim also has an authorised representative (attorney) who is also recognised by the decision of the body in charge of executing the proceedings. (Article 54, part 1 of CPC).

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ARMENIA

“Article 50. The rights and responsibilities of the victim

...

4. The victim exercises his/her rights and fulfils his/her responsibilities either personally or through a representative, depending on the nature of those rights and duties. In the case of a victim who

is a minor, incapacitated, or has a mental health condition, their rights are exercised on their behalf by their legal representative, in accordance with the procedures outlined in this Code.

...

Article 54. Victim's authorised representative

1. An individual is recognised as the authorized representative of the victim through a decision made by the body responsible for conducting the proceedings.

...”

20(k) In the judicial proceedings what assistance, if any, do you provide to child victims of sexual abuse by someone in a recognised position of trust, authority, or influence, once a criminal justice decision has been taken?

Depends on the outcomes of the case. If the court determines that there has been abuse of the child, this decision may later serve as grounds for termination of parental rights of the offender. This process however is not automatic and there should be request to court made either by relatives of the child, the other non-offending parent or the Guardianship and trusteeship body.

Furthermore, such the conviction of the parent by the court will serve as grounds for the termination of parental rights. In this case the trusteeship and guardianship body will apply to court for the termination of parental rights after which the child will either be left with the non-offending parent, other relatives or in the absence of the latter two the guardianship and trusteeship body will assume the child's care.