



G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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Reply from Armenia to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties

Third evaluation round

Thematic focus: Access to justice and effective remedies for
victims of trafficking in human beings

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Non-official translation

ARMENIA

Reply to the questionnaire for the third evaluation round of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings

Part I. Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

- 1.1 *How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.*

Answer: During the preliminary investigation and trial victims of trafficking are informed of their rights, as well as of legal possibilities for obtaining compensation and other remedies in a language they can understand. Rights and responsibilities of a victim and a civil plaintiff are provided for by Articles 59 and 61 of the Criminal Procedure Code of the Republic of Armenia respectively.

Pursuant to point 13 of part 5 of Article 41 of the Law of the Republic of Armenia "On the profession of advocate", the Office of Public Defender provides the free legal assistance also to persons identified as victims or special category victims by the Commission for Identification of Victims of Trafficking in Human Beings and Exploitation, as prescribed by law.

Pursuant to point 3 of Article 21 of the Law of the Republic of Armenia "On identification of and support to persons subjected to trafficking in human beings and exploitation" (Anti-trafficking Law): "Parallel to the commencement of the pre-identification stage, the potential victim shall, in a language understandable for him or her, be informed of his or her rights, as well as the provisions set by this Law."

The pre-identification stage is a preparatory stage for presenting potential victims for identification, during which the competent bodies shall collect as complete and credible information as possible, confirming or rejecting that the person was subjected to trafficking or exploitation.

- 1.2 *How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?*

Answer: Articles 15, 16, 83 and other Articles of the Criminal Procedure Code of the Republic of Armenia prescribe the obligation of the body conducting criminal proceedings concerning the provision of an interpreter's services to the participant of the criminal procedure.

Pursuant to "Judicial Code of the Republic of Armenia", the court shall ensure the provision of an interpreter's services to natural persons taking part in administrative cases and certain civil cases stipulated by law, if they do not know Armenian and prove that they do not have sufficient means to obtain oral interpretation.

Article 22 of the Anti-Trafficking Law of Armenia prescribes types of assistance provided to victims and special category victims of trafficking, in which, inter alia, provision of translation services is prescribed as a type of assistance.

The authorised state administration body responsible for ensuring support envisaged by the mentioned Law for victims and special category victims shall be the Ministry of Labour and Social Affairs of the Republic of Armenia, which coordinates the activities of institutions and organisations providing social services, aimed at the physical, psychological and social rehabilitation and integration of victims.

2. Compensation and free legal aid (Article 15)

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? *How is legal assistance provided to children?*

Answer: Victims subjected to trafficking are provided with legal assistance during criminal procedure after a criminal case with regard to the case of trafficking has been instituted from the moment of rendering a decision on recognising the victim, including the child as a victim [participant of criminal proceedings] by the preliminary investigation body. Minor victims are also provided with legal representatives the rights and responsibilities whereof are prescribed by Article 76 of the Criminal Procedure Code of the Republic of Armenia.

Free legal assistance is provided to victims subjected to trafficking both as prescribed by point 13 of part 5 of Article 41 of the Law of the Republic of Armenia "On the profession of advocate" and through specialised representatives provided by different non-governmental organisations protecting the rights of victims.

Types of and procedure for the assistance provided to victims of THB are prescribed by the Law of the Republic of Armenia "On identification of and assistance to persons subjected to trafficking in human beings and exploitation". According to Article 20 of the mentioned Law: " Every victim or victim of special category shall be entitled to receiving support and protection in a manner prescribed by legislation ".

Special category victim is a person subjected to trafficking and/or exploitation, who, at the time of his or her detection, was a child or a person who, as a result of mental disorder, is devoid of the ability to fully or partially realize the nature and meaning of his or her actions or to control those, and who was recognized as such by the decision of the Commission on Identification of Victims of Trafficking in Human Beings and Exploitation.

During the pre-identification stage, the person is not considered as a victim or a special category victim, and no assistance and protection measure envisaged for victims or special category victims be applied, except the urgent measures necessary for humanitarian reasons and provided for by Article 21 of the mentioned Law.

The Ministry of Labour and Social Affairs of the Republic of Armenia ensures the provision of the assistance provided for by law by excluding provision of the assistance of similar content to the same victim or special category victim on the same ground within the scope of different legal acts, unless otherwise provided for by this Law.

During the pre-identification stage, the person, who — by the assessment of the competent body conducting the pre-identification or in line with his or her own declaration — is in obvious need for urgent assistance shall, upon his or her own will or written consent and where necessary, be directed by the competent body conducting the pre-identification to the Ministry of Labour and Social Affairs of the Republic of Armenia. The Ministry of Labour and Social Affairs of the Republic of Armenia shall take all possible measures to ensure the provision of urgent assistance, for that purpose making use of the capacity of partner or other non-governmental organisations, state administration and local self-government bodies.

Where necessary the competent body may, through other state administration body, also involve representatives of relevant non-governmental and/or other organisations operating in foreign states, diplomatic representations of the Republic of Armenia, as well as foreign diplomatic units accredited in the Republic of Armenia in the fulfilment of the required activities.

Alongside with the commencement of the pre-identification stage, the potential victim shall, in a language he or she understands, be informed of his or her rights, as well as of the provisions prescribed by law. Assistance to potential victims may also include general consultation. After identifying a person as a victim or a special category victim, he or she shall be granted with a right to receive assistance. Such assistance may include legal aid as a type of assistance.

Child victims of THB shall, as prescribed by Articles 21 and 22 of the Anti-Trafficking Law be provided with the relevant assistance, including legal aid, as well as with additional assistance related to the peculiarities deriving from their special status.

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

Answer: All potential victims of trafficking have access to legal assistance, irrespective of their immigration status or type of exploitation.

Pursuant to Article 21 of the Anti-Trafficking Law during the pre-identification stage, the person, who — by the assessment of the competent body conducting the pre-identification or in line with his or her own declaration — is in obvious need for urgent assistance shall, upon his or her own will or written consent and where necessary, be directed by the competent body conducting the pre-identification to the Ministry of Labour and Social Affairs of the Republic of Armenia. In its turn, the Ministry shall take all possible measures to ensure the provision of urgent assistance, for that purpose making use of the capacity of partner or other non-governmental organisations, state administration and local self-government bodies. Alongside with the commencement of the pre-identification stage, the potential victim shall, in a language he or she understands, be informed of his or her rights, as well as of the provisions prescribed by law.

Assistance to potential victims may also include the following:

- (1) emergency medical aid;
- (2) provision of temporary shelters for the period of the pre-identification stage, including for his or her legal representative and for children under his or her custody;
- (3) provision of general education;
- (4) in-kind aid of primary necessity;
- (5) primary psychological aid;
- (6) general consultation;
- (7) provision of care.

- 2.3 *What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.*

Answer: Free legal aid is provided to victims of trafficking, including children as prescribed by point 13 of part 5 of Article 41 of the Law of the Republic of Armenia "On the profession of advocate" which was mentioned in point 1.1. The legal aid, as well as other types of assistance shall be provided to victims free of charge.

According to part 1 of Article 25 of the Anti-Trafficking Law: "Assistance to potential victims, victims and special category victims shall be guaranteed by the State and carried out as prescribed by the legislation of the Republic of Armenia".

According to part 2 of the same Article: "Funding necessary for the lump sum monetary compensation to victims and victims of special category, for the types of support which are defined by this Law and are outside the regulatory domain of other legal acts, as well as for those not guaranteed by the State, shall be covered by the Ministry of Labor and Social Affairs of the Republic of Armenia from the State Budget of the Republic of Armenia, charity and donations by legal and natural persons, as well as from other sources not prohibited by the legislation of the Republic of Armenia."

The procedure for providing assistance prescribed by the law to potential victims, victims and special category victims, and the amount thereof shall be prescribed by Decision of the Government of the Republic of Armenia No 492-N of 5 May 2016 "On establishing the procedure and size of support provided to potential victims, victims and special category victims of THB" as stipulated by the Anti-Trafficking Law.

- 2.4 *Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?*

Answer: The Criminal Procedure Code of the Republic of Armenia, the Criminal Code of the Republic of Armenia and the Law of the Republic of Armenia "On the profession of advocate" do not include provisions on the requirement of having specialised lawyers for providing legal aid to victims of trafficking, however various non-governmental organisations protecting rights of victims provide with specialised representatives.

Although, partner non-governmental organisations are engaged in providing assistance to victims of trafficking as prescribed by the Anti-Trafficking Law. A partner NGO is a non-governmental organization carrying out activities related to the fight against trafficking in human beings or exploitation, the cooperation whereof with the state government and local self-government bodies of the Republic of Armenia in the sphere of fight against trafficking in human beings and exploitation shall be laid down in the respective memorandum of mutual understanding signed by the Council.

By signing the memorandum of mutual understanding, the non-governmental organization shall be recognized as a partner non-governmental organization, it shall be given the status of a competent body as envisaged by Article 12 of this Law. A partner non-governmental organization shall assume the rights and obligations as defined by this Law for competent bodies.

The procedure of selection the partner non-governmental organisations is prescribed by Decision of the Government of the Republic of Armenia No 851-N of 30 July 2015, which also

prescribes the criteria for selection.

1. According to point 17 of the procedure the Selection criteria are as follows:
 - 1) Experience of activity implemented by the organization in fighting trafficking in human beings and exploitation during the last three years;
 - 2) Availability of respective specialists (sociologist, psychologist, medical worker, lawyer, etc.);
 - 3) Existence of material base of the Organization, if the Organization exercises functions stipulated by Clause 2 of Part 3 of Article 21 and Clause 1 of Part 2 of Article 22 of the RA Law on "Identification of and Support to Persons Subjected to Trafficking in Human Beings and Exploitation".

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

Answer: Any victim of THB shall have the right to receive assistance and protection as prescribed by legislation. Pursuant to Article 20 of the Anti-Trafficking Law of Armenia, the forms, types, duration, scopes of the protection and assistance to victims may not in any way be interrelated with or conditioned by their participation in the activities carried out by the law enforcement bodies as prescribed by the law of the Republic of Armenia. The provision of assistance and protection may not pursue an expectation of receiving other services or any compensation in return for the provided services. Assistance to victims of trafficking shall be guaranteed by the State and provided as prescribed by the legislation of the Republic of Armenia.

See also the answer to point 2.3.

3. Compensation from the perpetrators (Article 15)

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

Answer: The civil claims filed by victims of trafficking shall be disposed of during criminal procedure as prescribed by Chapter 20 titled "Civil claim in criminal procedure" of the Criminal Procedure Code of the Republic of Armenia. The prosecutor may express an opinion on the claim filed in court.

For the purpose of securing the civil claim filed attachment shall be imposed on the property of a suspect or an accused, the procedure whereof is provided for by Article 232 of the Criminal Procedure Code of the Republic of Armenia.

The application of norms of civil procedure legislation shall be allowed where they do not contradict the Criminal Procedure Code and rules not provided for in this Code are necessary for civil proceedings.

Statute of limitations prescribed by the civil legislation shall not apply to a civil claim in criminal procedure.

When delivering a criminal judgment, based on the fact that the grounds and extent of civil claim are proven, the court shall satisfy the filed claim in full or in part or reject satisfaction

thereof or leave it without consideration.

When satisfying a civil claim the court, prior to the entry into legal force of the criminal judgement, shall have the right to take a decision on undertaking measures for securing the claim, unless such measures have been previously undertaken.

A court decision in relation to the same civil claim that has entered into legal force, a court decision on accepting the withdrawal of the claim by a civil plaintiff or on approving the reconciliation agreement, as well as the existence of the criminal judgement of a court that has entered into legal force whereby the claim has been rejected or satisfied in whole or in part shall exclude the institution of a civil claim.

In case of failure to institute a civil claim in the criminal procedure a person shall have the right to institute a civil claim through a civil procedure.

The civil claim instituted in the criminal procedure which has not been considered by the court may later be instituted through a civil procedure.

A civil claim instituted in the criminal procedure shall be exempt from state duty.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

Answer: A victim may state in the civil claim the amount of compensation for the damage caused for the calculation of which no criterion is stated in the Criminal Procedure Code. Participants of proceedings may express their opinion on the amount of compensation stated, after which the court shall refer to the claim rendering relevant judicial act. When determining the amount of money subject to compensation the court shall take into consideration the duration of exploitation, the amount of money to be paid for the work done or service provided /average calculation/, peculiarities of the work or service and other circumstances.

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

Answer: The answers to the mentioned questions are provided in points 3.1 and 3.2. In case of approving the compensation, it shall be carried out in the manner and conditions prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts" which implies the application of attachment and compulsory enforcement in case of refusal to perform voluntary action. It is worth mentioning that compulsory enforcement is realistic where the person liable for payment has property (movable or immovable) from which it may be possible to charge such sums.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

Answer: No procedure at the state level is envisaged. A victim may conduct it independently through judicial procedure by applying appropriate legal procedures either in person or

through an authorised person.

- 3.5 *What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?*

Answer: The answers to the mentioned questions are provided in points 3.1 and 3.2.

- 3.6 *What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?*

Answer: At the Academy of Justice of the Republic of Armenia, prosecutors undergo training, within the framework of the current issues of criminal law and criminal procedure, also on the issues concerning human trafficking and exploitation, including on the issues of the victims' rights to receive compensation for the damage caused by perpetrators within the framework of the criminal case.

4. State compensation (Article 15)

- 4.1 *Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?*

and

- 4.2 *How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?*

and

- 4.3 *Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.*

and

- 4.4 *Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?*

Answer: The State provides monetary assistance to persons subjected to human trafficking and exploitation as a partial compensation for the damage caused. The compensation is available to anyone who has been recognised as a victim by the Commission for Identification and has not refused to receive assistance (the monetary compensation is a type of assistance).

The amount of money has been defined taking into consideration the experience of a number of countries of the former socialist camp.

At the same time, it is worth mentioning that pursuant to part 3 of Article 4 of the Anti-Trafficking Law, identifying a person as a victim or a special category victim and recognising him or her as a victim [as a participant of criminal proceedings] in accordance with criminal procedure norms shall be processes pursuing different objectives and may not in any way derive from each other. That is to say, access to the compensation provided to victims of THB is totally not interconnected with the outcome of the criminal case and the fact of their co-operation with law enforcement bodies.

All provisions of the Law, including provision on monetary compensation, are equally applicable to both the citizens of the Republic of Armenia and foreigners recognised as victims by the Commission for Identification, however they can receive the monetary compensation while they are in Armenia and receive assistance.

Thus, for example, in 2019, two citizens of India, who were identified in 2018, received monetary assistance after which, repatriated with the support of IOM. The money is not subject to taxation, it is only intended for meeting the initial social needs of the given person. There is a special procedure for providing the money approved by the Order of the Minister of Labour and Social Affairs.

5. Sanctions and measures (Article 23)

- 5.1 *Please describe the legislative and other measures adopted by your country which allow to: a) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and b) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?*

and

- 5.2 *In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.*

Answer: The procedures for levy of execution, confiscation and compensation for damage caused to victims are provided for by Articles 55, 103.1 of the Criminal Code of the Republic of Armenia and Articles 158, 232 of the Criminal Procedure Code of the Republic of Armenia.

On 6 September 2019, the draft Law "On levy of execution on property of illegal origin" was submitted for public discussion on the www.e-draft.am unified website for publication of draft legal acts, which regulates relations pertaining to proceedings on civil levy of execution on property of illegal origin, prescribes reasons and grounds for launching examination, scope of bodies competent for initiating proceedings on levy of execution on property of illegal origin and carrying out examination, rules of international co-operation with regard to civil levy of execution on property of illegal origin. Pursuant to Article 3 of the above-mentioned draft Law, the regulations of the Draft shall apply also to Article 132 (Trafficking or exploitation) and 132² (Trafficking or exploitation of a child or a person deprived of the opportunity to fully or

partially realise the nature and significance of his or her actions or to control those as a result of mental disorder) of the Criminal Code of the Republic of Armenia; pursuant to part 2 of Article 27 of the Draft, the property levied in execution as a result of examination of cases on levy of execution on property shall be directed to the State Budget, and in case there are persons the rights whereof have been violated by acquisition of illegal property and who have rights to the relevant property, the property levied in execution shall be returned thereto.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

Answer: The Criminal Procedure Code does not provide for plea bargaining during criminal proceedings in THB cases.

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

Answer: It is not possible to calculate the average duration of court proceedings in THB cases, as it depends on many circumstances in a specific case; court sessions are often delayed because of the failure by victims, witnesses to appear in the trial, with regard to which the court shall render decisions on apprehension thereof, in some cases trials are delayed because of their temporary absence from the territory of the Republic of Armenia or because of disease.

At the same time, it is worth mentioning that pursuant to point 28 of part 1 of Article 89 of the Constitutional Law "Judicial Code of the Republic of Armenia", the Supreme Judicial Council shall define recommended average durations for examination of cases according to the specific types and complexity of cases. The issue of defining separate benchmark time limits for the average duration of the examination of trafficking cases will also become the subject of consideration during the activities of the development of the mentioned draft Decision.

Pursuant to Article 375¹ of the Criminal Procedure Code of the Republic of Armenia, where the prosecuting attorney has not objected to the application of an accelerated procedure in the indictment, the accused on trial or the accused — in case of consent to the charge brought against him or her — shall have the right to file a motion on the application of an accelerated procedure of trial on crimes, for which the punishment provided for by the Criminal Code of the Republic of Armenia shall not exceed imprisonment for a term of ten years.

It is possible to hold trial by accelerated procedure under first parts of Articles 132 and 132² of the Criminal Code of the Republic of Armenia providing for criminal liability for THB, as they provide for a punishment in the form of imprisonment for a term of five to eight years and for a term of seven to ten years, respectively.

5.5 How do you ensure that sanctions for THB offences are effective, proportionate?

Answer: The proportionality of the sanctions prescribed for the crimes of THB shall be ensured based on the offence committed, the accused, the number of victims, the extent of the damage caused and other circumstances. If the participants of proceedings are not agreeing with the punishment in the form of imprisonment imposed by the court judgement, they may appeal the criminal judgement.

6. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

Answer: Victims of trafficking act as injured person during the criminal procedure and the rights and responsibilities of injured persons provided for by the Criminal Procedure Code are clarified to them. Their testimonies are taken into account during the criminal procedure and legal assessment is provided as a result of comparison with other evidence obtained in the case. In court, realisation of the rights of victims of trafficking is supported by their representatives, that may also be representatives of non-governmental organisations.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

Answer: Everyone shall have the constitutional right to apply to the Human Rights Defender: citizens of the Republic of Armenia, foreigners, stateless and other persons, as well as legal persons. It follows from the above-mentioned that both citizens of the Republic of Armenia and foreign citizens, as well as stateless persons that are victims of trafficking may submit applications to the Defender.

Natural and legal persons may apply to the Defender by lodging a complaint to the Defender or a representative thereof either by post or in person and on-line. It is also possible to apply to the Defender with an oral complaint.

If a person, for example a victim of trafficking, thinks that the state or local self-government body, official, as well as the organisation exercising the powers delegated thereto by state and local self-government bodies have violated his or her right enshrined in the Constitution and laws, he or she may apply to the Human Rights Defender.

Within a period of 30 days following the receipt of the complaint, examination of the complaint shall be carried out, based on which the Defender shall render one of the following decisions:

- (1) on accepting the complaint for consideration;
- (2) on not considering the complaint;
- (3) on presenting to the person having lodged the complaint possible means for the protection of his or her rights and freedoms;

- (4) on referring the complaint for consideration to another body.

Apart from initiating a procedure for consideration of the issue based on the complaint, the Defender may carry out consideration upon own initiative and shall enjoy all the powers reserved thereto, which he or she exercises with regard to the consideration of the complaint. The Human Rights Defender may initiate a procedure for consideration of the issue upon own initiative, if there are mass violations of human rights; if the matter concerns the issue of public importance; if rights of persons, who cannot independently exercise the protection of their interests, have been violated.

As a result of consideration of a complaint or consideration initiated upon own initiative, the Defender shall render one of the following decisions:

- (1) on existence of a violation of human rights or freedoms;
- (2) on absence of a violation of human rights or freedoms;
- (3) on filing a claim to the court on declaring as fully or partially invalid the regulatory legal acts violating human rights or freedoms, as well as contradicting the law and other legal acts;
- (4) on terminating the consideration of the complaint.

Based on the systemic issues identified upon consideration of individual cases, the Defender shall recommend legislative amendments and address applications to the Constitutional Court.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

Answer: Detained victims of trafficking, as well as other participants of the procedure shall make use of the appeal mechanisms provided for by the Criminal Procedure Code of the Republic of Armenia. The latter may also appeal the complaints having been filed and rejected, to the prosecutor and the court. It is worth mentioning that victims in trafficking cases examined in the territory of the Republic of Armenia have never been under detention.

6.4 Can victims of THB bring claims against the State or its officials for: a) direct involvement in THB; b) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

Answer: There have not been any cases where State agents or persons acting on behalf, or at the direction, of the State were engaged in a crime of trafficking or in a criminal activity related to trafficking and/or failed to prevent it or protect victims that were subjected to trafficking by third parties. In such cases, victims of trafficking may file complaints against relevant officials on charges of direct involvement in THB, failure to prevent cases of trafficking or to protect victims.

In addition, pursuant to part 2 of Article 16 of the Criminal Procedure Code of the Republic of Armenia, the court may, upon a motion of participants of the procedure or its initiative, examine the case or a part thereof in a closed session for the purpose of protection of private life, honour and dignity of persons participating in the procedure, minors and interests of

justice, as well as for the purpose of protection of state security, public order or morality, participants of the proceedings or their close relatives. The Court shall also conduct examination in a closed court session in the cases provided by this Code.

Pursuant to part 7 of the same Article, in case of examining the case or a part thereof in a closed session, the concluding part of the judicial act shall be announced, except for the cases, when it contains a secret protected by law. Parts of the judicial act containing a secret protected by law, as well as parts, which served as a ground for conducting a closed court examination, shall be announced in a closed session.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

Answer: At the Academy of Justice of the Republic of Armenia, prosecutors undergo training, within the framework of the current issues of criminal law and criminal procedure, also on the issues concerning THB.

7. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

Answer: Pursuant to part 5 of Article 132 of the Criminal Code of the Republic of Armenia, the person who suffered from the crimes foreseen by this Article as well as Article 132² of the same Code is liberated from criminal punishment for not major or middle gravity crime in which he/she was involved during trafficking or exploitation and committed the acts under force.

Pursuant to Article 8 of the Anti-Trafficking Law, In the manner defined by law, a person subjected to trafficking in human beings or exploitation shall be exempt from criminal and administrative liability for those offences in which he or she was involved under coercion, within the course of the human trafficking or exploitation committed against him or her.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

Answer: Any person subjected to trafficking and exploitation, irrespective of the circumstance of violating a provision of any law, shall have the right to receive assistance and protection as prescribed by legislation.

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

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection

measures?

Answer: Application and provision of protective measures are also provided by the Anti-Trafficking Law. The procedure for providing protection prescribed by this Law to potential victims, victims and special category victims and their legal representatives shall be established by Decision of the Government of the Republic of Armenia. /Decision of the Government of the Republic of Armenia No 1356-N of 29 October 2015/.

Chapter 12 of the Criminal Procedure Code of the Republic of Armenia regulates protection of persons participating in criminal procedure or reporting on a crime, that is:

“Article 98. Protection of persons participating in criminal procedure or reporting on a crime

1. Every person participating in the criminal procedure or reporting on a crime, who may communicate information essential for solving a crime and detecting the perpetrators, as a result of which the life, health, property, rights and legitimate interests of the respective person, a member of his or her family, a close relative or an intimate may be endangered, shall have the right to protection.

For the purposes of this Chapter “an intimate” shall be deemed to be the person for whose protection the person participating in the criminal procedure or reporting on a crime has filed a written application with the body conducting criminal proceedings.

2. The protection of the person participating in the criminal procedure or reporting on a crime, as well as the protection of his or her family member, close relative or an intimate (hereinafter referred to as “the protected person” in this Chapter) shall be carried out by the body conducting criminal proceedings.

3. Discovering that protected persons need protection, the body conducting criminal proceedings, upon written applications of those persons or upon its initiative, shall arrive at a decision, subject to immediate implementation, on undertaking protective measures.

4. Applications of protected persons for undertaking protective measures shall be considered by the body conducting criminal proceedings promptly and not later than within 24 hours after receiving them. Decisions arrived at shall be immediately communicated to the applicants and carbon copies of respective decisions shall be sent to them.

5. Where, with regard to an application of a protected person, the body conducting criminal proceedings has arrived at a decision of rejecting the application for undertaking protective measures, the person filing the application shall have the right to appeal the decision as prescribed by this Code within 5 days after receiving the carbon copy of the decision.

6. The rejection of an application for undertaking protective measures shall not be a prohibition for filing a new application for undertaking such measures by the protected person, where he or she has been threatened or attacked or other circumstances not stated in the previous application have come to light.

7. The heads of administrations of arrest facilities, detention facilities or correctional institutions may apply to the body conducting criminal proceedings for the protection of arrested persons, detained persons or persons serving their sentences of imprisonment, respectively, upon their initiative or based on applications of those persons”.

8.2 *How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?*

Answer: The Criminal Procedure Code of the Republic of Armenia does not provide for norms on the obligation of the body conducting proceedings for providing information to victims on the progress of the case under examination, detention or release of the perpetrator.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

Answer: Rights of victims to safety, personal immunity and confidentiality during court proceedings are realised under Chapter 12 of the Criminal Procedure Code of the Republic of Armenia, titled "Protection of persons participating in criminal procedure or reporting on a crime".

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

Answer: The action plans for protection of victims are available for victims of trafficking and exploitation, however during 2015-2018 no actions for protection of victims and witnesses, including children were carried out.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution cooperate with NGOs?

Answer: In case of a need, when victims are threatened by the accused on trial or his or her relatives at home or during the investigation and procedural process, the NGO applies to the support of the police for ensuring the protection of the victim and his or her family.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

Answer: Child victims of trafficking are provided with relevant assistance and protection before, during and after judicial process in a child-friendly way through the procedure prescribed by the Criminal Procedure Code of the Republic of Armenia, in accordance with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice. During the preliminary investigation, interrogations of children are conducted by specialised investigators of the General Department for Investigation of Particularly Important Cases of the Investigative Committee of the Republic of Armenia, in the course of which measures are taken to limit the number of interrogations of children as far as possible. Procedural control over preliminary investigation is conducted by specialised prosecutors of the Department for Control over Investigation of Particularly Important Cases of the Prosecutor General's Office of the Republic of Armenia, which defend the charge in court. Courts are not specialised in trafficking cases.

9. Specialised authorities and co-ordinating bodies (Article 29)

9.1 *Are sufficient/appropriate resources, funding and technical means put at the disposal of law enforcement bodies disclosing and investigating trafficking cases?*

Answer: Law enforcement bodies disclosing and investigating trafficking cases have sufficient resources, funding and technical means.

9.2 *Does your country have specialised units for financial investigations, financial intelligence and asset and recovery units? Please describe how they are involved in investigation and prosecution of cases under elements of trafficking. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with during in the investigation into cases under elements of trafficking?*

Answer: Co-operation and co-ordination of national AML/CFT policies are conducted through the Standing Committee on Combating Money Laundering, Terrorism Financing and Proliferation Financing in the Republic of Armenia, established by Decree of the President of the Republic of Armenia No NK-1075 of 21 March 2004 as a high-level policy-making and co-ordination body responsible for AML/CFT matters. The Committee is comprised of senior officials representing all the authorities involved in the prevention of ML/FT/PF.¹

For the purposes of facilitating bilateral co-operation, MoUs have been signed by the FIU of Armenia with the Police, the Prosecutor General's Office, the National Security Service, the Investigative Committee, the State Revenue Committee and the Ministry of Economic Developments and Investments.²

High effectiveness of Armenia's FIU in gathering financial intelligence was emphasized in the Council of Europe MONEYVAL Committee's 5th Round Mutual Evaluation of Armenia's AML/CFT system. According to the report, FIU of Armenia has access to a wide range of information sources and is very effective in generating intelligence for onward dissemination to law enforcement authorities.³

In 2017, Armenia conducted sectoral review of its ML/FT risks, aimed at updating the national ML/FT risk assessment from 2014.⁴ For the purposes of assessing ML threats, over the period covering the 2014-2016 criminal cases instigated for ML predicate offences, convictions achieved and suspicious transaction reports submitted by reporting entities to the FIU of Armenia have been analysed. According to the results of the analysis, the top five offences considered to pose high risk of ML are fraud (Article 178 of the Criminal Code); theft (Article 177 of the Criminal Code), misappropriation or squandering (Article 179 of the Criminal Code); smuggling (Article 215 of the Criminal Code); and evasion of taxes, duties or other mandatory

¹ Regulation for organising the work of the Committee is available at:

https://www.cba.am/Storage/EN/FDK/IntergovernmentalCommission/IC%20Regulation_eng.pdf

² Detailed information on national co-operation and co-ordination in the AML/CFT field can be found in the 5th Round Mutual Evaluation of Armenia's AML/CFT system, available at: [http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/MONEYVAL\(2015\)34_5thR_MER_Armenia.pdf](http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/MONEYVAL(2015)34_5thR_MER_Armenia.pdf)

³ See Council of Europe MONEYVAL Committee's 5th Round Mutual Evaluation of Armenia's AML/CFT system, available at: [http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/MONEYVAL\(2015\)34_5thR_MER_Armenia.pdf](http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/MONEYVAL(2015)34_5thR_MER_Armenia.pdf)

⁴ Key findings are available at:

[https://www.cba.am/Storage/EN/FDK/risk_assesment/NRA_Update_Executive_Summary\(Public\)_eng.pdf](https://www.cba.am/Storage/EN/FDK/risk_assesment/NRA_Update_Executive_Summary(Public)_eng.pdf)

payments (Article 205 of the Criminal Code).

Over the period concerned, as many as 25 cases have been instigated for human trafficking, of which 1 case has been terminated on acquittal basis and 6 cases have been terminated on non-acquittal basis. In the same period, 10 convictions have been passed, of which none was for offences committed in particularly large amounts (around USD 6000). Moreover, offences related to human trafficking account for 0.1% share within the latency estimated in terms of the number of instigated cases due to the essentially low number of these offences in comparison with other crimes. Hence, human trafficking is considered to pose low ML threat.

Within the scope of reassessment, non-profit organisations registered and operating in Armenia were analysed in view of identifying the risk of being misused for FT purposes. It was found that NPOs corresponding to the FATF definition are exposed to low risk of FT abuse, taking into account their key characteristics, the current regulations on their state registration, accountability and supervision, the outcomes of the analysis of their interrelations with high risk countries, as well as the absence of favourable conditions for terrorist activities and terrorist financing in Armenia.

A new High Risk and Suspicious Activity Guidance was adopted on 11 October 2016. In addition to providing a comprehensive and structured set of high-risk criteria and suspicious activity indicators, the Guidance also articulates the interplay between these key concepts in the AML/CFT framework and describes the measures to be taken in respective situations within the ML/TF context.⁵

10. International co-operation (Article 32)

10.1 *How does your country co-operate with other countries to enable victims of trafficking to realise their right to compensation and financial support, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?*

and

10.2 *Has your country co-operated with other countries in the investigation and prosecution of trafficking cases through financial investigations and/or Joint Investigation Teams? Please provide information on such cases and examples from practice.*

Answer: For the purpose of effective fight against human trafficking and exploitation, the co-operation with foreign law enforcement bodies and specialised international organisations has continued.

Active participation in the measures implemented by the Bureau for the Coordination of the Fight Against Organised Crime in the territory of the CIS member states is shown.

For the implementation of point 2.1.10 of the 2014-2018 Interstate Joint Action Plan for the Fight against Crime and pursuant to the 2014-2018 plan schedule for the conduct of agreed preventive, operational intelligence measures and special operations, in June 2017 and in March and June 2018, preventive and operational intelligence measures were conducted in the territory of the Republic, which were aimed at combating crimes related to abduction of

⁵ The Guidance is available at:

https://www.cba.am/Storage/EN/FDK/Regulation/HR_STR_Guideline_eng.pdf

and trafficking in human beings, harvesting of human organs and tissues, combating illegal migration, as well as at early prevention, detection and prevention of crimes related to exploitation of women and children, preparation and dissemination of pornographic materials. Similar preventive and operational intelligence measures were also conducted in May and July 2019.

For the purpose of disclosing cases of trafficking and exploitation, as well as detecting persons who are on the international wanted list upon charges brought for commission of the mentioned crimes, the co-operation with law enforcement bodies of other countries has continued through the NCB of Interpol in the Republic of Armenia.

With the aim of achieving the desired results under the current cases in the mentioned sector, the co-operation has been more intensively carried out with the NCBs of Interpol in Turkey, Georgia, Iran, the UAE, Iraq, Croatia, Belarus and Germany, as well as with the Police Attaché of the Embassy of the Kingdom of Netherlands in the Russian Federation and the Police Attaché of Georgia in the Republic of Armenia.

A number of requests and investigation claims have been sent also to law enforcement bodies of the Russian Federation, Kazakhstan and Georgia within the scope of the materials being prepared and the criminal cases being examined with regard to subjecting the citizens of the Republic of Armenia to labour exploitation in the mentioned countries.

As a result of the measures undertaken by law enforcement officials of the above-mentioned countries as a result of the mentioned co-operation, a number of persons subjected to possible labour exploitation have successfully returned to Armenia and, in several cases, criminal cases have been initiated by law enforcement bodies of the Russian Federation.

10.3 *How many mutual legal assistance requests and/or European Investigation Order have you made in cases under elements of trafficking and what was their outcome?*

Answer: With regard to provision of mutual legal assistance in criminal cases on trafficking in human beings, two motions were sent in 2018 and during the first seven months of 2019 one motion was sent.

10.4 *What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, particularly children, and prosecuting alleged traffickers?*

Answer: The requests on provision of mutual legal assistance in criminal cases on trafficking in human beings have proven to be the most helpful among the forms of international co-operation.

10.5 *What international co-operation measures are in place to guarantee the return of victims of trafficking from your country to their countries of origin following the completion of criminal proceedings?*

Answer: The Procedure "On organising safe return of victims and special category victims of trafficking in human beings and exploitation, provided for by the Law of the Republic of Armenia "On identification of and support to persons subjected to trafficking in human beings and exploitation"" was approved by Decision of the Government of the Republic of Armenia

No 353-N of 6 April 2016.

In the fall of 2016, owing to the effective, multi-stakeholder, and multi-step cooperation between the members of the Working Group, it was possible to return several Armenian citizens—victims of labor exploitation—to Armenia.

10.6 *What international co-operation measures are in place to protect and assist victims subjected to trafficking for the purpose of sexual exploitation through on-line streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?*

Answer: The Armenian authorities attach great importance also to the fight against all forms of sexual violence against children and attach value, in this sphere, to the co-operation both at the bilateral level and with the international partners and organisations.

From November 2018, Armenia participates in the CoE 2018-2020 “End Online Child Sexual Exploitation and Abuse in Europe” programme aimed at strengthening the capacities of judiciary, law enforcement bodies at the national level, expanding the regional co-operation, as a result of which it is expected to make child protection in the cyber domain more effective and to prevent sexual exploitation and harassment against children. The Council of Europe experts visited Yerevan and Kiev on 17-19 September 2019 under the Project to End Online Child Sexual Exploitation and Abuse @ Europe to analyse legislation, policies and practices to prevent and combat this crime. The EndOCSEA@Europe Project promotes, facilitates and supports actions of the Council of Europe member States to prevent and combat child sexual exploitation and abuse facilitated by Information and communication technologies (OCSEA). The project focuses on strengthening responses to the crime in Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia, Turkey and Ukraine. Armenia, Azerbaijan, and Ukraine have been endorsed as pilot countries. On 18 September, the Project to End Sexual Exploitation and Violence against Children on the Internet implemented with the support of the Council of Europe was launched. The Project is implemented jointly by the Staff to the Prime Minister, the Ministry of Justice and the Ministry of Labour and Social Affairs. The launch of the Project is in line with the main objective of building a society free of violence, declared by the Government, which is practically reflected both in the programme of the Government and the Action Plan of three-year co-operation with the Council of Europe.

Key topics for discussion included:

- Substantive criminal law and procedural criminal law standards;
- Crime detection and disruption;
- Child-friendly procedures for victims and witnesses of OCSEA;
- Multidisciplinary co-ordination to prevent and combat OCSEA;
- Prevention and awareness raising, including training and education.

Discussions built on the findings of the recently published reports “Multi-sectoral co-operation to prevent and combat Online Child Sexual Exploitation and Abuse” and “Strengthening civil society participation in the implementation and monitoring of the Lanzarote Convention”. The reports based on the findings of the visits are expected to be published by the end of November 2019.

11. Cross-cutting questions

11.1 *What steps are taken to ensure that victims of trafficking have equal access to justice and effective remedies, irrespective of their immigration status and the nature of exploitation?*

Answer: In accordance with the existing legislation, all victims of trafficking have equal access to justice and legal remedies, irrespective of their immigration status and the nature of exploitation.

11.2 *What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of trafficking are gender-sensitive?*

and

11.3 *What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their legal representatives, giving weight to the child's views?*

Answer: In the best interests of the child, since 2015, investigative rooms specially furnished for children and designed for investigative actions carried out in respect of them have been in place at the Investigative Committee of the Republic of Armenia and its territorial subdivisions. In the best interests of the child, the participation of the psychologist, pedagogue and human rights defender is ensured by the partner NGOs for the whole period of investigative and procedural process.

11.4 *What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?*

Answer: The labour inspectorate is currently in the reformation process. At the moment, discussions are held on the statute, functions and powers of the current inspection body. We attach high importance to prevention of forced labour, that's why we have foreseen the development of checklist for labour inspectors for identifying forced labour and worst forms of child labour as well as recommendations to strengthen the role of labour inspectors.

11.5 *What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of trafficking of access to justice and effective remedies? Please provide information on any proven or known cases of corruption with involvement of public officials therein within the context of trafficking, as well as inform about the sanctions issued.*

Answer: Corruption risks have not emerged in the reporting period.

Fight against corruption is one of the priorities of the Government of the Republic of Armenia; in particular, extensive activities have been carried out and a number of achievements have been recorded in this sector during the recent years.

The Government which was formed as a result of the velvet, non-violent revolution having

taken place in the Republic of Armenia in 2018 affirmed its decisive political will to lead, to the extent of the possibilities provided under legislation, uncompromising fight against corruption while expecting broad public support and co-operation with law enforcement bodies.

The draft Decision of the Government of the Republic of Armenia "On approving the Anti-Corruption Strategy and its Implementation Action Plan for 2019-2022 of the Republic of Armenia" has been developed, circulated and submitted for public deliberations, whereby the anti-corruption institutional scope with the aspects of prevention, examination and anti-corruption education is introduced.

Pursuant to Decision of the Prime Minister of the Republic of Armenia Nikol Pashinyan No 808-N of 24 June 2019, the Anti-Corruption Policy Council chaired by the Prime Minister of the Republic of Armenia was established, the primary objective whereof is to consider the priorities specified for the fight against corruption, for overcoming corruption in the Republic of Armenia and the suggested solutions, as well as to express a position with regard to the drafts of the policy, programmes and legal acts contributing to the prevention of corruption.

Chapter 2.

Country-specific follow-up questions

12. Please provide information on the developments in your country since GRETA's second round evaluation report concerning:

- *emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child victims of trafficking);*

Answer: In recent years, cases of labour exploitation of the citizens of the Republic of Armenia, situations similar to slavery and forced labour have spread both within and outside the territory of the Republic. Cases of child exploitation have also been detected, which may also be characterised as worst forms of labour. Cases of exploitation of foreign nationals have been also registered in the Republic. The victims — both children and adults, are mainly men. The main reason for appearing in such situation is unemployment and often the lack of awareness of state programmes.

- *the legislation and regulations relevant to fight against trafficking (e.g. criminalisation of trafficking, identification of and support to victims of trafficking, provision of reflection period, residence permit, supply chains, public procurement);*

Answer: Amendments and supplements were made to the Law "On identification of and support to persons subjected to trafficking in human beings and exploitation", as a result of which the Law "On making amendments and supplements to the Law "On identification of and support to persons subjected to trafficking in human beings and exploitation"" was adopted in June 2019. By virtue of this amendment, children subjected to trafficking are provided with the right to receive financial support until attaining the age of maturity.

Another regulation concerns the improvement of protection of the rights of children subjected to trafficking; a procedure for exchange of information by children falling under special category victims of trafficking and exploitation and for guidance of victims will be introduced. The final version of the

document is expected to be submitted to the Government of the Republic of Armenia by April 2020.

Thus, by adoption of the Law "On making amendments and supplements to the Law "On identification of and support to persons subjected to trafficking in human beings and exploitation"", the time limits for document circulation and transfer of information are clarified and certain inaccuracies are eliminated, as well as the development and introduction of the mechanism for guidance of children gives rise to the ground for forming a multi-professional framework which is necessary for quick response, prevention and prohibition of trafficking.

Two state programmes are being implemented: The State Programme for Social-Psychological Rehabilitation of Victims of Trafficking in Human Beings and Exploitation of, Women and Girls Subjected to Sexual Exploitation and the State Programme for Lump-Sum Monetary Compensation for Victims of Trafficking and Exploitation, within the scope of which the mentioned groups receive long-term support and monetary assistance. The support package provided within the scope of the first programme includes provision of accommodation, in-kind assistance, legal protection, provides the opportunity to make use of state healthcare, educational and other social programmes and helps to find a way out of the critical situation, return to normal life, avoiding victimisation. It is envisaged to expand the programme in 2020, being it fully funded from the State Budget of the Republic of Armenia.

- *the institutional and policy development framework for fight against trafficking (bodies responsible for co-ordinating national fight against trafficking, organisations specialised in the fight against trafficking, national rapporteur or equivalent mechanism, involvement of civil society, public-private co-operation);*

and

- *the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);*

Answer: Activities aimed at fighting human trafficking in Armenia are coordinated by the Inter-Ministerial Council on Fight against Trafficking in Human Beings and Exploitation headed by the Deputy Prime Minister. The Interagency Working Group operates with the purpose of organising the ongoing activities of the Council. Apart from the governmental ministries and agencies, representatives of all non-governmental and international organizations and social partners involved in the anti-trafficking activities, actively participate in the works of the Council and Working Group.

Upon the Protocol Decision of the Councils's meeting from 11 June 2019, the Ministry of Foreign Affairs of the Republic of Armenia transferred the management of activities of the Working Group to the Ministry of Labour and Social Affairs.

Through funding of the Council of Europe, the monitoring of the Fifth National Action Plan for the Fight against Trafficking and Exploitation in the Republic of Armenia was carried out by an independent expert.

In the reporting period, the anti-trafficking actions of the Council on Fight against Trafficking in Human Beings and Exploitation and the Interagency Working Group were performed according to the Fifth National Action Plan (2016-2018). The Sixth National Action Plan for 2019-2021 has been drafted by WG. It is expected to transfer it for approval by the end of the current year. GRETA's second evaluation report, the report published as a result of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

visit to Armenia and the recommendations of US TIP reports are taken into account while developing the sixth National Action Plan for 2019-2021.

The procedure for identification of victims of trafficking, as well as supporting and assisting them is provided for by the Anti-Trafficking Law of the Republic of Armenia. This law regulates procedures for identifying and supporting persons subjected to trafficking or exploitation, including foreigners and stateless persons, providing them with relevant residence status and safe return. The identification of victims and assistance provided to them is not conditioned by their cooperation with the law enforcement. The assistance includes also a lump-sum monetary compensation provided by the State.

Anti-Trafficking Expenditures under the 2018 and 2019 State Budgets of the Republic of Armenia, by programs and implementing public administration bodies is provided in Annex 1

13. *Please provide information on the measures taken in your country in respect to the following recommendations made in GRETA's second round evaluation report:*

- *ensure that setting up of the new health and labour inspection is completed and this entity is provided with clear competences of monitoring and inspection of workplaces, including unannounced visits to all sectors of economy and the responsibility to prevent and detect cases of human trafficking for the purpose of labour exploitation;*

Answer: The package of drafts on making supplements and amendments to the Labour Code and the Law "On inspection bodies" has been elaborated by the Deputies of the National Assembly. As a result, a package of reforms has been developed, which is still in the stage of considerations.

- *introduce monitoring of recruitment and temporary work agencies;*

Answer: During considerations devoted to the development of new three-year Strategy for Human Rights Protection, the issue of licensing private work recruitment agencies was raised by the Ministry of Foreign Affairs.

- *ensure that male victims of trafficking are guaranteed safe accommodation and adequate assistance adapted to their needs;*

Answer: Male victims of trafficking are provided with adequate assistance, but there are no special accommodation facilities designed for males in the Republic. We still insist that the demand for it is minor and will not justify the expenses. As regards the statistics attesting the opposite, the fact should be taken into account that male victims of trafficking and exploitation, as a rule, refuse to have accommodation as a type of assistance, which does not exclude the possibility of availing themselves of other types of assistance. However, two accommodation facilities currently operate in Yerevan, one of which is partially funded from the State resources and, where necessary, males can be accommodated in one of them.

- *increase the share of the State Budget in the funding of assistance for victims of trafficking with a view of achieving full state funding of these services;*

Answer: From 2020, the Programme for Social-Psychological Rehabilitation of Persons Subjected to Trafficking, Exploitation and Violence is expected to be implemented fully at the expense of the State Budget of the Republic of Armenia. For this purpose, the allocations will be doubled.

- *strengthen the prevention of trafficking in children through improved support for children in vulnerable situations, paying particular attention to children from rural areas at risk of child labour, girls from the Yezidi community and children placed in child care institutions;*

and

- *improve the identification of and assistance to child victims of trafficking. Ensure that child victims of trafficking benefit from all the assistance and protection measures provided for under the Convention, including appropriate safe accommodation and access to specialised services;*

Answer: As stated in point 2 of Section 12, the legislative amendments enable children to avail themselves of their right to receive lump-sum monetary assistance until attaining the age of maturity, which may be considered as improvement of the process of assistance to children. As regards the prevention, primary significance is given to trainings and awareness raising programmes. The draft of the procedure for guidance of children has been developed and put into internal circulation, by the adoption whereof the identification process will be also improved, since appropriate indicators of preliminary identification will be also developed. In this regard, the importance of continuous trainings must be noted. New formats of awareness raising programmes and trainings are currently being considered. As regards the vulnerability of girls from the Yezidi community in terms of trafficking, only one case was registered during the previous many years.

In the marzes of the Republic of Armenia, non-governmental organisations have regularly organised seminars and discussions on the issues on education of Yezidi pupils, in particular Yezidi girls being left beyond general education. For example, in 2018-2019, "Armavir Development Centre" non-governmental organisation implemented the programmes on "Promoting the Right to Education of Yezidi girls/women" and on "Protection of the right to education of Yezidi girls and women in Armavir and Aragatsotn marzes through raising the awareness of the population and developing the skills of teachers", the aim of which was to contribute to the exercise of the right to education of Yezidi girls and women, to enhance the respect for human rights and fundamental freedoms.

- *Ensure that legislative and practical measures are taken to ensure that legal entities in Armenia may be held liable for human trafficking offences.*

Answer: It should be noted that the Criminal Code of the Republic of Armenia and the Criminal Procedure Code of the Republic of Armenia are expected to be adopted in 2020. Currently, the relevant working group is adapting the drafts of the Criminal Code of the Republic of Armenia and the Criminal Procedure Code of the Republic of Armenia and they are expected to be submitted to the Staff to the Prime Minister of the Republic of Armenia by the end of this year. The currently existing draft Criminal Code includes the institute of subjecting legal persons to criminal liability.

Part 3. Statistics on trafficking

Please provide the following statistics, per year starting **from 2015**:

- *Number of victims of trafficking identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).*

Answer: The 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol entered into force for the Republic of Armenia on 4 October 1993, the first Law of the Republic of Armenia "On refugees" was adopted on 3 March 1999, and the new Law "On refugees and asylum" — on 27 November 2008.

No victim of trafficking has been detected among the persons seeking asylum and having received refugee status either since or before 2015.

The Law "On refugees and asylum" of 27 November 2008 does not provide for provision of additional protection on the ground of being a victim of trafficking and, instead, victims of trafficking are included in the sub-group of asylum seekers and refugees with special needs (sub-point 1 of part 1 of Article 8).

- *Number of presumed victims and identified victims in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).*

and

- *Number of victims of trafficking who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).*

and

- *Number of child victims of trafficking for whom legal guardians were appointed.*

Answer:

Ministry of Labour and Social Affairs of the Republic of Armenia

The main body detecting persons subjected to trafficking in Armenia is the Police of Republic of Armenia. In specific cases, they are reported to the same Police by the relatives of the person being exploited, whereas to supporting NGOs or to the Ministry of Labour and Social Affairs — by the territorial bodies. A new procedure for identification has been in effect in the Republic since the end of 2015. Up to now, starting from November 2015 until the 1st semester of 2019, the number of identified persons as well as the sex- and age-related composition thereof is as follows:

1. In 2015-2016, 9 petitions were submitted for 28 persons, all of which were Armenians by national origin. 24 persons were identified, 4 out of which were women (1- special category victim), the 20 were men (2- special category victims). The two special category victims were victims of forced labour, the 1- begging. The country where trafficking and exploitation took place: the Russian

Federation (18), the Republic of Armenia (4), UAE (2).

The forms of trafficking and exploitation, according to the following scale:

Forced labour	Sexual exploitation	Begging
20	3	1 (Republic of Armenia)

2. In **2017**, 6 petitions were submitted for 16 persons. All of them are citizens of the Republic of Armenia, 2 out of which are minors. 11 persons were identified (2 victims - special category), 9 out of which were women, and 3 were men.

Trafficking and exploitation, according to the country of origin:

The country where trafficking and exploitation took place: 3 victims of forced labour - the Republic of Armenia, 1 victim of forced labour -the Russian Federation, 1 victim of situation similar to slavery - Georgian village mostly populated by Azerbaijani, sexual exploitation — 2 victims in the Republic of Armenia, 2 victims in Cyprus, 2 victims in the UAE.

The forms of trafficking and exploitation, according to the following scale:

Forced labour	Sexual exploitation	Situation similar to slavery
4 (2 victims — special category, mother + two children — 1 male,1 female)	6	1 (man)

2. In 2018, **6 petitions for 9 persons** were submitted to the Commission for Identification. The four of the victims were citizens of India. All of them were identified. Two petitions on providing monetary compensation for 8 persons were submitted. The motions were granted only in respect of 6 persons, since two of them were minors and, as of 2018, this type of assistance was accessible only for persons having attained the age of eighteen.

The age of the victims — 11-61 years old. They have no vocational education, work, stable income; many of them have no place of residence, all of them are poor.

Additional information:

Number of victims as of sex	Victims falling under special category (minors)	Place of exploitation	Form of exploitation
Female — 1	-	Turkey	Labour and sexual forms
Male — 8	2	Republic of Armenia — 7, Russian Federation — 1	Situation similar to slavery — 2 Forced labour — 6

In-patient medical assistance to 3 persons was organised within the scope of state-funded allowance.

4. In the 1st semester of **2019**, 5 petitions for 8 persons were submitted. All of them were identified. One motion on providing monetary compensation for 2 persons was submitted.

Two petitions on organising medical assistance were also submitted and one was granted. The second was submitted in a wrong format and, despite the oral explanation provided, it was neither amended nor submitted.

Additional information on the victims having been identified and received assistance:

Number as of sex	Special category (minors)	Place of exploitation	Form of exploitation
Female — 4	1	Republic of Armenia	Labour — 2 Sexual — 2
Male — 4	1	Republic of Armenia	Labour exploitation — 1 Begging — 3
Monetary assistance	2 persons, males, citizens of India		
Medical assistance	1 person, male, citizen of the Republic of Armenia, special category		
Total:	Eleven persons have availed themselves of the right to receive assistance. Three out of those were recognised as victims in 2018. They received monetary assistance and medical assistance in 2019.		

Branch of "UMCOR" NGO in Armenia

	2015			2016			2017			2018			September 2019		
General	8			14			9			9			5		
Form of exploitation	women	men	children	women	men	children	women	men	children	women	men	children	women	men	children
sexual	4			3			4			1			2		
labour	1	1	2	1	10		1	1	2		6	2		3	
beggary									1						
Forms of trafficking															
internal	5		2	3			1		3		5	2	2	3	
transnational		1		1	10		4	1			1				
Detecting body															
Police	5		2	5	2		5		2		7		1	3	
UMCOR		1		1	5						1		1		
International Organisation for Migration															
Social worker of Yerevan Municipality/MOLSA				1					1						
MFA/Armenian consul in Georgia								1							

- Number of victims of trafficking granted a reflection period (sex, age, nationality, form of exploitation).

Answer: No necessity has arisen with regard to granting a reflection period, since the potential victims have been introduced their rights and they have given their consent to receive assistance.

- *Number of victims of trafficking granted a residence permit, with an indication of the duration and type of the permit (disaggregated by sex, age, nationality, form of exploitation).*

Answer: No residence permit has been granted to the victims of trafficking.

- *Number of victims of trafficking given refugee status or subsidiary/complementary protection on the ground of being victims of trafficking (disaggregated by sex, age, nationality, form of exploitation).*

Answer: The 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol entered into force for the Republic of Armenia on 4 October 1993, the first Law of

the Republic of Armenia "On refugees" was adopted on 3 March 1999, and the new Law "On refugees and asylum" — on 27 November 2008.

No victim of trafficking has been detected among the persons seeking asylum and having received refugee status either since or before 2015.

The Law "On refugees and asylum" of 27 November 2008 does not provide for provision of additional protection on the ground of being a victim of trafficking and, instead, victims of trafficking are included in the sub-group of asylum seekers and refugees with special needs (sub-point 1 of part 1 of Article 8).

- *Number of victims of trafficking who claimed compensation within the scope of the judicial case, who were granted compensation provided by the State (disaggregated by sex, age, nationality, form of exploitation, with an indication of the amount of compensation).*

Answer: The victims of trafficking have not claimed compensation within the scope of judicial cases.

- *Number of victims of trafficking who received another form of financial support from the State, with the indication of the amount received.*

Answer: The amount of compensation is AMD 250.000. Compensation is provided only to those having received the whole package of support according to the needs assessed, and to those who have overcome the danger of victimisation. The respective statistics is introduced below:

Assistance in the amount of AMD 250.000 was provided to 10 victims.

Medical assistance was provided to 9 victims, 3 out of which — within the scope of State-funded allowance.

- *Number of victims of trafficking who received free legal aid.*

Answer: Eleven victims received legal aid during investigative actions, the 3 out of which received it also during court sessions.

- *Number of victims of trafficking who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).*

Answer:

From Armenia:

- to China — 4 Chinese women, victims of sexual exploitation, repatriated with the support of "UMCOR" Charitable Foundation and the Consulate of China;
- to India — 2 Indian men, victims of labour trafficking, repatriated with the support of "UMCOR" Charitable Foundation and the International Organisation for Migration.

Repatriated to Armenia:

- 1 woman from the UAE, being a victim of sexual exploitation — with the support of the Police of the Republic of Armenia, the Ministry of Justice, “UMCOR” Charitable Foundation and the UN;
 - 3 men from the Russian Federation, being victims of labour exploitation — with the support of the Ministry of Foreign Affairs and “UMCOR” Charitable Foundation;
 - 1 man from Georgia, being a victim of labour exploitation — with the support of the Ministry of Foreign Affairs and “UMCOR” Charitable Foundation.
- *Number of cases investigated under elements of trafficking, according to type of exploitation and number of victims.*

Answer:

Investigative Committee of the Republic of Armenia

During 2015, 21 criminal cases relating to trafficking in or exploitation of human beings were examined, 14 out of which were instituted in 2015, 5 out of those were transferred from 2014, whereas 2 out of those were resumed in 2015.

17 persons were declared as victims in the criminal cases examined in 2015 (8 out of those — in cases of sexual exploitation, 9 out of those — in cases of labour exploitation).

During 2016, 20 criminal cases relating to trafficking in or exploitation of human beings were examined in the proceedings administered by the investigators of the Investigative Committee of the Republic of Armenia (9 out of those relating to sexual exploitation, 10 out of those — to labour exploitation and 1 out of those — to purchase and sales of a child), 13 out of which were instituted in 2016 (6 out of those relating to sexual exploitation, 6 out of those — to labour exploitation and 1 out of those — to purchase and sales of a child), 5 out of which were transferred from 2015 (1 out of those relating to sexual exploitation, 4 out of those — to labour exploitation) and upon 2 cases the previously suspended proceedings were resumed (in respect of sexual exploitation).

22 persons were declared as victims in the criminal cases examined in 2016 (3 out of those relating to sexual exploitation and 19 out of those — to labour exploitation).

During 2017, 17 criminal cases relating to trafficking in or exploitation of human beings were examined in the proceedings administered by the investigators of the Investigative Committee of the Republic of Armenia.

11 criminal cases out of those mentioned above related to labour exploitation and 6 out of those — to sexual exploitation. 9 criminal cases out of 17 were instituted in 2017 (3 out of those relating to sexual exploitation and 6 out of those — to labour exploitation), 4 out of which were transferred from 2016 (2 out of those relating to sexual exploitation, 2 out of those — to labour exploitation) and upon 4 cases the previously suspended proceedings were resumed (1 out of those relating to sexual exploitation and 3 out of those — to labour exploitation).

15 persons were declared as victims in the criminal cases examined in 2017 (4 out of those

relating to sexual exploitation and 11 out of those — to labour exploitation).

During 2018, 10 criminal cases relating to trafficking in or exploitation of human beings were examined in the proceedings administered by the investigators of the Investigative Committee of the Republic of Armenia. 7 criminal cases out of those mentioned above related to labour exploitation and 3 out of those — to sexual exploitation. 1 criminal case out of 10 was transferred from 2017 (child exploitation, the proceedings of which was dismissed) and 9 cases were instituted during 2018.

36 persons were declared as victims in the criminal cases examined in 2018 (2 out of those relating to sexual exploitation and 34 out of those — to labour exploitation).

During the current period of 2019, 7 criminal cases were instituted under elements of trafficking in and exploitation of human beings, 2 proceedings whereof was dismissed during the preliminary investigation. 3 cases out of the remaining 5 prove to be cases instituted with regard to labour exploitation and 2 out of those — with regard to sexual exploitation. 2 cases of labour exploitation prove to be cases of internal exploitation and 1 case proves to be a case of outsourced exploitation /Russian Federation/. 2 cases of sexual exploitation prove to be cases of internal exploitation. 7 persons were declared as victims in the mentioned 5 cases, 2 out of which are females, all of them are adults.

- *Number of prosecutions in cases under elements of trafficking, according to type of exploitation, number of victims and defendants concerned.*

Answer: During 2015, 2 cases were examined in respect of 3 accused persons in the court, 1 out of which related to labour exploitation, 1 out of which— to sexual exploitation. 5 persons were declared as victims in the mentioned cases.

During 2016, 3 cases were examined in respect of 4 accused persons in the court, 1 out of which related to labour exploitation, 2 out of which— to sexual exploitation. 4 persons were declared as victims in the mentioned cases.

During 2017, 1 case relating to sexual exploitation was examined in respect of 1 accused person in the court. 1 person was declared as a victim in the mentioned case.

During 2018, 2 criminal cases were examined in respect of 2 accused persons in the court, 1 out of which related to sexual exploitation, 1 out of which — to labour exploitation. 1 person was declared as a victim in the mentioned cases.

- *Number of convicted perpetrators of trafficking (disaggregated by sex, age, nationality, form of exploitation).*

Answer: During 2015, 3 persons of Armenian national origin were convicted, 2 out of which — in respect of labour exploitation, 1 out of which — in respect of sexual exploitation. 2 persons out of those mentioned were women /1 — sexual exploitation, 1 — labour exploitation/, 1 was a man /labour exploitation/.

During 2016, 3 adult persons were convicted for sexual exploitation, 1 out of which was Armenian, the 2 — Chinese. 2 persons out of the mentioned 3 were women /sexual exploitation/, 1 was a man /sexual exploitation/.

During 2017, 1 adult woman of Armenian national origin was convicted for sexual exploitation.

No criminal judgment was delivered during 2018.

- *Number of convictions, with an indication of the form of exploitation, whether the victim was an adult or minor, the type and duration of the penalties, and whether they were effectively enforced or suspended.*

Answer: During 2015, 3 adult persons were convicted, 2 out of which — in respect of labour exploitation, 1 out of which — in respect of sexual exploitation. The mentioned persons were sentenced to imprisonment for a term of 11 years, in respect of 1 out of those — the woman, was imposed conditional non-application of punishment and a probation period; the Court took into account the fact that the latter had not been previously convicted, had three minor dependants and there were no circumstances aggravating her liability and punishment.

During 2016, 3 adult persons were convicted for sexual exploitation, 1 out of which was sentenced to imprisonment for a term of 5 years, 2 out of which — to imprisonment for a term of 8 years.

During 2017, 1 adult person was sentenced to imprisonment, for sexual exploitation, for a term of 10 years.

No criminal judgment was delivered during 2018.

- *Number of judgments in cases resulting in confiscation of assets.*

Answer: No assets were subject to confiscation upon the delivered criminal judgments.

- *Number of convictions of legal entities for crimes of trafficking.*

Answer: No charges were brought against the legal entities.

Annex 1
INFORMATION

Anti-Trafficking Expenditures under the 2018 and 2019 State Budgets of the Republic of Armenia, by programs and implementing public administration bodies

AMD thousand

N	Section	Group	Classes		State Budget approved in 2018	State Budget adjusted in 2018	State Budget approved in 2019
				Total	48,131.7	30,182.0	35,224.6
				Ministry of Labour and Social Affairs of the Republic of Armenia	38,131.7	22,182.0	23,624.6
1	10	04	01	Support and Consultation to Graduates of 24-hour Child Care Facilities for Social Protection of Population	15,997.1	47.0	1,440.0
2	10	04	01	Provision of Lump-Sum Monetary Assistance for Graduates of 24-hour Child Care Facilities for Social Protection of Population	550.0	550.0	600.0
3	10	09	02	Implementation of Public Awareness Measures within the Scope of the Programme	766.0	766.0	766.0
4	10	09	02	Social-Psychological Rehabilitation Services for Persons Subjected to Trafficking, Exploitation and Violence	19,068.6	19,069.0	19,068.6
5	10	09	02	Provision of Lump-Sum Monetary Compensation for Victims of Trafficking and/or Exploitation	1,750.0	1,750.0	1,750.0
				Ministry of Healthcare of the Republic of Armenia	2,000.0	0.0	2,000.0
6	07	03	02	Medical Assistance Services for Victims of Trafficking	2,000.0	0.0	2,000.0
				Ministry of Sport and Youth Affairs of the Republic of Armenia	8,000.0	8,000.0	9,600.0
6	08	04	01	Campaign Events Aimed at Prevention of Exploitation (Trafficking) of Human Beings	8,000.0	8,000.0	9,600.0