



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Initial reports of States parties due in 2007

Armenia*

[4 April 2012]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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I. Introduction

1. The Republic of Armenia ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 2 February 2005. The mentioned Optional Protocol entered into force on 30 July 2005. In accordance with article 12, paragraph 1, of the Optional Protocol, the Republic of Armenia submits its initial report on the implementation of the provisions of the Protocol.

2. The report was prepared by the inter-ministerial working group, which included the representatives of the corresponding ministries and agencies. Interested non-governmental organisations had the opportunity to submit proposals regarding the structure and content of the report.

3. The Convention on the Rights of the Child and the two Optional Protocols thereto serve as the core documents for the Government, on the basis of which the state strategy on the protection of the rights of the child, including national programmes are developed.

4. Thus, the 2004-2015 National Plan of Action for the Protection of the Rights of the Child and the 2012 Annual Programme for the Protection of the Rights of the Child were prepared in accordance with the provisions of the Convention on the Rights of the Child on the basis of the commitments assumed within the framework of the proposals made by the Committee on the Rights of the Child to the Republic of Armenia.

5. As in the case of other international treaties, the two Optional Protocols to the Convention also become an integral part of the legal system of the Republic of Armenia after being ratified or approved in accordance with Article 6 of the Constitution of the Republic of Armenia. In accordance with the same Article of the Constitution, "If ratified international treaties define norms other than those provided for by laws, such norms shall apply".

6. The Republic of Armenia pays much attention to the fight against trafficking. The country has a Ministerial Council to Combat Trafficking in Persons, which is headed by the Deputy Prime Minister of the Republic of Armenia. The activities of the working group adjunct to the Council are co-ordinated by the Ministry of Foreign Affairs of the Republic of Armenia. The Council includes representatives of interested ministries and departments, as well as non-governmental organisations.

7. The Republic of Armenia guarantees the immunity of the child, ensures the protection of the child from any form of exploitation, physical and psychological violence, cruel and inhuman treatment, sexual and other abuse.

8. To implement those objectives, the Criminal Code of the Republic of Armenia, based on the principles and norms of the Constitution of the Republic of Armenia and international law, establishes the basis of criminal justice and the principles of criminal legislation, determines which dangerous acts for society are considered crimes of that nature and defines the types of punishment and other measures of the influence of criminal law for performing them.

9. From time to time integrated measures aimed at revising and improving the existing national legislation are implemented for the protection of the rights of the child and for the improvement of the child's situation.

10. In accordance with the existing legislation, the protection of the rights and legal interests of the child are ensured by:

- National Commission for the Protection of the Rights of the Child

- Guardianship and curatorship bodies
- Prosecutor’s offices, courts
- Divisions dealing with the cases of minors of the Police of the Republic of Armenia
- Other institutions authorised by the legislation of the Republic of Armenia, which — in their activities — are guided by the principles of the protection of the rights and legal interests of the child

II. Statistics

11. The following have been registered from 2005 to 2010 in accordance with the statistics provided by the information centre of the Police of the Republic of Armenia.

Table 1.
Cases of trafficking

<i>Type of crime</i>	<i>Victim is a minor</i>					
	2005	2006	2007	2008	2009	2010
132	1	0	0	0	0	1
132	0	1	0	0	0	2

12. In accordance with the statistics, child trafficking is not common in the Republic of Armenia. However, the registered cases are troubling and require consistent efforts for prevention.

Table 2 (a).
Cases of prostitution

<i>Type of crime</i>	<i>Victim is a minor</i>					
	2005	2006	2007	2008	2009	2010
Art. 262 (3) (1)	0	0	0	0	3	2

13. It should be mentioned that preventive efforts against the spread of prostitution among minors are implemented by the Police of the Republic of Armenia, even though that is not a key objective.

Table 2 (b).
Prostitute is a minor

<i>Registered</i>	<i>Prostitute is a minor</i>					
	2005	2006	2007	2008	2009	2010
	5	4	3	5	3	2

14. Currently, minor prostitutes aren’t registered by the police.

Table 3.
Sale of children

<i>Type of crime</i>	<i>Victim is a minor</i>					
	2005	2006	2007	2008	2009	2010
Art. 168	2	0	6	9	6	1

15. No cases of illegally taking children out of the country or kidnapping have been registered.

16. The corresponding subdivisions of the Police of the Republic of Armenia work actively on revealing cases of child pornography crimes. Cases involving elements of Article 166 of the Criminal Code of the Republic of Armenia (engaging a child in actions connected with pornography or with preparation of materials or objects of pornographic nature by a person having attained the age of 18) have not been revealed, while the following are the statistics of crime involving elements of Article 263(2) (storage of child pornography in a computer system or in a computer data-storage system).

Table 4.

Child pornography (crime involving elements of art. 263 (2))

<i>Type of Crime</i>	<i>Victim is a minor</i>					
	2005	2006	2007	2008	2009	2010
Art. 263(2)	0	1	0	0	1	0

17. In the last three years, there have not been any revelations of the trade or transfer of children for the purpose of sexual exploitation, the extortion/transfer of children's organs and adoption by violation of the procedure in force.

III. General measures of implementation

18. The protection of each citizen, as well as a minor against tortures, cruel or degrading treatment or punishment is guaranteed by the Constitution of the Republic of Armenia. The Government of the Republic of Armenia has affirmed its support to the policy on preventing and eliminating gender-based violence and has recognised violence as one of the grave violations of human rights. The government has taken measures to prevent violence as a discriminatory and anti-social phenomenon. On 17 June 2011, the RA Government adopted the "National Action Plan-against Gender-based Violence", the "2011-2015 Strategic Programme against Gender-based Violence" and the "2011 Action Plan against Gender-based Violence".

19. Each child has the right to be protected against all types of violence (physical, mental and other). Any person, including parents or other legal representatives are prohibited from subjecting the child to violence or degrading punishment, or other similar treatment. In case of the violation of the rights and legal interests of the child, the perpetrator is held responsible as prescribed by the legislation of the Republic of Armenia. The government and its corresponding bodies protect the child from any violence, exploitation, involvement in criminal acts, the sale of a child, child pornography, prostitution, gambling and the violation of his or her rights and legal interests (Article 9 of the law "On the Rights of the Child"). The Republic of Armenia strictly prohibits the sale of a child, child prostitution, as well as child pornography. The above mentioned are crimes that are strictly punished in accordance with the corresponding Articles of the Criminal Code of the Republic of Armenia.

20. The body in charge of key issues of children in the Republic of Armenia is the Ministry of Labour and Social Issues of the Republic of Armenia, which implements a State policy on this sphere in collaboration with local self-government bodies, as well as non-governmental organisations.

A. Plan of action

21. The 2004-2015 National Plan of Action for the Protection of the Rights of the Child in the Republic of Armenia has been adopted by the Decision of the Government of the Republic of Armenia No 1745 of 18 December 2003. It is a comprehensive document which contains in itself the policy on children in different spheres. In accordance with the Decision of the Government of the Republic of Armenia No 558 of 21 June 2011, a state inter-ministerial commission was established with the purpose of developing a national Plan of Action for the protection of the Rights of the Child. The latter helped set the objectives and develop strategies regarding children which had to be carried out through state structures, local self-government bodies and other systems. Thus, by developing and adopting this Plan of Action, the Republic of Armenia underlined that the issues related to children were primary for the government. The following are the main directions of the National Plan of Action: legislation, healthcare, social security, education, rest, leisure and cultural life, violations of the law and justice, control methods and further actions, as well as proposals made by non-governmental organisations.

22. The 2004-2015 Plan of Action, which indicates the general measures of implementation as one of the main goals, indicates that “the Republic of Armenia must take adequate steps to protect children from cruel treatment, exploitation and violence, and to achieve this, it must implement practical measures. There also has to be a corresponding personnel with willingness which will help child victims re-integrate into society.” It should also be mentioned that, as a future strategy, the Plan of Action also indicates “the establishment of a re-integration centre for 12-18-year old minors that have deviant behavior, need special education and are subject to sexual or other types of exploitation. Revelation of minors that have been subjected to sexual or other types of exploitation and violence and their social-psychological rehabilitation. The development of special programmes to ensure the protection of children that have been victims of violence and sexual exploitation.” It is also mentioned in the Plan that there is a need to reconsider the liability of adults for the cruel and degrading treatment to children in the legislative acts.

23. Every year, a corresponding annual programme is developed and carried out on the basis of the 2004-2015 National Plan of Action for the Protection of the Rights of the Child in the Republic of Armenia. Thus, the 2012 Annual Programme for the Protection of the Rights of the Child was adopted by the Government of the Republic of Armenia on 29 September 2011.

24. Measures targeted at protecting the rights of the child and improving the quality of life will be carried out in 2012. The measures envisaged by the 2012 Plan of Action for the Protection of the Rights of the Child emanate from the protection of the rights and interests of children with the purpose of creating favorable conditions for their care, treatment and education, their normal physical and mental development, psychological rehabilitation and effective socialization. A list of events for 2012 has been prepared based on the mentioned programme. The list declares the amount of the sum necessary for implementation of the programme in 2012. As a rule, funding for the annual programme is carried out through the state budget.

25. Several state social programmes such as the following are carried out in the country:

- (a) Social protection for children that have been left without parental care:

Within the framework of the Plan of Action, children in difficult life situations and with no parental care are provided with special care. Individual social-psychological rehabilitation programmes are carried out to raise the quality of children’s lives and to adapt it to minimum social standards. The programmes include an assessment of the child’s state, including an assessment of the child’s

health condition, psychological and other anti-crisis measures, as well as long-term measures for social-psychological rehabilitation of the child, which are carried out by the territorial centres of social services, individually or in collaboration with educational, medical or other organisations;

(b) Social care services for children in a risk zone:

Within the framework of the Plan of Action, socially insecure, disabled children of 6-18 years of age deprived of parental care and with upbringing difficulties are provided with care at the institution and at home during day time until their social-psychological rehabilitation;

(c) Social care services for children in difficult situations at child day care centres:

Within the framework of the Plan of Action, disabled children, or children with social-psychological issues and children with special needs are provided with services in four day care centres of “Huysi Kamurdj” (Bridge of Hope) non-governmental organisation in four cities and the nearby villages of one of the marzes of the Republic;

(d) Services for night care and the protection of children:

Within the framework of the Programme, children from socially vulnerable families are taken care of at night-care institutions.

26. The next national programme related to the issue is the “2010-2012 National Programme on the fight against trafficking in the Republic of Armenia”.

27. The following is envisaged in accordance with the Programme:

(a) Social-psychological rehabilitation of the victims of trafficking:

Within the framework of the Programme, the victims of trafficking receive not only social, medical, legal and psychological assistance, but they are also provided with temporary shelter.

B. Legislation

28. The legal framework regulating the field:

- The Labour Code of the Republic of Armenia (2004)
- The Family Code of the Republic of Armenia (2004)
- The Law of the Republic of Armenia “On the Rights of the Child” (1996)
- The Law of the Republic of Armenia “On the Social Protection of Children left without Parental Care” (2005)
- The Law of the Republic of Armenia “On Social Support” (2005)

29. Other types of legal acts:

- 2006-2010 Reforms Strategy for Social Protection of Children in Difficult Life Situations (new programme is currently being developed)
- Procedure for Providing the Child with Day Care (2006)
- “Procedure for Providing Homes to Children without Parental Care” (2003)
- “Exemplary Charter of the Department for the Protection of the Rights of Children of Marzes of the Republic of Armenia (Yerevan Municipality)” (2010)

- “Procedure for Placing the Child in a Foster Family” (2008)
- “National Guidance Procedure for Persons Subjected to Human Exploitation (Trafficking)” (2009)
- “Decision of the RA Government on approving the list of institutions fostering and protecting children in the Republic of Armenia, the standards for the placement of children in those institutions and on making a supplement and amendments to the Decision of the Government of the Republic of Armenia No 2179 of 26 December 2002 ” (2005)
- Decision of the Government of the Republic of Armenia No 1324 of 5 August 2004 “On recognising the authorized state administrative body of the Government of the Republic of Armenia and approving the minimum state social standards necessary for the care and education of children at institutions fostering and protecting children”
 - The 21 minimum state social standards necessary for the care and education of children at institutions fostering and protecting children have also been established by the Decision.
 - In accordance with standard No 8, the institution fostering and protecting children is obliged to ensure the protection of the child from:
 - (a) Psychological and physical violence, including sexual exploitation and perversion;
 - (b) Cruel treatment;
 - (c) Exploitation of labour;
 - (d) Crimes;
 - (e) Lack of attention and injustice;
 - (f) Substances endangering health and conditions that present a danger to life.
- International Treaties

30. In accordance with the legislation of the Republic of Armenia, parents are not only obliged to ensure the child’s harmonious development, but also bear a liability for violating the obligations.

31. All the above mentioned documents are first and foremost targeted at preventing the sale of a child, child prostitution and child pornography.

32. The concept of “child trafficking” is used in the Criminal Code of the Republic of Armenia. In its sense, the concept falls in line with the definitions included in the definition of the concept of “human trafficking”.

33. Protection of the child from any form of exploitation (labour, sexual and other), including the transportation and transfer with the same purposes, is carried out in accordance with the provisions of Articles 17, 140 and 155 of the Labour Code of the Republic of Armenia, Articles 19, 9 and 23 of the law of the Republic of Armenia “On the Rights of the Child” and Articles 132.2, 132.3, 166, 166.1, 168 and 262 of the Criminal Code of the Republic of Armenia.

34. In accordance with the Labour Code of the Republic of Armenia:

- Persons at the age of fourteen to sixteen who work under an employment contract shall be considered employees. They sign a provisional employment contract on the

basis of which those persons may be included only in temporary activities that do not cause harm to their health, safety, education and morality. In addition, fourteen to eighteen year old persons may not be engaged in work in the days of rest, non-working days (holidays and days of remembrance), with the exception of cases of participation in sports and cultural events;

- A shorter working period, *i.e.* 24 and 36 hours a week, is defined for fourteen to sixteen years old employees, and for sixteen to eighteen years old employees respectively;
- Employees under the age of eighteen are given not less than two rest days during the week.

35. In accordance with the Law “On the Rights of the Child”:

- It is prohibited to subject a child to violence or degrading punishment, or other similar treatment;
- It is prohibited to engage a child in the production, use or sale of alcoholic beverages, narcotic drugs and psychotropic substances, tobacco, literature and videotapes of erotic and horror content, as well as in activities that may cause harm to the child's health, physical and mental development and may impede learning.

36. The government guarantees the safety of the child. The illegal transportation of the child (including to other countries), abduction and sale of the child entail criminal liability.

37. In accordance with the Criminal Code of the Republic of Armenia, the following actions are criminally punishable:

- Recruitment, transportation, transfer, harbouring or receiving, for the purpose of exploitation, of a child, as well as exploitation or placing or keeping in a state of exploitation
- Using the service of the minor in the state of exploitation, where being in the state of exploitation of that person is evident for the user of the service
- Engaging of a child in actions connected with pornography or with preparation of materials and objects of a pornographic content by a person having attained the age of eighteen
- Engaging — by a person having attained the age of eighteen — a child in regular use of alcoholic beverages, non-medical use of drastic or other soporific substances, vagrancy or actions connected with beggary
- The purchasing of a child for undertaking the care or the sale of the child for transferring to the undertaker
- By using a minor creating, managing or maintaining an institution for prostitution or using a public institution for engagement in prostitution or providing an apartment or lodging for engagement in prostitution of another person or by receiving material benefit

C. Important court decisions

38. On 17 November 2011, the court of general jurisdiction of Lori marz of the Republic of Armenia declared as proven the charge brought up against General Director of the “Akhtala Mining and Processing Plant” Serob Gorion Der-Boghosian for violent acts of a sexual nature and sentenced him to imprisonment for a term of 15 years. Moreover, the court recognised the evidences presented by the prosecutors as substantiated, according to

which, President of “Metal Prince LTD Corporation”, General Director of the “Akhtala Mining and Processing Plant” S. G. Der-Boghossian has been involved in homosexuality and other actions of a sexual nature with a number of minors, including boys not having reached puberty, contrary to their will, by taking advantage of their helpless state (state of need), psychological vulnerability conditioned by age and the sense of fear caused by his influential position. In accordance with the judgment of the court of general jurisdiction, 10 persons were victims of S. G. Der-Boghossian’s violent acts of a sexual nature.

D. Participation of the Human Rights Defender and civil society in the implementation of the provisions of the Optional Protocol

39. The protection of the rights of the child is also one of the functions of the Human Rights Defender of the Republic of Armenia. To implement the mentioned objective more efficiently, the office of the Human Rights Defender has an Advisor on Issues of Women, Children and Minorities.

40. There are many non-governmental organisations involved in issues of the rights of the child in Armenia, and, in general, they carry out activities in respective directions (fight against trafficking, protection of the rights of disabled children, human rights education, etc.). They co-operate with state structures on a regular basis. The NGOs dealing with the protection of the rights of the child have been engaged in the development of various documents related to this issue, for example, acting in the membership composition of the commission developing the 2004-2015 National Plan of Action for the Protection of the Rights of the Child in the Republic of Armenia in which the NGOs have submitted their proposals in a separate chapter.

IV. Prevention

Article 9, paragraphs 1 and 2

1. Preventive programmes (art. 9, paras. 1 and 2)

(a) Coverage of the issue

41. In the past years, there have been many campaigns shedding light on the key issue of trafficking in different formats across the Republic of Armenia through the involvement and support of state bodies, non-governmental organisations and international organisations.

42. In particular, the Ministry of Labour and Social Issues of the Republic of Armenia has co-operated with Yerevan representations of UMCOR, “Hope and Help” and “People in Need” organisations and the OSCE Office in Yerevan in shedding light on issues of child trafficking and violence against children.

- Experts of the divisions of marzpetarans, police divisions of the provinces, territorial agencies of the employment service, the territorial subdivisions of the state labour inspectorate, the child day care centres and children’s 24-hour care facilities, local NGOs and the mass media participated in seminars and courses organised in all the marzes (provinces). Seminars and essay contests were organised for schoolchildren, and the winners received prizes. In late July, the “People in Need” organisation organised a puppet show with the topic of “Child Trafficking” for children having their vacation at five camps in the country.

- Within the framework of the “Increasing Efficiency of Information, Consolidation of Efforts for the Prevention of Child Trafficking and the Creation of a Strengthened System in the Republic of Armenia through the Creation of Corresponding Networks” programme, the “People in Need” organisation conducted a study on “Children's Trafficking in Armenia: Target Groups of Children and Public Awareness”. This led to the development of several proposals that are being implemented step by step.
- The “Hope and Help” organisation has prepared a booklet titled “216 Questions and Answers regarding the System of Protection of Children's Rights and the Prevention of Human Trafficking”, which has been distributed to experts on the protection of children’s rights, social workers, NGOs involved in the protection of children’s rights and law-enforcement bodies.
- Within the framework of “Resource Center for Support in Fighting against Trafficking” joint programme of the OSCE and the Ministry of Labour and Social Issues of the Republic of Armenia, an instructional module with the topic of “Exploitation of people (trafficking) and the fight against it” was developed and included in the list of mandatory training courses for civil servants of the Republic of Armenia.
- The RA Ministry of Labour and Social Issues, the OSCE and the PIN have developed indicators for initial identification of the victims of trafficking. Based on the particularities of age, the indicators have been divided into two groups for adults and children.

43. The indicators for the assessment of measures and the expected results are included in the “2010-2012 National Programme for Organising the Fight against Human Exploitation (Trafficking) in the Republic of Armenia”. In addition, the 5th section of the programme envisages studies on the carried out activities, monitoring and assessment, which will make it possible to identify the gaps and defects and give immediate responses through adequate corrections.

44. The local and international experience is taken into account during the reforms, without ignoring national particularities. The state structures of the Republic of Armenia, particularly the police are in close collaboration with the non-governmental organisations that are involved in efforts for the elimination of sexual abuse and violence. Everyday measures are taken for the implementation of efforts for preventing and revealing sexual abuse.

45. The Police of the Republic of Armenia collaborates with the Women's Rights Center, which in 2002 created a shelter to help girls that have been victims of violence and sexual abuse. The girls are provided with free food and shelter, psychological and legal consultation and medical assistance. Girls that are minors and have been subject to violence and sexual abuse are provided with support of police officers, the psychologist, the doctor and the social worker at the 24-hour children’s support center. Within the framework of the partnership between the Police of the Republic of Armenia and the “Project Harmony” international non-governmental organisation, teachers of the country's public schools and police officers participated in interactive instructional courses on different legal topics, including violence. The courses give minors the opportunity to learn about and know their rights and responsibilities and receive information about the existing legislative field in the Republic of Armenia. Measures have been taken to prevent acts of violence and have been covered in the mass media. Television programmes and press conferences have been presented and articles have been published with the participation of bodies and organisations in charge of preventing violence. Within the framework of implementation of reforms for the protection of children's rights the Police of the Republic of Armenia and

“Project Harmony” organisation from 2006 to 2010 opened rehabilitational justice centres in Yerevan, Vanadzor, Gyumri, Alaverdi, Tumanyan, Tchambarak and Talin. The centres play an important role in re-integration efforts. The above mentioned centres are unprecedented in the sense that here, police officers, social workers, psychologists and the volunteers involved in the centre's activities carry out large-scale activities with minors that commit violations of the law. The main objective of the centres is to move juvenile offenders to an environment where the emphasis is placed on the principles of morality and human values, responsibility, accountability and civility. They have to be shown what kind of impact their offences or acts have had on the victim and the society. They have to learn how to show compassion for the victim. They should be given opportunities to be armed with the skills necessary for being a productive member of society. Thus, the community rehabilitation centre is a new model of alternative services for juvenile offenders in our country, and has already led to positive results.

(b) System for the care and protection of children

46. There are 7 types of institutions for child care and protection operating in the Republic of Armenia. They are the following:

(a) Orphanages, which foster and bring up children that have been left without parental care before they attain the age of 18 or before they return to their biological families, or before they are adopted, or before establishing guardianship or curatorship, or placing them in a foster family. Orphanages are divided into two types, including specialized orphanages and family orphanages. The family type orphanages, which foster children of 3 to 23 years of age, that have been left without parental care, and those children deemed to be such, are the following:

(i) Stage of children's home: 3-13 year-olds are fostered by the families (replacing families);

(ii) Stage of youth home: 13-18 year-olds are fostered;

(b) The medical-social rehabilitation institutions for children, which organise medical treatment for children with special needs, correct their disturbances in speech, implement other multifaceted rehabilitation measures and provide psychological assistance;

(c) Child support centre, which provides temporary care for children that have found themselves in difficult life situations and the social-psychological rehabilitation for those children and the members of their families before returning the child to his or her parents or appointing a guardian or a curator for the child, and in case of impossibility, placement at an orphanage;

(d) Boarding institution for child care and protection that fosters and brings up children from socially vulnerable families registered in the system of insecure families and presented by the recommendation of the social support council;

(e) Child day care institution that takes care of children and carries out social-psychological, educational and upbringing activities;

(f) Pre-school institution that fosters children under the age of six;

(g) Special state general education institutions that provide care and education for children in need of special conditions for education.

47. The “Procedure for providing homes to children in need of homes and have been left without parental care” has been in force since 2006. As fulfilment of the requirement in the corresponding provision of the Procedure, 6 children have received apartments.

48. The "State Support and Advice to Graduates of Child Guardianship Organisations" project was approved in 2003. Integration programmes are carried out within the framework of the Project (professional training, legal consulting, social support and provision of homes) for graduates of orphanages. Within the framework of this project, 151 graduates have received support envisaged by the programme.

(c) **Legislative amendments**

49. In accordance with Article 132.2 of the Criminal Code of the Republic of Armenia, recruitment, transportation, transfer, harbouring or receipt (trafficking) of the child, as well as exploitation or placing him or her or keeping in a situation of exploitation, as a type of crime, has been set apart from the crime (human trafficking or exploitation) defined by Article 132 of the Criminal Code of the Republic of Armenia.

V. Prohibition and other issues related thereto (arts. 3; 4, paras. 2 and 3; 5; 6; and 7)

50. Chapter 20 of the Criminal Code of the Republic of Armenia completely refers to crimes against the interests of the family and the child. Article 168 of that Chapter envisages another type of child sale, that is, purchasing of a child for undertaking his or her care or the sale of the child for transferring to the undertaker, which is punishable by imprisonment for a term of two to five years, and in the case of aggravating circumstances envisaged by the Article, by imprisonment for a term of four to eight years. 0

51. Chapter 50 of the Criminal Procedure Code of the Republic of Armenia envisages the particularities of the procedure for juvenile case proceedings. The procedure for juvenile case proceedings shall be regulated by the general rules of the Code, as well as the Articles of Chapter 50.

52. Article 257 of the Labour Code states that persons under the age of eighteen may not be involved in: 1. hard works, 2. production works involving possible exposure to agents, which are toxic, carcinogenic or dangerous for health, 3. work involving possible exposure to ionising radiation, 4. work involving a higher risk of accidents or occupational diseases, as well as work the safe performance whereof requires watchfulness or experience. The list of works that are considered hard and harmful is defined by the Government of the Republic of Armenia. However, new economic conditions lead to the emergence of a need for the definition of corresponding guarantees for minors involved in labour that will protect them from exploitation.

53. In the current stage of social-economic development of the Republic, the strengthening of the legal order and the organisation of the fight against crime are considered primary, which in its turn, also includes the key objectives for implementing the comprehensive plan of activities related to the revelation of offences against minors. In accordance with Article 23 of the Law of the Republic of Armenia "On the Rights of the Child", the safety of the child is guaranteed in the Republic of Armenia. The illegal transportation of the child (including to other countries), abduction and sale entails liability as prescribed by legislation of the Republic of Armenia. The reforms carried out in this sphere cover issues related to minors within society and the minor offenders isolated from the society, as well as the protection of the rights and legal interests of minors that have become victims of violations of the law.

A. Information relating to article 3

1. Exploitation of human beings (trafficking)

54. According to Article 132 of the Criminal Code of the Republic of Armenia: Trafficking in human beings for the purpose of exploitation, *i.e.*, recruiting, transporting, transferring, harbouring or receiving a human being, as well as exploitation of a human being or putting or keeping in a state of exploitation, by use or by threat to use violence not dangerous to life or health or by other forms of coercion, by abduction, deception or abuse of confidence, using power or the vulnerability of the situation or giving or receiving payments or benefits or promising such to get the consent of a person supervising him or her —shall be punished by imprisonment for a term of five to ten years, with or without confiscation of property, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

55. The same act, which has been committed:

- Against two or more persons;
- By a group of persons acting in conspiracy;
- By use of official position;
- Use or threat of use of violence dangerous to life or health;
- Against an obviously pregnant woman;
- By arranging the transportation of the victim by crossing the state border of the Republic of Armenia — shall be punished by imprisonment for a term of seven to twelve years, with or without confiscation of property, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

56. The act provided for in part one or two of this Article, which:

- Has been committed by an organised group;
- Has negligently caused the death of the victim or other grave consequences — shall be punished by imprisonment for a term of ten to fourteen years, with or without confiscation of property, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

57. According to this Article and Article 132.2 of this Code, exploitation means exploitation of the prostitution, or other forms of sexual exploitation, forced labour or services, putting in slavery or situation similar to slavery, trade, harvesting human organs or tissues.

58. The victims of the criminal offences provided for by this Article as well as by Article 132.2 of this Code, are released from criminal liability for the crimes of minor or medium gravity in the commitment whereof they were involved in the course of trafficking or exploitation against them and committed those acts under coercion.

59. According to Article 132.2 of the Criminal Code of the Republic of Armenia trafficking against a child is viewed as a separate element of *corpus delicti*.

60. Particularly, that Article reads as follows:

Recruitment, transportation, transfer, harbouring or receipt, for the purpose of exploitation, of a child, a person deprived, of the ability, as a consequence of mental disorder, to understand fully or partially the nature and meaning of or control his or her act it, as well as exploitation or putting or keeping into situation of exploitation

of such persons — shall be punished by imprisonment for a term of seven to ten years, with or without confiscation of property, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

61. As compared to trafficking or exploitation of human beings, trafficking or exploitation of children is classified by the Legislature as a highly dangerous crime for the public, meaning that the first part of Article 132 of the Criminal Code of the Republic of Armenia provides for imprisonment for a term of five to eight years, and the second part provides for imprisonment for a term of seven to twelve years, and the third part – for a term of ten to fourteen years, while in the circumstance of the same simple and qualifying elements of *corpus delicti* the first part of Article 132.2 of the Criminal Code of the Republic of Armenia provides for imprisonment for a term of seven to ten years, the second part provides for imprisonment for a term of ten to twelve years, and the third part – for a term of twelve to fifteen years.

62. National legislation of the Republic of Armenia also criminalises the use of services of a person who is in a situation of exploitation.

63. According to Article 132.2 of the Criminal Code of the Republic of Armenia, using the service of a person in a state of exploitation, where being in the state of exploitation of that person is obvious for the user of the service and where there are no elements of crime provided for in Articles 132 or 132.2 of this Code in the acts of a person having committed the crime — shall be punished by a fine in the amount of one-hundred-fold to four-hundred-fold of the minimum salary or by imprisonment for a term of two years.

64. A qualifying element of crime is deemed to be its commitment against an obviously minor, and is subject to liability by imprisonment for a maximum term of three years, or without it.

2. Illegally inducing to give consent to adoption

65. This matter is regulated by the Family Code of the Republic of Armenia; particularly, in accordance with Article 115 of the Family Code of the Republic of Armenia, intermediary services (*i.e.*, any activity, performed by other persons on behalf of and in the interests of persons willing to adopt, aimed at identification and transfer for adoption of children) shall not be allowed. The activity of bodies of guardianship and curatorship, of marzpetaran (Yerevan Municipality) and of the body authorised by the Government of the Republic of Armenia shall not be considered as such an activity.

66. Persons willing to adopt may participate in the adoption proceedings directly or through their legal representatives.

67. Persons engaged in intermediary activities of child adoption are subject to liability as prescribed by law.

68. The act provided for in Article 3(a)(ii) of the Optional Protocol is covered by the Criminal Code of the Republic of Armenia, particularly, the first part of Article 169 of the Criminal Code of the Republic of Armenia reads as follows:

Disclosing an adoption secret against the will of the adopter by a person who was obliged to keep the fact of adoption as an official or professional secret, or disclosing such secret by another person with mercenary or other mean motives, as well as inducing or compelling — for the purpose of adoption — the adoptee's legal representative to give consent to adoption against his or her will, with mercenary or other mean motives — shall be punished by a fine in the maximum amount of two-hundred-fold of the minimum salary, or by detention for a maximum term of two

months, with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

69. "Disclosure of adoption secret" means informing in verbal or written form any person of the fact of adoption, as well as communicating the adoptee such information that reveals the fact that the adopters are not his or her parents of origin.

70. The mentioned criminal offence is qualified by formal *corpus delicti*, i.e., the act is considered as completed as from the moment of disclosing information comprising adoption secret or from the moment of inducing or compelling to give consent to adoption.

3. Prostitution (arts. 3.1 (b), 3.2 and 3.3)

71. The Republic of Armenia strictly prohibits child prostitution. In particular, criminal liability is envisaged for the use (Criminal Code of the Republic of Armenia, Article 262) and engagement (Criminal Code of the Republic of Armenia, Article 166) in prostitution of a person not having attained the age of eighteen. In the Republic of Armenia prostitution is an act prohibited by law and is subject to administrative liability under the features, i.e., engagement in prostitution, provided by the Code of Administrative Offences of the Republic of Armenia. According to the Article the act entails imposition of a fine in the amount of fifty percent to the total of the minimum salary defined. The same acts that have been committed repeatedly within one year after imposition of a fine shall entail imposition of a fine in the amount from the total of the minimum salary defined.

72. Destruction of families, selective violence and disregard with respect to children, including emotional negligence, are the main causes that force children to leave home and get engaged in prostitution.

73. The impacts of sexual exploitation are disastrous. In addition to psychological, social and physical harms, juvenile prostitutes are exposed to contracting AIDS and other sexually transmitted diseases as they rarely have safe sexual relations.

74. Preventive measures against prostitution are permanently taken by the Police of the Republic of Armenia. For the purpose of prevention of prostitution police officers carry out operative preventive activities, including inspection visits to public and other places. Meetings are organised with minor girls in educational institutions. Special attention is paid to minors growing in socially vulnerable families. Students of special schools, especially from vulnerable groups, are under the permanent supervision of the police.

75. A minor witness or a minor victim, irrespective of age, may be interrogated on condition that he or she might provide information essential for the case.

4. Child prostitution (arts. 3.1 (b), 3.2 and 3.3)

76. Child pornography is defined as any engagement, by whatever means, of children engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child primarily for sexual purposes. The definition set out by the International Criminal Police (Interpol) is similar to the above mentioned definition: the visual depiction of the sexual exploitation of a child, focussing on the child's sexual behaviour or genitals.

77. Using, recruiting or offering a child for pornographic products or pornographic shows is one of the worst forms of child labour, and thus one of the most dangerous manifestations of exploitation of children.

78. Harmfulness of child pornography for children is two-fold: first it promotes sexual exploitation and sexual abuse of children. Second, every photo or tape depicting child pornography bears the evidence of cruel treatment against that child. Even after the creation

of pornographic materials children continue for a long time to be the victims of their distribution.

79. Due to the secret nature of this business the data on the amount of child pornography products in circulation are often disclosed just by law enforcement bodies and only then subjected to criminal prosecution.

80. In the Republic of Armenia child pornography is a criminally punishable act. Engaging minors in creation of pornographic computer programs, film and video materials, images or other objects of pornographic nature, as well as storage of child pornography in a computer system or in a computer data-storage system are criminally punishable acts (Criminal Code of the Republic of Armenia, Article 263(2)), and engaging a child in actions connected with pornography or with preparation of materials or objects of pornographic nature by a person having attained the age of eighteen, where there are no elements of crime provided for in Article 132.2 of the Criminal Code of the Republic of Armenia, shall be punished by a fine in the amount of two-hundred-fold to four-hundred fold of the minimum salary, or by detention for a term of one to three months, or by imprisonment for a term of one to five years.

81. The same act that has been committed by the parent, teacher or other person bearing the responsibility of upbringing the child shall be punished by imprisonment for a term of two to six years with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

82. The acts provided for in part one or two of this Article, which have been committed against two or more persons, have been accompanied by use or threat of use of violence — shall be punished by imprisonment for a term of three to seven years with or without deprivation of the right to hold certain positions or to engage in certain activities for a maximum term of three years.

83. The use of violence, provided for in part 3(2) of the Article, may be characterised by beating, causing harm to health and other similar actions. Moreover, in case of causing serious damage to the health of the persons engaged, the act is qualified as crime committed by combination punishable by Article 166, part 3, point 2 and the respective part of Article 112 of the Criminal Code of the Republic of Armenia.

84. The threat to use violence is the use of psychological violence.

85. Any sexual abuse against a minor (rape, Article 138 of Criminal Code of the Republic of Armenia, violent sexual actions, Article 139 of the Criminal Code of the Republic of Armenia) is considered an aggravating circumstance, and sexual intercourse or other sexual actions committed by a person having attained the age of eighteen against a person obviously below the age of sixteen (where there are no elements of criminal offences provided for in Article 138, 139 or 140 of the same Code) even if committed by the consent of the victim, is considered a crime.

86. Moreover, according to Article 142 of the Criminal Code of the Republic of Armenia, committing lewd actions against a person obviously below the age of sixteen, even where there are no elements of the criminal offences provided for in Article 140 or 141 of the same Code, is considered a crime. Furthermore, lewd actions may be of physical nature and of the, so called, intellectual (moral) nature. An example of the first may be sexual interaction or other sexual actions with another person in the presence of a child, indecently touching the child, getting naked and demonstrating genitals in the child's presence, etc.

87. Cynical talks with children on various sexual issues, demonstration of pornographic objects, pictures or video films, reproduction of moaning and heavy breathing as happens

during sexual intercourse, introduction with pornographic literature and other similar actions are considered lewd actions of intellectual content.

88. Taking into account that all the above mentioned criminal offences may be committed intentionally, the intentional joint participation of two or more persons in the commission of these criminal offences is considered as complicity in accordance with Article 37 of the Criminal Code of the Republic of Armenia. Moreover, the organiser, inciter and abettor together with the perpetrator shall be deemed to be accomplices in accordance with Article 38, part 1, of the same Code. An organiser, inciter and abettor shall be subject to liability under the Article that envisages the criminal offence committed referring to Article 38 of the Criminal Code of the Republic of Armenia, except for cases when they were joint perpetrators of a crime simultaneously. In the event the organiser, inciter and abettor fail to complete their actions for circumstances beyond their control, the liability of these persons arises for the preparation of the respective crime.

89. Legal provisions prohibiting involvement or use of children in pornography are laid down also in other three Articles of the Criminal Code of the Republic of Armenia, namely Article 261, Article 262 and Article 263.

5. Inter-country adoptions (art. 3.5)

90. In the Republic of Armenia adoption of a child is clearly regulated by law. In particular, the main legal act in force in this area is the Family Code in which Chapter 18 is completely devoted to adoption of children. Moreover, inter-country adoptions are carried out exceptionally upon prior consent of the Government. The Republic of Armenia has ratified and is applying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, Hague Convention on the Civil Aspects of International Child Abduction, Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, International Labour Organization Convention No 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and other international legal documents.

B. Jurisdiction (art. 4)

91. The procedure for juvenile case proceedings is regulated by the general rules of the Criminal Procedure Code, as well as by the Articles of Chapter 50. The legal representative of a juvenile suspect or accused participates in the investigation of cases concerning the crimes committed by juveniles.

92. With regard to parental rights:

(a) Taking into account the interests of a child, the court may render a judgement on taking a child away from parents (one of parents) without depriving of parental rights (limitation of parental rights);

(b) Limitation of parental rights is permitted if leaving the child with them or one of them is dangerous for circumstances beyond the control of parents or one of them (mental disorder, chronic disease, existence of grave circumstances, etc). Limitation of parental rights is permitted also in cases, when even if leaving the child with the parents or one of them is dangerous for the child due to their behaviour, however there are no sufficient grounds for depriving the parents or one of them of parental rights. If parents or one of them fail to change their behaviour the guardianship and curatorship body, after six months from the entry into legal force of the court judgement on limitation of parental rights, is obliged to bring an action on deprivation of parental rights. The guardianship and

curatorship body may bring an action on depriving the parents or one of them of parental rights prior to the expiry of that term taking into account the interests of the child;

(c) An action on limitation of parental rights may be brought also by the relatives of the child, those bodies and organisations, which bear by law the responsibility of protection of children's rights, preschool, educational institutions and other organisations;

(d) Cases on limitation of parental rights are heard with the mandatory participation of guardianship and curatorship bodies;

(e) Within three days after the entry into legal force of the court judgement on the limitation of parental rights of the parents or one of them the court is obliged to send the excerpt from the judgement to the birth record body of state registration of civil status acts.

C. Extradition (art. 5)

93. The requirements set forth in Article 5 of the Optional Protocol are reflected in the Legislation of the Republic of Armenia.

94. Articles 14-16 of the Criminal Code of the Republic of Armenia regulate the matters pertaining to the operation of criminal statutes in respect of persons having committed a criminal offence within and outside the territory of the Republic of Armenia, and extradition of criminal offenders.

95. Thus:

(a) A person having committed a criminal offence within the territory of the Republic of Armenia is subject to liability under the Criminal Code of the Republic of Armenia;

(b) A criminal offence is considered as committed within the territory of the Republic of Armenia when it has been:

(i) commenced, continued or finished within the territory of the Republic of Armenia;

(ii) committed in complicity with persons who were engaged in criminal activity within the territory of another State.

96. The liability of a person that commits a criminal offence within the territory of the Republic of Armenia and other States arises under the Criminal Code of the Republic of Armenia where the person was brought to liability within the territory of the Republic of Armenia and unless otherwise provided for by international treaties of the Republic of Armenia.

97. A person having committed a criminal offence on board the ship under the flag of the Republic of Armenia or carrying a distinguishing emblem of the Republic of Armenia or on board the flying airplane or other aircraft — irrespective of its location — is subject to criminal liability under the Criminal Code of the Republic of Armenia unless otherwise provided for by international treaties of the Republic of Armenia. A person having committed a criminal offence on board the military ship or airplane of the Republic of Armenia — irrespective of its location — is also subject to liability under the Criminal Code of the Republic of Armenia.

98. Citizens of the Republic of Armenia and stateless persons permanently residing in the Republic of Armenia, having committed a criminal offence outside the territory of the Republic of Armenia, are subject to criminal liability under the Criminal Code of the Republic of Armenia where the act committed by them is recognised as a crime under the

legislation of the State where the crime was committed and where they were not sentenced in another State.

99. Foreign nationals and stateless persons not permanently residing in the Republic of Armenia, having committed a criminal offence outside the territory of the Republic of Armenia, are subject to criminal liability under the Criminal Code of the Republic of Armenia where they have committed:

(a) Crimes which are provided for by international treaties of the Republic of Armenia;

(b) Grave or particularly grave crimes which are against the interests of the Republic of Armenia or rights and freedoms of citizens of the Republic of Armenia.

100. Norms stipulated in part 3 of Article 15 of the Criminal Code of the Republic of Armenia apply where foreign nationals and stateless persons not permanently residing in the Republic of Armenia have not been convicted of the crime concerned in another State and are subject to criminal liability in the territory of the Republic of Armenia.

101. Citizens of the Republic of Armenia having committed a criminal offence in the territory of another State are not extradited to another State.

102. According to international treaties of the Republic of Armenia, foreign nationals and stateless persons having committed a criminal offence outside the territory of the Republic of Armenia and being in the Republic of Armenia may be extradited to a foreign State for subjecting to criminal liability or serving the punishment.

103. In case of refusing to extradite a person having committed a criminal offence, criminal prosecution for crimes committed in the territory of a foreign State is carried out in accordance with the legislation of the Republic of Armenia.

104. In case of unavailability of respective international treaties between the States, issues connected with the extradition are regulated by Chapter 54¹ of the Criminal Procedure Code of the Republic of Armenia (Articles 482- 499⁵) which regulate the relations and procedures pertaining to extradition.

D. International cooperation in criminal matters (art. 6)

105. The Republic of Armenia is a party to about 50 international bilateral and multilateral treaties in the field of extradition and legal cooperation and in none of them criminal offences provided for in Article 3 of the Optional Protocol are listed among those criminal offences in which case extradition is not practised. It follows that in case of mentioned criminal offences extradition may take place if there are necessary conditions provided for by those treaties.

106. In case of unavailability of respective international treaties between the States, matters connected with the extradition are regulated by Chapter 54 of the Criminal Procedure Code of the Republic of Armenia where relations and procedures pertaining to extradition are regulated. In this Chapter there is no provision on the criminal offences, provided for by Article 3 of the Optional Protocol, among the circumstances excluding extradition. As to Article 5(5) of the Optional Protocol, which states that if the requested State does not extradite on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of criminal prosecution, this matter is regulated by Article 16(5) of the Criminal Code of the Republic of Armenia, according to which, in case of refusing to extradite a person having committed a criminal offence, criminal prosecution for crimes committed in the territory of a foreign State is carried out in accordance with the legislation of the Republic of Armenia.

E. Seizure and confiscation (art. 7)

107. The requirements set forth in Article 7 of the Optional Protocol are also reflected in the legislation of the Republic of Armenia.

108. In particular:

(a) According to Article 226 of the Criminal Procedure Code of the Republic of Armenia, when necessary to take articles and documents essential for the case, and provided it is precisely known where they are and in whose possession, the investigator executes seizure;

(b) Seizure of documents comprising state secret is executed only by permission of the prosecutor and according to the procedure agreed with the head of the given institution;

(c) Enterprises, institutions, organisations, officials or citizens do not have the right to refuse giving the investigator those articles, documents or their copies which were demanded thereby;

(d) It follows that the body carrying out the proceedings is entitled to seize any article or document essential for the case;

(e) According to part 1.1 of Article 233 of the Criminal Procedure Code of the Republic of Armenia, during the investigation of the criminal case involving elements of Articles 104, 112-113, 117, 122, 131-134, 166, 168, 175-224, 233-235, 238, 261-262, 266-27, 281, 284, 286-289, 291-292, 295, 297-298, 308-313, 329, 352, 375, 383, 388 and 389 of the Criminal Code of the Republic of Armenia the body in charge of proceedings puts an arrest on all the property directly or indirectly derived or obtained as a result of committal of those acts, including income or other types of benefits derived from the use of this property, instruments used or intended to be used for the committal of those acts, immediately after their detection. Arrest is put on this property irrespective of whether it is owned or possessed by the person having committed the crime or any third person.

109. Besides, according to Article 55(4) of the Criminal Code of the Republic of Armenia, confiscation of property derived from a crime, including property directly or indirectly derived or obtained as a result of legalisation of property derived from a crime and as a result of committal of acts provided for in Article 190 of the Criminal Code, which includes income or other types of benefits derived from the use of this property, instruments used or intended to be used for the committal of those acts, whereas in case of failure to detect property derived from a crime — confiscation of other property equivalent to this property shall be compulsory. This property is subject to confiscation irrespective of whether it is owned or possessed by the convict or any third person.

110. In Article 190 of the Criminal Code of the Republic of Armenia which provides for liability for the legalisation of proceeds of crime (money laundering), part 5 stipulates that within the meaning of that Article, property derived from a crime is any property, including funds, securities and property rights, as well as, in cases provided for in international treaties of the Republic of Armenia, other objects of civil rights that have been directly or indirectly generated or derived as a result of commitment of crimes provided for in Articles 104, 112-113, 117, 122, 131-134, 166, 168, 175-224, 233-235, 238, 261-262, 266-270, 281, 284, 286-289, 291-292, 295, 297-298, 308-313, 329, 352, 375, 383, 388 and 389 of the Code.

VI. Protection of the rights of witnesses (arts. 8 and 9, paras. 3 and 4)

111. Interrogation of a victim below the age of sixteen is carried out with the participation of a teacher. The legal representative of a minor witness or minor victim is entitled to participate in the interrogation of the latter. Before commencing the interrogation, the legal representative is provided with an explanation about his or her rights to be present at the interrogation, commenting upon permission of the investigator and asking questions, as well as about the obligations. The investigator is entitled to dismiss the questions asked, however they must be recorded in the protocol.

112. A witness below the age of sixteen is explained about his or her duty to tell truthfully everything relevant to the case, but he or she is not warned about the responsibility prescribed by law for the refusal or avoidance to give testimony or for giving obviously false testimony (Article 207 of the Criminal Procedure Code).

113. Article 441 of the Criminal Procedure Code defines that the legal representative of a juvenile suspect or accused participates in the investigation of cases concerning the crimes committed by juveniles.

114. The legal representative of a witness below the age of fourteen, upon the permission of the body conducting the proceedings on a criminal case, also the legitimate representative of the juvenile witness of higher age, is entitled to know about summoning the represented person to the body conducting the proceedings on the criminal case, and participate in the investigatory or other procedural actions, accompanying the represented person.

115. When participating in the investigatory or other procedural actions the legitimate representative of the witness has rights and obligations which are prescribed by Article 87 of the Criminal Procedure Code.

116. In the Republic of Armenia criminal proceedings are conducted in Armenian which is prescribed by Article 15 of the Criminal Procedure Code. In the course of criminal proceedings everyone, with the exception of the body conducting the criminal proceedings, has the right to use the language that he or she masters. Upon the decision of the body conducting the criminal proceeding, the persons participating in the criminal proceedings, who lack sufficient command of the language of the criminal proceedings, are provided with an opportunity to exercise, with the aid of an interpreter, all their rights under the provisions of this Code. Certain persons, who lack sufficient command of the language of the criminal proceedings, are provided with the certified copies of the documents, to be delivered as provided for by this Code, in the language that they have command of. Documents in other languages are attached to the case with their translations into Armenian.

117. The Legislature has paid a special attention to the interrogation of deaf, mute or blind witness and prescribed that: "The interrogation of a deaf, mute or blind witness is conducted with the participation of an interpreter who understands the sign-language of the witness or is able to communicate with the latter through signs. A record is made in the protocol about the participation of an interpreter". In case of mental disease or other severe illness of the witness, the interrogation is conducted by permission of the doctor and in presence of the latter (Criminal Procedure Code, Article 208).

118. It should be noted that the interrogation of a juvenile witness, if it is necessary for the complete, comprehensive and objective examination of the circumstances of the case, may be conducted by the motion of the parties or by the initiative of the court, in the absence of the defendant. After returning to the courtroom, the testimonies of the juvenile

witness are publicized for the defendant; the latter is given an opportunity to ask questions to the witness and to testify on the data provided by the witness. A witness below the age of sixteen must be expelled from the courtroom after the completion of the interrogation, except for those cases when the court by the motion of one party or by its own initiative finds the further participation of that witness necessary (Criminal Procedure Code, Article 341). Article 440 of the Criminal Procedure Code states that in addition to the circumstances subject to verification in all cases, in the cases concerning the juveniles it is necessary to find out also:

1. The day, month, year of birth,
2. Conditions of life and upbringing,
3. Health condition and general level of development.

A. Article 8

1. In regards with article 8(1)(c), (e) and (f) of the Optional Protocol

119. Chapter 12 of the Criminal Procedure Code of the Republic of Armenia is completely devoted to the protection of persons participating in criminal proceedings.

120. Thus, in accordance with Article 98 of the Criminal Procedure Code of the Republic of Armenia, each person has the right to protection when participating in criminal proceedings during which he or she may provide information essential for the disclosure of crime and detection of its perpetrator, and which may endanger his or her life, health, property and legal interests and that of his or her family member, close relative or a kin. Moreover, in the mentioned Chapter a kin is considered to be the person for the protection whereof the person participating in the criminal proceedings has filed a written application to the body conducting the criminal proceedings.

121. The protection of the person participating in the criminal proceedings, as well as the protection of his or her family member, close relative or kin is ensured by the body conducting the criminal proceedings.

122. Upon finding out that the person under protection needs protection, the body conducting the criminal proceedings shall, on the basis of the written application of that person or by its own initiative, take a decision on taking a measure of protection which is subject to immediate execution.

123. The application of the person under protection on taking a measure of protection is considered by the body conducting criminal proceedings immediately but not later than within 24 hours after the receipt of the application. The applicant is immediately informed of the decision taken, and the copy of the respective decision is sent to him or her.

124. The criminal procedure statute defines also the measures of protection, which are the following:

1. A formal warning of the person wherefrom a threat of violence or commitment of other crime with respect to the protected person is expected;
2. Protection of identification data of the person under protection;
3. Ensuring the personal security, safeguarding the residence and other property of the protected person;
4. Providing the person under protection with means of protection and informing about danger;

5. Using technical means of control and wiretapping telephone and other communications;

6. Ensuring the security of the protected person to appear at the body conducting the criminal proceeding;

7. Implying such a measure of restraint against the suspect or the accused, that will exclude the possibility of the use of violence by them or commitment of other offence against the protected;

8. Taking the protected person to another place of residence;

9. Substituting identification documents of the protected person or altering the appearance;

10. Changing the place of work, service or education of the protected person;

11. Expelling separate persons from the courtroom or holding the court hearing behind the closed doors;

12. Interrogating the protected person in the court without disclosing his or her identification data.

125. Moreover according to Article 98¹ of the Criminal Procedure Code of the Republic of Armenia more than one measure of protection may be undertaken, where necessary.

126. The protection of the person to be protected by the procedure and conditions provided for in international treaties of the Republic of Armenia may be carried out also in the territory of a foreign state.

127. For the purpose of preventing undue publication of data about juveniles involved in criminal cases, and ensuring the right of juveniles to privacy, as prescribed by Paragraph 8 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice adopted by the General Assembly in resolution No. 40/33 of 29 November 1985, the Prosecutor General of the Republic of Armenia on 20 July 2010 gave an assignment to the heads of departments and divisions of the general Prosecutor's Office of the Republic of Armenia, to senior prosecutors the general Prosecutor's Office of the Republic of Armenia, to the heads of divisions and senior prosecutors of the Central Military Prosecutor's Office of the Republic of Armenia, to the prosecutors of Yerevan, marzes, administrative district of Yerevan and military prosecutors of garrisons to consider the issues of appropriateness of filing a motion for holding the court session behind closed doors when initiating a court hearing of criminal cases involving a juvenile victim or defendant, taking into account the necessity of protecting the interests of juveniles, and in the cases stated below to file such a motion on a mandatory basis:

(a) In cases on crimes concerning the personal and family life of juveniles, their honour and dignity;

(b) In cases on crimes against sexual freedom and sexual integrity of juveniles;

(c) In case of necessity of protection of juveniles or their close relatives participating in criminal proceedings.

2. Providing information (art. 8, para. 1 (b))

128. According to the Criminal Procedure Code of the Republic of Armenia the victim, including a juvenile victim, is introduced by the judge with his or her procedural rights and obligations before the court trial.

3. Providing support (art. 8(1)(d))

129. According to Article 207 of the Criminal Procedure Code of the Republic of Armenia a juvenile witness or a juvenile victim, irrespective of age, may be interrogated on condition that he or she might provide important information essential for the case.

130. Interrogation of a victim below the age of sixteen is carried out with the participation of a teacher. The legal representative of a minor witness or minor victim has a right to participate in the interrogation of the latter.

4. Article 8(2)

131. According to Article 108 of the Criminal Procedure Code of the Republic of Armenia, where relevant to the case, the attainment of the victim, the suspect, the accused to a certain age is established by a document on the age, and in case of its absence, by opinions of forensic medical or forensic psychological experts. Moreover, according to the common practice, where the opinion of an expert does not provide a specific age, then the minimum age specified thereby is taken as a basis. For example, the expert states that the person has an age of 16 to 18, in this case the person is considered to be sixteen years old. This means that the version which is most favourable for the person is taken as a basis.

5. Protection of best interests of a child (art. 8, para. 3)

132. Article 3 of the Law “On the rights of the child” states that the protection of the rights of children is ensured by authorised state and local self-government bodies. The State cooperates with persons and public associations contributing to the protection of the child’s rights through the relevant bodies. Article 43(1) of the Family Code of the Republic of Armenia establishes the right to protection of the rights and legal interests of a child, which is ensured by the parents (legal representatives), and in cases provided for by law – by the guardianship and curatorship body. According to the second part of the same Article the child has the right of protection from the abuse on the part of his or her parents (legal representatives). In case of infringement of the rights and interests of a child (also in cases of failure to perform or improper performance by parents or one of them of the duty to upbringing, provide education of the child) the child has the right to apply, on his or her own, for protection to the guardianship and curatorship body.

133. Chapter 17 of the Family Code is devoted to the identification and settlement of children left without parental care.

134. Articles 170 and 173 of the RA Criminal Code criminalise respectively the failure to fulfil the duty of upbringing the child and the malicious evasion by a parent from supporting a child. Article 178 of the Code of the Republic of Armenia “On administrative offences” also provides for liability for the parents and persons substituting them in case of failure to fulfil the duty of upbringing and educating the child.

6. Training of persons working with children (art. 8, para. 4)

135. The Ministry of Justice of the Republic of Armenia with the support of the United Nations Children's Fund (UNICEF) regularly organises four-phase conferences for the Republic of Armenia judges and prosecutors on issues connected to juvenile justice, providing clarification of both legal and psychological peculiarities of juvenile justice.

B. Article 9

1. Providing compensation (art. 9, para. 4)

136. Everyone has the right to compensation for the harm incurred as a result of a crime, and there is no special provision with respect to juveniles.

2. Prohibition of production and dissemination of advertising materials (art. 9, para. 5)

137. In Article 263 of the Criminal Code of the Republic of Armenia (illegal dissemination, advertising, sale of pornographic materials or objects, including print publications, film and video materials, images or other objects of pornographic nature, as well as the preparation thereof for that purpose, where there are no elements of crime provided for in Articles 132 or 132.2 of the Code), the introduction of child pornography through a computer system or storage of child pornography in a computer system or in a computer data-storage system is established as an aggravating circumstance.

VII. Assistance and cooperation (art. 10)

138. For the purpose of strengthening international cooperation the Republic of Armenia has joined the following documents:

(a) 16 May 2005 – Convention of the Council of Europe “On Action against Trafficking in Human Beings” (entered into force on 1 August 2008);

(b) United Nations Convention against Transnational Organized Crime, as well as the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (entered into force on 19 April 2003), supplementing the Convention;

(c) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (entered into force on 30 July 2005);

(d) Agreement On Cooperation between the CIS Member States in the Fight against Trade in Human Beings, Organs and Tissues of Human Origin (entered into force 4 September 2006);

(e) Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (entered into force 1 June 2007);

(f) 22 January 1993 - Minsk Convention On Legal Assistance and Legal Relations in Civil, Family and Criminal Cases (entered into force on 21 December 1994);

(g) 7 October 2002 – Chisinau Convention On Legal Assistance and Legal Relations in Civil, Family and Criminal Cases (entered into force on 19 February 2005);

(h) 13 December 1957 – European Convention On Extradition (entered into force on 25 April 2002);

(i) 20 April 1959 – European Convention On Mutual Assistance in Criminal Matters (entered into force on 25 April 2002);

(j) 12 September 1998 – Interagency Agreement On Cooperation in the Field of Organising the Execution of Criminal Punishments (ratified on 1 May 1999);

139. The Republic of Armenia has also joined a number of conventions of the International Labour Organization: on forced labour (No 29), on abolition of forced labour (No 105) and on worst forms of child labour (No 182).

140. A Memorandum of Understanding On Cooperation in the Fight Against Human Exploitation (Trafficking) signed between the a Ministerial Council to Combat Exploitation (Trafficking) in Persons (Trafficking) in the Republic of Armenia and the United Arab Emirates National Committee to Combat Human Exploitation (Trafficking) on 15 December 2009.

Addressing poverty and underdevelopment (art. 10, para. 3)

141. The Poverty Reduction Strategy Paper for 2003-2015 was approved by the Decision of the Government of the Republic of Armenia No 994 of 8 August 2003. This strategy paper, as a matter of fact, is the first long-term strategy programme of the social and economic development of the Republic of Armenia since independence of Armenia. The key purpose of the programme is the essential reduction of material poverty. In 2008 after analysis of the situation the Republic of Armenia commenced the so called “second generation” reforms which involved development of the Sustainable Development Programme which is the main document for Armenia in terms of long-term development and covers new spheres, priorities and objectives that were lacking in PRSP.
