

**Sexual Exploitation of Children in Armenia**  
**Submission**  
for the Universal Periodic Review of the human rights situation in Armenia

Submitted by

**Hope & Help**  
and

**ECPAT International**

Bangkok, Thailand on 18<sup>th</sup> July 2019

to the **Human Rights Council**  
35<sup>th</sup> Session (January 2020)  
UPR third cycle 2017 – 2021



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*Hope & Help (H&H) is a non-governmental organization established by a group of enthusiastic physicians and psychologists in 1998. The Board members of the H&H are proficient physicians, psychologists, teachers, and sociologists. The H&H is a registered public and non-profit charity organization which acts thanks to voluntary participation of its members and associates.*



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*ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 29 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 109 network members operating in 96 countries.*

## **Justification for submission**

1. The purpose of the present submission is twofold: (1) to serve as an update on the progress that has been made by the Government of Armenia (GoA) to end the sexual exploitation of children (SEC) in the country, and (2) to assess the level of implementation of the UPR recommendations relating to SEC made in 2015.<sup>1</sup>
2. During Armenia's previous UPR in 2015, the report of the Working Group contained 28 recommendations related to children's rights.<sup>2</sup> Three of these recommendations addressed trafficking of children,<sup>3</sup> two encouraged the GoA to ratify the Optional Protocol to the Convention on a communications procedure,<sup>4</sup> and one addressed early marriage.<sup>5</sup> No other recommendations explicitly addressed the sexual exploitation of children in Armenia.

## **Methodology and Scope**

3. The content of this report is based on country work experience by Hope & Help of Children and desk research by ECPAT International.
4. The scope of this report is limited to SEC and its different manifestations, including exploitation of children in prostitution,<sup>6</sup> online child sexual exploitation (OCSE), child sexual abuse materials (CSAM),<sup>7</sup> child trafficking for sexual purposes, sexual exploitation of children in the context of travel and tourism (SECTT)<sup>8</sup> and child, early and forced marriage (CEFM).

## **Current status and developments of sexual exploitation of children in Armenia**

### *General overview of country conditions for children*

5. Since gaining independence from the Soviet Union, Armenia's economy has seen sustained growth that has transformed it into a market-oriented economy<sup>9</sup> and classification as an upper-middle-income economy.<sup>10</sup> Despite this progress, 25.7% of the population continues to live below the national poverty line as of 2017.<sup>11</sup> One of the main drivers of poverty in the country is a high unemployment rate (17.7% as of 2018),<sup>12</sup> particularly among individuals aged 15 to 24 years (36.7% as of 2018).<sup>13</sup>
6. According to the latest available estimates, in 2016 the country's population was 2,925,000,<sup>14</sup> of which 685,000 (23.4%) were children.<sup>15</sup> UNICEF's Annual Report from 2017 notes that there has been a general improvement in recent years with respect to children's health.<sup>16</sup> However, the 2018 Social Snapshot and Poverty in Armenia report revealed that 30.8% of children continue to live in poverty as of 2017, with 2.1% of children living in "extreme poverty".<sup>17</sup> Children in rural communities were more likely to be in poverty (32%) than children in urban communities (29.9%).<sup>18</sup> The following characteristics, among others, were identified among children more likely

to be in poverty: children in larger families, children in a single-parent households, and households where the head of the family had a lower educational level or was unemployed.<sup>19</sup>

7. As socio-economic deprivations are an underlying cause of sexual exploitation of children,<sup>20</sup> the ongoing high rates of poverty in the country may expose Armenia's children to a heightened risk of sexual exploitation.

#### *Sexual exploitation of children in Armenia*

8. As the Special Rapporteur on the sale of children, child prostitution and child pornography<sup>21</sup> noted in her 2016 report following an investigative trip to Armenia, the number of SEC-related prosecutions is likely to underreported in official data given that "cases of child sexual abuse and exploitation are not systematically reported, investigated and prosecuted."<sup>22</sup> The Rapporteur explained that this is the result of "gaps in legislation, awareness-raising and education, the lack of child-friendly reporting and complaint mechanisms, and the insufficient specialized training of the professionals who deal with child victims".<sup>23</sup> UNICEF has recently echoed this concern in saying that "Armenia lacks a holistic way of regular monitoring the situation of children, resulting, *inter alia*, from absence of an efficient system with appropriate capacity for regular collection of comparable data and insufficient coordination of efforts to analyse the situation."<sup>24</sup>
9. In light of these concerns, the draft Law on Child rights, presented by the GoA at the end of 2017,<sup>25</sup> "emphasizes the importance of systematic and comparable data collection through a nationally established system".<sup>26</sup> Further, the National Child Rights Protection Strategy 2017 – 2021 highlights the need for a child rights monitoring system to streamline data collection methods and harmonize existing data.<sup>27</sup> In addition to data collection issues, underreporting of SEC cases is also a result of gaps in legislation, training, awareness-raising and reporting.<sup>28</sup>
10. Despite a dearth of information on SEC, recent media reports suggest that physical, sexual and psychological violence against children is increasing, with sexual offences constituting one of the most common type of violence against children in criminal proceedings.<sup>29</sup> Further, the number of SEC cases is likely underreported because these cases tend to have a high latency.<sup>30</sup> In 2018, the Investigative Committee of the Republic of Armenia examined 317 criminal cases of crimes against children, of which 36 involved "sexual intercourse or other sexual acts with a person obviously under 16" and 16 involved "violent sexual actions".<sup>31</sup>
11. With regards to **children exploited in prostitution**, the GoA has not undertaken a comprehensive study to assess the scope and nature of this phenomenon in the country, and in her report the Special Rapporteur explained the scope of "child prostitution...is difficult to determine" due to the gaps cited above.<sup>32</sup> A 2015 Save the Children report on child's rights in Armenia noted that the preceding years had seen an increase in abuse of children exploited in prostitution.<sup>33</sup> The absence of any mention of exploitation of children in prostitution in national policies programmes underscores the need to conduct a national study in order to address this issue appropriately.

Research on exploitation of refugee children in prostitution also needs to be done,<sup>34</sup> given the sizable number of refugees (from primarily Syria) that have arrived in the country in recent years.

12. As with other manifestations of SEC, the exact scope of **children trafficked for sexual purposes** in Armenia is not known. In an assessment of human trafficking published in 2016, the International Organization for Migration found that Armenia is largely an origin and transit country for trafficking, though is becoming increasingly acknowledged as a destination country.<sup>35</sup> As a country of origin, Armenian underage girls have been trafficked to Turkey and the United Arab Emirates for sexual exploitation.<sup>36</sup> In 2018, the Investigative Committee of the Republic of Armenia examined 3 cases related to child trafficking,<sup>37</sup> but did not disaggregate by the type of exploitation these children were subject to. Between 2012 and September 2016, the Armenian authorities identified 17 child victims of trafficking and sexual exploitation was the main form of exploitation among all trafficking victims, though it is unclear how many of these children were trafficked for sexual purposes.<sup>38</sup> Stigmatisation of victims of trafficking for sexual purposes results in their reluctance to come forward and seek assistance.<sup>39</sup> A 2017 report from the Council of Europe's Group of Experts on Action Against Trafficking in Human Beings noted that "[r]epresentatives of civil society were of the view that little was known about the extent of child trafficking for the purpose of sexual exploitation and there was the need to carry out research on this issue."<sup>40</sup> A large-scale study is needed to understand the nature of and scope of this issue.
  
13. Incidents of **online child sexual exploitation (OCSE)**, including the production and dissemination of child sexual abuse materials, may be prevalent in the country given the high levels of telecommunications usage, with mobile-cellular telephone subscriptions at 119.04 per 100 inhabitants<sup>41</sup> and the percentage of individuals using the Internet at 69.72% as of 2017.<sup>42</sup> This widespread use of mobile phones and the Internet in Armenia and similarly in many other countries of the world, although conducive to innovation and development, creates an environment where children are increasingly vulnerable to sexual exploitation. The misuse of available technologies allows perpetrators new avenues to groom and exploit children. Moreover, the anonymity of the Internet facilitates opportunities for offenders to share and disseminate CSAM.<sup>43</sup> Despite the potential for OCSE-related conduct to flourish, the GoA has not conducted any studies to determine the nature and scope of OCSE in the country. However, a 2017 survey of 1200 children across all 10 provinces of Armenia, carried out by Save the Children, found that 13% of the children had received a message from an adult online who wanted to talk about "personal issues".<sup>44</sup> Further, only 36% of surveyed children reported learning about "Internet safety" at their school.<sup>45</sup> The Rapporteur's report also noted that there were 2 criminal cases opened for "child pornography" in 2013, none in 2014, and 11 in 2015.<sup>46</sup> The Rapporteur explained that "despite the very low number of criminal cases related to child abuse material", insecure Internet connections and lack of knowledge on safe Internet usage means that children are vulnerable to OCSE.<sup>47</sup> Internet services providers similarly acknowledge that "accessing and sharing such material online is a major problem, and adequate legislative and technical measures are required to combat that phenomenon."<sup>48</sup>

14. During her fact-finding mission, the Rapporteur noted that data on **child and early marriage** is very limited, though child marriage among the Yezidi minority is thought to be widely practiced as both the Rapporteur and Committee on the Rights of the Child have noted.<sup>49</sup> The most recent data (2010-2016) reveals that 5% of girls were married by the age of 18,<sup>50</sup> though this may be underreported for the reasons described above. A 2014 report by the United Nations Population Fund found that child marriage is more prevalent in remote areas of the country because of increased poverty, employment and lack of education for girls compared to urban areas.<sup>51</sup> Additionally, traditional societal values that consider “the role of girls...mostly to be confined to reproduction” was found to be a factor in perpetuating child marriage.<sup>52</sup> The same report found that child marriage among the Yezidi minority is widely practiced, with girls usually marrying by 13 to 14 years old.<sup>53</sup> Child marriage among the Yezidi is a deeply ingrained social tradition,<sup>54</sup> and recent reports have found that children in this community continue to be exploited through early marriage.<sup>55</sup> In 2016, the Committee on the Elimination of Discrimination against Women expressed its concern on early marriage among the Yezidi and Molokan communities.<sup>56</sup> Early marriage also increases a child’s risk of sexual abuse and trafficking in Armenia.<sup>57</sup>
15. No studies on the **extent of sexual exploitation of children in travel and tourism** (SECTT) have been conducted, but a sharp increase in tourism over the last 20 years (23,000 tourists in 1997 to 1,495,000 in 2017)<sup>58</sup> may suggest that the prevalence of SECTT is on the rise. The Europe and Central Asia Regional report on SECTT noted that Armenia lacks a strategic framework acknowledging the issue of SECTT.<sup>59</sup>

#### **Recommendation to the GoA**

- Establish a comprehensive system for data collection on the sexual exploitation of children, disaggregated by age, gender, ethnicity, geographical location, poverty level and manifestation of sexual exploitation

#### **Legislative framework on prohibition of sexual exploitation**

##### *Children’s rights framework and sexual exploitation of children*

16. The GoA has criminalised various manifestations of SEC in a number of different instruments, including the Criminal Code,<sup>60</sup> the Family Code,<sup>61</sup> the Law on the Child’s Rights<sup>62</sup> and the Law on Identification of and Support to Persons Subjected to Trafficking in Human Beings and Exploitation (Law on Identification and Support).<sup>63</sup> The Constitution, in Article 37, provides for the “rights of the child”.<sup>64</sup> These include the right of a child to freely express their opinion in matters related to them, that “primary attention” is given to the interests of the child, and state protection for children without parental care.<sup>65</sup> The Law on Child’s Rights stipulates that every child has a right to be protected from all forms of violence and exploitation.<sup>66</sup> It applies to all individuals in Armenia under the age of 18.<sup>67</sup> Lastly, the Law on Prevention of Violence Within the Family, Protections of Victims of Violence Within the Family and Restoration of Peace in The Family criminalises the use of sexual violence by one family member against another, including children in the family.<sup>68</sup>

17. Armenia has ratified both the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC).<sup>69</sup> Armenia has signed but not ratified both the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and Council of Europe Convention on preventing and combating violence against women and domestic violence.<sup>70</sup> Additionally, Armenia has not ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.<sup>71</sup> Ratification of these international treaties is essential to protect children in Armenia from sexual exploitation.
18. Crucially, the Law of the Republic of Armenia on Legal Acts explains that “[i]nternational treaties ratified by the National Assembly of the Republic of Armenia or approved by the President of the Republic of Armenia shall have the legal effect of a legal act of the body that ratifies or approves them”,<sup>72</sup> potentially providing for enforcement of the above treaties in national courts. If an international treaty prescribes norms different than those provided for in domestic legislation, the norms of the ratified treaties apply.<sup>73</sup> Despite these expansive provisions, as of the date of submission, no citation of children’s right treaties in domestic courts has been found.
19. The sections below highlight provisions from the above laws relevant to the different manifestations of SEC.
20. Article 261 of the Criminal Code prohibits the involvement into or facilitation of (through, among other methods, violence, abuse, or threats) prostitution.<sup>74</sup> In the event the “actions [are] committed with respect to a minor”, the penalty is either a fine of 300 to 500 times the minimum salary, correctional labour for up to 2 years or imprisonment for a term of 3 to 6 years.<sup>75</sup> The Code does not define “minor”, though other Articles suggest it is an individual under the age of 18.<sup>76</sup> An adult who involves a child into prostitution, without necessarily using violence or a threat of violence, will be punished by either correctional labour for 1 year, arrest for a term of 1 to 2 months or imprisonment for a term of 5 years.<sup>77</sup> The penalty is harsher if the same act is committed by a parent, teacher or another person in charge of raising the child.<sup>78</sup> As is the case with “minors”, the Criminal Code does not define “child”. The Law on Child’s Rights explicitly provides for protection of children from prostitution.<sup>79</sup> However, as the Law is only a list of positive rights owed to children, it does not prescribe any penalties or procedures for violations of these rights. Engaging in prostitution carries an administrative penalty for persons aged 16 or older (no penalty for those under 16).<sup>80</sup>
21. Under Article 263 of the Criminal Code, the manufacture, sale and dissemination of “pornographic materials” is illegal.<sup>81</sup> Forcing a “minor” to be involved in such materials or presenting “children’s pornography through [a] computer network” carries a harsher penalty under the same Article.<sup>82</sup> Additionally, Article 166 criminalises the involvement of a child into preparation or dissemination of pornography or pornographic materials.<sup>83</sup> Because the above provisions do not cover importing, exporting or mere possession of child sexual abuse materials, grooming, live-streaming of child

sexual abuse or online sexual extortion, Armenian law falls short of fully protecting children from online child sexual exploitation and child sexual abuse materials.

22. Both the Criminal Code and the Law on Identification and Support criminalise child trafficking. The Criminal Code defines “trafficking” as “[r]ecruitment, transportation, transfer, harboring, or receipt of persons for the purpose of sexual exploitation or forced labor, by means of the threat or use of force, of fraud, of using the dependence, of blackmail, of threat of destruction or damage to property, if this was done for mercenary purposes”,<sup>84</sup> while the Law on Identification and Support provides a more comprehensive definition.<sup>85</sup> However, while the definition of trafficking under the Law on Identification and Support is extensive, it does not appropriately include that the consent of the child victim is irrelevant or that exploitation shall include at a minimum forms of sexual exploitation, as prescribed by the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol).<sup>86</sup> The Criminal Code prescribes a harsher penalty when trafficking is committed against a “minor”<sup>87</sup> (though as explained above, “minor” is not defined), while the Law on Identification and Support defines a “child” as any person who has not reached 18 years of age.<sup>88</sup> A child is entitled to special protections under the Law on Identification and Support. The Law on Identification and Support provides for the non-criminalisation of victims in relation to crimes they may have committed during their time as victims of trafficking,<sup>89</sup> but there does not appear to be an equivalent provision in the Criminal Code. Armenian legislation does not criminalise the “sale of children” as defined in the OPSC. In order to be in conformity with the OPSC, the GoA must amend relevant laws to define and criminalise the sale of children.
23. In 2013, the Family Code was amended to raise the minimum age of marriage to 18 for both men and women.<sup>90</sup> However, children may marry at either 16 or 17 if their parents or guardians give permission.<sup>91</sup> An additional shortcoming is the lack of legislation criminalising forced marriage. The Advisory Committee on the Framework Convention for the Protection of National Minorities has recommended the GoA to criminalise “forced marriages as conducted without the valid consent of both spouses, and where pressure or abuse is used”.<sup>92</sup>
24. Lastly, there is no legislation that explicitly addresses the sexual exploitation of children in travel and tourism, resulting in a significant gap in child protection.

#### *Extraterritorial jurisdiction and extradition*

25. Article 15 of the Criminal Code governs crimes committed outside the territory of Armenia under three separate provisions. First, citizens or permanent residents of Armenia are subject to criminal liability under the Code if the act is recognized as a crime in the state where it was committed and they have not already been convicted in another state.<sup>93</sup> The punishment for such a crime cannot exceed the punishment for that would be handed down to the individual in the state where the crime was committed.<sup>94</sup> On the other hand, citizens and permanent residents who commit war



and genocide related crimes abroad are subject to liability under the Code regardless of whether the crime is cognizable in the state where it was committed.<sup>95</sup> However, none of these Articles cover SEC, and as such, this requirement of dual criminality for citizens and permanent residents fails to adequately protect victims of SEC. Lastly, foreign citizens and stateless persons not residing in Armenia who commit a crime abroad are subject to liability under the Code if they commit a “crimes which are provided in an international treaty of the Republic of Armenia.”<sup>96</sup> This would seem to suggest that SEC offences under the Convention and OPSC can be brought against non-citizens who are in Armenia, but at the time of submission, no record of such judicial proceedings could be found.

26. With respect to extradition, the Criminal Code provides that citizens of Armenia who commit a crime in another state are not subject to extradition to that state.<sup>97</sup> However, the Constitution provides that a citizen may be extradited to a foreign state if an international treaty ratified by Armenia so provides.<sup>98</sup> Given that all other laws (but not international treaties) are subordinate to the Constitution,<sup>99</sup> presumably the extradition provisions provided for in the Constitution apply. Further, foreign citizens or stateless persons who commit a crime abroad and are found in Armenia are subject to extradition in accordance with relevant international treaties.<sup>100</sup> In the event the GoA refuses to extradite an individual, they are to be prosecuted for the crime committed abroad in accordance with Armenian legislation.<sup>101</sup>

#### **Recommendations to the GoA**

- Ratify the (1) Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the (2) Council of Europe Convention on preventing and combating violence against women and domestic violence and (3) the Protocol to the Convention on the Rights of the Child on a communications procedure.
- Criminalise the offence of purchasing sexual services from children.
- Define and criminalise the importing, exporting, and simple possession of child sexual abuse materials, as well as grooming, live-streaming of child sexual abuse and online sexual extortion.
- Criminalise the “sale of children” in line with the OPSC.
- Amend the Family Code to ensure there are no exceptions to 18 as the minimum age of marriage.
- Provide a legal definition for and criminalise the sexual exploitation of children in travel and tourism.
- Amend the Criminal Code to remove the requirement of double criminality for SEC-related extraterritorial offences.

## Implementation

### *National policies and programmes*

27. The Strategic Program for the Protection of Children's Rights 2017-2021 provides the most comprehensive overview of the GoA's policies and activities to protect the rights of children.<sup>102</sup>
28. Additional plans and policies that address that address children's rights include the Government Programme 2017-2022,<sup>103</sup> the Country Programme Action Plan 2016-2020 between the GoA and UNICEF,<sup>104</sup> the National Strategy for Human Rights Protection 2017-2019,<sup>105</sup> Concept on Combatting Violence Against Children,<sup>106</sup> and National Plan of Action Against Trafficking in Persons and Exploitation 2016-2018.<sup>107</sup> As a member State of the Council of Europe, the GoA has also agreed to jointly implement the Council of Europe Action Plan for Armenia 2019-2022.<sup>108</sup> Of these, only the Concept on Combating Violence Against Children and Council of Europe Action plan contain explicit references to the sexual exploitation of children. No reports were available on whether there has been any monitoring or evaluation for the above plans and policies.<sup>109</sup> As a member of the Council of Europe, the GoA should work to implement the Council of Europe Strategy for the Rights of the Child (2016-2021), which includes provisions on the sexual exploitation of children.<sup>110</sup>
29. In her report, the Rapporteur noted that in the past the GoA has been criticised for failing to adequately invest in its implementation of child protection programmes, the short-term focus of the programmes and lack of assessment of policies and programmes.<sup>111</sup> As explained further below, the lack of mechanisms for identification of child victims is also a major downfall of the above policies and programmes.

### *Coordination and evaluation*

30. Armenia has a three-tier child protection system at the national, *marz* (province) and community levels.<sup>112</sup> At the national level, the National Commission of the Child Rights Protection was established in 2005 and is responsible for contributing towards the development of a state policy on child rights.<sup>113</sup> However, the Commission has been ineffective in carrying out its mandate due to its consultative status, lack of professional secretarial and expert support and the fact that it is only led by one ministry.<sup>114</sup> At the *marz* level there exists 10 child protection units within the 10 regional governors' offices who are in charge of providing guidance on child rights issues.<sup>115</sup> Their effectiveness has been severely hampered by limited staff, overlapping functions and no monitoring and evaluation systems.<sup>116</sup> At the community level, guardianship and trusteeship bodies work directly to protect children, though a lack of professional social workers impedes their ability to effectively identify vulnerable children and provide effective assistance.<sup>117</sup> In 2013, the Committee on the Rights of the Child expressed similar concerns of the three-tier child protection system.<sup>118</sup>

31. In line with the Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and Exploitation, an Identification Commission and Investigative Committee were established.<sup>119</sup> The Identification Commission is tasked with collecting data on victims, while the Investigative Committee is responsible for collecting data on criminal cases.<sup>120</sup> The Identification Commission is made up of representatives from the Ministry of Labour and Social Issues, the Prosecutor General's Office, the Police and NGOs.<sup>121</sup> The identification of child victims of sexual exploitation has been raised as a concern under the Law.<sup>122</sup> Additionally, the Anti-Trafficking Unit of the Police General Department for Combating Organized Crime “coordinates the combat of all police subdivisions against human trafficking and exploitation as well as related crimes”.<sup>123</sup>

#### **Recommendations to the GoA**

- Revise national policies and programmes to include activities on combatting the sexual exploitation of children, with a particular focus on victim identification and monitoring guidelines.
- Allocate sufficient financial and human resources for the implementation of activities included in the national policies and programmes.
- Remedy the weaknesses and gaps in each level of the three-tier child protection system to ensure children’s rights are adequately protected.

#### **Prevention**

32. In 2014 and 2015, 307 police officers were trained on the detection of the sale and sexual exploitation of children.<sup>124</sup> Police officers have also organized “awareness-raising meetings at educational institutions on the issue of violence and exploitation of children.”<sup>125</sup> Awareness raising activities with high school students are ongoing, but there has been no monitoring or evaluation to assess the effectiveness of these activities.<sup>126</sup> In February 2017, UNICEF, Armenian civil society and the GoA established the 5- year Share Love, Not Violence campaign aimed at combatting violence against children.<sup>127</sup> While the campaign hopes to “prevent and reduce physical and psychological abuse applied against children in Armenia”, there is no explicit mention of SEC.<sup>128</sup> The campaign claims that children will be actively involved in the activities of the campaign and their voices will be heard.<sup>129</sup> Despite the commendable scope of the campaign, it appears to lack a framework for how progress will be measured and no evaluations of the campaign could be found by the date of this submission.

33. With respect to awareness-raising, the Government Protocol Decree of August 2015 approved an update to the educational curriculum to cover some provisions of the OPSC via interactive training.<sup>130</sup> The curriculum, consisting of educating students in secondary schools on children’s rights, is currently being implemented,<sup>131</sup> though no monitoring or evaluation programmes are ongoing.<sup>132</sup> The Association of Audiovisual Journalists is also involved in disseminating information on the OPSC.<sup>133</sup> Further, recently a toolkit was developed on safe Internet use among children aimed at stakeholders working with children.<sup>134</sup> It contains some information on sexual

exploitation.<sup>135</sup> IOM has also created a Manual for Teachers on human trafficking and exploitation (now in its third edition) as an education supplement for the public to “prevent the rates and consequences” of human trafficking.<sup>136</sup> However, there is no section that addressed SEC specifically.

#### **Recommendations to the GoA**

- Allocate sufficient human and financial resources towards prevention programmes and devise additional prevention programmes focusing specifically on the sexual exploitation of children.
- Ensure that children are involved during the drafting of policies and plans directly affecting them.

#### **Protection**

##### *Measures adopted by the GoA and civil society to protect the rights and interests of child victims*

34. With regard to human trafficking, Articles 22 and 24 of the Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and Exploitation provides legal representation and support to child victims of trafficking.<sup>137</sup> The Law also provides for the recovery and reintegration of victims of trafficking through a number of support systems, including accommodation, medical care and in-kind assistance.<sup>138</sup> Several organizations provide shelter support for victims of human trafficking, including short-term support from Home & Help (accommodated 57 victims of trafficking since 2004)<sup>139</sup> and the long-term UMCOR shelter,<sup>140</sup> though as of 2016 IOM reported there were no specialized shelters just for child victims.<sup>141</sup>
35. Civil society is also involved in coordinating efforts to implement child protection programmes. In particular, the Armenian Child Protection Network is a national coalition of Armenian child-centred NGOs who have come together to consolidate and streamline child protection services.<sup>142</sup> The Network is also involved in awareness-raising campaigns and advocacy efforts to improve the country’s child protection system.<sup>143</sup> It has also outlined a number of projects, including a 2018 initiative to raise awareness of child protection system reform among professionals.<sup>144</sup> Information is not available on the extent to which more recent projects have been implemented and evaluated.
36. With respect to recovery and reintegration, child victims of violence are referred by the police to the FAR Children Centre where a multidisciplinary board assesses their needs and provides them with medical, psychological and social support.<sup>145</sup> Child victims may also be referred to community rehabilitation centres.<sup>146</sup> The extent to which these recovery and reintegration services are specifically tailored to SEC is unclear.
37. Some recent developments on strengthening protection systems include a training in April 2019 on child protection (including online safety for children) for Armenian professionals,

representatives from child protection services, government authorities and NGOs was provided in Yerevan by the International Catholic Child Bureau.<sup>147</sup> In November 2018, a delegation from the Investigative Committee of the Republic of Armenia took part in a training on identifying and combatting human trafficking, though there is no indication children exploited in trafficking was specifically discussed.<sup>148</sup>

38. A noteworthy protection measure is a 24-hour toll-free hotline for reporting child abuse and exploitation, jointly operated by the Police Department on the Protection of Juvenile Rights and the Fight Against Domestic Violence and the Fund for Armenian Relief.<sup>149</sup> The Police of the Republic of Armenia also maintain a hotline for trafficking and migration issues that is available 24 hours a day, though they do not disaggregate data for child abuse.<sup>150</sup>

#### *Access to justice and child-sensitive justice*

39. The Constitution provides everyone with the right to a fair and public hearing by an independent and impartial court.<sup>151</sup> If the “interests of minors” are implicated, a court may choose to hold the judicial proceedings behind closed doors.<sup>152</sup> The Constitution also guarantees legal aid to those who cannot afford it<sup>153</sup> and a right to compensation,<sup>154</sup> though the right to compensation appears to be limited to offences caused by state and local government bodies and officials, narrowing the ability of SEC victims to receive compensation. Further, in accordance with international treaties that the GoA has ratified, everyone is entitled to apply to an international body “for the protection of human rights and freedoms with regard to the protection of his or her rights and freedoms.”<sup>155</sup>
40. Under the Civil Procedure Code, a person may apply to a court for the protection of their rights envisaged in the Constitution and any other legal acts.<sup>156</sup> A child aged 16 years old can bring a case in civil court if a court adjudges them “fully legally capable (emancipated)”.<sup>157</sup> Absent this, a child’s legal interests can only be brought by their parents, guardians or tutors.<sup>158</sup>
41. Additional child-sensitive justice measures include a training for investigators, from March to May 2017, on rules of conduct for engaging children in criminal cases involving them and how to create a “safe environment for minor”,<sup>159</sup> free legal aid provided by the Office of Public Defender to socially vulnerable individuals in some civil, administrative and constitutional cases,<sup>160</sup> and victim-witness protection measures under the Criminal Procedure Code<sup>161</sup> and Law on Identification and Support.<sup>162</sup> However, the Criminal Procedure Code does not establish any compulsory requirement to provide protection measures to child victims, instead relying on either the victim’s request or acting at its own discretion.<sup>163</sup>
42. As highlighted above, effective prosecution of SEC-related cases is hindered by legislative gaps, the absence of child-friendly standards for investigation and a lack of specialised training for prosecutors who deal with SEC crimes.<sup>164</sup> Additionally, a lack of reporting mechanisms, including self-reporting by victims, limits protection offered to SEC victims.<sup>165</sup> Further, most protection services are designed to offer support victims of domestic violence or trafficking, with little

support specifically for SEC victims.<sup>166</sup> A 2018 report from the Human Rights Defender of the Republic of Armenia notes that as of yet, no effective measures have been taken to identify, detect and monitor children who are at risk of SEC offences, and that neither the Human Rights Action Plan 2017-2019 nor the Strategic Program for the Protection of Children’s Rights 2017 – 2021 provides for the establishment of mechanisms to identify potential victims of SEC.<sup>167</sup> In a 2017 report, the Group of Experts on Action Against Trafficking in Human Beings recommended that Armenia better identify and provide protection to child victims of trafficking and ensure that compensation is available to victims of trafficking.<sup>168</sup>

#### **Recommendations to the GoA**

- Provide specialized training for prosecutors who deal with cases involving the sexual exploitation of children.
- Establish effective reporting mechanisms for the sexual exploitation of children, including the ability for victims to self-report.
- Establish protection services specifically tailored towards child victims of sexual exploitation.
- Establish a state-managed fund to provide compensation to child victims of all forms of sexual exploitation.

#### **International cooperation**

43. Cooperation between the Investigative Committee of the Republic of Armenia and investigative bodies of other states is governed by the Criminal Procedure Code and international agreements that Armenia has entered into.<sup>169</sup> The Committee has the authority to (1) request other states for legal assistance related to the investigation of cases under its jurisdiction and (2) to conduct investigations based on a request from another state, either in accordance with Chapter 54.1 of the Criminal Procedure Code or an international agreement between Armenia and the state.<sup>170</sup>
44. The GoA is a member of a number of international organisations, including the Black Sea Economic Cooperation, the Commonwealth of Independent States, the Organization for Security and Cooperation in Europe and the Council of Europe.<sup>171</sup> As a member of the Council of Europe, the GoA regularly interacts and accepts recommendations from its monitoring bodies, and has ratified 62 Conventions since joining.<sup>172</sup> In March 2019, the Ministry of Foreign Affairs and Council of Europe organized a workshop to appraise the implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings 10 years after its ratification.<sup>173</sup> Additionally, Armenia is a member of ChildPact, a coalition of 600 child-focused NGOs that work cooperatively to advance the rights of children in the region,<sup>174</sup> and a member of the WePROTECT Global Alliance to End Child Sexual Exploitation Online.<sup>175</sup>

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<sup>1</sup> Human Rights Council. (2015). [Report of the Working Group on the Universal Periodic Review: Armenia](#). A/HRC/29/11, 13 April 2015.

<sup>2</sup> See Human Rights Council. (2015). [UPR of Armenia – Second Cycle – Thematic List of Recommendations](#).

<sup>3</sup> Human Rights Council. (2015). [Report of the Working Group on the Universal Periodic Review: Armenia](#). A/HRC/29/11, 13 April 2015. Recommendations 120.125, 120.121, 120.122.

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- <sup>4</sup> Ibid., Recommendations 120.6, 120.13.
- <sup>5</sup> Ibid., Recommendation 120.114.
- <sup>6</sup> In line with the recently and widely adopted Terminology Guidelines, ECPAT prefers the term “exploitation of children in prostitution” instead of “child prostitution.” ECPAT International. (2016). [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016](#), 29. Bangkok: ECPAT.
- <sup>7</sup> In line with the recently and widely adopted Terminology Guidelines, ECPAT prefers the term “child sexual exploitation material” or “child sexual abuse material” instead of “child pornography.” Ibid., 39.
- <sup>8</sup> Ibid., 54.
- <sup>9</sup> The World Bank. (2019). [The World Bank in Armenia: Overview](#).
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- <sup>13</sup> The World Bank. (2019). [Armenia](#). Unemployment, youth total (% of total labor force ages 15-24) (modeled ILO estimate).
- <sup>14</sup> UNICEF. (December 2017). World. Table 6.
- <sup>15</sup> Ibid.
- <sup>16</sup> UNICEF. (2017). [Annual Report 2017: Armenia](#); “Stunting” is defined as “the impaired growth and development that children experience from poor nutrition, repeated infection, and inadequate psychosocial stimulation. Children are defined as stunted if their height-for-age is more than two standard deviations below the WHO Child Growth Standards median”. World Health Organization. (2019). [Stunting in a nutshell](#).
- <sup>17</sup> Statistical Committee of the Republic of Armenia & The World Bank. (2018). [Social snapshot and poverty in Armenia: Statistical and analytical report](#). 83. “Extreme poverty” is defined as “not having access to minimum requirement of food (according to national poverty measurement methodology and FAO recommendations)”. Ibid., 63.
- <sup>18</sup> Ibid., 83.
- <sup>19</sup> Ibid., 84.
- <sup>20</sup> ECPAT International. (2016). [Power, Impunity and Anonymity](#). 43.
- <sup>21</sup> In 2017, the mandate was changed to Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material. United Nations Human Rights Office of the High Commissioner. (2019). [Current and Former Mandate-Holders for Existing Mandates Valid as of 1 May 2019](#).
- <sup>22</sup> Human Rights Council. (2016). [Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to Armenia](#). 14.
- <sup>23</sup> Ibid., 18.
- <sup>24</sup> UNICEF. (2017). [Programme: Child rights monitoring – Tracking progress for every child](#).
- <sup>25</sup> Unified Website for the Publication of Legal Acts. (2017). [Draft Law of the Republic of Armenia “On the Rights of the Child”](#).
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- <sup>27</sup> UNICEF. (2017). [Annual Report 2017: Armenia](#). 23.
- <sup>28</sup> Human Rights Council. (2016). [Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to Armenia](#). 4.
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- <sup>31</sup> Investigative Committee of the Republic of Armenia. (2019). [Information about Criminal Cases Committed against Children in 2018 Investigated in RA IC Proceeding](#).
- <sup>32</sup> Human Rights Council. (2016). [Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to Armenia](#). 4.

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- <sup>35</sup> International Organization for Migration. (2016). [Needs Assessment: Counter-trafficking Response in the Republic of Armenia](#). 9.
- <sup>36</sup> Ibid.
- <sup>37</sup> Investigative Committee of the Republic of Armenia. (2019). [Information about Criminal Cases Committed against Children in 2018 Investigated in RA IC Proceeding](#).
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- <sup>40</sup> Ibid., 12.
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- <sup>45</sup> Ibid., 41.
- <sup>46</sup> Human Rights Council. (2016). [Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to Armenia](#). 6.
- <sup>47</sup> Ibid., 6–7.
- <sup>48</sup> Ibid., 7; *see also* Committee on the Rights of the Child. (2013). [Concluding Observations on the combined third and fourth period reports of Armenia, adopted by the Committee at its sixty-third session \(27 May – 14 June 2013\)](#). Para. 27.
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- <sup>50</sup> UNICEF. (December 2017). World. Table 8.
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- <sup>52</sup> Ibid.
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- <sup>66</sup> Human Rights Defender of the Republic of Armenia. (1996). [The Law of the Republic of Armenia on the Child’s Rights](#). Article 9.
- <sup>67</sup> Ibid., Article 1.
- <sup>68</sup> ECOI. (2017). [Law on Prevention of Violence Within the Family, Protections of Victims of Violence Within the Family and Restoration of Peace in The Family](#). Article 3.



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- <sup>83</sup> Ibid., Article 166(1).
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- <sup>88</sup> AntiTrafficking.am. (2014).[Law of the Republic of Armenia on Identification of and Support to Persons Subjected to Trafficking in Human Beings and Exploitation](#). Article 4(6).
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- <sup>90</sup> Irtek.am. (2018).[Family Code of the Republic of Armenia](#). Article 10. [Unofficial translation].
- <sup>91</sup> Ibid.
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- <sup>100</sup> National Assembly of the Republic of Armenia.(2003). [Criminal Code of the Republic of Armenia](#).Article 16(2).
- <sup>101</sup> Ibid., Article 16(5).
- <sup>102</sup> Irtek.am. (2017).[Strategic Plan for the Protection of the Rights of the Child in the Republic of Armenia 2017-2021](#).
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- <sup>115</sup> Ibid.
- <sup>116</sup> Ibid.
- <sup>117</sup> Ibid.
- <sup>118</sup> Committee on the Rights of the Child. (2013). [Concluding Observations on the combined third and fourth period reports of Armenia, adopted by the Committee at its sixty-third session \(27 May – 14 June 2013\)](#). Para.12 & 29.
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- <sup>121</sup> Ibid.
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