



# **GRETA**

Group of Experts on Action  
against Trafficking in Human Beings

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## **Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia**

First evaluation round

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on Action against Trafficking in Human Beings  
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## Preamble

As the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) and the monitoring mechanism to evaluate its implementation are relatively new, it is appropriate to set out their salient features at the beginning of the first report to each Party to the Convention.

The Convention was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008. It is a legally binding instrument which builds on already existing international instruments. At the same time, the Convention goes beyond the minimum standards agreed upon in other international instruments and aims at strengthening the protection afforded by them.

The main added value of the Convention is its human rights perspective and focus on victim protection. The Convention clearly defines trafficking as being first and foremost a violation of human rights and an offence to the dignity and integrity of the human being; greater protection is therefore needed for all of its victims. The Convention also has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

As trafficking in human beings is a worldwide phenomenon, one of the express purposes of the Convention is to promote international co-operation in the efforts to combat trafficking. In this context, it is noteworthy that the Convention is not restricted to Council of Europe member states; non-member states and the European Union also have the possibility of becoming Parties.

To be effective, and given the nature of the phenomenon, a strategy for combating trafficking in human beings must adopt a co-ordinated and multidisciplinary approach, incorporating prevention, protection of victims’ rights and prosecution of traffickers. The Convention contains various provisions in each of these three areas, placing obligations on States to take appropriate measures, in partnership with civil society and in co-operation with other States.

The measures provided for by the Convention in the area of prevention include awareness-raising for persons vulnerable to trafficking; economic and social initiatives to tackle the underlying causes of trafficking; actions aimed at discouraging demand; and putting into place border control measures to prevent and detect trafficking in human beings.

The Convention also provides for a series of measures to protect and promote the rights of victims. Victims of trafficking must be identified and recognised as such in order to avoid police and public authorities treating them as “irregular migrants” or criminals. Victims should be granted physical and psychological assistance and support for their reintegration into society. Further, by virtue of the Convention, victims are entitled to a minimum of 30 days to recover and escape from the influence of the traffickers and to take a decision about their possible co-operation with the authorities. A renewable residence permit should be granted if their personal situation so requires and/or if their continued presence is needed in order to co-operate in a criminal investigation. In addition, the Convention establishes the right of victims to receive compensation and provides for measures for their repatriation and return with due regard to the rights, safety and dignity of the victims.

In the area of substantive and procedural criminal law, the Convention places on Parties a series of obligations aimed at enabling the effective prosecution of traffickers and ensuring that they are punished in a proportionate and dissuasive manner. Particular attention is paid to the issue of victim and witness protection during investigation and court proceedings. Parties should also provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities.

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Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

GRETA is composed of fifteen independent and impartial experts chosen for their recognised competence in the fields of human rights, assistance and protection of victims, and action against trafficking in human beings, or because of their professional experience in the areas covered by the Convention. The task of GRETA is to evaluate the implementation of the Convention by the Parties, following a procedure divided into rounds. At the beginning of each round, GRETA defines autonomously the provisions to be monitored and determines the most appropriate means to carry out the evaluation, being guided by the Rules of procedure for evaluating implementation of the Convention adopted at GRETA's 2nd meeting (16-19 June 2009). GRETA has decided that the duration of the first evaluation round shall be four years starting at the beginning of 2010 and finishing at the end of 2013.

In carrying out its monitoring work, GRETA has the right to avail itself of a variety of means for collecting information. As a first step, GRETA sends a detailed questionnaire to the authorities of the Party undergoing evaluation. It may also make additional requests for information. By virtue of the Convention, Parties are obliged to co-operate with GRETA in providing the requested information. Another important source of information is civil society and, indeed, GRETA maintains contacts with non-governmental organisations which can provide relevant information. In addition, GRETA may decide to carry out a visit to the country concerned in order to collect additional information or to evaluate the practical implementation of the adopted measures. This visit allows for direct meetings with the relevant bodies (governmental and non-governmental) and is also an occasion for GRETA to visit facilities where protection and assistance are provided to victims of trafficking and other related structures. Furthermore, GRETA may decide to organise hearings with various actors in the field of action against trafficking in human beings.

GRETA's evaluation reports are thus the result of information gathered from a variety of sources. They contain an analysis of the situation in each Party regarding action taken to combat trafficking in human beings and suggestions concerning the way in which the country may strengthen the implementation of the Convention and deal with any problems identified. In its assessment, GRETA is not bound by the case-law of judicial and quasi-judicial bodies acting in the same field, but may use them as a point of departure or reference. The reports are drawn up in a co-operative spirit and are intended to assist States in their efforts; they can offer support for the changes on which the national authorities have already embarked, and lend legitimacy to the direction of national policies. Because of its multidisciplinary and multinational composition, and as a consequence of its independent approach, GRETA provides a professional and impartial international voice in this process.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each Party in plenary session. The report is sent to the relevant government for comments, which are taken into account by GRETA when establishing its final report. This final report is adopted by GRETA in a plenary session and transmitted to the Party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month for the Party to make comments, the report and conclusions by GRETA, together with eventual comments made by the national authorities, are made public and sent to the Committee of the Parties. In the context of the first evaluation round, this completes GRETA's task in respect of the Party concerned, but it is only the first stage in an on-going dialogue between GRETA and the authorities.

The second pillar of the monitoring mechanism, the Committee of the Parties, is composed of the representatives in the Committee of Ministers of the Parties to the Convention and of representatives of Parties non-members of the Council of Europe. On the basis of GRETA's reports, the Committee of the Parties may adopt recommendations addressed to a Party concerning the measures to be taken to implement GRETA's conclusions.

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## Executive summary

The Armenian authorities have taken a number of measures to prevent and combat trafficking in human beings (THB). The offence of THB was introduced in the Armenian Criminal Code in 2003 and in April 2011, the knowing use of services of a person in a state of exploitation was criminalised. Anti-trafficking national action plans have been adopted since 2004, the latest one covering the period 2010-2012. The Council to Combat Trafficking in Human Beings was established in 2002 as a co-ordinating structure and its composition was gradually expanded to include all relevant public bodies, as well as representatives of non-governmental and international organisations. Further, a National Referral Mechanism for Trafficked Persons was set up in 2008.

GRETA welcomes the measures taken by the Armenian authorities, in co-operation with non-governmental and international organisations, to raise public awareness on THB and train relevant professionals. That said, GRETA invites the authorities to develop targeted awareness-raising and educational measures for groups vulnerable to THB, in particular children and young people leaving child-care institutions. The Armenian authorities should also further strengthen the aspect of prevention through social and economic measures addressing the identified causes of human trafficking, such as poverty, inadequate education and absence of employment opportunities.

As regards identification of victims of trafficking, GRETA concludes that the current system is not sufficiently effective as it risks leaving out those who are unable or unwilling to co-operate with the authorities and take part in judicial proceedings against the alleged traffickers. GRETA urges the Armenian authorities to review the current identification procedure with a view to disconnecting the identification of victims of THB from their participation in criminal proceedings. Further, all actors involved in the identification of victims of THB should adopt a more proactive approach and increase their outreach work to make identification more effective. In particular, additional efforts are necessary in order to identify victims of trafficking subjected to labour exploitation. In this respect, it is necessary to strengthen training of frontline staff, including police officers, border guards, labour inspectors, social workers, staff of child-care institutions and NGOs.

GRETA considers that further measures should be taken to ensure that all victims of trafficking have effective access to assistance and protection regardless of whether they co-operate with the law enforcement authorities. It is necessary to guarantee the quality of the services delivered by all service providers and to provide adequate assistance measures, including appropriate accommodation, to male victims. GRETA also stresses the need to take measures to protect and safeguard the best interest of child victims of trafficking, including through appropriate accommodation, education and support programmes tailored to the needs of the child.

Armenian legislation does not contain a specific reference to a recovery and reflection period for victims of THB. GRETA is concerned by this lacuna and urges the Armenian authorities to ensure that the recovery and reflection period provided for in Article 13 of the Convention is defined in Armenian law. Moreover, GRETA urges the Armenian authorities to introduce the possibility for victims of THB to apply for a renewable residence permit, on the grounds provided for in Article 14 of the Convention.

When it comes to compensation and legal redress, GRETA urges the Armenian authorities to provide information to victims of THB about the right to compensation, to ensure that victims have effective access to legal aid in this respect, and to set up a State compensation scheme accessible to victims of trafficking.

In the area of substantive criminal law, GRETA considers that the Armenian authorities should establish liability of legal persons for their involvement in trafficking offences. As regards the protection of victims and witnesses, GRETA urges the authorities to take further legislative and practical measures to ensure the effective protection of victims of trafficking, especially children, and to protect their safety during and after court proceedings.

Under the Armenian Criminal Code, a victim of THB is exonerated from punishment for offences of minor or medium gravity which he/she was involved in during trafficking or exploitation and was forced to commit. According to the Armenian authorities, no victim of THB has been prosecuted so far as there were no cases of offences committed by victims. That said, GRETA considers that the authorities should continue providing regular training to judges, prosecutors and other legal professionals on THB and the rights of its victims.

Finally, GRETA considers that the Armenian authorities should continue improving co-ordination of anti-trafficking activities at all levels, including among regional units of public bodies responsible for anti-trafficking activities and local NGOs.



## I. Introduction

1. Armenia deposited the instrument of ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) on 14 April 2008. The Convention entered into force in respect of Armenia on 1 August 2008<sup>1</sup>.

2. As established in Article 36(1) of the Convention, the Group of Experts on Action against Trafficking in Human Beings (“GRETA”) monitors the implementation of the Convention by the Parties. GRETA does so in conformity with the procedure laid down in Article 38 of the Convention and the Rules on the evaluation procedure of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties. For the first evaluation round, GRETA drew up a monitoring timetable according to which the Parties to the Convention were divided into groups, Armenia being in the second group of 10 Parties.

3. In accordance with Article 38 of the Convention, GRETA proceeded with the examination of the measures taken by Armenia to implement the provisions set out in the Convention. The “Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties – first evaluation round” was sent to Armenia on 11 February 2011. The deadline for submitting the reply to the questionnaire was 1 September 2011. Armenia submitted its reply on 3 August 2011.

4. In preparation of the present report, GRETA used the reply to the questionnaire by Armenia, other information collected by GRETA and information received from civil society. A country visit to Armenia took place from 17 to 20 October 2011. It was carried out by a delegation composed of:

- Ms Leonor Rodrigues, member of GRETA;
- Mr Helmut Sax, member of GRETA;
- Mr David Dolidze, Administrator at the Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings.

5. During the country visit, the GRETA delegation held meetings with representatives of relevant ministries and other public bodies (see Appendix II). These meetings took place in a spirit of close co-operation.

6. The GRETA delegation held separate meetings with representatives of non-governmental organisations (NGOs) and civil society active in the field of action against trafficking in human beings (THB), as well as with relevant international organisations present in Armenia. GRETA is grateful for the information provided by them.

7. Furthermore, during the country visit to Armenia, the GRETA delegation visited a shelter for victims of trafficking in human beings in Yerevan.

8. GRETA wishes to place on record the excellent assistance provided to its delegation by the contact person appointed by the Armenian authorities, Mr Vahram Kazhoyan, Director of the Department of International Organisations of the Ministry of Foreign Affairs, and Ms Olga Davtyan, First Secretary at the Human Rights Desk of the above Department.

9. The draft version of the present report was adopted by GRETA at its 13th meeting (19-23 March 2012) and was submitted to the Armenian authorities for comments. The comments were received on 4 June 2012 and were taken into account by GRETA when establishing its final report, which was adopted at GRETA’s 14th meeting (25-29 June 2012).

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<sup>1</sup> The Convention as such entered into force on 1 February 2008, following its 10th ratification.

## **II. National framework in the field of action against trafficking in human beings in Armenia**

### **1. Overview of the current situation in the area of trafficking in human beings in Armenia**

10. According to the Armenian authorities, Armenia is primarily a country of origin for trafficked persons. Most of the victims of THB identified in recent years have been Armenian nationals (21 out of 34 victims identified in 2008; 49 out of 60 victims in 2009; all 19 victims in 2010; all 13 victims in 2011). The majority of the victims were women (31 in 2008, 42 in 2009, 16 in 2010, and 12 in 2011). There were 13 men identified as victims of trafficking in 2009 and one in 2011. As regards children identified as victims of trafficking, there were three in 2008, five in 2009, three in 2010 and six in 2011. The main countries of destination of Armenian victims of THB have been the Russian Federation, Turkey and the United Arab Emirates. As regards the forms of exploitation, the majority of the identified victims (31 in 2008, 39 in 2009, and 19 in 2010) were subjected to sexual exploitation, the remainder being subjected to labour exploitation. According to statistical information provided by the Armenian authorities, 13 foreign victims of trafficking were identified in Armenia in 2008 and 11 in 2009, all of them originating from the Russian Federation. An increase in national trafficking (i.e. within Armenia), both for sexual and labour exploitation, has been observed in recent years (three cases in 2008, six in 2009, nine in 2010 and four in 2011).

11. Public officials and NGO representatives met during GRETA's country visit acknowledged that the actual scale of THB in Armenia might be larger than the above figures suggest. This is due to the changing nature of human trafficking, certain shortcomings in the procedure for the identification of victims and difficulties in collecting data on THB.

### **2. Overview of the legal and policy framework in the field of action against trafficking in human beings**

#### **a. Legal framework**

12. At the international level, in addition to the Council of Europe Anti-Trafficking Convention, Armenia is Party to the United Nations (UN) Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ("Palermo Protocol"), the UN Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the UN Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. In addition, Armenia is Party to International Labour Organisation (ILO) Conventions No. 29 and 105 on Forced Labour and Convention No. 182 on Eliminating the Worst Forms of Child Labour. Armenia is also Party to a number of Council of Europe conventions on co-operation in criminal matters<sup>2</sup>. Further, Armenia has ratified a number of conventions within the Commonwealth of Independent States (CIS)<sup>3</sup>.

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<sup>2</sup> European Convention on Extradition and its two Additional Protocols; European Convention on Mutual Assistance in Criminal Matters and its two Additional Protocols; Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime; Criminal Law Convention on Corruption and its Additional Protocol; Convention on Cybercrime and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems; Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism.

<sup>3</sup> Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters; Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters

13. The Armenian legal framework in the field of action against THB has evolved over the last 10 years. The notion of THB was brought into the criminal legislation in 2003 with the introduction of Article 132 (“sale of human beings”) in the Criminal Code (CC). Further amendments to this article were made in 2006 to incorporate the definition of THB as contained in the Palermo Protocol. The latest amendments to the CC, dating 9 April 2011, increased the penalties for THB offences and introduced the possibility to confiscate the property of offenders. Some provisions of the Code of Criminal Procedure (CCP) are also relevant as regards assisting and protecting victims of crime (including victims of THB). Furthermore, provisions relevant to combating THB and protecting its victims are contained in the Labour Code, the Law on Operation Intelligence Activities, the Law on Employment of Population and Social Protection in Case of Unemployment, the Law on Social Assistance, and the Law on the Child’s Rights.

14. As regards secondary legislation, particular mention should be made of the Decree of the Prime Minister of Armenia No. 861-A establishing the Council to Combat Trafficking in Human Beings and the Decree of the Government of Armenia No. 1385-A approving the Regulation for the National Referral Mechanism of Trafficked Persons.

#### b. National Programmes for Prevention and Combating of THB

15. Since 2004, the Armenian Government has adopted three National Action Plans (NAP) for Combating Trafficking in Human Beings. The first NAP, covering the period 2004-2006, was approved by the Government on 15 January 2004 and was supplemented by the Concept Paper on preventing illegal transportation, transfer and trafficking in human beings. The second NAP, covering the period 2007-2009, was approved by the Armenian Government on 6 December 2007.

16. The current NAP for 2010-2012 is composed of six parts: development of legislation on combating THB and its implementation; prevention of THB; protection and assistance of victims; co-operation among stakeholders; research and evaluation; and co-ordination of anti-trafficking activities. The Council to Combat Trafficking in Human Beings and its Working Group (see paragraphs 17-23) are in charge of supervising the implementation of the NAP.

### **3. Overview of the institutional framework for action against trafficking in human beings**

#### a. Council to Combat Trafficking in Human Beings

17. The first Inter-Agency Committee on Action against THB was set up in October 2002, under the lead of the Ministry of Foreign Affairs, with the aim of examining issues related to illegal transportation, transfer and trafficking in human beings from Armenia. In 2007, the Council to Combat Trafficking in Human Beings (hereafter “Anti-Trafficking Council”) was set up by Decree No. 861-A of the Government of Armenia. The Council is chaired by the Deputy Prime Minister of Armenia and is composed of the following officials:

- Minister of Justice;
- Minister of Foreign Affairs;
- Minister of Sport and Youth Affairs;
- Minister of Economy;
- Minister of Finance;
- Minister of Education and Sciences;
- Minister of Labour and Social Affairs;
- Minister of Health Care;
- Deputy Prosecutor General;
- First Deputy Director of the National Security Service;
- First Deputy Head of the Police;

- Head of the Department of International Relations, Staff of the President of Armenia;
- Head of the State Migration Service of the Ministry of Territorial Administration;
- Chair of the Standing Committee on Human Rights and Public Affairs of the National Assembly;
- Human Rights Defender (Ombudsman).

18. The main objective of the Anti-Trafficking Council is to co-ordinate anti-trafficking activities in Armenia. Its tasks include adoption of advisory decisions in the fields of prosecution (including proposals for legislative improvements), prevention (including measures to increase public awareness, prevention of child trafficking and increasing the role of mass media) and provision of assistance to victims of trafficking. The Anti-Trafficking Council is also entitled to adopt decisions on matters related to inter-agency, regional and international co-operation and as regards the conduct of research in the field of THB.

19. NGOs working in the field of preventing and combating THB have the right to send representatives to the meetings of the Anti-Trafficking Council, with the right to a consultative vote. The following organisations participate in the meetings of the Council:

- “Hope and Help”;
- “Democracy Today”;
- “UMCOR-ARMENIA”;
- the Armenian office of “People in Need”;
- “Armenian Aid Union”;
- “World Vision” Armenia;
- Association of Audio-Visual Journalists;
- Association of Investigative Journalists.

20. Furthermore, representatives of the Embassy of the United States of America in Armenia and of the offices of the following international organisations also participate in the meetings of the Anti-Trafficking Council, with a consultative vote:

- United Nations Children’s Fund (UNICEF);
- International Organisation for Migration (IOM);
- United Nations Higher Commissioner for Refugees (UNHCR);
- United Nations Development Programme (UNDP);
- International Labour Organisation (ILO);
- Organisation for Security and Co-operation in Europe (OSCE).

b. Working Group of the Council to Combat Trafficking in Human Beings

21. In order to organise the activities of the Anti-Trafficking Council and facilitate its work, the Armenian Government has set up an Inter-institutional Working Group. This Working Group is subordinated to the Anti-Trafficking Council and is chaired by the Director of the Department of International Organisations of the Ministry of Foreign Affairs. It is composed of representatives of the Ministries and other public bodies listed in paragraph 17. In addition, representatives of the following public bodies and agencies are members of the Working Group:

- Staff of the Government of Armenia;
- National Assembly;
- National Statistical Service;
- Consular Department of the Ministry of Foreign Affairs;
- National Assembly Standing Committee on Human Rights and Public Affairs;
- Human Rights Defender’s Office;

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- Ministry of Diaspora;
  - Ministry of Defence;
  - Union of Employers and Confederation of Trade Unions.

22. The tasks of the Working Group include the implementation of activities envisaged by the NAP, observing the implementation of international anti-trafficking commitments of Armenia and submitting recommendations to the Anti-Trafficking Council in this respect, developing and implementing co-operation programmes with international organisations and donor countries, evaluating the effectiveness of activities already implemented, and ensuring the involvement of NGOs and civil society in anti-trafficking activities. The Working Group may set up ad hoc sub-groups for the accomplishment of specific tasks.

23. The Working Group meets at least once a month and sessions may also be convened upon request of the Chair or one-third of its members. Representatives of international organisations and NGOs active in the field of preventing and combating THB may be invited to participate in the meetings of the Working Group.

#### c. National Referral Mechanism

24. The National Referral Mechanism for Trafficked Persons (NRM) was approved by Decree No. 1385-A of 28 November 2008 of the Government of Armenia. The Regulation for the functioning of the NRM, included in an appendix of this Decree, prescribes the roles of relevant State bodies and local authorities in identifying and assisting victims of trafficking, the principles of co-operation among them, victim identification and types of assistance to victims.

25. The operation of the NRM is supervised by the Ministry of Labour and Social Affairs (MLSA). Other public bodies involved in the functioning of the NRM are the Ministry of Foreign Affairs, the Ministry of Health Care, the Ministry of Territorial Administration, the National Security Service and the Police. NGOs and international organisations present in Armenia participate in the implementation of victim assistance measures and contribute to strengthening the work of the NRM.

#### d. International organisations and NGOs

26. The involvement of international organisations has been instrumental for action against THB in Armenia. All the international organisations referred to in paragraph 20 have been involved in setting up and strengthening the institutional response to THB in Armenia. Thus the IOM has provided funding to NGOs assisting victims of trafficking, has organised training for law enforcement officials and border guards as well as prepared teaching materials for schools. Since 2006, the ILO has implemented a project to tackle forced labour and trafficking for the purpose of labour exploitation in Armenia, Azerbaijan and Georgia, which includes the development of indicators for the identification of victims of trafficking by social workers.

27. The OSCE Office in Yerevan assists the Armenian Government in combating THB by taking measures to strengthen the capacity of NRM actors. The OSCE, in co-operation with the MLSA, set up a project entitled "Anti-Trafficking Support and Resource Unit (ATSRU)" to strengthen the anti-trafficking infrastructure and improve its co-ordination. This project was implemented in 2009-2011. On the basis of an assessment completed by ATSRU, in partnership with the UNDP and ILO, the OSCE contributed to preparing training manuals for law enforcement bodies. After the completion of the ATSRU project in 2011, some of its activities were continued by the Department for Family, Women's and Children's Issues of the MLSA.

28. NGOs have played an important role in action against THB in Armenia through the identification of victims, providing assistance to them, including accommodation, implementing projects aimed at raising awareness on trafficking among the general public, providing training to public officials and developing school materials for children.

29. Since 2003, the NGO “Hope and Help” has been providing assistance to victims of trafficking, which includes short-term accommodation, medical and psychological assistance and legal advice. This NGO also runs a telephone hotline which provides information and advice concerning risks of trafficking to the general public and assists victims. The NGO “People in Need”, in partnership with the “Armenian Relief Society”, has carried out a targeted awareness-raising campaign on trafficking with the involvement of foster homes and other child-care institutions. This NGO also works in the field and seeks to identify victims and potential victims of trafficking among children. The NGO “UMCOR Armenia” runs a shelter providing long-term accommodation and assistance to victims of trafficking. It also manages a telephone hotline which offers advice to persons considering taking up work abroad as well as to families of persons who are in a trafficking situation abroad. In addition, UMCOR is involved through awareness-raising activities in the mass media. The activities of “Democracy Today” aim at detecting victims of trafficking and referring them for further identification and assistance.

### III. Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia

#### 1. Integration of the core concepts and definitions contained in the Convention in the internal law

##### a. Human rights-based approach to action against trafficking in human beings

30. Article 1(1)(b) of the Convention establishes as one of its purposes the protection of the human rights of the victims of trafficking. Further, Article 5(3) includes the obligation for Parties to promote a human rights-based approach in the development, implementation and assessment of the policies and programmes to prevent THB. The Explanatory Report of the Convention states that the main added value of the Convention is its human rights perspective and focus on victim protection. In the same vein, the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking emphasise that “the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims”<sup>4</sup>.

31. THB constitutes an offence to the dignity and fundamental freedoms of the human being and thus a grave violation of human rights. GRETA emphasises the obligations of States to respect, fulfil and protect human rights, including by ensuring compliance by non-State actors, in accordance with the duty of due diligence. The human rights-based approach entails that a State that fails to fulfil these obligations may, for instance, be held accountable for violations of the European Convention on Human Rights (in case the State concerned is a Party to it). This has been confirmed by the European Court of Human Rights in its judgment in the case of *Rantsev v. Cyprus and Russia*, where the Court concluded that THB “within the meaning of Article 3(a) of the Palermo Protocol and Article 4(a) of the Anti-Trafficking Convention, falls within the scope of Article 4 of the European Convention on Human Rights<sup>5</sup>” (which prohibits slavery, servitude and forced or compulsory labour). The Court further concluded that Article 4 entails a positive obligation to protect victims or potential victims, as well as a procedural obligation to investigate trafficking.

32. GRETA considers that the human rights-based approach to action against THB requires States to set up a comprehensive framework for the prevention of THB, the protection of trafficked persons as victims of a serious human rights violation, and the effective investigation and prosecution of traffickers. Such protection includes steps to secure that all victims of THB are properly identified. It also includes measures to empower trafficked persons by enhancing their rights to adequate protection, assistance and redress, including recovery and rehabilitation, in a participatory and non-discriminatory framework, irrespective of their residency status. Further, measures to prevent THB should be taken in the field of socio-economic, labour and migration policies.

33. GRETA wishes to stress the need for States to also address THB as a form of violence against women and to take account of gender-specific types of exploitation, as well as the particular situation of child victims of THB, in line with the relevant international legal instruments<sup>6</sup>.

<sup>4</sup> Addendum to the report of the United Nations High Commissioner for Human Rights (E/2002/68/Add.1), <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

<sup>5</sup> *Rantsev v. Cyprus and Russia*, no. 25965/04, paragraph 282, ECHR 2010.

<sup>6</sup> Such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence; the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; the United Nations Convention on the Rights of the Child and the Optional Protocol thereto on the Sale of Children, Child Prostitution and Child Pornography; and the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

34. The Armenian authorities have highlighted the fact that Articles 132 and 132.2 of the CC, establishing THB as a criminal offence, are included in the section related to crimes against human beings. The authorities have also referred to Chapter 2 of the Constitution of Armenia, and in particular Article 14, which states that human dignity shall be respected and protected by the State as an inviolable foundation of human rights and freedoms. Violation of human rights may be challenged in courts, including the Constitutional Court, if there are legal obstacles or legal uncertainty as regards the exercise or restoration of infringed human rights.

35. The NAP for 2010-2012 does not refer to THB as a human rights violation. Since 2012 the Human Rights Defender and the Chair of the Human Rights Committee of the Parliament of Armenia have been included as members of the Working Group of the Anti-Trafficking Council, which indicates the wish of the Armenian authorities to pay greater attention to the human rights aspect of preventing and combating THB.

36. As mentioned above (see paragraphs 28-29), NGOs active in the anti-trafficking area in Armenia implement awareness-raising campaigns, training of professionals and assistance to victims in a manner which aims to place the interests of victims at the core of these activities. Through their co-operation with public bodies, including the Anti-Trafficking Council and its Working Group, NGOs contribute to promoting a human rights-based approach to action against trafficking and the integration of this approach to the core of Armenia's anti-trafficking framework.

37. The human rights-based approach to action against THB entails transparency and accountability on the part of the State through the adoption of a national policy and action plans for combating trafficking in human beings, the co-ordination of the efforts of all relevant actors, the regular training of relevant professionals, research and data collection, and the provision of adequate funding for the implementation of all these measures. The following sections of this report examine in detail the effectiveness of the policies and measures taken by the Armenian authorities in these fields.

b. Definition of "trafficking in human beings" and "victim of THB" in Armenian law

i. *Definition of "trafficking in human beings"*

38. In accordance with Article 4(a) of the Convention, trafficking in human beings includes three components: an action ("the recruitment, transportation, transfer, harbouring or receipt of persons"); the use of certain means ("threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person"); and the purpose of exploitation ("at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs"). In the case of children, pursuant to Article 4(c) of the Convention, it is immaterial whether the means referred to above have been used.

39. Under Armenian law, THB is defined in Article 132(1) of the CC as "recruitment, transportation, transfer, harbouring or receipt of a person with the purpose of exploitation, as well as exploitation of a person or putting or keeping him or her in a condition of exploitation, by means of threat or use of force not dangerous for the life or health or other forms of coercion, of abduction, of deception, of abuse of trust (fraud), abuse of power or a position of vulnerability, or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person."<sup>7</sup>

40. Article 132.2 of the CC, which defines trafficking or exploitation of children or persons deprived of the capacity to understand or control the nature and meaning of their deeds due to mental disorder, does not refer to any means, which is in line with the Convention.

41. The above-mentioned provisions of the CC cover all forms of THB referred to in the Convention (national and transnational, linked to organised crime or not.).

<sup>7</sup> Unofficial translation provided by the Armenian authorities.



42. As regards the forms of exploitation covered by the Armenian definition of THB, Article 132(4) of the CC stipulates that exploitation shall include “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, purchase or sale, taking of organs or tissues of a person”. According to the Armenian authorities, servitude as one of the forms of exploitation is covered by “forced labour or services, slavery or practices similar to slavery”.

43. Pursuant to Article 4(b) of the Convention, the consent of the victim is irrelevant where any of the means set forth in the definition of THB have been used. Although this is not explicitly stated in the above-mentioned legal provisions, the Armenian authorities have indicated that the consent of a victim of trafficking would not be considered as an impediment to establishing a trafficking offence in case where the means included in the definition of THB have been used or where the offence falls under Article 132.2 (i.e. it was committed in respect of a child or a person with a mental disorder). If one of the means was used against a person, the victim’s will becomes compromised and the consent does not have any legal value. Nevertheless, **GRETA considers that spelling out the irrelevance of the consent of the victim to the intended exploitation could improve the implementation of the legal provisions establishing THB as an offence and provide victims with greater confidence in self-reporting to NGOs and public authorities.**

44. Apart from Article 132(1) of the CC, a definition of THB is provided in paragraph 2 of the Regulation on the functioning of the NRM as follows:

“1. Trafficking – the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, exploitation of power or of a position of vulnerability or giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. Furthermore:

a. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph 2(1) of this Regulation shall not matter where any of the means set forth in subparagraph 2(1) have been used;

b. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons even if this does not involve any of the means set forth in this subparagraph.”

45. **GRETA invites the Armenian authorities to harmonise the criminal law definition of THB with the definition contained in the Regulation on the functioning of the NRM.** For further analysis of Article 132 of the CC from a substantive criminal law perspective, see paragraphs 146-153 of this report.

*ii. Definition of “victim of THB”*

46. The Convention defines “victim of THB” as any natural person who is subjected to THB as defined in Article 4 of the Convention. Recognition of victims of THB as such is essential as it gives rise to their entitlement to the broad range of protection and assistance measures set out in the Convention.

47. Armenian legislation does not contain a legal definition of victim of THB as such. That said, the Regulation on the NRM defines victim of THB as any natural person subjected to trafficking in human beings (as defined by the same Regulation, see paragraph 44), which corresponds to the definition contained in the Convention.

48. From a criminal law perspective, victims of trafficking fall within the category of “injured party” which Article 58 of the CCP defines as follows:

“1. A person is recognised as “injured” if there are grounds to suppose that a moral, physical or proprietary damage has been caused to him/her directly by a deed forbidden by the Criminal Code. A person is also recognised as aggrieved, to whom moral or physical damage might be directly caused, if the deed, forbidden by the Criminal Code would have been finished.

2. The decision on recognition as an “injured party” is taken by the body of inquiry, investigator, prosecutor or court.”<sup>8</sup>

49. The issue of the definition of victim of THB and its implications for the identification process and the assistance provided to victims will be further discussed later in this report (see paragraphs 111-113).

c. Comprehensive approach to THB, co-ordination of all actors and actions, and international co-operation

i. *Comprehensive approach and co-ordination*

50. One of the aims of the Convention is to design a comprehensive framework for the protection and assistance of victims of THB. To be effective, any national action to combat THB must be comprehensive and multi-sectoral, and take on board the required multidisciplinary expertise. Article 29(2) of the Convention requires Parties to take measures to ensure the co-ordination of national policies and actions against THB, including through the setting-up of specific co-ordinating bodies. Further, the Convention refers to the need to co-operate and build strategic partnership with civil society through co-operative frameworks that can help governments fulfil their obligations under the Convention (Article 35).

51. The Armenian anti-trafficking framework has evolved since the first Inter-Agency Committee dealing with issues related to illegal transportation, transfer and trafficking in human beings from Armenia was set up in 2002. At present, the Anti-Trafficking Council and the Working Group include representatives of all ministries and public bodies with responsibilities for preventing THB, protecting its victims and prosecuting traffickers. Further, NGOs and international organisations active in preventing and combating THB are represented in both of these bodies.

52. The NAP for 2010-2012 sets forth a comprehensive set of objectives to address all aspects of action against THB, specific measures and activities to achieve these objectives and a timetable for their completion. Each public body has activities assigned under the NAP and regularly reports on their implementation to the Working Group and the Anti-Trafficking Council. The multidisciplinary composition of the Anti-Trafficking Council and the Working Group, and the distribution of responsibilities within these two bodies, as well as the active participation of NGOs, illustrate the awareness of the Armenian authorities of the need to have a comprehensive, multi-disciplinary and co-ordinated approach to action against THB.

53. As noted in paragraph 18, the Anti-Trafficking Council is the main body responsible for the co-ordination of anti-trafficking measures at the policy level. It submits annual reports to the Government concerning the implementation of activities included in the NAP. The first independent evaluation of the NAP for 2010-2012 was launched in June 2012, with the assistance of the OSCE Office in Armenia, and is expected to be completed by the end of 2012.

54. The Working Group co-ordinates the implementation of specific activities included in the NAP (see paragraph 22). The members of the Working Group present reports every six months concerning the implementation of anti-trafficking tasks falling under their respective ministries, which are approved by the Government and published.

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<sup>8</sup> Unofficial translation provided by the Armenian authorities.

55. The planning and implementation of anti-trafficking activities at the local level is the task of regional sub-divisions of the ministries and public bodies represented in the Anti-Trafficking Council and the Working Group. The regional units of the police and the MLSA transmit information to the central authorities within their respective fields of competence, but co-ordination of anti-trafficking activities at the local level is not structured as such.

56. As already mentioned in paragraph 36, the contribution of NGOs to preventing THB, assisting victims and training relevant professionals is crucial. NGOs also actively participate in shaping national policies and are regularly consulted by the Government during the preparation of the NAP and legislation relevant to action against THB. The participation of NGOs in the implementation of anti-trafficking activities is regulated by Memoranda of Understanding concluded with competent public bodies. These NGOs, which are involved in the NRM, are referred to as “co-operative NGOs”. There are two requirements for an NGO to become a “co-operative NGO”: to work in a field relevant to action against THB and to agree to conclude a Memorandum of Understanding with a public body involved in the implementation of the NRM. The only criterion that needs to be satisfied by a NGO wishing to participate in the activities of the Anti-Trafficking Council and its Working Group is to have an anti-trafficking component among their activities. The Armenian authorities have indicated that the regulations of the Anti-Trafficking Council and the Working Group make it possible to involve in their work NGOs and international organisations present in Armenia (see paragraphs 19 and 23).

57. Public officials and representatives of civil society and international organisations met during GRETA’s visit to Armenia asserted that action against THB is receiving increased attention in the country. Co-operation between public bodies and NGOs is generally working well, but according to some interlocutors, the existing regulations and memoranda in some cases do not provide sufficient access to assistance for potential victims of trafficking identified by NGOs, due to certain restrictions in the procedure for identification of victims of trafficking (see paragraph 113). Nonetheless, in practice, NGOs and the relevant authorities find ways to assist persons in respect of whom there are reasonable grounds to believe that they have been trafficked. Such needs-based co-operation between NGOs and public bodies depends on personal relationships rather than an institutionalised response of the anti-trafficking system.

58. In the light of the above, **GRETA considers that the Armenian authorities should take further measures to:**

- **ensure co-ordination at the regional level, including co-operation among regional units of public bodies responsible for anti-trafficking activities and local NGOs;**
- **promote the possibility of NGOs to participate in the work of the anti-trafficking bodies.**

59. In addition to the annual reports of the Anti-Trafficking Council and its Working Group, GRETA welcomes the independent evaluation of the implementation of the National Action Plan and **invites the Armenian authorities to use it as a tool for assessing the impact of the activities and for planning future policies and measures to combat human trafficking.**

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*ii. Training of relevant professionals*

60. The training of professionals involved in preventing and combating THB is one of the areas where a considerable investment of human and financial resources has been made in Armenia. Training courses are regularly organised by the authorities and NGOs, often with the support of international organisations and donor countries.

61. According to the Armenian authorities, in 2009-2010 special training on THB was organised for employees of the Division for the Fight against Trafficking of the General Department for the Fight against Organised Crime of the Police and officers of territorial units of the Police; 119 police officers received this training in 2009 and 104 officers in 2010. Training courses on trafficking are also included in the syllabus of the Police Academy. Further, a methodological manual "On the investigation of crimes relating to trafficking in human beings" for law enforcement bodies has been prepared by the Police and published with the assistance of the UNDP. In addition, the NGO "Hope and Help" held seminars in Lory and Aragatsotn regions, with the participation of local police officers, representatives of NGOs, employment and social services and local self-government bodies, with the view to raising awareness on international and domestic anti-trafficking legislation and introducing the provisions of the NRM.

62. In 2010, the topic of combating trafficking in human beings was introduced in the annual training courses organised by the Prosecutor General's Office held at the Prosecutors' School, which are mandatory for all prosecutors. Courses on "Criminal and legal characteristics of trafficking" and "Peculiarities of tactics and methods of investigation on actions of trafficking" form part of the annual training programme.

63. Since January 2010, the IOM, with the support of the US Government, has implemented the programme "Enhancement of Capacities of Border Control Detachment of Border Guard Troops of National Security Service of Armenia", which includes a training module entitled "Prevention of trafficking". The objective of this programme is to improve border control in Armenia and contribute to the reduction of illegal migration flows, through the development of capacities of border guard troops and related staff.

64. The curriculum of the Judicial School of Armenia includes training on trafficking in human beings. According to information provided by representatives of the judiciary, each judge should undergo 90 hours of training per year, which includes courses on THB.

65. Since March 2011, a module on THB is included in the training curriculum of civil servants. Training relating to THB was provided to around 1 500 teachers of 200 colleges and vocational schools throughout Armenia. During 2010, the Ministry of Education and Science, in co-operation with the World Vision Armenia Office provided training courses on THB to 105 teachers from 20 general education schools and two boarding schools with the purpose of enhancing their knowledge and enabling them to teach children on this subject. The Ministry of Health organised training and awareness-raising workshops on THB for medical doctors and other staff of medical establishments, focusing on the medical examination of THB victims, organisation of their in-hospital treatment and the role of health professionals in the implementation of the NRM.

66. In 2009-2010 the NGO "People in Need" organised training courses for teachers from secondary schools (317 teachers from 249 schools) and specialists from schools for children with special needs (one specialist per school) in Yerevan and the 10 regions of Armenia. Subsequently, the trained teachers of special schools organised training for 700 specialists and 860 children in their respective schools. In addition, 22 specialists of orphanages and care centres from the regions and Yerevan have been trained, and in their turn organised training for professional staff of their establishments. This NGO continued training and awareness raising activities in 2011-2012.

67. GRETA welcomes the steps taken to provide training for professionals involved in action against THB. However, GRETA refers to the proposals made in paragraph 118 (regarding the training of frontline staff involved in the identification of victims) and paragraph 168 (regarding training of judges, prosecutors and other legal professionals).

*iii. Data collection and research*

68. The human rights-based approach to anti-trafficking policies advocated by the Convention requires adequate monitoring and evaluation. An essential element is the regular availability of comprehensive statistical information on both trends in human trafficking and on the performance of main actors in the fight against trafficking. The collation of data from different state institutions and NGOs raises concerns about data protection, especially when personal data are involved. International standards have been set for the collection, storage, transfer, compilation and dissemination of data. In order to ensure full compliance with these standards, Parties are expected to apply appropriate measures and techniques of data protection. An additional requirement for human rights-based anti-trafficking policies is the conduct of research and analysis with special attention to the rights and interests of victims.

69. The Police and the Prosecutor General's Office collect statistical data on criminal cases (number of THB cases initiated and transmitted to court; final convictions, etc.). The MLSA collects data on the number of victims assisted through the NRM, as well as victims assisted by NGOs outside the NRM. Data collected by public bodies and relevant to THB is transmitted to the Anti-Trafficking Council which presents it in its reports. Further, NGOs providing assistance to victims and operating telephone hotlines collect data on the number of assisted victims of THB (irrespective of whether they were assisted through the NRM or by the NGO itself) and the number of telephone calls received.

70. That said, there is currently no system for collecting data concerning all aspects of action against THB in Armenia. The Armenian Government is aware of the importance of data collection and one of the measures included in the NAP for 2010-2012 envisages compiling databases on victims of THB and traffickers, in order to enable analysis of the extent and nature of THB in Armenia, its causes and contributing factors, and with a view to improving the efficiency of anti-trafficking policies. For this reason, in 2012 the Armenian authorities set up two databases, one concerning victims of THB and the other on traffickers, in co-operation with the ICMPD. These databases are managed respectively by the MLSA and the Police and are in the testing phase.

71. With respect to the protection of personal data, GRETA was informed that there were instances when victims' data were not adequately protected due to shortcomings in the communication system between the Police and NGOs. Information concerning victims of trafficking has to be filed according to special forms of the MLSA and the Ministry of Health, which, according to NGOs, do not safeguard the protection of personal data. In some cases, the protection of personal data concerning victims has been jeopardised by journalists publishing articles on THB. The Armenian authorities are aware of these difficulties and are taking measures to eliminate them, in particular by limiting access to correspondence containing personal data of victims only to focal points appointed by MLSA and the Police and providing training to journalists to raise their awareness of the need to safeguard personal data of victims of trafficking.

72. Several research projects on THB have been carried out by NGOs. For instance, in 2009-2010, the ARS carried out sociological research and a project on the identification of children who are not registered at birth. This project was supported by the UNHCR and UNICEF and was implemented in close co-operation with the Ministries of Territorial Administration, Foreign Affairs, Labour and Social Affairs, Justice and Health, as well as the Passport and Visa Department of the Police. A total of 126 children with no birth registration were detected in 97 families (out of a sample of 1 330 households), and 19 children without registration were identified in child care institutions. This research was seen as a valuable contribution to the protection of children's rights and prevention of child trafficking.

73. Another research project carried out by ARS in 2011, with financial support from the US Embassy, the OSCE and "People in Need", aimed to explore the awareness of THB among children in care institutions, orphanages and schools, and to detect potential trafficking risk cases among children from such institutions. The results of this research served as the basis for awareness-raising activities carried out subsequently by "People in Need", together with the Ministry of Education and Science.

74. The NAP for 2010-2012 envisages the conduct of studies on the scope and nature of trafficking in Armenia. A project is currently being carried out jointly by the MLSA and the OSCE Office in Yerevan, involving monitoring of the implementation of the NRM and court trials of THB cases, with a view to profiling victims and those receiving assistance. The Department on Family, Women and Children Issues of the MLSA periodically summarises the information on victims, in order to help understand the trends and causes of THB and develop victims' socio-psychological profiles.

75. GRETA welcomes the steps taken by the Armenian authorities to develop the aspect of data collection on THB. **GRETA considers that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Armenian authorities should develop and maintain a comprehensive and coherent information system on trafficking in human beings by compiling reliable statistical data from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.**

76. **Further, GRETA invites the Armenian authorities to conduct and support research on THB-related issues as an important source of information for future policy measures. Areas where research is particularly needed to shed more light on the extent of the problem of THB include trafficking for labour exploitation and child trafficking.**

#### *iv. International co-operation*

77. The Convention requires Parties to co-operate with each other "to the widest extent possible" in order to prevent and combat THB, protect and assist victims, and investigate related criminal offences (Article 32).

78. The Police and the Prosecutor General's Office are the main bodies responsible for international co-operation on combating THB and, according to the Armenian authorities, regularly provide information requested by the relevant authorities of other States. They may also provide information to the competent authorities of other countries without prior request, when they consider that this may be useful for criminal investigations. Such information is transmitted through diplomatic channels, the National Bureau of Interpol or direct communication with counterparts. The Police of Armenia has direct co-operation with the law enforcement authorities of transit and destination countries, in particular when tracking persons suspected of committing trafficking offences, in the repatriation of the Armenian victims of trafficking and for conducting parallel operational and investigative actions.

79. As a member of the CIS, Armenia has signed the Agreement on Co-operation between CIS member States in Combating Trafficking in Persons, Human Organs and Tissues and the Interagency Agreement on Co-operation in the Sphere of Organising Execution of Criminal Punishments.

80. At the bilateral level, on 5 December 2009 the Anti-Trafficking Council of Armenia and the National Committee on the Fight against Human Trafficking of the United Arab Emirates signed a Memorandum of Understanding on combating THB, focusing on co-operation in the criminal field. Armenia has also concluded readmission agreements with a number of countries, including Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, the Russian Federation, Sweden and Switzerland.

81. According to information provided by the Armenian authorities, in 2009-2010, the Armenian Police co-operated with law enforcement bodies of the Russian Federation, the United Arab Emirates, Georgia, Belarus, the Netherlands, Belgium, Ukraine, Uzbekistan, Yemen and Italy. This co-operation was mainly carried out through exchanges of letters rogatory and information during investigations.

82. According to representatives of the law enforcement bodies and the Prosecutor General's Office met by the GRETA delegation, international co-operation on THB matters is generally satisfactory, but there are difficulties in obtaining evidence from some countries. For instance, the absence of diplomatic relations with Turkey, which is one of the destination countries for trafficking victims from Armenia, prevents effective co-operation between the law enforcement bodies of the two countries. The only possibility for co-operation with Turkey is through the National Bureau of Interpol. Further, co-operation with the Russian Federation in detecting and investigating cases of trafficking for labour exploitation needs to be improved.

**83. GRETA considers that the Armenian authorities should further enhance international co-operation in the criminal and non-criminal fields by concluding agreements with countries to which Armenian nationals are trafficked and countries of origin of victims trafficked to Armenia.**

## **2. Implementation by Armenia of measures aimed to prevent trafficking in human beings**

84. According to Article 5 of the Convention, Parties must take co-ordinated action to prevent THB, with the involvement of relevant NGOs, other organisations and members of civil society as appropriate. The Convention requires Parties in particular to take measures to discourage demand, strengthen border controls and ensure the integrity, security and validity of travel or identity documents (Articles 6 to 9).

### **a. Awareness raising, education and measures to discourage demand**

85. The NAP for 2010-2012 accords particular attention to prevention activities adapted to the position of Armenia as predominantly a country of origin. Five objectives have been set: raising awareness on THB among the general public, raising awareness on THB among public officials, prevention of trafficking among children, implementation of social-economic programmes, and increasing the role of mass media. The implementation of prevention activities is distributed among a number of public bodies. In addition, NGOs working in the field of action against THB, international organisations and diplomatic missions accredited in Armenia bring a significant contribution to prevention activities.

86. In 2010, the Ministry of Education and Science included in the curricula of high schools the subjects of human rights and gender equality, which include the topic of trafficking in human beings. On the basis of a Memorandum of Understanding with the IOM, the Ministry participated in a regional pilot programme entitled "School Education in Armenia, Georgia and Azerbaijan Aimed at Prevention of Trafficking in Human Beings". Within this programme manuals on THB for teachers and students were published. In 2011-2012, the IOM provided training to 2 000 school teachers and 200 lecturers in vocational schools for teachers, as well as monitored lessons on trafficking in human beings in 137 schools throughout the country. The Ministry of Education and Science also published a brochure on THB for parents and a pocket information card, and disseminated an educational film on THB produced by the IOM. Other events, such as theatrical performances and photo exhibitions on THB were also organised. In July 2010, the Ministry of Education and Science, in co-operation with the NGO Caritas Armenia, organised training on THB for 30 teachers in Yerevan and Gyumri. Further, in 2011-2012 the topic of trafficking in human beings was included in the handbook for secondary schools entitled "Social Studies".

87. The 2009-2010 budget of the Ministry of Labour and Social Affairs funded the production of television programmes concerning THB. Within the framework of ATSRU (see paragraph 27), awareness-raising campaigns were implemented in Yerevan and the regions on “Skill development and capacity building of parties engaged in support to victims of trafficking” covering national and international legislation on THB, implementation of the NRM, identification and profiling of victims of trafficking, assistance, protection and re-integration of victims. These campaigns targeted representatives of family, women and child protection units of the regional authorities, territorial administrations, regional units of the State Employment Service Agency, regional departments of the police, representatives of local media and NGOs working with vulnerable groups, employees of child day care centres, employees of regional centres of social services and territorial units of the State Labour Inspectorate. In co-operation with ATSRU and the NGO “Hope and Help”, the Ministry organised a workshop on “Protection of children’s rights in Armenia in the context of the fight against trafficking in human beings” for students of the Sociology Department of Yerevan State University. Further, a workshop on THB was organised by the Ministry for the Chamber of Advocates of Armenia.

88. During 2009-2010, the Ministry of Sport and Youth Affairs organised a number of awareness-raising activities targeting young people. A project entitled “Role of young people in preventing THB” was initiated as a training seminar in Yerevan and was conducted in the same format in the regions. This project was funded by the State budget (approx. €10 200) and was supported by ATSRU. Further, in co-operation with the UN Department of Public Information, the IOM and the NGO “Armenian Association of the UN”, the Ministry implemented the project “Crime prevention and criminal justice: counter-effect of criminal justice on trafficking in human beings, links with international organised crime” in the youth centres of Ararat, Kotaik, Ijevan, Siunik and Lori regions. In addition, during 2010, a TV programme “Youth against trafficking” with the participation of members of the Working Group, anti-trafficking experts and youth representatives was aired by the public TV channel “H1”.

89. Alongside the measures taken by the authorities, NGOs also implement awareness-raising activities. For example, since September 2009 the NGO “Democracy Today”, in co-operation with “UMCOR-Armenia”, has implemented a project entitled “Better support to victims in Armenia and improvement in prevention of THB”. In the framework of this project, representatives of NGOs working with vulnerable groups followed a two-day training on identification of and assistance to victims of THB. Further, to raise awareness on THB in rural communities, representatives of “Democracy Today” visited 18 villages to discuss measures to prevent THB.

90. The NGOs “Hope and Help” and “People in Need” have implemented a number of projects and seminars devoted to preventing child trafficking. Specialists in the regional departments protecting the rights of families, women and children and members of community care and custody bodies from the 10 regions of Armenia participated in these seminars. To raise awareness on trafficking in children and the protection of children’s rights, round table discussions were organised with journalists. A compilation of international and national legislation regulating the rights of children was distributed to participants. Further, a manual “197 questions and responses on children’s rights protection and trafficking” was prepared for publication in 2011.

91. In 2009-2010 the NGO “People in Need” implemented a project aiming to promote an efficient response to child trafficking, funded by the European Union and the Czech Government. A number of activities on THB were also organised by this NGO for journalists, including round-table discussions and a contest entitled “Problems of child trafficking in Armenia”. A social promotional film on THB was aired during one month by 10 regional and three Yerevan-based TV channels.

92. During 2009-2010, the NGO “UMCOR” published information materials to raise awareness on labour migration, its consequences and possible risks of trafficking. Further, in 2010, in co-operation with the NGO “Cross of Armenian Unity” and charitable organisations, UMCOR disseminated a promotional film “Back to home”, which included stories based on life experiences of victims of THB. UMCOR also organised an international conference in July 2010 which aimed at promoting international co-operation for prevention of THB and protection of its victims.



93. In 2010, the NGO “Association of Audio-Visual Journalists” carried out a project funded by the UNDP through the Armenian Red Cross Society on the development of an anti-trafficking website. The Association also led an information campaign against trafficking within which it organised seminars for students from Goris Polytechnic and Vanadzor Pedagogical Institutes, as well as Yerevan State Engineering University.

94. According to one of the surveys conducted by the Armenian Relief Society, mass media and television in particular play a significant role in raising awareness on THB in Armenia. Public officials and NGO representatives met during the country visit to Armenia indicated that television is one of the most efficient ways to increase awareness on THB as the Armenian public considers television as the primary source of information. However, GRETA was informed that dissemination of awareness-raising programmes on THB by television is difficult due to the high cost of broadcasting time.

95. The Ministry of Sport and Youth Affairs, in co-operation with the NGO "Audio-Visual Journalists Association", implemented a joint project, consisting of series of social advertisements on action against THB, broadcast during 2011 over almost the entire territory of Armenia through regional television companies. Each of these companies broadcast nine advertisements during 15 days for an overall broadcasting time of 52 minutes. The costs of broadcasting which amounted to 7 571 553 AMD was covered by the State budget. In addition, in the framework of anti-trafficking activities, Armenian Public Television, with the assistance of the Anti-Trafficking Council broadcast eight anti-trafficking social advertisement videos provided by the NGO “Audio-Visual Journalists Association”. The broadcasting took place on 2-7 March 2012 and was done free of charge. The impact of these measures has been evaluated by two independent media companies.

96. While welcoming the above-mentioned measures to raise awareness and provide education on THB-related issues, GRETA notes that there is a need to design future prevention campaigns and activities on the basis of research on the trends of trafficking and the most effective means to inform the public.

**97. GRETA considers that the Armenian authorities should take steps to develop targeted awareness-raising and educational measures for groups vulnerable to THB, in particular children and young people leaving child-care institutions. Further, GRETA invites the Armenian authorities to carry out an assessment of the effectiveness of awareness-raising measures.**

98. In accordance with the Convention, measures to discourage demand for the services of victims of THB, especially women and children, should be understood as a positive obligation on Parties to adopt and reinforce such measures as regards THB for the purpose of any form of exploitation (see paragraph 108 of the Explanatory Report on the Convention). As it is stated in the Recommended Principles and Guidelines on Human Rights and Human Trafficking, strategies aimed at preventing THB shall address demand as a root cause of trafficking<sup>9</sup>.

99. In April 2011, the use of services of a person with the knowledge that the person is a victim of THB was criminalised through Article 132.3 of the CC. GRETA welcomes the adoption of this new legislative provision and notes that so far no criminal cases have been initiated for this offence. The Armenian authorities have indicated that they are planning to step up efforts to discourage demand for services of THB victims by means of media campaigns and social advertising. **GRETA invites the Armenian authorities to continue their efforts to discourage demand for services from trafficked persons, targeting in particular the most common forms of THB in the country.**

<sup>9</sup> Addendum to the Report of the United Nations High Commissioner for Human Rights (E/2002/68Add.1).

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b. Social, economic and other initiatives for groups vulnerable to THB

100. GRETA was informed by representatives of public bodies and NGOs that children victims of abuse by their parents or legal guardians, children placed in child-care institutions and young persons leaving these institutions are particularly vulnerable to THB. Further, the GRETA delegation was informed that until recently, one of the factors enabling trafficking in children was occasional failure to ensure birth registration of children. In 2010, the Armenian authorities set up a special inter-agency working group to deal with the issues of unregistered births. According to the Armenian authorities, registration of children is now regulated and should any child not be registered at birth, there are mechanisms to ensure their rapid identification by the local authorities and subsequent registration.

101. To decrease the trafficking risks for children from care institutions, the MLSA and regional municipalities make efforts to provide them with life-skills guidance, advice and assistance until the age of 23. Local authorities have established guardianship boards with the authority to remove an abused child from his/her family and place them in temporary accommodation facilities or foster families. Guardianship boards may as well address courts with the request to revoke parental rights from the abusive parents and appoint a guardian. Additional measures were taken in 2011 in order to protect children left without parental care. For example, the regulations of the “Zatik” orphanage have been amended to allow for 24-hour care for children left without parental care or in a difficult situation.

102. The NAP for 2010-2012 envisages a number of measures for groups vulnerable to THB. In 2010, the ARS and the MLSA continued a joint project started in 2006, under which 223 beneficiaries from orphanages received assistance. Under this project, the ARS carried out a study on the needs of children from orphanages and prepared individual programmes for them, including vocational training, medical and legal assistance, social and psychological support. In addition, the MLSA provides the graduates of child care institutions with scholarships and lump-sum financial aid, as well as in-kind assistance.

103. Another important economic initiative was taken in December 2010 with the inclusion of victims of trafficking into the list of priority groups under the Law on Social Protection in Case of Unemployment.

104. GRETA welcomes the efforts made by the Armenian authorities to assist groups identified as vulnerable to THB through economic and social initiatives. That said, **GRETA considers that the Armenian authorities should further strengthen the aspect of prevention through social and economic empowerment measures for groups vulnerable to THB. Such measures should be based on the identified root causes of THB (such as difficult economic and social conditions, absence of employment opportunities, inadequate education, etc.) and should aim to decrease their impact.**

105. Bearing in mind the importance of the registration of all children at birth to prevent the risk of trafficking, GRETA welcomes the efforts of the Armenian authorities to address this issue and **encourages them to continue ensuring the registration of all children at birth.**

c. Border measures and measures to enable legal migration

106. Information concerning entry and stay in Armenia is placed on websites of the Ministry of Foreign Affairs as well as Embassies and Consulates of Armenia abroad. Further, Embassies and Consulates of Armenia also provide on the spot consultations.

107. In 2009 in the framework of prevention of THB, the State Migration Service of the Ministry of Territorial Administration produced an information leaflet “On the procedure for and conditions of legal entry to, residence and engagement in working activity in foreign countries”. This leaflet was distributed to the State Employment Service Agency of the MLSA, territorial bodies providing social services, the Yerevan airport “Zvartnots” and migration resource centres over the entire territory of Armenia. The three migration resource centres in Yerevan and two in the regions examine migration patterns and profiles of migrants and provide information to potential migrants. In addition, the State Migration Service provided consultations to persons wishing to travel abroad. Other information leaflets<sup>10</sup> concerning safe migration and employment abroad were published with the assistance of international organisations and NGOs.

108. Being Party to the Collective Security Treaty Organisation (CSTO)<sup>11</sup>, Armenia participates in operative measures taken by CSTO member States to prevent illegal migration and trans-border crimes. In particular, preventive measures are organised in the territory of Armenia and at its border crossing points. These activities are co-ordinated by the General Department for the Fight against Organised Crime of the Police of the Republic of Armenia. In addition, special subdivisions of the National Security Service have the task of acquiring information about illegal migration and identifying potential organisers of trafficking. Passport control points at airports are supervised as regards flights to the most frequent destination countries for victims of THB from Armenia, as well as at border crossings with Georgia which is a transit country for victims trafficked to Turkey. Further, deported Armenian nationals who return to Armenia are interviewed by border officers within the limits of their powers at border crossing points, with a view to identifying victims of THB. GRETA takes note of the training module for Border Guards staff on prevention of trafficking (see paragraph 63).

109. Bearing in mind that a considerable number of Armenian people seek employment abroad, **GRETA invites the Armenian authorities to take measures to ensure that adequate information is provided to potential migrants concerning legal residence and employment in foreign countries, as well as the risks of exploitation and trafficking.**

### **3. Implementation by Armenia of measures to protect and promote the rights of victims of trafficking in human beings**

a. Identification of victims of THB

110. Article 10 of the Convention requires Parties to adopt measures to identify victims. In order to do so, Parties must provide their competent authorities with persons who are trained and qualified in preventing and combating THB and in identifying and helping victims, including children. Identifying a trafficking victim is a process which takes time, and therefore the Convention provides that if the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking, that person shall not be removed from the country until the identification process is completed and shall receive the assistance required by the Convention.

<sup>10</sup> Legal Guideline for Temporary Migrant Workers in the Russian Federation; Information Guideline for Migrants: Armenia-Turkey; Information Guideline for Migrants: Armenia-Germany; Information Guideline for Migrants: Armenia-Greece; For Migrant Workers Leaving for Russia from Ukraine, Moldova, Armenia, Azerbaijan and Georgia; Guideline for Migrant Workers Leaving for the Russian Federation published by ILO; Information leaflet entitled “What a Person Leaving for the Russian Federation Needs to Know”.

<sup>11</sup> The Collective Security Treaty Organization (CSTO) is an intergovernmental military alliance. On 7 October 2002, the Presidents of Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan signed a charter in Tashkent founding the CSTO. Uzbekistan joined the CSTO in 2006.

111. The identification of victims of THB in Armenia is prescribed in the NRM Regulation. According to Chapter IV of this Regulation, identification is carried out in three stages: preliminary, intermediate and final. Preliminary identification is performed by police officers, social workers and NGO representatives who detect signs suggesting that a person may be a victim of THB. Detection of victims by NGOs often begins with receiving information through telephone hotlines. Intermediate identification is performed by law enforcement officials who initiate criminal investigation for THB, based on the information received. In such cases the victim is considered as an “injured party” of the crime under investigation. Final identification is carried out by the court, when the victim of THB is granted the status of “injured party” in the court proceedings. In case no court proceedings are initiated, a decision by the prosecutor to recognise a person as an “injured party” will lead to final identification.

112. The different stages of identification of victims of THB have repercussions for their access to assistance and protection measures. Victims identified in the first stage (preliminary identification) are entitled to considerably less assistance measures than victims at the intermediary and final identification stages.

113. During GRETA’s country visit representatives of the police and NGOs indicated that that the procedure for identification of victims of THB aims to motivate victims to co-operate with law enforcement authorities in order to facilitate criminal investigation and prosecute traffickers. Unless victims of THB co-operate in the framework of criminal proceedings, formal identification is not possible. As a result, persons who are not ready to co-operate are not formally identified as victims of trafficking and are not entitled to assistance and protection measures envisaged for formally identified victims. GRETA is concerned that this has negative effect on the access of victims of THB to assistance and protection measures, which is not in line with the human rights-based and victim-centred approach promoted by the Convention.

114. As regards identification of victims of THB for labour exploitation in Armenia, a number of factors make it ineffective. The authority responsible for monitoring employment and labour conditions in Armenia is the State Labour Inspectorate. In order to visit an employment site, labour inspectors have to give a three-day advance notice. Further, in case of suspicion that an employer or business exploits persons or employs them in conditions akin to slavery, labour inspectors can contact the Police directly only if they discover elements of a crime. If no such elements are discovered they have to report to their supervisor who takes a decision as to whether the Police should be contacted. In addition, according to representatives of public bodies and NGOs, the current labour legislation does not provide for sufficient responsibility of private companies for making job offers abroad which result in exploitation.

115. An important factor hindering the detection of labour exploitation cases within Armenia is that, in cases of unregistered employment, which allegedly are frequent, labour conditions are harsh, sometimes abusive, and there is a high threshold of tolerance of such conditions from employees, due to a generally difficult labour market. Most labour disputes remain outside the justice system as the practice of claiming one’s rights through the court has not yet developed.

116. GRETA concludes that the current identification system of victims of THB is not sufficiently effective as it risks leaving out those who are unable or unwilling to co-operate with the authorities and take part in judicial proceedings against the alleged traffickers.

117. GRETA notes that the Armenian authorities have initiated discussions with the view to revising the NRM. GRETA welcomes this development and requests the Armenian authorities to keep it informed about the adoption of the revised NRM.

118. **GRETA urges the Armenian authorities to review the current identification procedure, with the view to disconnecting the identification of victims of THB from their participation in criminal proceedings. Further, GRETA urges the Armenian authorities to:**

- **ensure that all actors involved in the identification of victims of THB adopt a more proactive approach and increase their outreach work to make identification more effective;**
- **strengthen the multi-agency participation in the formal identification of victims of THB and encourage the application of existing direct and indirect criteria for victim identification;**
- **enhance efforts to identify victims of THB subjected to labour exploitation;**
- **strengthen training to frontline staff involved in the identification of victims of THB (including police officers, border guards, labour inspectors, social workers, staff of special institutions for children and NGO staff).**

b. Assistance to victims

119. The Convention requires Parties to take measures to assist victims in their physical, psychological and social recovery, taking account of the victim's safety and protection needs, in co-operation with NGOs and other organisations engaged in assistance to victims. This assistance must be provided on a consensual and informed basis, taking account of the special needs of persons in a vulnerable position, as well as children, and it must not be made conditional on the victim's willingness to act as a witness (Article 12). The need to take account of victims' needs is also referred to in the Convention's provisions concerning temporary residence permits (Article 14) and the rights of children victims of THB (Article 12(7)). The Convention also establishes that the assistance to victims of THB must include appropriate and secure accommodation.

120. The NRM Regulation defines three types of assistance which are linked to the stages of identification of victims (see paragraphs 111-113). Assistance for victims at the primary identification stage includes medical care, immediate in-kind assistance, legal consultation, short-term housing (up to 30 days) and psychological assistance. Intermediate assistance includes temporary housing for up to 60 days, medical examination and care<sup>12</sup>, legal assistance, psychological assistance, measures for re-integration into society, including professional training and where necessary, emergency financial assistance. Assistance provided upon final identification includes a package of assistance measures, in addition to the previously-mentioned measures, which are provided under the Law on Social Assistance.

121. The Ministry of Labour and Social Affairs (MLSA) is the body responsible for providing assistance to victims of THB through its regional departments, in co-operation with municipalities. The MLSA also supervises the budget allocated to NGOs who assist victims of THB. A significant proportion of assistance is provided by specialised NGOs which recently began to receive State funding for this purpose. "Hope and Help" offers short-term stay for victims of THB in its shelter and provides legal, psychological and medical assistance and vocational training. "UMCOR" operates a shelter for victims of THB providing short, medium, and long-term accommodation, psychological and material assistance, emergency medical care, translation and interpretation services, access to education for children and legal assistance during criminal proceedings.

<sup>12</sup> In accordance with the Decree N318-N "On Free Medical Care and Services Guaranteed by the State" adopted by the Government of the Republic of Armenia on March 4, 2004

122. Public bodies responsible for providing assistance to victims and THB have established good co-operation with NGOs providing such assistance. The financing of victim assistance from the State budget has gradually increased and there is a greater understanding of victims' needs and an increased commitment from the Government. However, the financing is not yet sufficient to cover the needs of all identified victims of trafficking, and the role of international donors in this area remains crucial.

123. The organisation of assistance and protection of victims of THB is, at times, accompanied by administrative and practical difficulties, which diminish the access of service-providing NGOs to public funds envisaged for this purpose. In particular, GRETA was informed that difficulties in financial reporting procedures had a restrictive effect on access to funding of some of the necessary assistance for victims, which the NGOs then had to cover through other sources. Representatives of public bodies concurred with the observation that the deployment of the budget available for victim assistance could be improved, but suggested that the main reason for this was the lack of experience among some NGOs in comprehensive financial management and reporting. This said, all actors concerned by financing and providing assistance to victims of THB are engaged in a dialogue to find solutions to problems arising in the implementation of this aspect of the NRM.

124. GRETA is concerned by the limitations on access to assistance and protection measures resulting from the current identification procedure. GRETA was informed of instances when persons who satisfied the indicators that would suggest they have been trafficked and were in need of rehabilitation and assistance were not entitled to these measures as they did not co-operate with the law enforcement authorities. GRETA is of the view that as long as there are clear indicators that a person has been a victim of trafficking, such a person should be effectively identified as a victim of THB and provided with the assistance measures he/she is entitled to under Article 12 of the Convention, without any additional requirements.

125. Public bodies and NGOs are aware of this lacuna and are making attempts at practical level to ensure that the neediest victims of THB are provided with the assistance even without having been formally identified. However, unless changes are made to the identification procedure, with the consequent effective access of all victims of THB to assistance and rehabilitation measures, a considerable number of such victims risks to remain outside the scope of the NRM.

126. As regards the quality of assistance measures provided to victims, at present no common standards have been defined that would be applied by either public or non-governmental service providers. GRETA notes that the NAP for 2010-2012 envisages addressing this issue by preparing recommendations on the status and types of rehabilitation centres and shelters for victims of THB and the services provided, and developing minimum standards for the services provided to trafficked persons, including creating and developing a network of service providers at local level.

127. During the visit to Armenia, the GRETA delegation visited a shelter for women victims of trafficking run by the NGO "UMCOR". Victims accommodated in this shelter were provided with medical care, psychological support and legal assistance, as well as reintegration support (e.g. vocational training and employment counselling). The shelter can accommodate up to 10 victims. The Armenian authorities cover the rental and utility costs of the shelter. Although most of the expenses related to the provision of assistance to victims have been covered by "UMCOR", the Government has recently started contributing towards these expenses as well.

128. Most, if not all of the measures for the assistance, protection and rehabilitation of victims of THB (including shelters) have been designed for women. There are no shelters for children and men victims of THB. GRETA was informed that such victims would be accommodated on an *ad hoc* basis by NGOs, the MLSA and regional administrations.

129. **GRETA urges the Armenian authorities to take further legislative and practical measures to provide victims and potential victims of THB with adequate assistance and protection, and in particular to:**

- **ensure that all victims of THB have effective access to assistance and protection they need, regardless of whether they co-operate with the law enforcement authorities;**
- **ensure that the necessary human and financial resources are made available to ensure unhindered and effective provision of the necessary assistance to all victims of THB, including when such assistance is delegated to NGOs as service providers;**
- **guarantee the quality of the services delivered by all service providers, for instance by establishing a set of mandatory quality standards and an effective supervision of their observance;**
- **improve the assistance provided to child victims of trafficking, including accommodation and medium- and long-term support programmes tailored to their needs;**
- **provide adequate assistance measures, including accommodation, to men victims of THB.**

c. Recovery and reflection period

130. As victims of THB are extremely vulnerable after the trauma they have experienced, Article 13 of the Convention introduces the obligation for Parties to provide in their internal law for a recovery and reflection period of at least 30 days. The minimum 30-day period constitutes an important guarantee for victims and potential victims and serves a number of purposes, including allowing them to recover and escape the influence of traffickers. During this period, Parties must authorise the person concerned to stay on their territory and expulsion orders cannot be enforced.

131. Armenian legislation does not contain a specific reference to a recovery and reflection period for victims of THB. Paragraph 27 of the NRM Regulation lists assistance measures at the stage of preliminary identification, which include accommodation for up to 30 days.

132. GRETA is concerned by this lacuna in the anti-trafficking legislative provisions and **urges the Armenian authorities to ensure that the recovery and reflection period provided for in Article 13 of the Convention is defined in Armenian law. Further, GRETA urges the Armenian authorities to ensure that victims of THB are systematically informed of the recovery and reflection period and are effectively granted such a period.**

d. Residence permits

133. Article 14(1) of the Convention provides for two possibilities when it comes to the issuing of residence permits to victims of THB: on the basis of their personal situation and/or their co-operation with the competent authorities in the investigation or criminal proceedings.

134. In Armenia, residence permits are issued to foreign nationals in accordance with the Law on Foreigners which envisages three types of residence permits: temporary, permanent and special. However, none of the grounds for granting a temporary residence permit are relevant to victims of THB.

135. According to the Armenian authorities, no foreign victims of THB identified in Armenia have required residence permits as their presence in Armenia was legal due to the visa-free regime with their countries of origin. However, GRETA was informed by representatives of public bodies that there is a legal gap in Armenian legislation as to the conditions and procedures for granting residence permit to foreign victims of THB.

**136. GRETA urges the Armenian authorities to introduce a possibility for victims of THB to apply for a residence permit, on the grounds provided for in Article 14 of the Convention, and to regularly inform them of such possibility.**

e. Compensation and legal redress

137. Article 15 of the Convention establishes the obligation for Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. Parties must also provide for the right of victims of trafficking to compensation from the perpetrators as well as adopt legislative or other measures to guarantee compensation for victims from the State. Further, Article 15(1) of the Convention establishes that victims of trafficking must have access to information on relevant judicial and administrative proceedings in a language which they can understand.

138. In Article 59(15) of the CCP concerning the rights and obligations of “injured parties” entitles them to receive compensation for the damage caused by unlawful actions. A formally identified victim of THB is entitled to file a civil claim for compensation from the perpetrator, which is heard together with the criminal case under the jurisdiction of the criminal proceeding. Victims may also be awarded compensation from the offender by decision of the court as part of the sentence. However, there have not been any cases of compensation being awarded to victims of THB. Compensation by the State for victims of any crime is not envisaged in Armenia. That said, GRETA notes that the NAP for 2010-2012 envisages the setting up of a State fund for this purpose.

139. As regards legal aid to victims of THB, it is not provided under the existing legal aid scheme<sup>13</sup>. Legal assistance, including during court proceedings, is provided by NGOs which contract lawyers and cover the costs from their own budget.

**140. GRETA urges the Armenian authorities to step up efforts to provide information to victims of THB about their right to compensation and to ensure that victims have effective access to legal aid in this respect. Further, GRETA urges the Armenian authorities to set up a State compensation scheme (e.g. a compensation fund) accessible to all victims of THB.**

f. Repatriation and return

141. Article 16 of the Convention requires Parties to establish repatriation programmes which aim at avoiding re-victimisation and involve relevant national or international institutions and NGOs, as well as to make efforts to favour the reintegration of victims into the society of the State of return. Parties must also make available to victims of trafficking contact information or structures that can assist them in the country of return, such as law enforcement offices, NGOs, legal professionals and social welfare agencies. The return of victims of trafficking must preferably be voluntary and needs to be carried out with due regard for the rights, safety and dignity of the person and for the status of any legal proceedings related to the fact that the person is a victim of THB.

<sup>13</sup> The primary aim of the legal aid system in Armenia is providing the assistance of a lawyer for persons accused of criminal offences, who have no sufficient means to cover these expenses themselves, in the context of access to a fair trial under Article 6 of the European Convention on Human Rights.



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142. The procedure for referral of Armenian nationals identified as victims of THB abroad is provided in the NRM Regulation. If the Ministry of Foreign Affairs receives information concerning an Armenian victim of THB in a foreign country, the information is transferred to the Police of Armenia or, with the victim's agreement, to the police authorities of the foreign country or a foreign NGO. After preliminary identification the victim is referred to the diplomatic/consular services of Armenia in the foreign country for repatriation. If information concerning an Armenian national victim of THB is received by a co-operating NGO (through telephone hotlines or other contacts), it is transmitted to the MLSA and the person concerned is referred to the diplomatic/consular services of Armenia or a foreign NGO. Victims repatriated to Armenia are entitled to the same assistance, protection and reintegration measures as those who are identified in Armenia.

143. During the country visit the GRETA delegation was informed that the IOM office in Armenia often provides assistance in returning Armenian victims of THB to their country through the assisted voluntary return procedure.

144. That said, the NRM Regulation does not set out the procedure for repatriation of victims of THB who are not Armenian nationals.

**145. GRETA considers that the Armenian authorities should take additional steps to develop the institutional and procedural framework for the repatriation and return of victims of THB, with due regard to the rights, safety, dignity and protection. Particular attention should be paid to ensuring that appropriate risk assessment is carried out prior to their return.**

#### **4. Implementation by Armenia of measures concerning substantive criminal law, investigation, prosecution and procedural law**

##### **a. Substantive criminal law**

146. Pursuant to Article 18 of the Convention, Parties have the obligation to establish THB as a criminal offence when committed intentionally. Further, the Convention requires Parties to consider taking measures to criminalise the use of services which are the object of exploitation, with the knowledge that the person is a victim of THB (Article 19). In addition, forging travel or identity documents, removing, concealing or destroying them, as well as procuring or providing them, must also be established as criminal offences, when committed intentionally and for the purpose of enabling THB (Article 20).

147. According to Article 132(1) of the CC, trafficking in human beings is punishable by imprisonment from five to eight years. The envisaged penalty of imprisonment is from seven to 12 years in the presence of aggravating circumstances which, pursuant to Article 132(2) of the CC, include committing the offence against two or more persons, by a prior agreement between a group of people, through abuse of official position, by a threat or use of violence which endangers a person's life or health, against a pregnant woman, or by arranging the person's illegal border crossing. Pursuant to Article 132(3) of the CC, if the offence is committed by an organised group and/or causes a person's death or leads to other grave consequences by negligence, the penalty is imprisonment from 10 to 14 years.

148. Trafficking in children and adults with mental disorders, as defined in Article 132.2 of the CC, is punishable by imprisonment for seven to 10 years. The same offence committed in the presence of the aggravating circumstances mentioned in paragraph 147 or kidnapping is punishable by imprisonment for seven to 12 years. If this offence is committed by an organised group and/or causes death or other grave consequences by negligence, it is punishable by imprisonment for 12 to 15 years.

149. For all the offences under Articles 132 and 132.2 listed above, including those committed under aggravating circumstances, courts may decide to apply additional sanctions in the form of confiscation of property, revocation of the right to hold certain positions and engaging in certain activities for a maximum of three years.

150. Article 324 of the CC criminalises the theft or damaging of documents, stamps and seals. In particular, it establishes that the theft of a passport or other important document is punishable by a fine ranging from 200 to 400 times the minimum salary, or imprisonment from two months to one year. In addition, theft, destruction, damaging or concealment of official documents, stamps and seals committed for personal gain or other personal interests, is punishable by a fine of from 300 to 500 times the minimum salary or imprisonment of one month to two years. No cases have been initiated so far for the commission of these offences for the purpose of THB.

151. As noted in paragraph 105, Armenian legislation establishes criminal liability for the use of services of a victim of THB with the knowledge that the person is a victim. Article 132.3 of the CC states that the knowing use of services of an exploited person, if the case does not fall under Articles 132 or 132.2 of the CC, is punishable by a fine of from 100 to 400 times the minimum salary or imprisonment for up to two years. The same offence committed against a minor, a person with a mental disorder, a pregnant woman or two or more persons is punishable by imprisonment for up to three years.

152. Armenian legislation allows taking into account previous crimes punishable in Armenia, irrespective of where they have been committed, when adjudicating on THB offences. Article 63 of the CC establishes that one of the aggravating circumstances is the repeated commission of a crime. Therefore, previous sentences issued by other countries for the offence of THB can be taken into consideration by Armenian courts when determining the penalty for a new offence by the same person.

153. At present the criminal liability of legal persons for their involvement in THB offences is not envisaged under Armenian law. The GRETA delegation was informed that the doctrine of criminal responsibility in Armenia is based on the subjective element of guilt, which, according to the authorities, cannot be established in respect of legal persons. However, representatives of the Prosecutor General's Office and the Ministry of Justice indicated that the possibility of introducing criminal liability for legal persons involved in crimes is currently being discussed. Taking into account the requirements of Article 22 of the Convention, **GRETA considers that the Armenian authorities should review the legislation with a view to establishing the liability of legal persons for their involvement in THB offences.**

b. Non-punishment of victims of THB

154. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties to victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so.

155. Under Article 132(5) of the CC a victim of THB is exonerated from punishment for offences of minor or medium gravity which he/she was involved in during trafficking or exploitation and was forced to commit. According to the Armenian authorities, no victim of THB has been prosecuted so far as there were no cases of offences committed by victims.

c. Investigation, prosecution and procedural law

156. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. In this context, Parties are required to co-operate with each other regarding investigations and criminal proceedings related to THB (Article 32). Further, the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports, and that associations or NGOs aimed at fighting THB or protecting human rights must be able to assist and support victims during criminal proceedings, in accordance with the conditions established in the internal law and with the victim's consent (Article 27).

157. Further, by virtue of Article 28 the Convention, Parties must take measures to provide effective and appropriate protection from potential retaliation or intimidation in particular during and after the investigation and prosecution of perpetrators. This protection can be of various types (physical, relocation, identity change, etc.) and is to be provided to victims of THB, to those who report it or otherwise co-operate with the investigating or prosecuting authorities, to witnesses who give testimony and, when necessary, to members of the families of those listed above. Article 30 of the Convention includes a provision requesting Parties to take measures to protect victims' private life and identity and to provide for their safety and protection from intimidation in the course of judicial proceedings, including special protection measures for child victims of THB.

158. In accordance with Article 27 of the Armenian CCP, a criminal investigation into trafficking in human beings is initiated *ex officio* by the body of inquiry, investigator or prosecutor. Offences related to THB are investigated by a special division in the Police of Armenia. All public bodies (labour inspectorates, border guards, local authorities) which come across potential THB victims are obliged to transfer the relevant information to the Police. Pursuant to the Law on Operative Investigative Activities, when investigating THB cases the Police have the possibility to use, with the authorisation of the court, investigative techniques such as: examination of goods and documents, surveillance, examination of buildings, constructions and transportation means, control of postal, telegraph and other types of correspondence, control of telephone conversations and confidential control of financial transactions.

159. The Police also have the right to seize proceeds of crime as a temporary measure, pending confiscation by a court ruling. That said, according to information provided by the Armenian authorities, in the period 2008-2011 no judgements leading to the confiscation of criminal assets were delivered for the offence of THB.

160. According to statistical information, provided by the Armenian authorities, in 2008 there were 13 cases initiated for THB. In the same year, four convictions were delivered by courts involving deprivation of liberty from two to seven and a half years. In 2009, 15 cases were initiated for trafficking and 11 convictions were handed down by courts, all of them with deprivation of liberty ranging from three to 11 years. In 2010, there were 15 cases initiated and four convictions handed down, resulting in deprivation of liberty from three to nine and a half years. In 2011, there were 12 convictions for THB with imprisonment sentences ranging from four to nine years.

161. Since 2008, the prosecution of THB offences is carried out by a special department of the Prosecutor General's Office. According to representatives of the prosecution, even though investigating THB cases is a complex task and obtaining evidence is always complicated, in general there is no need to re-qualify THB cases as other offences to ensure successful prosecution of traffickers.

162. Representatives of the judiciary stated that most THB cases arrive in the courts well substantiated, allowing to secure adequate penalties for the traffickers. Further, they informed the GRETA delegation that Armenian legislation allows for the direct application of international legal instruments to which Armenia is Party as they represent an integral part of national legislation. GRETA was also informed that in a recent judgment on a trafficking case (of 3 October 2011), the Court of Cassation provided an interpretation of the anti-trafficking provisions of the CC which the lower courts should apply when adjudicating THB cases.

163. GRETA was informed that most cases of THB considered by Armenian courts have concerned sexual exploitation of women, forced begging of children and labour exploitation of women. Courts consider very rarely cases concerning trafficking in men for the purpose of labour exploitation, due to difficulties in their investigation and in differentiating between cases of THB for labour exploitation and employment contract violations.

164. Pursuant to Article 98 of the CCP ("Obligation to protect the injured, defence attorneys, witnesses, accused and other persons participating in the criminal proceedings"), victims of THB can benefit from a range of protection measures, including personal data protection and security during court hearings. If necessary, victims of THB can have their place of residence and identity documents changed. Article 98 of the CCP also provides for bringing the offender and the victim separately to the court room, holding a closed court session and interrogating the protected person without disclosing his/her personal data.

165. However, providing effective protection to victims of THB during criminal proceedings remains a challenge. According to representatives of the prosecution, the judiciary and NGOs, ensuring the physical safety of victims and witnesses during court proceedings suffers from serious shortcomings. There is no special department in the Police or in the court administration to carry out this task. Representatives of the prosecution and the judiciary informed GRETA that sometimes police officers from the Organised Crime Department are invited to provide protection when there is a clear danger of victims facing threats from the offenders. In their comments to the draft GRETA report, the Armenian authorities have confirmed their intention to set up a special unit within the Police with the task of protecting victims of criminal offences, as well as other persons participating in criminal proceedings. GRETA welcomes this intention and would like to be informed of its implementation. GRETA further notes that a comprehensive revision of the CCP has been initiated in 2012 and the new CCP is expected to be adopted at the end of 2012 or in early 2013.

166. Measures to protect child victims during proceedings also leave room for improvement. GRETA notes that interviews with child victims of THB are conducted in a manner not allowing them to confront the traffickers. However, at present the legislation does not prohibit parents from representing their children before the court in cases when it was the parents who forced their children into trafficking. This results in a fundamental conflict of interests, deprives child victims of an opportunity to be represented by an independent guardian and creates a risk of further traumatising these children. According to the Armenian authorities, it is possible to use video recorded interviews of child victims in criminal cases as well as to remove the accused from the courtroom if a child victim needs to be interviewed.

167. In the light of the above. **GRETA considers that the Armenian authorities should step up their efforts to proactively investigate THB offences, with a special emphasis on cases involving children and cases of THB for labour exploitation. Further, when investigating human trafficking cases, GRETA considers that the Armenian authorities should envisage in law the use of special investigative techniques<sup>14</sup>, as defined in the Council of Europe Recommendation Rec(2005)10<sup>15</sup> and listed in the United Nations Convention against Transnational Organised Crime.**

168. **GRETA also urges the Armenian authorities to take legislative and practical measures to ensure the effective protection of victims of THB, especially children, during the investigation and to prevent their intimidation during and after court proceedings. As part of these measures, the bodies responsible for the protection of victims should be clearly designated and any gaps in the relevant legislation should be addressed.**

169. **Further, GRETA considers that the Armenian authorities should continue providing regular training to judges, prosecutors and other legal professionals on THB and the rights of its victims.**

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<sup>14</sup> "Special investigation techniques" means techniques applied by the competent authorities in the context of criminal investigations for the purpose of detecting and investigating serious crimes and suspects, aiming at gathering information in such a way as not to alert the target persons.

<sup>15</sup> Recommendation Rec(2005)10 of the Committee of Ministers to member states on "special investigation techniques" in relation to serious crimes including acts of terrorism.

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## 5. Concluding remarks

170. The legal and institutional framework put in place by the Armenian authorities to prevent and combat THB provides a good basis for tackling this phenomenon from a human rights-based perspective. The increased financial resources allocated by the Armenian authorities to assist victims of THB and the active involvement of NGOs are signs of willingness to put the human rights of trafficked persons at the centre of anti-trafficking action.

171. That said, GRETA considers that the Armenian authorities should take further steps to ensure that the human rights-based and victim-centred approach underpinning the Convention is fully reflected and applied in the national policy to combat trafficking, from prevention to protection, prosecution and redress. This includes taking measures to strengthen the aspect of prevention among groups vulnerable to THB, such as children without parental care and children in state institutions.

172. The human rights-based approach to trafficking requires ensuring that all victims of trafficking are identified as such, regardless of whether they co-operate with law enforcement authorities. Victims of THB should be entitled to a recovery and reflection period, during which no expulsion orders can be enforced and should be provided with a residence permit on the basis of their personal situation and/or their co-operation with the competent authorities.

173. It is also crucial that all victims of trafficking receive assistance regardless of whether they co-operate with the law enforcement authorities. Assistance measures should be provided not only for women, but also for men and children who are victims of THB. The right to compensation should be made effective in practice, including through the setting up of a State compensation scheme. A victim-centred approach also requires ensuring effective protection of victims of trafficking, especially children, during the investigation and preventing their intimidation during and after court proceedings.

174. GRETA considers that the training of law enforcement officials, border guards, prosecutors, judges, social workers and other relevant professionals should stress the need to apply a human rights-based approach to action against THB on the basis of the Council of Europe Anti-Trafficking Convention and the case-law of the European Court of Human Rights.

175. GRETA invites the Armenian authorities to keep it regularly informed of developments as regards the implementation of the Council of Europe Anti-Trafficking Convention and looks forward to continuing its good co-operation with the Armenian authorities for achieving the purposes of this Convention.

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## **Appendix I: List of GRETA's proposals**

### **Core concepts and definitions**

1. GRETA considers that spelling out the irrelevance of the consent of the victim to the intended exploitation could improve the implementation of the legal provisions establishing THB as an offence and provide victims with greater confidence in self-reporting to NGOs and public authorities.
2. GRETA invites the Armenian authorities to harmonise the criminal law definition of THB with the definition contained in the Regulation on the functioning of the NRM.

### **Comprehensive approach and co-ordination**

3. GRETA considers that the Armenian authorities should take further measures to:
  - ensure co-ordination at the regional level, including co-operation among regional units of public bodies responsible for anti-trafficking activities and local NGOs;
  - promote the possibility of NGOs to participate in the work of the anti-trafficking bodies.
4. GRETA invites the Armenian authorities to use the independent evaluation of the implementation of the National Action Plan as a tool for assessing the impact of the activities and for planning future policies and measures to combat human trafficking.

### **Data collection and research**

5. GRETA considers that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Armenian authorities should develop and maintain a comprehensive and coherent information system on trafficking in human beings by compiling reliable statistical data from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.
6. Further, GRETA invites the Armenian authorities to conduct and support research on THB-related issues as an important source of information for future policy measures. Areas where research is particularly needed to shed more light on the extent of the problem of THB, in particular trafficking for labour exploitation and child trafficking.

### **International co-operation**

7. GRETA considers that the Armenian authorities should further enhance international co-operation in the criminal and non-criminal fields by concluding agreements with countries to which Armenian nationals are trafficked and countries of origin of victims trafficked to Armenia.

### **Awareness raising, education and measures to discourage demand**

8. GRETA considers that the Armenian authorities should take steps to develop targeted awareness-raising and educational measures for groups vulnerable to THB, in particular children and young people leaving child-care institutions. Further, GRETA invites the Armenian authorities to carry out an assessment of the effectiveness of awareness-raising measures.
9. GRETA invites the Armenian authorities to continue their efforts to discourage demand for services from trafficked persons, targeting in particular the most common forms of THB in the country.

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### **Social, economic and other initiatives for groups vulnerable to THB**

10. GRETA considers that the Armenian authorities should further strengthen the aspect of prevention through social and economic empowerment measures for groups vulnerable to THB. Such measures should be based on the identified root causes of THB (such as difficult economic and social conditions, absence of employment opportunities, inadequate education, etc.) and should aim to decrease their impact.

11. GRETA encourages the Armenian authorities to continue ensuring the registration of all children at birth.

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

12. GRETA invites the Armenian authorities to take measures to ensure that adequate information is provided to potential migrants concerning legal residence and employment in foreign countries, as well as the risks of exploitation and trafficking.

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

13. GRETA urges the Armenian authorities to review the current identification procedure with the view to disconnecting the identification of victims of THB from their participation in criminal proceedings. Further, GRETA urges the Armenian authorities to:

- ensure that all actors involved in the identification of victims of THB adopt a more proactive approach and increase their outreach work to make identification more effective;
- strengthen the multi-agency participation in the formal identification of victims of THB and encourage the application of existing direct and indirect criteria for victim identification;
- enhance efforts to identify victims of THB subjected to labour exploitation;
- strengthen training to frontline staff involved in the identification of victims of THB (including the police, border guards, labour inspectors, social workers, staff of special institutions for children, NGOs).

### **Assistance measures**

14. GRETA urges the Armenian authorities to take further legislative and practical measures to provide victims and potential victims of THB with adequate assistance and protection, and in particular to:

- ensure that all victims of THB have effective access to assistance and protection they need, regardless of whether they co-operate with the law enforcement authorities;
- ensure that the necessary human and financial resources are made available to ensure unhindered and effective provision of the necessary assistance to all victims of THB, including when such assistance is delegated to NGOs as service providers;
- guarantee the quality of the services delivered by all service providers for instance by establishing a set of mandatory quality standards and an effective supervision of their observance;
- improve the assistance provided to child victims of trafficking, including accommodation and medium- and long-term support programmes tailored to their needs;
- provide adequate assistance measures, including accommodation, to men victims of THB.



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### **Recovery and reflection period**

15. GRETA urges the Armenian authorities to ensure that the recovery and reflection period provided for in Article 13 of the Convention is defined in Armenian law. Further, GRETA urges the Armenian authorities to ensure that victims of THB are systematically informed of the recovery and reflection period and are effectively granted such a period.

### **Residence permits**

16. GRETA urges the Armenian authorities to introduce a possibility for victims of THB to apply for a residence permit, on the grounds provided for in Article 14 of the Convention, and to regularly inform them of such possibility.

### **Compensation and legal redress**

17. GRETA urges the Armenian authorities to step up efforts to provide information to victims of THB about their right to compensation and to ensure that victims have effective access to legal aid in this respect. Further, GRETA urges the Armenian authorities to set up a State compensation scheme (e.g. a compensation fund) accessible to all victims of THB.

### **Repatriation and return**

18. GRETA considers that the Armenian authorities should take additional steps to develop the institutional and procedural framework for the repatriation and return of victims of THB, with due regard to the rights, safety, dignity and protection. Particular attention should be paid to ensuring that appropriate risk assessment is carried out prior to their return.

### **Substantive criminal law**

19. GRETA considers that the Armenian authorities should review the legislation with a view to establishing the liability of legal persons for their involvement in THB offences.

### **Investigation, prosecution and procedural law**

20. GRETA considers that the Armenian authorities should step up their efforts to proactively investigate THB offences, with a special emphasis on cases involving children and cases of THB for labour exploitation. Further, when investigating trafficking cases, GRETA considers that the Armenian authorities should envisage in law the use of special investigative techniques, as defined in the Council of Europe Recommendation Rec(2005)10 when investigating THB cases and listed in the United Nations Convention against Transnational Organised Crime

21. GRETA urges the Armenian authorities to take legislative and practical measures to ensure the effective protection of victims of THB, especially children, during the investigation and to prevent their intimidation during and after court proceedings. As part of these measures, the bodies responsible for the protection of victims should be clearly designated and any gaps in the relevant legislation should be addressed.

22. Further, GRETA considers that the Armenian authorities should continue providing regular training to judges, prosecutors and other legal professionals on THB and the rights of its victims.

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## **Appendix II: List of public bodies and intergovernmental and non-governmental organisations with which GRETA held consultations**

### **Public bodies**

- Police of Armenia
- Border Guards Service
- Office of the Prosecutor General
- State Migration Service of the Ministry of Territorial Administration
- Ministry of Labour and Social Affairs
- Ministry of Health Care
- Ministry of Economy
- Ministry of Education and Science
- Ministry of Sport and Youth Affairs
- Ministry of Justice
- Chamber of Advocates of Armenia
- Court of Appeals
- Ministry of Foreign Affairs

### **Intergovernmental organisations**

- International Labour Organisation (ILO) Office in Armenia
- International Organisation for Migration (IOM) Office in Armenia
- Office of the Organisation for Security and Co-operation in Europe (OSCE) in Armenia

### **NGOs and other non-governmental actors**

- “People in Need”
- “Hope and Help”
- “Democracy Today”
- United Methodist Committee on Relief (UMCOR) Armenia
- Confederation of Trade Unions of Armenia (CTUA)

## **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 authorities of Armenia 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 20 July 2012 and invited them to submit any final comments. The Armenian authorities' comments, submitted on 14 September 2012, are reproduced hereafter.





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REPRESENTATION PERMANENTE DE LA REPUBLIQUE D'ARMENIE AUPRES DU CONSEIL DE L'EUROPE

Ref: 331/C-36/2012

*13 September 2012, Strasbourg*

Dear Mr. Le Coz,

Herewith I am forwarding to you the Comments by the Government of the Republic of Armenia to the Final Report regarding the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

I remain at your disposal for further clarifications may the need arise.

Enc. 2 pages

Sincerely yours,

A handwritten signature in black ink, appearing to read 'A. Papiyan'.

Armen PAPIKYAN

Ambassador, Permanent Representative

Mr. Nicolas LE COZ  
President of the Group of Experts on Action against  
Trafficking in Human Beings (GRETA)

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**Comments by the Government of the Republic of Armenia  
to the Final Report regarding the implementation of the Council of Europe  
Convention on Action against Trafficking in Human Beings**

Armenia would like to acknowledge receipt of the final report drawn up by the Group of Experts on Action against Trafficking in Human Beings (GRETA) containing both conclusions on the measures taken by Armenia to implement the provisions of the Convention as well as proposals concerning the ways in which this implementation may be strengthened.

The present report offers a valuable opportunity for Armenia to further strengthen the anti-trafficking activities in the country. In this respect, Armenian authorities would like to thank Secretariat of the Convention as well as the Delegation of GRETA, composed of Ms. Leonor Rodrigues, Mar. Helmut Sax and Mar. David Dolidze, Administrator at the Secretariat of the Convention, for the spirit of co-operation during the monitoring process.

Herewith Armenia would like to submit the following remarks with regard to some of the recommendations made by GRETA in the Report.

Recommendation 4

The results of independent monitoring of 2010-2012 Anti-trafficking National Action Plan implementation carried out with the support of the OSCE Office in Yerevan are taken into account while developing the next National Action Plan for 2013-2015, the work on which is currently underway

The implementation of certain activities mentioned in particular in Recommendations 8, 11, 12, 13 (part 4) and 21 are of continuous nature and with some modifications will be included in the Anti-trafficking National Action Plan for 2013-2015.

Recommendations 13, 14, 15 and 20

Giving importance to the issue of providing the victims and potential victims of THB with adequate assistance and protection, Armenian authorities implement activities

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aimed at the improvement of legislation and ensure its application. Namely, a new Criminal Procedural Code is being developed which will be introduced to the National Assembly by the end of this year. The new Code foresees effective protection measures for the victims of THB, including child victims.

Besides, activities are being carried out for the revision of the National Referral Mechanism for Trafficked Persons. Specifically, the main areas to be reviewed are:

- Revision of the current three stage victims identification procedure, in particular, the detachment of the identification of victims of THB and provision of assistance to them from their co-operation with the law enforcement authorities or their participation in criminal proceedings.
- development of a state compensation scheme;
- inclusion of a recovery and reflection period foreseen in Article 13 of the Convention.

Armenia would like to confirm its interest to continue fruitful cooperation with GRETA and stands ready to regularly inform GRETA on developments concerning the national implementation of the Convention.