



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

**Recommendation CP/Rec(2022)01
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Armenia**

*adopted at the 30th meeting of the Committee of the Parties
on 17 June 2022*

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

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

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

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

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

Recalling Committee of the Parties' Recommendation CP(2017)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia and the report of the Armenian authorities on measures taken to comply with this recommendation, submitted on 6 March 2018;

Having examined the third report concerning the implementation of the Convention by Armenia, adopted by GRETA at its 43rd meeting (28 March - 1 April 2022), as well as the comments of the Armenian Government received on 11 May 2022;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Armenia;

Welcoming the measures taken and progress achieved by the Armenian authorities in implementing the Convention, and in particular:

- the further development of the legislative framework relevant to action against trafficking in human beings (THB), including amendments to the Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and the adoption of a new Criminal Code with amended provisions on THB;

- the amendments to the Code of Criminal Procedure and the training provided on child-sensitive procedures when investigating, prosecuting and adjudicating cases of THB;
- the adoption of a new National Action Plan on Combating Trafficking in Human Beings for the period 2020-2022;
- the setting up of a new Health Inspection Body, with an additional 60 labour inspectors, and its inclusion as a member of the Anti-Trafficking Working Group;
- the engagement in international co-operation in the fight against trafficking in human beings.

A. Recommends that the Government of Armenia take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. 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);
2. 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);
3. 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);
4. 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, documental, 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;

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

- 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);

5. 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);

6. 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).

B. Recommends that the Armenian authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Government of Armenia to report to the Committee of the Parties on the measures taken to comply with this recommendation by **17 June 2024**.

D. Invites the Government of Armenia to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.