



EVALUATION REPORT

ARMENIA

Third evaluation round

GRETA

Group of Experts
on Action against
Trafficking
in Human Beings

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

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Executive summary

Since the second evaluation round of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Armenia has continued to develop the legislative and policy framework relevant to action against trafficking in human beings. In 2021 a new Criminal Code and a new Criminal Procedure Code were adopted and amendments to the Labour Code were being prepared. National anti-trafficking action plans were approved for the periods 2016-2018 and 2020-2022.

The total number of victims identified in the period 2017-2021 was 68. Two thirds of identified victims were women and girls. The prevailing form of exploitation was sexual exploitation, followed by labour exploitation and forced begging. Almost all identified victims were Armenian nationals exploited inside Armenia. In addition, five foreign nationals were trafficked to Armenia for the purpose of labour exploitation.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

The Police use a standard form to inform victims of human trafficking of their rights and the Identification Commission provides a flyer to trafficking victims explaining their rights and support options. Nevertheless, GRETA considers that the authorities should strengthen the systematic provision of information to trafficking victims and officials should be continuously trained and instructed on how to properly explain to trafficking victims their rights and systematically refer them to specialised services which enable victims to exercise their rights.

In criminal proceedings, victims of human trafficking are entitled to free legal aid from the moment they are recognised as an injured party following the opening of a criminal case. However, GRETA urges the authorities to ensure that access to legal aid and the appointment of a lawyer are guaranteed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the persons concerned have to decide whether or not they want to co-operate with the authorities and/or make an official statement.

Access for victims of trafficking to compensation from the perpetrators remains totally illusive in Armenia. During the reporting period no trafficking victim has received compensation from the perpetrators either through criminal or civil proceedings. There have been no judgments in human trafficking cases resulting in the confiscation of assets. GRETA urges the Armenian authorities to take vigorous measures to guarantee effective access to compensation for trafficking victims, including by making full use of the legislation on the freezing and forfeiture of offenders' assets and inserting the topic of compensation in the training programmes for lawyers, investigators, prosecutors and judges. At the same time GRETA welcomes the provision of lump-sum compensation by the State to 20 trafficking victims since 2017.

Between January 2017 and September 2021, a total of 69 criminal investigations were conducted into human trafficking cases but only 13 cases were brought to trial and just six persons were convicted for trafficking. Although two thirds of the criminal investigations involved labour exploitation, there have been no convictions for trafficking for the purpose of labour exploitation. GRETA urges the Armenian authorities to allocate the necessary human resources to ensure that human trafficking offences for all forms of exploitation are proactively and promptly investigated, making use of special investigation techniques and financial investigations in order to gather evidence and not rely exclusively on testimony by victims or witnesses. GRETA also welcomes the inclusion of criminal liability of legal persons in the new Criminal Code.

While welcoming the specific legal provision in Armenia as regards the implementation of the non-punishment provision of the Convention, GRETA considers that the authorities should take further measures to ensure that it is capable of being applied to all offences that victims of human trafficking have been compelled to commit. In addition, the authorities should develop guidance and training for police officers and prosecutors on the non-punishment provision.

According to the Armenian authorities, no victims and witnesses of THB have needed protection measures during the reporting period. Nevertheless, GRETA considers that the authorities should do more to ensure that victims and witnesses of human trafficking are provided with effective and appropriate protection from potential retaliation or intimidation, and that purpose-designed interviewing rooms, equipped with audio-visual technology, are always used to interview victims of trafficking in police stations and courts.

GRETA welcomes the existence of specialised entities for combating human trafficking within the Police and the Investigative Committee, but considers that the Armenian authorities should take additional steps to ensure that all relevant professional groups are regularly trained on trafficking issues.

Whilst welcoming the legislative amendments adopted by Armenia to ensure child-sensitive procedures when investigating, prosecuting and adjudicating cases of THB, GRETA invites the authorities to ensure that child victims of trafficking are in practice afforded these special protection measures, including in the context of interviews, both as regards the competencies of the professionals present and the environment in which the interviews are conducted. In particular, GRETA considers that the Armenian authorities should set up a sufficient number of child-friendly interview rooms across the country.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics. Noting a notable decrease in awareness-raising activities, GRETA considers that the Armenian authorities should sustain their efforts to raise awareness about human trafficking, targeting the general public as well as specific at-risk groups, and conduct impact assessments of awareness-raising campaigns.

GRETA welcomes the expansion of the mandate of the Health and Labour Inspection Body, the creation of an additional 60 positions for labour inspectors and proposed amendments introducing a definition of forced labour in the Labour Code. However, GRETA received contradictory information about the exact scope of labour inspectors' powers in detecting and preventing human trafficking. GRETA notes that the authorities have taken no concrete measures to monitor recruitment and temporary work agencies, and trafficking for the purpose of labour exploitation among Armenian citizens going abroad for work remained mostly undetected. Therefore, GRETA urges the Armenian authorities to continue reinforcing the capacity and skills of all relevant officials to detect and investigate cases of trafficking for labour exploitation.

GRETA notes recent prevention work targeting girls from the Yezidi community. Nevertheless, GRETA considers that the authorities should strengthen their efforts in prevention of child trafficking among vulnerable groups (children in rural areas and children placed in child-care institutions) and pay more attention to the link between child trafficking and the use of information and communication technologies.

While welcoming the recent measures to increase awareness about indicators to identify potential victims of human trafficking, GRETA considers that the Armenian authorities should take further steps to improve the identification of victims of trafficking by providing training and guidance to all relevant professionals on the identification of victims of trafficking and the procedures to be followed, and by paying increased attention to detecting victims of trafficking amongst asylum seekers and migrants.

Finally, GRETA urges the authorities to take additional steps to ensure that all assistance measures to trafficking victims provided for in the Convention and by Armenian law are guaranteed in practice, in particular the provision of long-term assistance enabling the social reintegration of trafficking victims.

Preamble

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

In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions of the Convention on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' access to justice and effective remedies, which is essential for victims' rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim's stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA's findings and analysis of these topics are presented in a separate chapter.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for Armenia on 1 August 2008. GRETA’s first evaluation report on Armenia was published on 21 September 2012,¹ and the second evaluation report on 20 March 2017.²
2. On the basis of GRETA’s second report, on 10 March 2017, the Committee of the Parties to the Convention adopted a recommendation to the Armenian authorities,³ requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the Armenian authorities was considered at the 23rd meeting of the Committee of the Parties (9 November 2018), and was made public.⁴ Subsequently, on 27 June 2019, the Armenian authorities submitted additional information as a follow-up to their report sent in reply to the Committee of the Parties’ recommendation.
3. On 15 July 2019, GRETA launched the third round of evaluation of the Convention in respect of Armenia by sending the questionnaire for this round to the Armenian authorities. The deadline for submitting the reply to the questionnaire was 14 November 2019 and the authorities’ reply was received on 30 October 2019.
4. In preparation of the present report, GRETA used the reply to the third-round questionnaire by the Armenian authorities,⁵ the above-mentioned report and additional information submitted by them in reply to the Committee of the Parties’ recommendation. The organisation of an evaluation visit to Armenia was repeatedly postponed due to the political and security situation in the country and the sanitary and travel restrictions imposed as a consequence of the COVID-19 pandemic. The visit which finally took place from 6 to 10 September 2021 enabled GRETA to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:
 - Ms Antoaneta Vassileva, First Vice-President of GRETA;
 - Ms Ia Dadunashvili, member of GRETA;
 - Mr Roemer Lemaître, Administrator in the Secretariat of the Convention.
5. During the visit, the GRETA delegation met Mr Mher Grigoryan, Deputy Prime Minister, Ms Tatevik Stepanyan and Mr Ruben Sargsyan, Deputy Ministers of Labour and Social Affairs, Mr Armen Ghazaryan, Head of the Migration Service, as well as officials from the Ministry of Foreign Affairs, the Ministry of Labour and Social Affairs, the Ministry of Justice, the Health and Labour Inspectorate, and the National Security Service. Furthermore, the GRETA delegation held meetings with representatives of the Police, the Investigative Committee, the General Prosecutor’s Office and the Court Department. The GRETA delegation also met Mr Arman Tatoyan, the Human Rights Defender of the Republic of Armenia, and members of the National Assembly.
6. In addition to holding meetings in Yerevan, the GRETA delegation travelled to Vanadzor, where it met representatives of relevant regional and local authorities and law enforcement agencies.

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

2 <https://rm.coe.int/16806ff1ad>

3 <https://rm.coe.int/16806fd3f6>

4 <https://rm.coe.int/cp-2018-9-rr2-arm-en/1680790e9d>

5 <https://rm.coe.int/greta-2018-26-arm-rep/16809e4c42>

7. Separate meetings were held with representatives of non-governmental organisations (NGOs), independent anti-trafficking experts, lawyers and victims of human trafficking. The GRETA delegation also met representatives of the Delegation of the European Union (EU) to Armenia, the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), and the United Nations Children's Emergency Fund (UNICEF).
8. In the course of the visit, the GRETA delegation visited a specialised shelter for victims of human trafficking in Yerevan, run by the NGO "Democracy Today", and the Child and Family Support Centre of Lori Region in Vanadzor.
9. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in Appendix 2 to this report. GRETA is grateful for the information provided by them.
10. GRETA wishes to place on record the co-operation provided by the Armenian authorities in the preparation and carrying out of the evaluation visit, and in particular by Ms Victoria Melkumova, Third Secretary at the Department of Human Rights and Humanitarian Issues of the Ministry of Foreign Affairs, fulfilling the role of contact person for GRETA.
11. The draft version of the present report was approved by GRETA at its 42nd meeting (22-26 November 2021) and was submitted to the Armenian authorities for comments. The authorities' comments were received on 28 February 2022 and were taken into account by GRETA when adopting the final report at its 43rd meeting (28 March - 1 April 2022). The report covers the situation up to 1 April 2022; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

II. Overview of the current situation and trends in the area of trafficking in human beings in Armenia

12. Armenia continues to be primarily a country of origin for trafficked persons but is also a country of destination for Armenian nationals trafficked internally, as well as for foreign nationals. According to data collected by the Ministry of Labour and Social Issues, the yearly number of formally identified victims of trafficking in human beings (THB) remained stable in the period 2017-2020 (11 in 2017, nine in 2018, eight in 2019 and nine in 2020) before rising in 2021⁶ (31 victims).⁷ The majority of the victims identified during the reporting period were women (35), followed by children (19, including 13 boys and six girls) and men (14). The prevailing form of exploitation was sexual exploitation (34 victims), followed by labour exploitation (23 victims), forced begging (eight victims) and situations similar to slavery (three victims). The overwhelming majority of the identified victims were Armenian nationals exploited internally (55 victims). A small number of Armenian nationals were trafficked abroad (two each in Cyprus, the Russian Federation and the United Arab Emirates; one each in Georgia and Turkey). In addition, five foreign nationals were trafficked to Armenia for the purpose of labour exploitation (four Indian men in 2018 and one Iranian man in 2019). No victims of THB have ever been detected among asylum seekers in Armenia.

13. Representatives from civil society organisations and international organisations informed GRETA that law enforcement authorities largely relied on trafficking victims to self-identify and failed to detect victims through pro-active investigations. However, self-identification by trafficking victims rarely occurs because the persons concerned are not aware that they have been victims of a criminal offence and have rights as such, as well as due to stigma, and/or the feeling of shame and lack of trust towards the authorities. Accordingly, the real number of trafficking victims in Armenia is probably higher than the official figures, in particular among Armenian citizens who travel abroad to work, mainly in the Russian Federation (see paragraph 157).

III. Developments in the legislative, institutional and policy framework for action against human trafficking

14. Since the second evaluation of Armenia by GRETA, the legislative and institutional framework has undergone some changes. In June 2019 the Law on Identification and Support to Persons Subjected to Trafficking in Human Beings (hereinafter "the Anti-Trafficking Law") was amended, introducing in particular a clause on providing financial support to child victims of THB until they turn 18 and specifying the procedure for child victims of trafficking to apply for state compensation. Further, Government Decree No. 1030-N of 18 June 2020 amended the victim identification procedure established by Decree No. 492-N of 5 May 2016 by adding specific provisions on the referral of child victims (see paragraph 167). In addition, Government Decree No. 894-N of 27 June 2019 inserted "survivor of trafficking" as a field on specific needs in the asylum application form. Finally, Government Decree No. 1263-N of 6 August 2021 allowed various specialists to participate in meetings of the Identification Commission and the latter was given the authority to visit special schools, orphanages and other relevant facilities to conduct awareness-raising activities (see paragraph 170).

⁶ At least 15 out of 31 victims identified in 2021 were women who sent sexually explicit photos of themselves to an Armenian man, posing as an Azeri soldier on social media, in the hope of obtaining news about their missing relatives. The man was convicted for human trafficking (see paragraph 90). However, NGOs and independent experts told GRETA that this was not a case of THB.

⁷ During the period covered by GRETA's second report, the number of identified victims was 14 in 2012, 19 in 2013, 13 in 2014, 7 in 2015 and 17 in 2016.

15. A new Criminal Code (CC) and a new Criminal Procedure Code (CPC) were adopted in May-June 2021 and will enter into force on 1 July 2022.⁸ The human trafficking offences in Articles 132, 132.2 and 132.3 of the old CC were incorporated in Articles 188, 189 and 190 of the new CC with several changes. The definition of exploitation included in Article 188(4) of the new CC now explicitly includes forced criminality and the removal of human cells, tissue or fluids. Committing the offence against two or more persons or by threat or use of violence which endangers a person's life are no longer considered as an aggravating circumstance. On the other hand, Article 189(2)4 of the new CC includes trafficking of a child by a close relative as an aggravating circumstance, and the maximum sentence for aggravated child trafficking was raised from 12 to 13 years of imprisonment. Further, Article 6(1)4 of the new CC defines a situation (position) of vulnerability as "a situation under which the person has no alternative acceptable for him or her than to submit to the abuse committed against himself or herself". The changes to the CPC are discussed in greater detail in later parts of this report (see in particular paragraphs 69-70 and 127-130).

16. In mid-2021 the Ministry of Labour and Social Issues proposed amendments to the Labour Code regarding the definition of forced and compulsory labour. According to information provided by the authorities, the amendments may be submitted to the National Assembly for approval by the end of 2022. GRETA is concerned by the slow approval process.

17. While welcoming the above-mentioned legislative changes, GRETA notes that the provisions of the new CC still fail to state explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation.⁹

18. On the institutional level, the Inter-ministerial Council on Issues of Trafficking and Exploitation of Human Beings (hereinafter "the Anti-Trafficking Council"), chaired by the Deputy Prime Minister, continues to co-ordinate overall action on combating THB. Currently the Migration Service serves as the secretariat of the Anti-Trafficking Council. Subordinated to the Council, the Inter-agency Working Group on Combating Trafficking in Human Beings (hereinafter "the Anti-Trafficking Working Group") remains responsible for implementing the activities envisaged by the National Action Plan (see paragraph 23). In June 2019, the chairmanship of the Anti-Trafficking Working Group was transferred from the Ministry of Foreign Affairs to the Ministry of Labour and Social Issues. Several NGOs and intergovernmental organisations participate in the Anti-Trafficking Council and the Anti-Trafficking Working Group.

19. GRETA understands that in recent years, the Anti-Trafficking Council has not met regularly, and the Anti-Trafficking Working Group only met twice online during the Covid-19 pandemic. GRETA notes that since 2018, there has been a high turnover among both senior officials and front-liners involved in action against human trafficking, which has hindered coordination and led to delays in implementing measures. **GRETA stresses the importance for maintaining a strong focus on the fight against THB as an ongoing challenge, including through vigorous prevention, strengthened proactive identification of victims, and enhanced criminal justice response to THB for all forms of exploitation. GRETA notes that the Covid-19 pandemic has made victims of THB even more vulnerable and, accordingly, requires the authorities to become more active in preventing and combating THB.**

20. According to the Armenian authorities, two state programmes managed by the Ministry of Labour and Social Issues were implemented in 2021 – one on social-psychological rehabilitation of victims of THB, exploitation and sexual and domestic violence, and the other on lump-sum monetary compensation to victims of THB, that are fully funded from the state budget at a cost of, respectively, 72 250 euro and 3 150 euro.

⁸ Except for the provisions regarding criminal liability of legal entities, see paragraph 96.

⁹ See GRETA's 2nd report on Armenia, paragraph 151.

21. There is no designated national rapporteur on THB in Armenia. GRETA is of the view that the key features of National Rapporteurs' mechanisms within the meaning of Article 29, paragraph 4, of the Convention should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. A structural separation between these monitoring functions and executive functions makes possible an objective evaluation of the implementation of anti-trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations. **GRETA considers that the Armenian authorities should examine the possibility of establishing an independent National Rapporteur, supported by a dedicated office, or designating another mechanism as an independent organisational entity with a view to ensuring an effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).**

22. During the reporting period the authorities implemented the fifth National Action Plan on fighting THB (2016-2018). An independent expert funded by the Council of Europe evaluated the implementation of this plan. The report noted the need to develop victim-centred policies and concluded that prevention and awareness-raising activities failed to reach their target audience, and programmes to address the root causes of THB were woefully insufficient. It further stressed that more funds should be allocated in the state budget to anti-trafficking NGOs, whose capacity to provide assistance to victims of THB still largely depends on funding by foreign and international donors (see also paragraph 179).

23. The sixth National Action Plan for the period 2019-2021 was presented at a meeting of the Anti-Trafficking Working Group in March 2019 but was only adopted in June 2020 by Government Decree No. 909-L. Due to this significant delay in its adoption, no anti-trafficking activities were implemented in 2019 and the plan's duration was readjusted to 2020-2022. The plan consists of six chapters relating to the improvement of the legislation on THB; prevention of THB; prevention of THB of children; identification, protection and assistance of victims of THB; international cooperation; and carrying out of studies, monitoring and evaluation.

24. Although the adoption of the sixth National Action Plan shows Armenia's continued commitment to combating THB, GRETA is concerned that not all recommendations made by the independent expert are reflected in the sixth National Action Plan. In particular, the plan does not provide for an assessment of the efficiency of the Anti-Trafficking Working Group to deal with new challenges stemming from more complex and diverse cases of THB. Neither does it commit to the setting up of a comprehensive and coherent information system on THB. Although the plan proposes to codify a definition of forced labour and organise training about it among different state officials, there is no comprehensive action envisaged to combat THB for labour exploitation, which would include, among others, the ratification of several ILO conventions, strengthening the mandate of labour inspectors, and providing consular assistance to Armenian citizens who became victims of THB abroad. GRETA welcomes the inclusion of awareness-raising activities, to be funded by extrabudgetary funds, in the current National Action Plan, but notes that the plan does not make reference to activities addressing root causes of human trafficking such as poverty, unemployment and gender-based violence.

25. Armenia has adopted a National Strategy and Action Plan for Human Rights Protection for the period 2020-2022, as well as a Strategy and Action Plan for Implementation of the Gender Policy for the period 2019-2023. GRETA notes that these strategies and action plans do not include activities related to combating THB. **GRETA stresses the need for sustained political attention to the fight against human trafficking as an ongoing challenge, including mainstreaming action against human trafficking in relevant national strategies and action plans.**

26. In its second evaluation report, GRETA considered that the Armenian authorities should finalise the development of a comprehensive and coherent statistical system on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of THB cases. During the evaluation visit representatives of civil society stated that there was still no unified statistical system and each state body collected their own statistics. In this respect, GRETA refers to the Concluding Observations of the United Nations Human Rights Committee, which recommended that Armenia “[i]mprove its data collection system regarding trafficking cases in order to better evaluate the scope of the phenomenon and to assess the efficiency of the programmes that are presently carried out.”¹⁰

27. GRETA considers that the Armenian authorities should promptly complete the setting up of a comprehensive and coherent information system on trafficking in human beings by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on the investigation, prosecution, convictions and compensation in human trafficking cases. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

28. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

29. The right to effective remedies is a reflection of the human rights-based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of THB, and effectively investigate trafficking offences.¹¹

30. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,¹² the right to an effective remedy is considered to include restitution,¹³ compensation,¹⁴

¹⁰ CCPR/C/ARM/CO/3, adopted by the Committee at its 133rd session (11 October - 5 November 2021), paragraph 28.

¹¹ *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgment 30 March 2017; *S.M. v. Croatia*, application No. 60561/14, Grand Chamber judgment 25 June 2020.

¹² UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, 28 July 2014, A/69/33797.

¹³ Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

¹⁴ Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

rehabilitation,¹⁵ satisfaction¹⁶ and guarantees of non-repetition.¹⁷ All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in the victims' recovery, as well as social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which outlines the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime.¹⁸

31. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

32. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.¹⁹

33. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.²⁰ In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons²¹ and Justice at Last - European Action for Compensation of Victims of Crime,²² which aim to enhance access to compensation for trafficked persons.

¹⁵ Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

¹⁶ Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims or their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

¹⁷ Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

¹⁸ United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

¹⁹ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pages 7 & 8, available at: http://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf

²⁰ OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pages 48 to 53.

²¹ <http://www.compactproject.org/>

²² <http://lastradainternational.org/about-lsi/projects/justice-at-last>

34. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.²³ The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate victims' access to remedies for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.²⁴ States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

35. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

2. Right to information (Articles 12 and 15)

36. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

37. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.²⁵

38. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.²⁶

²³ United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

²⁴ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pages 8 and 9.

²⁵ See Explanatory Report on the Convention, paragraphs 160-162.

²⁶ See 8th General Report on GRETA's activities, paragraphs 168-169.

39. In Armenia, the right to information of victims of THB is set out in the Anti-Trafficking Law, Article 21(3) of which states that “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.”²⁷ After formal identification, further protection and support becomes available,²⁸ however, the Anti-Trafficking Law contains no explicit provision obliging the authorities to inform victims of these additional rights.

40. Furthermore, pursuant to Article 6(1)26 of the new CPC (Article 58 of the old CPC), victims of criminal offences, including THB, insofar as they have suffered material or non-material damage from the crime, have the status of an injured party in the criminal proceedings. Article 50(2) of the new CPC (Article 59 of the old CPC) specifies the rights and obligations of the injured party, including the right to participate in the proceedings, to appeal against decisions suspending or terminating criminal proceedings, the right to have a legal representative and the right to claim compensation for material and moral damages and reimbursement of certain expenses (see paragraph 69).

41. Victims of THB are provided with information on their rights at different stages by different bodies. If the police detect a THB case, police officers inform presumed victims of their rights and the possibility of receiving assistance. The police use a standard form to inform victims of their rights.²⁹ According to information provided by the Ministry of Labour and Social Issues, the Identification Commission³⁰ performing formal identification of victims of THB provides a flyer – available only in Armenian - to victims on their rights and support options. According to NGO representatives, law enforcement bodies rely on NGOs working with victims to provide trafficking victims with detailed information on their rights and assistance measures. Some information on victims’ rights (in Armenian and English) is also available on a website maintained by the NGO “Association of Audio-Visual Reporters.”³¹

42. According to Article 22(11) of the Anti-Trafficking Law “[t]ranslation services shall be provided upon necessity, in the form of written translations of different documents, as well as in the form of interpretation during procedures related to victims and special category victims, in their preferred language.” In criminal proceedings, victims who participate in the proceedings and who do not speak Armenian have the right to an interpreter. A similar provision applies for civil and administrative proceedings. The Judicial Code (Article 12(5)-(6)) stipulates that interpretation is provided to victims in criminal proceedings and all participants in civil and administrative proceedings if they prove that they do not have sufficient means to pay for interpretation themselves.

43. GRETA notes that the willingness of victims of trafficking to co-operate in the investigation of THB offences depends on the manner in which they are treated at the moment they enter into contact with law enforcement authorities, as well as their access to information and protection. GRETA stresses that access to information on rights must not in any way depend on the victim’s willingness to act as a witness.

²⁷ During the pre-identification stage support and protection are limited to “urgent measures” that are necessary for humanitarian reasons and include emergency medical or psychological aid, temporary shelter, in-kind assistance of first necessity, general consultation and the provision of general education.

²⁸ Non-urgent medical and psychological assistance, in-kind assistance, accommodation, legal aid, consultative aid, provision of translation services, access to employment and education and lump sum monetary compensation (Article 22(2) of the Anti-Trafficking Law).

²⁹ IOM, Assessment Report on Trafficking in Persons in the Republic of Armenia, 2018, page 41. (hereinafter “IOM Assessment Report”)

³⁰ GRETA 2nd report on Armenia, paragraphs 93 & 94.

³¹ < [Anti-Trafficking Platform of Armenia – Anti-Trafficking Platform of Armenia \(antitrafficking.am\)](http://antitrafficking.am) >

44. **GRETA considers that the Armenian authorities should strengthen the systematic provision of information to potential and formally identified victims of THB regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of THB. Law enforcement officers should be continuously trained and instructed on how to properly explain to victims of THB their rights, taking into account their cognitive skills and psychological state, and systematically refer them to specialised services which enable victims to exercise their rights. Victims should also be informed of any significant change in circumstances, including arrests, media coverage, change in charges or discontinuation of the proceedings.**

3. Legal assistance and free legal aid (Article 15)

45. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law³² also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in a civil matter, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

46. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.³³

47. In Armenia, Article 22 of the Anti-Trafficking Law stipulates that victims of THB are entitled to legal aid, which is defined as "legal consultation, as well as the arrangement of attorney's support for the purpose of protecting the rights and legal interests of the person concerned." Both child victims and their legal representatives (parents or legal guardians) enjoy the same right as adult victims. However, this right applies after a person has been formally identified as a victim of THB and not during the pre-identification period (Article 20(4) of the Anti-Trafficking Law).

48. Furthermore, pursuant to Article 50 of the new CPC (Article 59 of the old CPC), victims of THB are provided with legal assistance in the context of criminal proceedings from the moment they are recognised as an injured party following the opening of a criminal case.

49. According to Article 41(5)13 of the Advocacy Act, the Office of the Public Defender provides free legal assistance to persons identified as victims of THB by the Identification Commission.³⁴ The Armenian authorities stated that 11 victims of THB received free legal assistance during investigative actions and three of them received free legal aid during court proceedings. However, the Head of the Public Defender's Office informed GRETA that only three victims of THB had applied for free legal aid since 2016. The Public Defender's Office employed 61 lawyers, a number considered insufficient to meet the growing demand for legal aid in the country.

³² *Airey v. Ireland* judgment, 9 October 1979.

³³ See 8th General report on GRETA's activities, paragraph 167.

³⁴ The provision of legal aid is organised in accordance with Decree N 357-L of 28 September 2018 of the Chair of the Chamber of Advocates of the Republic of Armenia on the Procedure for Organising Free Legal Aid.

50. Pursuant to Article 10 of the Anti-Trafficking Law, the Armenian authorities have concluded agreements with several NGOs which, as per the selection criteria enumerated in Government Decree No. 851-N of 30 July 2015, are expected to conclude contracts with specialist staff, including lawyers familiar with THB issues. In practice, this means that victims are largely dependent on NGOs and projects funded by donors for the provision of specialised legal aid. GRETA was informed that children in particular do not have access to legal aid in practice.

51. In most cases, victims of THB are first detected by the police and interviewed without the benefit of legal advice. They are subsequently referred to NGOs which enable them to access legal assistance. The IOM report referred to several stakeholders who indicated that victims of THB, including children, were not always provided with legal aid during criminal proceedings.³⁵

52. GRETA was informed that in 2020 the Chamber of Advocates of Armenia, together with the UNICEF country office in Armenia, organised online training on "Peculiarities of investigative actions with the participation of child victims and witnesses" and "Legal and psychological peculiarities of judicial trials with the participation of a child" for 60 lawyers and 20 public defenders.

53. GRETA notes that access to legal assistance is important during the investigation because a lawyer can assist the victim in preparing a detailed written complaint or submission about the crime, which may limit the number of times a victim is questioned by the police. The lawyer can accompany the victims during police interviews and ensure that their procedural rights are respected, helping to prevent any degrading treatment of the victim. Furthermore, the lawyer can assist the victim to constitute him/herself as an injured party or civil plaintiff, and can ask that the defendant's assets be frozen with a view to guaranteeing compensation.

54. **GRETA urges the Armenian authorities to take steps to facilitate and guarantee access to justice for victims of THB, in particular by ensuring that legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not he/she wants to cooperate with the authorities and/or make an official statement.**

55. **Further, GRETA considers that the Armenian authorities should take steps to ensure that:**

- **adequate resources are made available for the provision of legal assistance to victims of THB by the Office of the Public Defender;**
- **accredited training is provided to lawyers, including staff of the Office of the Public Defender, on the provision of legal assistance to trafficking victims, including child victims.**

4. Psychological assistance (Article 12)

56. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic intervention due to the violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.³⁶ In the case of trafficked children, specialist child psychologists should be employed.

³⁵ IOM Assessment Report, page 52.

³⁶ OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, page 115.

57. In Armenia, urgent support measures during the pre-identification stage include psychological aid (Article 21(3)5 of the Anti-Trafficking Law). After the official identification, victims of THB are entitled to psychological aid consisting of “psycho-diagnosis, psychological rehabilitation, psychotherapy, psychological consultation, professional orientation and other forms” (Article 22 of the Anti-Trafficking Law).

58. In its second evaluation report, GRETA urged the Armenian authorities to increase the share of the state budget in the funding of assistance for victims of THB with a view of achieving full state funding of these services. The Armenian authorities stated that during the reporting period allocations from the state budget, *inter alia* to provide for psychological assistance, were increased significantly. The Ministry of Labour and Social Issues manages the programme “Social-psychological rehabilitation of persons subjected to trafficking, exploitation and violence”. Psychological assistance is provided by specialised NGOs, which informed GRETA that although state funding had increased in recent years, inflexible accounting procedures made it often difficult to tailor the offer of assistance to the individual needs of trafficking victims. According to information received from civil society, free psychological support was limited to six months and extending it to one year required approval by the Ministry of Labour and Social Issues on a case-by-case basis. In many cases, NGOs reportedly continue to rely on donors to guarantee specialist staff salaries commensurate with their qualification.

59. GRETA considers that the Armenian authorities should take further steps to ensure that victims of THB are provided with adequate and long-term psychological assistance to help them overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion.

5. Access to work, vocational training and education (Article 12)

60. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, micro-businesses and social enterprises.³⁷ GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.³⁸

61. In its second evaluation report, GRETA urged the Armenian authorities to facilitate the reintegration of victims of THB into society by ensuring follow-up after the termination of specialised assistance by NGOs, offering them vocational training and facilitating their access to the labour market.

62. As noted in paragraph 12, the overwhelming majority of identified victims of THB have been Armenian citizens. In their reply to the Committee of the Parties’ Recommendation CP(2017)1, the Armenian authorities stated that in 2017 one victim of THB received vocational training, one continued education at college and another victim managed to set up a small business based on the vocational education received. The Armenian authorities noted that victims of trafficking often have no vocational training or stable source of income and are in need of assistance for years.

³⁷ Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

³⁸ See 8th General report on GRETA’s activities, paragraph 183.

63. The 2018 IOM assessment report noted that “trafficked persons continue to be very vulnerable after the rehabilitation programme, they often have no accommodation and no access to social housing; moreover, job opportunities for decent living are very few, particularly in rural areas (...) The country’s difficult socio-economic context and the weak social protection system pose structural barriers to victims’ reintegration.”³⁹ NGOs met by GRETA during the third evaluation visit confirmed this finding. Considering that the economic fallout of the COVID-19 pandemic has worsened the reintegration perspectives of trafficking victims, GRETA is concerned by the lack of attention to their social inclusion (see paragraph 176).

64. GRETA was informed about a new government programme to encourage Armenians with higher education who previously left as migrants to the EU to come back to the country. They are provided with options of a well-paid job and grants for starting a small business. However, approximately 95% of Armenians who leave the country in search of work go to the Russian Federation. The NGO Armenian Caritas operates a “Reintegration Forum” which provides assistance to people who plan to migrate abroad, as well as people who intend to return to Armenia. Through a co-operation with the state employment and labour services they advise on job placement and provide some vocational training courses.

65. GRETA urges the Armenian authorities to strengthen effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.

6. Compensation (Article 15)

66. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which, when compensation is not fully available from other sources, the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

67. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of their failure to meet their human rights obligations.

³⁹ IOM Assessment Report, page 38.

68. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. State parties should therefore consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

69. The legal framework for compensation of victims of THB in Armenia was amended by the new CPC, which will enter into force on 1 July 2022. Victims of THB can claim compensation from the perpetrators during criminal proceedings and/or in a civil court. Pursuant to Article 50(1) 23 and 24 of the new CPC (Article 59(1) 15 and 16 of the old CPC), an "injured party" has the right to claim compensation for the harm caused by the offence and for certain expenses incurred during the criminal proceedings. Further, Article 50(1) 22 of the new CPC allows victims of criminal offences, to file a property claim for compensation within the framework of the criminal proceedings. The property claim procedure is described in Chapter 20 of the new CPC (Articles 157 to 164) and replaces the civil plaintiff procedure of the old CPC (Article 60). If the victim does not pursue a property claim during the criminal proceedings, he or she may seek compensation through civil proceedings (Article 162(4) of the new CPC). Article 158(5) of the new CPC exempts the injured party from the payment of state fees related to the initiation of a property claim.

70. In exceptional cases, where an injured party has no opportunity to represent his/her interests, the trial court may at its own initiative award compensation for damages caused by a criminal offence (Article 163 of the new CPC (Article 164 of the old CPC)). Further, Article 166 of the new CPC provides for the reimbursement by the perpetrator (if solvent) or from the state budget of certain expenses of the injured party related to his/her appearance in court, including transportation costs, accommodation and subsistence allowance where necessary.

71. The Armenian authorities informed GRETA that there were no specific criteria and/or models for calculating the amount of compensation for human trafficking. The courts are entitled to take into consideration the duration of exploitation, the amount of money to be paid for the work done or the service provided, peculiarities of the work or service and other circumstances. During the evaluation visit, a representative of the judiciary stated that judges rely on the relevant conclusion of an expert about the damage caused to the victim.

72. Despite the possibility given under Armenian law for victims to constitute themselves as injured party or civil plaintiff in criminal proceedings, this reportedly happens very rarely, only when the victim is supported by an NGO which ensures that he/she is represented by a specialised lawyer. Not a single victim of THB has received compensation through criminal proceedings during the reporting period. According to specialised lawyers and NGOs, judges prefer not to take a decision on compensation within the criminal proceedings and refer victims to claim compensation through civil proceedings in order to avoid unnecessarily prolongation of the duration of criminal proceedings. The Armenian authorities confirmed this practice, which is reportedly not unique to THB cases.

73. Furthermore, no victims of THB have claimed compensation in a civil court. Representatives of NGOs and lawyers indicated that victims were reluctant to claim compensation in civil proceedings for various reasons: the costs and length of the proceedings, the absence of precedents and the lack of a track-record of successful enforcement of such claims.

74. GRETA concludes that, in practice, the effective access of victims of trafficking to compensation from the perpetrators remains totally illusive in Armenia.

75. On 16 April 2020 a new law on the forfeiture of property of illegal origin was adopted, which also applies to Articles 188 and 189 of the new CC (i.e. THB). The law created a special Department for the Confiscation of Property of Illicit Origin in the Prosecutor's General Office tasked with investigating the property holdings of officials and ascertaining whether any illegally gained funds were used for their purchase. However, the Armenian authorities stated that neither the previously existing CC provisions on seizure of property nor the provisions of the new law on the forfeiture of property of illegal origin had been applied in cases involving THB during the reporting period. Legal practitioners interviewed by the IOM in 2018 recognised that it was difficult to trace, freeze and confiscate criminal assets, in particular when they were located abroad.⁴⁰

76. In the course of the evaluation visit, a representative of the judiciary informed GRETA that in the last four years, judges had received no special courses on THB, including on the issue of compensation. The Academy of Justice's training programme for 2019-20, a copy of which was provided to GRETA, does not mention compensation for victims of THB as a topic of any training offered to (candidate) investigators, prosecutors and judges. According to the Armenian authorities' comments on the draft GRETA report, THB was included in training followed by 89 judges, 137 prosecutors and 132 investigators in 2021.

77. In the sixth National Action Plan on fighting THB the Armenian authorities committed to examine – by 30 September 2021 – the relevant compensation schemes for victims outlined in the Criminal and Civil Procedure Codes and, if necessary, to submit a legislative proposal. **GRETA would like to be kept informed of developments in this respect.**

78. Victims of THB can receive a lump-sum monetary compensation from the State pursuant to Article 22(16) of the Anti-Trafficking Law. The decision for granting state compensation is taken by the Identification Commission. The law specifies that the amount (AMD 250 000 or approximately € 450) aims to partially reimburse damages suffered during the trafficking and in no way limits the right of trafficking victims to seek compensation from the perpetrator. Articles 24(4-1) and (4-2) of the Anti-Trafficking Law state that in case the trafficking victim is a child, the lump sum is provided to the child's legal representative for the purpose of covering the basic needs of the victim.

79. According to information provided by the Armenian authorities, 20 victims (four in 2017, seven in 2018, five in 2019, one in 2020 and three in 2021) obtained the lump-sum compensation of AMD 250 000 (approximately € 450). All victims were adults and two of the victims were foreign nationals. GRETA notes that these numbers are considerably lower than the number of formally identified victims. In the course of the evaluation visit, representatives of civil society informed GRETA that the amount of AMD 250 000 is insufficient to support victims' reintegration once they leave the shelter.

80. In its second evaluation report, GRETA considered that granting a lump-sum monetary compensation to victims of THB should be disconnected from their acceptance of assistance measures and should be based on the fact that they have sustained harm (physical, material and/or moral).

81. During the visit to the shelter for trafficking victims in Yerevan, GRETA was informed that all trafficking victims who applied for the lump-sum compensation were able to receive it, even if they were unable (or unwilling) to accept one or more of the 17 different assistance measures. This included one case in which the lump-sum compensation was received by the legal guardian on behalf of a victim with a mental disability. Representatives of the Ministry of Labour and Social Issues stated that they were in the process of reviewing a proposal to disconnect the granting of a lump-sum compensation from the acceptance of other assistance measures.

⁴⁰ IOM Assessment Report, page 44.

82. **GRETA urges the Armenian authorities to make additional efforts to guarantee effective access to compensation for victims of THB, in particular by:**

- **ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigations with a view to supporting compensation claims in court;**
- **ensuring that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;**
- **making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;**
- **including the topic of compensation in the training programmes for lawyers, investigators, prosecutors and judges and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of THB.**

83. **Further, GRETA considers that the Armenian authorities should take further steps to enable access to compensation for victims of trafficking by making compensation awarded in criminal proceedings payable by the State in advance, and the State taking the responsibility to recover the amount from the offender.**

84. **While welcoming the provision of lump-sum compensation by the State, GRETA considers that granting it to victims of THB should be disconnected from their acceptance of assistance measures and should be based on the fact that they have suffered harm.**

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

85. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations which aim at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

86. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so-called "civil" confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

87. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

88. In Armenia, the penalty envisaged for the basic offence of trafficking in human beings in the case of adults, in Article 188(1) of the new CC, is imprisonment of five to eight years. The penalty is increased to seven to 12 years' imprisonment when certain aggravating circumstances are present (committing the offence against a pregnant woman, by a prior agreement between a group of people, through abuse of an official position, or if the victim is transferred abroad). Pursuant to Article 188(3) of the new CC the penalty is increased to imprisonment of 10 to 14 years if the offence is committed by an organised criminal group and/or causes a person's death (including by suicide), causes serious damage to a person's health or leads to other grave consequences. Along with imprisonment the perpetrator's property may be confiscated (Article 121 of the new CC) and he or she may be deprived of the right to hold certain positions or practice certain activities for a term of up to three years (Article 61 of the new CC).

89. The penalty for trafficking in children is imprisonment of seven to 10 years for the basic offence (Article 189(1) of the new CC), 10 to 13 years when the offence is committed under aggravating circumstances (Article 189 (2) of the new CC) and 12 to 15 years when the offence is committed by an organised criminal group and/or causes a child's death (including by suicide), causes serious damage to a child's health or leads to other grave consequences (Article 189 (3) of the new CC).

90. According to data provided by the Investigative Committee, investigators examined 69 criminal cases related to trafficking in or exploitation of human beings in the period 1 January 2016 to 30 September 2021.⁴¹ Within these criminal cases 119 people were recognised as victims (22 in 2016, 15 in 2017, 36 in 2018, 14 in 2019, 11 in 2020 and 21 in the first nine months of 2021). Approximately two thirds of the cases involved labour exploitation. More than two thirds of the cases were closed or suspended due to lack of evidence. The number of cases brought to trial was three in 2016, one in 2017, two in 2018, two in 2019, one in 2020, and four in the first nine months of 2021. The number of persons convicted of THB was, respectively, three in 2016, one in 2017, none in 2018 and 2019, one in 2020, and one⁴² in the first nine months of 2021. All convictions concerned THB for the purpose of sexual exploitation.⁴³ There were no suspended sentences and the effective sentences ranged between five and 12 years of imprisonment. In none of these cases the verdicts included the confiscation of property belonging to the perpetrators. The Armenian authorities indicated that during the reporting period, there had been no cases of involvement of officials or consular or diplomatic staff in trafficking in human beings.

91. GRETA remains concerned by the very low number of convictions for THB, and stresses that failure to convict traffickers and confiscate their property undermines efforts to combat THB and guarantee victims' access to justice.

92. According to NGO representatives and lawyers consulted by GRETA, several factors contribute to the low number of convictions for THB. High staff turnover amongst law enforcement officials results in insufficient training and specialisation to deal with THB cases. Further, too much emphasis is reportedly put on the victim's testimony during criminal proceedings. Evidence of exploitation, in particular when it has occurred abroad, is also difficult to secure. **GRETA stresses the importance of guaranteeing a more stable staffing situation as action against THB requires experienced and well-trained staff.**

⁴¹ 13 criminal cases were initiated in 2016, 9 in 2017, 9 in 2018, 11 in 2019, 10 in 2020 and 10 in the first 9 nine months of 2021. The total also includes 7 criminal cases that were instituted prior to 2016 but were continued or resumed in 2016.

⁴² See footnote 6.

⁴³ One case of labour exploitation sent for trial in 2020 and three cases of labour exploitation sent for trial in 2021 are currently pending before the courts.

93. Other issues of concern are the duration of criminal proceedings, both in the pre-trial and trial phases, the relatively high number of criminal cases dropped at pre-trial stage, and the number of interrogations of victims. A representative of the judiciary informed GRETA that the average length of the trial phase in seven THB cases was approximately one year (with a minimum length of three months and a maximum length of two years and five months). However, a lawyer told GRETA that one of her cases involving child trafficking had been pending for three years with no quick end in sight. In the meantime, one of the victims turned 18 and was conscripted into the army, causing further delay. Further, a female trafficking victim met by GRETA during the evaluation visit stated that she had been interviewed five times by male law enforcement officers.

94. The Armenian authorities informed GRETA that on 30 August 2021 the Supreme Judicial Council had recommended an average duration for the examination of criminal cases, depending on their factual and legal complexity. According to it, most human trafficking cases have level three complexity (out of four levels) and trials at first instance should not take longer than 12 months.

95. Pursuant to Article 458 of the new CPC (Article 375-1 of the old CPC) it is possible to hold a trial by accelerated procedure ("conciliation proceedings") if the accused agrees, the prosecutor does not object, the injured party does not object (unless the harm has been compensated) and the penalty provided in the CC does not exceed imprisonment of 10 years. The accelerated procedure is applicable for the basic trafficking offences (Articles 188 (1) and 189 (1) of the new CC). According to information provided by the Armenian authorities, the accelerated procedure has been used in one THB case during the reporting period.

96. GRETA welcomes the inclusion of criminal liability of legal persons in Chapter 20 of the new CC. A legal person is subject to criminal liability if the crime was committed by someone representing and acting in the interest of that legal person (Article 123 of the new CC). Legal persons can be fined, forbidden from temporarily or permanently engaging in certain activities, or liquidated (Article 126 of the new CC). These provisions will enter into force on 1 January 2023.

97. **GRETA urges the Armenian authorities to take additional measures to strengthen the criminal justice response to THB, including by:**

- **ensuring that human trafficking offences are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted or not, by making use of special investigation techniques in order to gather material, documentary, financial and digital evidence and not having to rely exclusively on testimony by victims or witnesses;**
- **taking into account the high staff turnover amongst law enforcement officials, systematically conducting specialised training on investigating human trafficking and gathering sufficient evidence in order to successfully submit cases to court proceedings;**
- **sensitising investigators, prosecutors and judges to the rights of victims of THB and the importance of preventing secondary victimisation, and encouraging the development of specialisation amongst prosecutors and judges to deal with THB cases;**
- **strengthening efforts to investigate, prosecute and convict traffickers of labour exploitation;**
- **ensuring that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ).⁴⁴**

8. Non-punishment provision (Article 26)

98. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.⁴⁵ Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

99. In Armenia, Article 132(5) of the old CC stipulates that victims of THB are exempted from criminal liability for committing offences of insignificant and medium gravity which they were forced to commit while being in a trafficking or exploitative situation. The provision was inserted into the new CC as Article 188(5) without amendment.

100. In its second report on Armenia, GRETA expressed concern that Article 132(5) of the old CC gives a rather narrow interpretation of the non-punishment clause, and considered that the Armenian authorities should ensure that the non-punishment provision is capable of being applied to all offences that victims of THB have been compelled to commit. Further, GRETA considered that the authorities should develop guidance and training for police officers, prosecutors and judges on the non-punishment provision.

101. In the sixth National Action Plan on fighting THB the Armenian authorities committed to examine expanding the scope of Article 132(5) of the old CC to bring it in line with Article 26 of the Convention.

102. In the course of the evaluation visit a representative from the Ministry of Justice stated that the wording of Article 132(5) of the old CC complied with international law and would not be amended. The Armenian authorities provided no example of the application of the non-punishment principle during the reporting period. In addition, GRETA received no information on any guidance or training on the non-punishment principle for law enforcement bodies and judges.

103. While welcoming the existence of a specific provision on the non-punishment of victims of THB, GRETA considers the Armenian authorities should take further measures to ensure that it is capable of being applied to all offences that victims of THB have been compelled to commit, and to ensure effective compliance with the non-punishment provision. Such measures should include the development of guidance for police officers and prosecutors on the scope and application of the non-punishment provision.⁴⁶

⁴⁵ See 2nd General Report on GRETA's activities, paragraph 58.

⁴⁶ See OSCE, Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking, 2013, available at: <https://www.osce.org/secretariat/101002?download=true>

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

104. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

105. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

106. As explained in GRETA's second report on Armenia, Article 27 of the Anti-Trafficking Law sets out the measures aimed at the protection of victims of THB and places responsibility for providing such protection on the police. Article 99 of the old CPC provides for a range of protection measures in the context of criminal proceedings, including personal data protection; protecting the person's dwelling and other property; surveillance and secret surveillance of telephone conversations and other transmissions; ensuring safety when appearing at the body conducting criminal proceedings; relocation to another place of residence; change of identity document or physical appearance; change of the place of work, service or education; holding court sessions *in camera*; and interrogating persons in the court room without disclosing their personal identity.

107. GRETA refers to the 2018 IOM assessment report according to which there had been instances of intimidation of victims of THB by perpetrators and/or their relatives or lawyers, without any measures being taken to prevent contact between the victim and the defendant in the courthouse, and a lack of procedures and equipment to enable victims to give evidence via video or audio link.⁴⁷

108. Nevertheless, the Armenian authorities informed GRETA that no victims and witnesses of THB had needed protection measures during the reporting period. For details concerning the protection of children in criminal proceedings, see the separate section below (paragraphs 125-136).

109. **GRETA considers that the Armenian authorities should make full use of the available measures to protect victims and witnesses of THB and to prevent intimidation during the investigation and during and after the court proceedings.**

⁴⁷ IOM Assessment Report, page 52.

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

110. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, be composed of both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

111. In January 2020 the Police Anti-Trafficking Unit was moved from the Organised Crime Department to the Department of Crimes against Human Beings and Property. The Unit comprises six police officers, including one woman. In addition, GRETA was informed that in each of the 10 provincial police stations, there is one police officer trained on THB and acting as a contact point for the central specialised unit. A further re-organisation seems likely considering the Government's proposal to set up a Ministry of the Interior, integrating the functions of the Passport and Visa Department of the Police and the Migration Service. The government's plans have been welcomed by the IOM and others, as it is supposed to lead to better co-ordination.

112. All detected cases of THB are transferred to the specialised Anti-Trafficking Police Unit for a preliminary inquiry and are subsequently investigated by the specialised section in the Investigative Committee responsible for leading the investigation into trafficking offences: the Department for the Investigation of Human Trafficking, Drug Related Offences and Crimes against the Sexual Integrity of Juveniles, which has seven investigators who are all specialised in THB. The General Prosecutor's Office's Department for Crimes against Human Beings supervises the investigation, confirms the bill of accusation and represents the prosecution during the criminal trial. Prosecutors employed by this department work on a range of criminal offences, but reportedly all have received training on THB. Upon completion of the criminal investigation and confirmation of the bill of accusation, the case is sent for trial to the regional courts according to the general rules on jurisdiction. There are no specialised judges dealing with THB cases.

113. A Standing Committee on Combatting Money Laundering, Terrorism Financing and Proliferation Financing was created by Presidential Decree No. MK-1075 of 21 March 2004. It conducts financial investigations against money-laundering by organised criminal groups. Further, a special Department for the Confiscation of Property of Illicit Origin in the Prosecutor's General Office was set up in 2020.

114. **GRETA welcomes the existence of specialised units on combating THB within the Police and the Investigative Committee, and considers that the Armenian authorities should take additional steps to ensure that all relevant professional groups are regularly trained in preventing THB, detecting, identifying and interviewing victims, referring them to assistance and enabling them to effectively exercise their rights. The training should be embedded in the regular training curricula of different professional groups, including law enforcement officials, prosecutors, judges, lawyers, labour inspectors, social workers, child welfare staff, health-care staff, and diplomatic and consular staff.**

11. International co-operation (Article 32)

115. Article 32 of the Convention requires Parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another “to the widest extent possible”. This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments⁴⁸ on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

116. The Armenian authorities have indicated that they co-operate with partners in foreign countries in the fight against trafficking in human beings, using established co-operation channels such as Interpol, the Bureau for the Coordination of the Fight Against Organised Crime in the Territory of the Commonwealth of Independent States and police liaison officers. According to the Armenian authorities, in 2021, the Russian authorities charged one person for THB for labour exploitation of six Armenian citizens between 2016 and 2018.

117. On 1 March 2021 the European Union-Armenia Comprehensive and Enhanced Partnership Agreement (“CEPA”) entered into force. Pursuant to it, Parties shall cooperate on migration, asylum and border management (Article 14) and fighting organised crime (Article 16), which covers THB.

118. According to information provided by the Armenian authorities, two mutual legal assistance requests concerning THB cases were sent in 2018 and one in 2019. As a result of these measures several victims of THB for the purpose of labour exploitation were repatriated from the Russian Federation and in 2021 Russian law enforcement authorities launched a criminal case.

119. GRETA welcomes the Armenian authorities’ participation in multilateral and bilateral international co-operation related to combating THB, and invites the Armenian authorities to further strengthen international co-operation in the investigation and prosecution of THB cases, and the protection of victims of THB, in particular for the purpose of labour exploitation.

⁴⁸ For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

12. Cross-cutting issues

a. gender-sensitive criminal, civil, labour and administrative proceedings

120. As noted in CEDAW General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.⁴⁹ The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.⁵⁰ GRETA notes that in the case of trafficking in human beings, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or child care.⁵¹ Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".⁵²

121. Despite the fact that the majority of the victims of THB identified in Armenia have been women, the specialised anti-trafficking units in the Police and the Investigative Committee currently have only one female officer (out of a total of 13 staff). The female trafficking victims interviewed by GRETA in the course of the evaluation visit stated that they had been exclusively interviewed by male investigators. According to different sources, there exists a deep distrust of women towards law enforcement in Armenia and this could account for the limited number of cases of THB for the purpose of sexual exploitation that have been detected in recent years.

122. Following her visit to Armenia in September 2018, the Council of Europe Commissioner for Human Rights noted that discriminatory gender stereotypes continue to hinder gender equality in Armenia.⁵³ She welcomed considerable advances made by Armenia in improving its legislative framework on combating domestic violence and encouraged Armenia to proceed with the ratification of the Istanbul Convention.⁵⁴

123. During the third evaluation visit, the Human Rights Defender of Armenia informed GRETA that a working group created to monitor domestic violence during the COVID-19 pandemic lockdown had recorded multiple cases where different state officials had failed to provide adequate protection to victims of domestic violence, including returning victims to the perpetrators or persuading victims to retract their complaints.

124. GRETA considers that the Armenian authorities should take steps to ensure that criminal, civil, labour and administrative proceedings are gender-sensitive with a view to improving access to justice for all victims of THB.

⁴⁹ CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en

⁵⁰ Council of Europe Gender Equality Strategy 2018-2023, pp.24-26, <https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>

⁵¹ Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13, available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

⁵² Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

⁵³ Report of the Commissioner for Human Rights of the Council of Europe, CommDH(2019)(1), pages 8 and 9.

⁵⁴ *Ibid.*, pages 12 & 13.

b. child-sensitive procedures for obtaining access to justice and remedies

125. In its second evaluation report, GRETA considered that the Armenian authorities should ensure that child victims of THB are afforded special protection measures taking into account the best interests of the child, and extend these special protection measures to everybody below 18 years of age in accordance with Article 4(d) of the Convention.

126. A 2018 ad hoc report by the Human Rights Defender of Armenia "on the Status of Commitments under the UN Convention on the Rights of the Child and its Optional Protocols", prepared with the support of UNICEF, found that the best interests of the child principle was not widely applied in the sphere of criminal justice.⁵⁵

127. Law No. 300-N of 3 June 2020 "On Supplements and Amendments to the Criminal Procedure Code of the Republic of Armenia" significantly strengthened the protection of children during the criminal proceedings. Article 205 of the old CPC stipulates that a child cannot be interviewed for more than 90 minutes without a one-hour break and for a maximum of four hours per day. However, Article 217(3) of the new CPC, adopted in May 2021, again increased these time limits to, respectively, 120 minutes and six hours.

128. Pursuant to Article 207 of the old CPC victims and witnesses under the age of 16 years shall be interviewed in the presence of a pedagogue or qualified psychologist. Article 212(1) of the new CPC stipulates that anyone under the age of 18 years shall be interviewed in the presence of a psychologist.⁵⁶ The child's legal representative has the right to be present during the interview. In practice, child victims of THB who are interviewed in criminal proceedings are usually assisted by psychologists appointed by the Ministry of Justice and lawyers provided by NGOs. However, GRETA was informed that, although the number of psychologists was sufficient, there were some concerns about the quality of the support they were providing. UNICEF is supporting the Ministry of Justice in developing training materials for psychologists. The Armenian Association of Psychologists are providing capacity support to the Ministry of Justice.

129. Article 207(5)-(6) of the old CPC further stipulates that, apart from the investigator, children can be questioned by a psychologist "in the best interests of the child" and in certain types of cases, including child trafficking, children are to be questioned by the psychologist and not by the investigator. In these types of cases, audio and video recording of the interview is mandatory. However, Article 212 of the new CPC no longer includes the list of types of cases where questioning by a psychologist is mandatory. Article 207(9) of the old CPC (Article 212(3) of the new CPC) states that the location of the interview of a child witness or victim shall be chosen "in the best interests of the child."

130. Law No. 300-N amended Article 341 of the old CPC, allowing the use of video testimony of a child victim or witness. In certain types of cases, including cases of child trafficking, if additional questioning of a child is necessary for a comprehensive examination of the circumstances of the case, the judge, upon request of the child or at his/her own initiative, may remove the defendant from the court room.

131. While welcoming these amendments, GRETA expresses concern that certain provisions of CPC only apply to children under the age of 16 years, whereas the Convention defines a child as any person under the age of 18 years (Article 4(d) of the Convention). Thus, children under the age of 16 years are not warned about their liability for refusing to testify or providing false testimony (Article 212(6) of the new CPC).

⁵⁵ [Commitments under the Convention of the rights of the child | UNICEF Armenia](#) (in Armenian)

⁵⁶ Article 483 of the new CPC stipulates that interviews with children in the presence of a pedagogue or a social worker instead of a psychologist shall be considered lawful until 1 January 2023.

132. According to the Armenian authorities, law enforcement officers and judges receive regular training on child-friendly procedures. In 2017 Project Harmony International trained 21 investigators of the Investigative Committee on child-friendly interviewing. In February 2021 the UNICEF office in Armenia produced a handbook for law enforcement officers on child interviewing techniques.⁵⁷

133. GRETA was informed that child-friendly interview rooms had been set up in the regional offices of the Investigative Committee, but were still unavailable in most police stations. Regarding the latter, the authorities stated that the Investigative Committee is in charge of investigating THB and accordingly, interviewing child victims of trafficking. Specialised NGOs informed GRETA that they had never been invited to accompany a child victim of trafficking in a child-friendly interview room. There are reportedly plans to set up specialised multidisciplinary child-friendly facilities based on the “Barnahus” model, but no funding has been provided. NGO representatives are also concerned that the municipal Guardianship and Trusteeship Commissions, in charge of appointing a child’s legal guardian, are ineffective.

134. UNHCR supported the authorities in the implementation of their duty to support unaccompanied children and develop child protection among asylum seekers. UNHCR has designed specific SOPs and is providing assistance with streamlining the referral mechanism and the case management.

135. GRETA welcomes the legislative amendments adopted by Armenia to ensure child-sensitive procedures when investigating, prosecuting and adjudicating cases of THB and invites the Armenian authorities to ensure that child victims of THB are in practice afforded these special protection measures, including in the context of interviews, both as regards the competencies of the professionals present and the environment in which the interviews are conducted, in line with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.

136. Furthermore, GRETA considers that the Armenian authorities should take steps to:

- **systematically prevent contacts between child victims and defendants and avoid repeated interviews of children to prevent their traumatising and re-victimisation;**
- **ensure that children (i.e. all persons up to the age of 18) are interviewed by adequately trained investigators, prosecutors and judges, in the presence of appropriately trained child psychologists, and the maximum allowed duration of the interview is strictly adhered to;**
- **ensure that there is a sufficient number of child-friendly rooms across the country, which are used systematically to interview all vulnerable victims, including children, and their testimonies are afterwards used in court, thus avoiding repeated questioning of victims.**

c. role of businesses

137. GRETA was not informed of any specific initiatives to prevent and eradicate trafficking from companies’ supply chains; neither did it receive information on engagement of businesses in supporting the rehabilitation and recovery of victims or in providing access to effective remedies.

⁵⁷

138. In May 2021 the Armenian National Assembly adopted a legislation requiring online registration of all foreign workers in Armenia.⁵⁸ Representatives of NGOs and international organisations welcomed the new legislation and expressed hope that it would help the fight against labour exploitation among foreign workers. For details concerning the mandate and powers of the newly established Health and Labour Inspection, see paragraphs 152-153.

139. **GRETA considers that the Armenian authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights⁵⁹ and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business,⁶⁰ with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies.**

140. **Further, GRETA considers that the Armenian authorities should adopt legislation integrating the prevention of THB and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent THB and labour exploitation.**

d. measures to prevent and detect corruption

141. Trafficking in human beings can occur in various contexts. Human traffickers may form part of organised criminal groups, which frequently use corruption to circumvent the law, and money laundering to conceal their profits.

142. Other Council of Europe legal instruments, in particular those designed to combat corruption, money laundering and cybercrime, are also relevant to combating human trafficking. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). Its country reports are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context. GRETA refers to the recommendations made by GRECO in its fourth report on Armenia (2016), which focuses on corruption prevention in respect of members of parliament, judges and prosecutors.⁶¹ The GRECO evaluation report noted that corruption remains an important problem for Armenian society. The judiciary was perceived as particularly prone to corruption. In its second compliance report, published in December 2019, the GRECO stated that Armenia had only partially implemented most of its recommendations.

143. Over the last years, Armenia has made efforts in the fight against corruption. An Anti-Corruption Strategy and its Implementation Action Plan for 2019-2022 was adopted and an Anti-Corruption Policy Council chaired by the Prime Minister was established. According to the Armenian authorities no corruption risks facilitating THB have emerged in the reporting period.

144. **GRETA considers that the Armenian authorities should include measures against corruption in a THB context in the next national anti-corruption strategy.**

⁵⁸ [The work permit procedure for foreigners is getting simplified \(migration.am\)](http://www.migration.am); see also < [workpermit.am](http://www.workpermit.am) >.

⁵⁹ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁶⁰ [Recommendation CM/Rec\(2016\)3](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c2bd8) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

⁶¹ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c2bd8>

V. Follow-up topics specific to Armenia

1. Awareness raising and measures to discourage demand

145. In its second evaluation report, GRETA considered that the authorities should continue their efforts to raise awareness of human trafficking by designing future actions in the light of impact assessment of previous measures and paying greater attention to informing the public about the risks of online recruitment.

146. Representatives of civil society and independent anti-trafficking experts informed GRETA that there was a notable decrease in awareness-raising activities targeting the general public, as well as specific vulnerable groups, compared to the previous reporting period. The authorities nevertheless stated that on 30 July 2021 they had joined the UNODC "Blue Heart" campaign to raise awareness about human trafficking, distributing information leaflets at social services departments and producing four radio broadcasts and, in cooperation with the NGO "Association of Audiovisual Reporters," seven information videos on prevention of THB. In addition, the Health and Labour Inspection Body (HLI) and the National Security Service have recently started to raise awareness about the risks of online job recruitment (see paragraph 157). GRETA welcomes the renewed attention to awareness raising on human trafficking.

147. GRETA considers that the Armenian authorities should sustain their efforts to raise awareness about human trafficking, targeting the general public as well as specific at-risk groups, and conduct impact assessments of awareness-raising campaigns.

148. The sixth National Action Plan includes no specific measures to discourage demand for the services of trafficked persons and GRETA was not informed of any specific activities in this respect.

149. Recalling the recommendation made in its second report, GRETA considers that the Armenian authorities should strengthen their efforts to discourage demand for the services of trafficked persons, by adopting legislative, administrative, educational, social and cultural measures to discourage demand that fosters all forms of exploitation that leads to trafficking, in partnership with civil society, trade unions and the private sector.

2. Measures to prevent and combat trafficking for the purpose of labour exploitation

150. In its second evaluation report, GRETA urged the Armenian authorities to strengthen their efforts to prevent trafficking for the purpose of labour exploitation, in particular by ensuring that the new health and labour inspection receives clear competences, by strengthening the monitoring of recruitment and temporary work agencies, and building up public awareness on safe migration and the risks of trafficking.

151. A new Health Inspection Body was created in August 2017 under the auspices of the Ministry of Health. Its tasks were limited to control of health and safety measures, but did not include prevention and detection of THB. In 2019 the Health Inspection Body was expanded in order to increase its effectiveness, renamed as the HLI and placed under the auspices of the Government. The HLI has a central office in Yerevan and 15 regional and local offices across the country. More offices are scheduled to open in 2022. The HLI is a member of the Anti-Trafficking Working Group.

152. Following further amendments to the Article 33 of the Labour Code and the Law "On Inspection Bodies", labour inspectors were given a mandate to check the compliance of employers with Armenian labour legislation and not only with regulations on health and safety in the workplace, as well as the power to impose a sanction. These amendments entered into force on 1 July 2021 and on the same date an additional 60 positions for labour inspectors were created (bringing the total number of inspectors to 123).

153. In the course of the evaluation visit, GRETA received contradictory information from different stakeholders as to the exact scope of the HLI's powers. Labour inspectors can carry out unannounced inspections, but there seems to be confusion whether such inspections are only allowed after the receipt of a complaint or a report in the media. In addition, it is unclear whether inspections are limited to registered companies. In their comments on the draft report the Armenian authorities referred to the Statute of the HLI (as amended by Prime Minister Decree No. 781-L of 25 July 2021) and provided the list of administrative offences that labour inspectors are mandated to investigate. GRETA notes that the mandate of the HLI does not refer to THB.

154. GRETA is concerned that more than two months after the 60 additional posts of labour inspectors were announced, only seven vacancies were filled. A review of the press releases (in Russian) on the website of the HLI showed that since the start of the COVID-19 pandemic most inspections focused on compliance with sanitary regulations put in place to combat the coronavirus.⁶²

155. During the reporting period labour inspectors did not detect any victims of trafficking. HLI received four complaints in 2020 and one in 2021 from foreign citizens about non-payment of wages, but all of them were qualified as contractual violations under labour law. However, the Armenian authorities acknowledged that labour inspectors had not received training on how to detect victims of trafficking, but stated that trainings on HLI's new mandate and powers, as well as on THB, specifically labour trafficking and child trafficking are planned for 2022 for all the staff of the HLI. In co-operation with the Embassy of the USA, a handbook for labour inspectors was developed.

156. Although forced labour is mentioned in Article 188(4) of the new CC, there is no detailed definition of forced labour in Armenian law,⁶³ leading to a confusion about what exactly amounts to trafficking for forced labour, in particular in what is called debt-bondage situations in poor rural communities, and what is considered as merely violations of labour law. The sixth National Action Plan on fighting THB (see paragraph 24) envisages to introduce a definition of forced labour in the Labour Code. The Ministry of Labour and Social Issues has prepared extensive amendments to the Labour Code, the CC and the Anti-Trafficking Law, which were sent for comments to relevant domestic and international stakeholders (ILO). As stated in paragraph 16, the final package of amendments may be sent to the National Assembly for approval by the end of 2022. **GRETA would like to be kept informed of developments in this respect.**

157. The figures reported in paragraph 12 indicate that there has been an increase in the number of identified cases of trafficking for the purpose of labour exploitation, in particular within Armenia. Representatives of civil society and independent experts pointed out that cases of labour exploitation among Armenian citizens going abroad for work, mainly to the Russian Federation, remained mostly undetected because the Armenian authorities failed to take pro-active measures to detect potential victims and provide them with consular and other assistance. It was noted that potential victims of cross-border labour exploitation were overwhelmingly male, refused to identify themselves as trafficking victims and were reluctant to seek assistance other than from relatives or NGOs in the country of destination in order to return to Armenia. The HLI stated that during the COVID-19 pandemic they focused on raising awareness online about the potential risks of seasonal jobs abroad. The National Security Service stated that they regularly monitor the internet for fraudulent job offers abroad and that airport border guards used to provide information flyers to passengers on flights to Russia and Turkey.

158. GRETA is concerned that the Armenian authorities have taken no concrete measures to monitor recruitment and temporary work agencies and made inadequate efforts to curb fraudulent job offers disseminated on the Internet and social media.

⁶² < [⁶³ Armenia is a Party to the 1930 ILO Forced Labour Convention but has not ratified the 2014 Protocol to this Convention.](http://Արդրջապաահական և աշխատանքի տեսչական մարմին (hlib.am) ></p>
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159. **GRETA urges the Armenian authorities to take further steps to prevent and combat THB for the purpose of labour exploitation, and in particular to:**

- **ensure that the Health and Labour Inspection Body has sufficient powers and resources to carry out inspections, including proactive and unannounced inspections in both registered and unregistered companies, and outreach work with a view to preventing and detecting cases of THB for the purpose of labour exploitation, including in rural areas;**
- **train labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;**
- **strengthen co-operation between labour inspectors, law enforcement officers, tax authorities, trade unions and other civil society actors, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of THB for the purpose of labour exploitation;**
- **harmonise the provisions on forced labour in Armenian law, in line with the ILO indicators of forced labour, and ensure their prosecution under criminal law;**
- **develop safe reporting and complaint mechanisms of cases of labour exploitation;**
- **take steps to regulate recruitment and temporary work agencies to strengthen prevention of THB and labour exploitation;**
- **strengthen efforts to curb fraudulent job offers disseminated by means of the Internet and social media and to build up public awareness on safe migration and the risks of trafficking.**

3. Measures to prevent and combat child trafficking

160. In its second evaluation report, GRETA urged the Armenian authorities to strengthen the prevention of trafficking in children through improved support for children in vulnerable situations, paying particular attention to children from rural areas at risk of child labour, girls from the Yezidi community and children placed in child-care institutions.

161. In their reply to the Committee of the Parties' Recommendation CP(2017)1, the Armenian authorities acknowledged that child labour in the agricultural sector was a problem and referred to a series of awareness-raising and information activities organised by the Ministry of Labour and Social Issues. As regards children in child-care institutions, the authorities stated that they had initiated a fundamental reform of the child protection system in Armenia.

162. In 2019 the Council of Europe Commissioner for Human Rights recommended that the Armenian authorities strengthen their efforts to combat child poverty. The Commissioner was particularly concerned by the placement in state care of children with disabilities and children whose parents face socio-economic difficulties and encouraged the authorities to expand their efforts to allocate resources for parents resuming care over their children, while promoting foster care - including for children with disabilities - when this is in the child's best interest.⁶⁴

⁶⁴ Report of the Commissioner for Human Rights of the Council of Europe, CommDH(2019)1, pages 18 to 21.

163. UNICEF supported the Ministry of Justice in the establishment of the Council on Child-Friendly Justice – a platform which brings together both state and non-state stakeholders. UNICEF also supported the establishment of a special unit for protection of children’s rights in the Office of the Human Rights Defender.

164. In the period from 2017 to 30 August 2021 the Identification Commission identified 19 child victims of trafficking (6 girls and 13 boys). Accordingly, children made up over 30% of all identified victims during the reporting period. Girls were more often trafficked for sexual exploitation, boys for the purpose of forced labour. There is no specialised shelter for child victims of trafficking in Armenia.

165. In the course of the evaluation visit, officials referred to regular supervision over school attendance and increased checks on children selling goods in the street. GRETA was informed of different awareness-raising initiatives to inform school children about the risks of trafficking, including risks related to the use of the internet communication technology (ICT). For example, during the COVID-19 related lockdown in 2020 a state-wide TV channel broadcast a virtual class lecture by a cyber security expert on safer internet behaviour.

166. During a visit to a former state orphanage, which had been transformed into a Child and Family Support Centre, GRETA was informed of various support services for children and families in difficult life situations. GRETA welcomes the practice of placing children in foster families instead of state-run boarding institutions and notes the need to increase state funding for these support services because many projects are reportedly financed by NGOs and international donors.

167. The Armenian authorities informed GRETA that the Anti-Trafficking Law now includes a provision providing financial support to child victims of THB until they turn 18 and a provision making children eligible to receive lump-sum compensation from the State (see paragraph 77). Furthermore, Government Decree No. 1030-N of 18 June 2020 amended the victim identification procedure established by Decree No. 492-N of 5 May 2016 by adding specific provisions on the referral of child victims. According to the Decree the referral process is co-ordinated by three stakeholders: the Ministry of Labour and Social Issues (responsible for identification and assistance), the Police (investigation and protection) and a partner NGO (shelter and social and psychological rehabilitation). The Decree also stipulates the role played by other state bodies. In addition, GRETA was informed that appropriate indicators for the preliminary identification of child victims are being drafted. **GRETA would like to be kept informed about the adoption of these indicators.**

168. Concerning girls from the Yezidi community, the Armenian authorities referred to two projects implemented by an NGO, the “Armavir Development Centre,” in 2018-19, which were funded by respectively the embassies of Canada (“Protection of the right to education of Yezidi girls and women in Armavir and Aragatsotn provinces through raising awareness of the population and building capacity of teachers”) and the United States of America (“Promoting the right to education of Yezidi girls/women”). However, the Human Rights Defender told GRETA that access to education for Yezidi girls remained a serious concern. The Armenian authorities submitted that during the reporting period only one case of THB was registered among the Yezidi community.

169. While welcoming the measures already taken, **GRETA considers that the Armenian authorities should strengthen their efforts in the areas of prevention of child trafficking, using the results of research on new trends, sensitising and training police, child protection professionals and teachers across the country, in particular in rural areas, and paying increased attention to the link between THB in children and the use of ICT. Furthermore, GRETA encourages the Armenian authorities to continue with the reform of the child protection system, including by increasing state funding, and to ensure that child victims of THB benefit from specialised accommodation and services across the country.**

4. Identification of victims of trafficking

170. The procedure for the identification of victims of THB, described in GRETA's second report on Armenia, has not changed. The Identification Commission, which was established by the 2015 Anti-Trafficking Law and consists of representatives from state organs and NGOs, has the exclusive power to identify victims of THB. There are two phases of identification: pre-identification stage and identification stage.

171. Article 12 of the Anti-Trafficking Law designates the Ministry of Labour and Social Issues, the Police and specialised NGOs as competent bodies to conduct pre-identification of potential victims with the latter's informed consent, collect evidence of trafficking and refer the victim to the Identification Commission.

172. Representatives from NGOs and independent experts informed GRETA that the authorities continue to rely on potential victims of THB to self-identify and seldom take proactive measures to detect potential cases of THB. Often victims of THB are reluctant to self-identify. According to the Armenian authorities, in 2020-21 the Ministry of Justice, in collaboration with international partners, elaborated handbooks for the police ("Indicators of Trafficking in Persons for Law Enforcement Officers"), labour inspectors and other front-line workers (migration officers, social workers etc...) about the applicable indicators for identifying victims of human trafficking. However, during the evaluation visit GRETA learned that not all front-line professionals, in particular those outside of the capital, were aware of these publications.

173. As noted in paragraph 12, several foreign victims of THB have been identified in Armenia. Government Decree No. 894-N of 27 June 2019 inserted "survivor of trafficking" as a field on specific needs in the asylum application form. However, the Armenian authorities have not adopted guidelines for screening vulnerable foreigners for THB indications. In the current National Action Plan (see paragraph 23) the authorities commit to developing, by the 3rd quarter of 2022, standard indicators to screen for potential victims among asylum seekers. **GRETA would like to be kept informed about the adoption of these indicators.**

174. According to the Armenian authorities there have been no victims of THB among asylum seekers. However, UNHCR informed GRETA that 36 foreigners (28 in 2018, 5 in 2019, 3 in 2020 and 1 in the first half of 2021) were arrested for illegal entry, who subsequently applied for asylum. Although many of them told UNHCR that they used the services of smugglers to reach another country for job purposes, the Armenian authorities allegedly failed to investigate whether these individuals were victims of THB.

175. While welcoming the recent measures to increase awareness about indicators to identify potential victims of human trafficking **GRETA considers that the Armenian authorities should take further steps to improve the identification of victims of THB, including by:**

- **providing systematic training and guidance to all relevant professionals on the identification of victims of trafficking and the procedures to be followed;**
- **paying increased attention to detecting victims of trafficking amongst asylum seekers and migrants;**
- **periodically assessing the implementation of the NRM and adjusting it in the light of the results.**

5. Assistance to victims of trafficking

176. There is one specialised shelter for victims of THB in Armenia, operated by the NGO "Democracy Today", in close cooperation with the NGO "UMCOR". The shelter run by the NGO "Hope and Help" had to close due to lack of funding.

177. During the pre-identification stage support and protection are limited to "urgent measures" that are necessary for humanitarian reasons (Article 20(4) of the Anti-Trafficking Law). After formal identification as a victim of THB or a special category victim of THB, further protection and support becomes available, including (non-urgent) medical and psychological assistance, in-kind assistance, accommodation, legal aid, consultative aid, provision of translation services, access to employment and education and lump sum monetary compensation (Article 22(2) of the Anti-Trafficking Law). In 2021, the Ministry of Labour and Social Issues prepared a draft law defining standards for the services provided to victims of trafficking. **GRETA would like to be kept informed about the adoption of this law.**

178. In its second evaluation report, GRETA urged the Armenian authorities to increase the share of the state budget in the funding of assistance for victims of THB and ensure that male victims of THB are guaranteed safe accommodation and adequate assistance adapted to their needs.

179. The Armenian authorities stated that during the reporting period state funding of different assistance services for victims of THB increased significantly. Representatives of NGOs acknowledged that the authorities had increased funding for assistance, but stated that victim assistance continued to rely largely on international donors and there was lack of long-term assistance (see paragraph 63).

180. The Armenian authorities insisted that it was wasteful to provide special accommodation facilities for men because male trafficking victims as a rule refused accommodation. The authorities affirmed that other types of assistance are fully available for male victims and, if necessary, a male victim can be accommodated in the NGO run shelter on an exceptional basis. A representative from the NGO shelter confirmed to GRETA that one male victim stayed in its shelter for a short while.

181. In its second evaluation report, GRETA further urged the authorities to improve access to medical care and facilitate the reintegration of victims of trafficking into society through vocational training and access to the labour market. These issues are discussed in paragraphs 58 and 61.

182. **GRETA urges the Armenian authorities to take additional steps to ensure that all assistance measures provided for in the Convention and by Armenian law are guaranteed in practice, in particular by:**

- **ensuring that adequate financing is provided to cover the range and quality of assistance services delivered by NGOs;**
- **providing long-term assistance to enable the social reintegration of trafficking victims;**
- **providing shelter and access to assistance to all victims of trafficking, including male victims.**

Appendix 1 - List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- GRETA considers that the Armenian authorities should strengthen the systematic provision of information to potential and formally identified victims of THB regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of THB. Law enforcement officers should be continuously trained and instructed on how to properly explain to victims of THB their rights, taking into account their cognitive skills and psychological state, and systematically refer them to specialised services which enable victims to exercise their rights. Victims should also be informed of any significant change in circumstances, including arrests, media coverage, change in charges or discontinuation of the proceedings (paragraph 44).

Legal assistance and free legal aid

- GRETA urges the Armenian authorities to take steps to facilitate and guarantee access to justice for victims of THB, in particular by ensuring that legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not he/she wants to co-operate with the authorities and/or make an official statement (paragraph 54);
- GRETA considers that the Armenian authorities should take steps to ensure that:
 - adequate resources are made available for the provision of legal assistance to victims of THB by the Office of the Public Defender;
 - accredited training is provided to lawyers, including staff of the Office of the Public Defender, on the provision of legal assistance to trafficking victims, including child victims (paragraph 55).

Psychological assistance

- GRETA considers that the Armenian authorities should take further steps to ensure that victims of THB are provided with adequate and long-term psychological assistance to help them overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion (paragraph 59).

Access to work, vocational training and education

- GRETA urges the Armenian authorities to strengthen effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking (paragraph 65).

Compensation

- GRETA urges the Armenian authorities to make additional efforts to guarantee effective access to compensation for victims of THB, in particular by:
 - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
 - ensuring that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;
 - making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;
 - including the topic of compensation in the training programmes for lawyers, investigators, prosecutors and judges and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of THB (paragraph 82);
- GRETA considers that the Armenian authorities should take further steps to enable access to compensation for victims of trafficking by making compensation awarded in criminal proceedings payable by the State in advance, and the State taking the responsibility to recover the amount from the offender (paragraph 83);
- While welcoming the provision of lump-sum compensation by the State, GRETA considers that granting it to victims of THB should be disconnected from their acceptance of assistance measures and should be based on the fact that they have suffered harm (paragraph 84).

Investigations, prosecutions, sanctions and measures

- GRETA urges the Armenian authorities to take additional measures to strengthen the criminal justice response to THB, including by:
 - ensuring that human trafficking offences are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted or not, by making use of special investigation techniques in order to gather material, documentary, financial and digital evidence and not having to rely exclusively on testimony by victims or witnesses;
 - taking into account the high staff turnover amongst law enforcement officials, systematically conducting specialised training on investigating human trafficking and gathering sufficient evidence in order to successfully submit cases to court proceedings;
 - sensitising investigators, prosecutors and judges to the rights of victims of THB and the importance of preventing secondary victimisation, and encouraging the development of specialisation amongst prosecutors and judges to deal with THB cases;
 - strengthening efforts to investigate, prosecute and convict traffickers of labour exploitation;

- ensuring that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ) (paragraph 97).

Non-punishment provision

- While welcoming the existence of a specific provision on the non-punishment of victims of THB, GRETA considers the Armenian authorities should take further measures to ensure that it is capable of being applied to all offences that victims of THB have been compelled to commit, and to ensure effective compliance with the non-punishment provision. Such measures should include the development of guidance for police officers and prosecutors on the scope and application of the non-punishment provision (paragraph 103).

Protection of victims and witnesses

- GRETA considers that the Armenian authorities should make full use of the available measures to protect victims and witnesses of THB and to prevent intimidation during the investigation and during and after the court proceedings (paragraph 109).

Specialised authorities and co-ordinating bodies

- GRETA welcomes the existence of specialised units on combating THB within the Police and the Investigative Committee, and considers that the Armenian authorities should take additional steps to ensure that all relevant professional groups are regularly trained in preventing THB, detecting, identifying and interviewing victims, referring them to assistance and enabling them to effectively exercise their rights. The training should be embedded in the regular training curricula of different professional groups, including law enforcement officials, prosecutors, judges, lawyers, labour inspectors, social workers, child welfare staff, health-care staff, and diplomatic and consular staff (paragraph 114).

International co-operation

- GRETA welcomes the Armenian authorities' participation in multilateral and bilateral international co-operation related to combating THB, and invites the Armenian authorities to further strengthen international co-operation in the investigation and prosecution of THB cases, and the protection of victims of THB, in particular for the purpose of labour exploitation (paragraph 119).

Gender-sensitive criminal, civil, labour and administrative proceedings

- GRETA considers that the Armenian authorities should take steps to ensure that criminal, civil, labour and administrative proceedings are gender-sensitive with a view to improving access to justice for all victims of THB (paragraph 124).

Child-sensitive procedures for obtaining access to justice and remedies

- GRETA welcomes the legislative amendments adopted by Armenia to ensure child-sensitive procedures when investigating, prosecuting and adjudicating cases of THB and invites the Armenian authorities to ensure that child victims of THB are in practice afforded these special protection measures, including in the context of interviews, both as regards the competencies of the professionals present and the environment in which the interviews are conducted, in line with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (paragraph 135);

- GRETA considers that the Armenian authorities should take steps to:
 - systematically prevent contacts between child victims and defendants and avoid repeated interviews of children to prevent their traumatising and re-victimisation;
 - ensure that children (i.e. all persons up to the age of 18) are interviewed by adequately trained investigators, prosecutors and judges, in the presence of appropriately trained child psychologists, and the maximum allowed duration of the interview is strictly adhered to;
 - ensure that there is a sufficient number of child-friendly rooms across the country, which are used systematically to interview all vulnerable victims, including children, and their testimonies are afterwards used in court, thus avoiding repeated questioning of victims (paragraph 136).

Role of businesses

- GRETA considers that the Armenian authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business, with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies (paragraph 139);
- GRETA considers that the Armenian authorities should adopt legislation integrating the prevention of THB and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent THB and labour exploitation (paragraph 140).

Measures to prevent and detect corruption

- GRETA considers that the Armenian authorities should include measures against corruption in a THB context in the next national anti-corruption strategy (paragraph 144).

Follow-up topics specific to Armenia

Developments in the legislative, institutional and policy framework for action against human trafficking

- GRETA considers that the Armenian authorities should examine the possibility of establishing an independent National Rapporteur, supported by a dedicated office, or designating another mechanism as an independent organisational entity with a view to ensuring an effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report) (paragraph 21);
- GRETA considers that the Armenian authorities should promptly complete the setting up of a comprehensive and coherent information system on trafficking in human beings by compiling reliable statistical data from all main actors, including specialised NGOs, on measures to protect and promote the rights of victims as well as on the investigation, prosecution, convictions and compensation in human trafficking cases. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection (paragraph 27).

Awareness raising and measures to discourage demand

- GRETA considers that the Armenian authorities should sustain their efforts to raise awareness about human trafficking, targeting the general public as well as specific at-risk groups, and conduct impact assessments of awareness-raising campaigns (paragraph 147);
- GRETA considers that the Armenian authorities should strengthen their efforts to discourage demand for the services of trafficked persons, by adopting legislative, administrative, educational, social and cultural measures to discourage demand that fosters all forms of exploitation that leads to trafficking, in partnership with civil society, trade unions and the private sector (paragraph 149).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- GRETA urges the Armenian authorities to take further steps to prevent and combat THB for the purpose of labour exploitation, and in particular to:
 - ensure that the Health and Labour Inspection Body has sufficient powers and resources to carry out inspections, including proactive and unannounced inspections in both registered and unregistered companies, and outreach work with a view to preventing and detecting cases of THB for the purpose of labour exploitation, including in rural areas;
 - train labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;
 - strengthen co-operation between labour inspectors, law enforcement officers, tax authorities, trade unions and other civil society actors, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of THB for the purpose of labour exploitation;
 - harmonise the provisions on forced labour in Armenian law, in line with the ILO indicators of forced labour, and ensure their prosecution under criminal law;
 - develop safe reporting and complaint mechanisms of cases of labour exploitation;
 - take steps to regulate recruitment and temporary work agencies to strengthen prevention of THB and labour exploitation;
 - strengthen efforts to curb fraudulent job offers disseminated by means of the Internet and social media and to build up public awareness on safe migration and the risks of trafficking (paragraph 159).

Measures to prevent and combat child trafficking

- GRETA considers that the Armenian authorities should strengthen their efforts in the areas of prevention of child trafficking, using the results of research on new trends, sensitising and training police, child protection professionals and teachers across the country, in particular in rural areas, and paying increased attention to the link between THB in children and the use of ICT. Furthermore, GRETA encourages the Armenian authorities to continue with the reform of the child protection system, including by increasing state funding, and to ensure that child victims of THB benefit from specialised accommodation and services across the country (paragraph 169).

Identification of victims of trafficking

- GRETA considers that the Armenian authorities should take further steps to improve the identification of victims of THB, including by:
 - providing systematic training and guidance to all relevant professionals on the identification of victims of trafficking and the procedures to be followed;
 - paying increased attention to detecting victims of trafficking amongst asylum seekers and migrants;
 - periodically assessing the implementation of the NRM and adjusting it in the light of the results (paragraph 175).

Assistance to victims of trafficking

- GRETA urges the Armenian authorities to take additional steps to ensure that all assistance measures provided for in the Convention and by Armenian law are guaranteed in practice, in particular by:
 - ensuring that adequate financing is provided to cover the range and quality of assistance services delivered by NGOs;
 - providing long-term assistance to enable the social reintegration of trafficking victims;
 - providing shelter and access to assistance to all victims of trafficking, including male victims (paragraph 182).

Appendix 2 - List of public bodies, intergovernmental organisations and civil society actors with which GRETA held consultations

- Mr Mher Grigoryan, Deputy Prime Minister
- Ministry of Justice
- Ministry of Foreign Affairs
- Ministry of Labour and Social Affairs
- Health and Labour Inspectorate
- National Security Service
- Police
- Investigative Committee
- General Prosecutor's Office
- Migration Service
- Court Department
- Human Rights Defender of the Republic of Armenia
- National Assembly
- Regional Division for the Protection of the Rights of the Family, Women and Children in Lori Marz
- Guardianship and Trusteeship Commission of Vanadzor Municipality

Intergovernmental organisations

- Delegation of the European Union (EU) to Armenia
- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Children's Emergency Fund (UNICEF)

NGOs and other civil society organisations

- Aravot
- Armenian Caritas
- Association of Audio-Visual Reporters
- Child Protection Network
- Democracy Today
- Helsinki Citizens' Assembly Vanadzor
- Hope and Help
- Office of the Public Defender of the Chamber of Advocates
- UMCOR

Government's comments

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

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

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Armenian authorities on 14 April 2022 and invited them to submit any final comments. The comments of the authorities, submitted on 11 May 2022, are reproduced hereafter.

**GOVERNMENT'S COMMENTS TO THE FINAL REPORT CONCERNING THE
IMPLEMENTATION OF THE CONVENTION ON ACTION AGAINST TRAFFICKING IN
HUMAN BEINGS BY ARMENIA
(THIRD EVALUATION ROUND)**

Paragraph 12

Regarding the last sentence of the 6th notice (page 6), the Commission on Identification of Victims of Trafficking in Human Beings and Exploitation considered this case as a case of human trafficking and exploitation.

Paragraph 17

It should be mentioned also that it derives from the provisions of points "a" and "b" of Article 4 of Council of Europe Convention of 16 May 2005 "On Action against Trafficking in Human Beings" that the consent of a victim to the exploitation is irrelevant where deception, coercion, force and other prohibited means, including the position of vulnerability of a person have been used.

According to part 3 of Article 5 of the Constitution of the Republic of Armenia, "In case of conflict between the norms of international treaties ratified by the Republic of Armenia and those of laws, the norms of international treaties shall apply", thus, the law enforcement bodies — when assessing the position of vulnerability of a person under specific cases — are not deprived of the opportunity to refer also to the circumstances of "consent" of a person to the exploitation in the context of the aforementioned norms of Council of Europe Convention.

Paragraph 20

The state provides a comprehensive package of assistance to the victims and to the potential victims of trafficking. The resources provided from the state budget in 2021-2022 in comparison with resources provided in 2019 were doubled, becoming 40 million AMD vs 19 million AMD respectively. The program is being implemented through delegated service.

In addition, in order to meet basic needs, a victim of trafficking is provided with a one-time financial assistance, which is about 500 USD. Each year, about 1,750,000 AMD or 3,500 USD is allocated from the state budget to about 7 persons.

Paragraph 21

GRETA's recommendation, mentioned in the last paragraph, has been adopted: discussions are ongoing aimed to establishment of the adequate mechanism for expanding anti-trafficking measures.

Paragraph 25

The Government of the Republic of Armenia continues to take effective measures to combat human trafficking and to include gender element in relevant strategies and policies.

The Government's five-year Action Plan (2021-2026) envisages measures to improve and expand the services provided to beneficiaries (additional information is available at <https://www.gov.am/files/docs/4685.pdf> (paragraph 15)).

Paragraph 26

Regarding the first sentence: Ministry of Labor and Social Affairs continues its cooperation with the United States Agency for International Development within the framework of «Data for Impact» Initiative (D4I). The main goal of the cooperation is to strengthen anti-trafficking monitoring system within the National Program for 2020-2022 for Combating Trafficking in Human Beings and to strengthen Government efforts.

Paragraph 44

In cooperation with the Academy of Justice of the Republic of Armenia, trainings were organized for the representatives of the law enforcement bodies in the field of combating human trafficking and exploitation. Information campaigns were held on the topic: «Awareness and Prevention of Trafficking in Human Beings and Exploitation», with participation of the representatives of the Ministry of Justice of the Republic of Armenia.

Paragraph 47

According to Article 21 of the «Law on Identification and Assistance to Victims of Human Trafficking and Exploitation», the person in the pre-identification phase (or the potential victim) uses the services, which are listed in paragraph 3 of this Article, in particular: along with the start of the pre-identification phase, the potential victim is informed of his/her rights, as well as the provisions of the mentioned Law in a language he/she understands.

The support to potential victims may include:

1. urgent medical care,
2. provision of temporary accommodation during the pre-identification phase, including for the legal representative and for children under care
3. provision of basic education,
4. provision with first necessity assistance,
5. primary psychological help,
6. general consultation,
7. provision of care services

Paragraphs 55-56

Free legal aid is provided to the victims of trafficking both as prescribed by point 13 of part 5 of Article 41 of the Law of the Republic of Armenia “On advocacy” and through the representatives of different non-governmental organisations engaged in protection of rights of victims. In particular, pursuant to these provisions (point 13 of part 5 of Article 41 of the mentioned Law), the Office of Public Defender provides free legal aid, among others, to persons recognised as victims or special category victims by the Commission for Identification of Victims Subjected to Trafficking and Exploitation. The mentioned aid is provided irrespective of the age of the victim. That is, the issue of access to justice for victims subjected to trafficking and exploitation is not left under the sole discretion and funding of the NGOs.

In the case of juveniles, the Criminal Procedure Code of Armenia envisages two guarantees for the protection of their rights: involvement of legal representatives of juveniles in the proceedings and participation of psychologists in the interrogation of juveniles, which is recorded in point 130 of the Report.

Paragraphs 61 and 65

The evaluation is carried out by the joint social services, based on the Articles 20 and 21 of the «Law on Identification and Assistance to Victims of Human Trafficking and Exploitation» as well as based on inter-agency cooperation. Victims are involved in employment and education programs, programs aimed to help them to get professional skills, necessary to enter job market.

Paragraph 66

Based on the Government Decision N 318-Ն by 4 March, 2004, victims of trafficking benefit from state-guaranteed free and preferential medical care and services, including latest and expensive technologies’ based medical services, stated by Annex 5, however, monetary compensation for the victims of trafficking is not provided by the Ministry of Health.

Paragraph 76

The peculiarities of the status of victims in criminal proceedings were studied within the framework of the training for judges and judges' candidates, held in September 2021, as well as within the framework of the course entitled: "Peculiarities of the Status of Victims in Criminal Proceedings", organized for prosecutors.

Paragraph 79

Regarding the last sentence, it should be noted that in the framework of the fight against trafficking, the programs for the protection of victims of trafficking and social assistance to victims were implemented in accordance with legal provisions. In particular, the state provides a comprehensive package of assistance services to all victims of trafficking and potential victims (male and female). Assistance is implementing within the Program of social and psychological rehabilitation of victims of trafficking, exploitation and sexual violence. The government continues to provide long-term assistance to enable the social reintegration of victims of trafficking. In this context, there is an ongoing cooperation with the Joint Social Service Regional Centers in order to develop victims' professional skills to enhance their accessibility to the labor market.

Paragraph 82, subpoint 1

According to Article 102 of the new Criminal Procedure Code, which will enter into force on 1st of July, 2022, *“the damage caused by the alleged crime is a one of the circumstances to be proved during the criminal proceedings”*.

Paragraph 84

Article 59 of the new Criminal Code (entering into force from 1 July 2022) provides for a separate regulation on compensation of damage caused to victims of the crime. Thus, according to part 6 of the mentioned Article: "(...) At the expense of the funds accumulated in the State Budget as a result of application of fine, the Government may implement annual social programmes aimed at compensating the victims for the damage caused by the crime". The principles, priorities of procedure for and amount of compensation of the damage caused to victims by the crime shall be prescribed by the Government (...).

Paragraph 111

Before the last sentence, the following part should be added: *«They are described in the Police Reforms Strategy and 2020-2022 Action Plan approved by a Government decree. The formation of an Interior Ministry of the Republic of Armenia, its functions, bodies under its jurisdiction, and legislative framework regulating their activities will be stipulated by a law amending the Law on the Structure and Activities of the Government and related laws»*.

Paragraph 131

Article 212 of the new Criminal Procedure Code defines the specifics of an investigation proceeded with participation of a juvenile, a disabled or a person with a mental health problems. We consider it necessary to emphasize that this Article uses the term “juvenile” as specified in the clause 53 of part 1 of the Article 6, according to which a juvenile is a person under 18 years of age.

Paragraph 138

The sentence: *«From January 1, 2022, workpermit.am unified platform was launched, which is designed for the fully electronically involvement process of foreign employees. From January 1 to April 25, 506 applications were received through the platform, 261 of which have already been approved. 261 Foreigners received temporary residence permit card on the basis of working activity, 18 applications were terminated, 0 applications were rejected. Most of the applicants are the citizens of Iran, India, China, Philippines, South Korea. The citizens of the EEU member states who work in the Republic of Armenia, as well as their families, are registered on the platform to certify the legality of residence. 342 applications were received from the EEU citizens, as a result of which 135 statement card has been provided. In order to detect and prevent cases of human exploitation, a cross-checking is carried out on the platform every month,*

comparing the data with the data of the State Revenue Committee of the RA. If cases of non-payment of income tax, the data is transferred to the Health and Labor Inspectorate» should follow the first sentence of the Paragraph.

Paragraph 146

Compared to the previous reporting period, the awareness-raising activities were not reduced. On the contrary, they were expanded, providing trainings for the beneficiaries and professionals, in cooperation with AMCOR charitable organization. More information is available at the following link <https://drive.google.com/file/d/1hM2iLNLzoheo8gHnUZkB8vnZaaDHajSw/view?usp=sharing>:

We suggest inclusion of the following information: *«To encourage secure, safe, and responsible migration, to prevent irregular migration, and to protect the rights and interests of Armenian citizens that are labor migrants, the following activities were implemented by Migration Service in cooperation with the International Organization for Migration:*

- *a guide for raising the awareness of labor migrants prepared with a view to making their labor migration experience safer and reducing the risks of being trafficked. The guide was distributed at Migration Resource Centers, the regional employment centers, and Gyumri's Shirak airport. It was also distributed in the bus traveling from the City of Gyumri to the Russian Federation with a view to making the practical advice contained in the Guide more accessible to labor migrants;*
- *a public service announcement prepared for encouraging regular and lawful migration, that was broadcast on regional TV in the three regions - Shirak, Lori, and Tavush – with the highest rates of emigration, during prime time, ensuring coverage of over 300,000 viewers, and was widely disseminated through the social media;*
- *four videos on migrants that returned to the Republic of Armenia, were produced based on their real stories, telling about their successful reintegration in Armenia, and about businesses and jobs created by them».*

Paragraph 149

Due to the consistent work of the Prosecutor's Office of the Republic of Armenia — by way of appealing judicial acts of lower courts — the Court of Cassation of the Republic of Armenia — by Decision No YeAKD/0217/01/16 of 18 September 2019 on Hakob Avetisyan — had expressed case law positions on the issue of uniform application of Article 262 of the Criminal Code of the Republic of Armenia in the context of providing sexual services at massage saloons.

By the mentioned Decision, the Court of Cassation of the Republic of Armenia provided a substantial insight into the term "prostitution" and its elements and, inter alia, considered the prostitution as “providing any form of sexual service” not restricting it to sexual intercourse. It has considered the involvement of underage persons in those jobs as particularly dangerous and, in general, called on paying special attention to the concealed forms of sexual services in the law enforcement practice, and especially, in this case - in providing services in massage saloons. The mentioned decision of the Court of Cassation of the Republic of Armenia may have a positive effect in reducing the demand for commercial sexual services.

Paragraph 156

The amendments to the Labor Code of the Republic of Armenia that envisage the add the term «mandatory or compulsory labor» have been adopted as a result of discussions with the stakeholder bodies.

The draft laws "On making an addendum to the Criminal Code of Armenia" and "On making an addendum to the Law on Identification of Victims of Human Trafficking and Exploitation", which defines the term compulsory or compulsory labor, were developed.

The amended package of projects was put into circulation and public discussion in accordance with the established procedure, after which it was submitted to the Office of the Prime Minister of the Republic of Armenia at the end of March 2022.

In particular, the above-mentioned draft law on "Making Amendments to the Labor Code of the Republic of Armenia" proposes to make the following amendments to the Labor Code of the Republic of Armenia:

- "Article 1. To add the words "mandatory or" after the word "(nature)" in the point 2 of the part 1 of the Article 3 of the Labor Code of the Republic of Armenia (hereinafter the Code) of November 9, 2004.
- Article 2. To supplement the Code with the following content in Article 3.2:
- Article 3.2 «Mandatory or compulsory labor
 1. Mandatory or compulsory labor is prohibited.
 2. Mandatory or compulsory labor is any work or service required or performed by a person under pressure or threat or any work for which that person did not voluntarily express his consent, except as provided in paragraph 3 of this article.
 3. The following is not considered a mandatory or compulsory labor:
 - the work by a convicted person in accordance with the law
 - military or alternative service
 - any work which is required for the life or welfare of population during the threatening emergencies».

At the same time, we note, that the package of projects was returned to the Ministry of Labor and Social Affairs by a letter of the Chief of Staff of the Prime Minister of the Republic of Armenia N 02/11.9/12931-2022 of April 25, 2022 in order to discuss the conclusions, to amend the draft, and to submit the final draft to the Prime Minister's Office, which should be done in cooperation with the Legal Department, State and Legal Department of the Administration of the RA Prime Minister Office, the Office of Coordination of Inspection Bodies, and the Office of Deputy Prime Minister.

Paragraph 177

The mentioned draft law was submitted to the National Assembly for approval.

Paragraph 182

Regarding sub-item 1, we consider it necessary to mention that the asylum/shelter for victims is fully financed by the Government. The funding is currently sufficient to provide quality assistance to the victims. The victims currently housed in shelters are female, but if there is a need for a shelter for a man, temporary shelter is provided in cooperation with NGOs.

With regard to the sub-item 2, we inform that the Government continues to provide long-term assistance to enable the social reintegration of victims of trafficking. In this context, to improve victims' skills and to ensure their access to labor market, the Ministry of Labor and Social Affairs cooperates with the regional centers of the Unified Social Service.