



ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ՄՇՏԱԿԱՆ ՆԵՐԿԱՅԱՅՈՒՅՉՈՒԹՅՈՒՆ
PERMANENT MISSION OF THE REPUBLIC OF ARMENIA

2203/336/2015

The Permanent Mission of the Republic of Armenia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and in response to the Note Reference: RRDD/HRESIS/JS/PO/CH/is dated 18 May, 2015, has the honor to transmit to the Office of the United Nations High Commissioner for Human Rights the information provided by the Government of the Republic of Armenia.

The Permanent Mission of the Republic of Armenia to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Attached: 4 pages

Geneva, 19 June 2015

OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR
HUMAN RIGHTS
Geneva



**Information provided by the Government of the Republic of Armenia
on the implementation of the UNGA resolution A/RES/69/167 "Protection of
Migrants"**

Paragraph 1

Fundamental rights and freedoms of migrants are ensured by the RA Constitution. Based on its Article 14.1 "Any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or other personal or social circumstances shall be prohibited".

In Armenia fundamental rights and freedoms of migrants are also ensured by the RA Law on "Refugees and Asylum", RA Law on "Foreigners", Labor Code and by a number of legal acts.

Paragraph 3, pre-point (d)

The RA Law on "Identification of and support to persons subjected to trafficking in human beings and exploitation" was adopted on December 17th, 2014, which applies to persons subjected to trafficking or/and exploitation, who;

1) are citizens of the Republic of Armenia or have a refugee status in the Republic of Armenia, and are in the Republic of Armenia at the time of being detected;

2) are foreign citizens or stateless persons and are in the Republic of Armenia at the time of being detected;

3) are citizens of the Republic of Armenia or have a refugee status in the Republic of Armenia, and are in a foreign state at the time of being detected.

Moreover Article 2 defines, that;

1. provisions defined by the Law shall be based on the principles of humanism, protection of human rights and freedoms, respect for honor and dignity, legality, impartiality and objectivity.
2. provisions defined under the Law shall be subject to implementation exceptionally upon the consent of the person, guaranteeing the confidentiality of his or her personal data and private life, if it is not in his or her interest, as well as excluding any leakage or public disclosure of information that would in any way jeopardize the life and dignity of the person.

Paragraph 3, sub-point (e)

The UN 1990 "Convention on the protection of the rights of all migrant workers and members of their families" was signed by the Armenian Foreign Minister in Geneva, in September 2013. Currently, the ratification of the Convention is under the implementation phase of the national procedures prescribed by the RA Constitution.

Paragraph 4, sub-point (b)

The Law on "Refugees and asylum seekers" incorporates several provisions regarding children asylum seekers and the rights of refugees. The Law guarantees for them an appointment of guardianship, provision of care and living conditions in benefit of their best interest.

Article 9 guarantees the usage of non-refoulement for them, based on the norms of the international law.

The Law on "Foreigners" guarantees for the foreigners exemption from deportation while having a child under his/her custody.

Paragraph 4, sub-point (c)

The Law of the Republic of Armenia on “Amendments and Changes to the RA Criminal Code” was adopted on June 21st, 2014, according to which, within the new Article organization of illegal migration shall be considered a criminal offense. The issue applies to those classified cases, when entities or organizations organize transfer of RA citizens to other countries with the aim to gain profit while violating the migration laws of those countries. Systematic works have been carried to raise awareness on exploitation of human beings (trafficking) among the groups at-risk (migrants, foreigners, refugees). The information has been disseminated through social websites (TV, press, facebook and official webpage of the Service) and consultations provided by the staff of the Service.

Paragraph 4, sub-point (i)

According to the RA Constitution Article 25 “Everyone shall have the right to leave the Republic of Armenia. Every citizen and everyone legally residing in the Republic of Armenia shall have the right to return to the Republic of Armenia”.

In accordance with the Decision of the RA Government No. 297-N of 24 March, 2011 “On approving the description of the return certificate of the Republic of Armenia and order of providing the return certificate” the certificate of return to the Republic of Armenia is a travel document, which enables various persons to return quickly to the RA, crossing borders, in the case of a lack of legal documents. These various persons include the citizen of the Republic of Armenia, individuals recognized as refugees or those who have sought asylum in the Republic of Armenia and people having the right to reside in the Republic of Armenia. People illegally staying abroad and having no legal documents are also provided with return certificates in order to ensure their return to the Republic of Armenia. This is based on the agreement on the readmission of persons staying without authorization concluded with corresponding countries.

By the Decision of the RA Government No. 114-N of January, 10 amendments been made in this Decision, according to which the procedure of issuing a travel document has been simplified for those cases when the person is in a country or a place from where it is difficult or impossible to apply for the consular services of RA. Based on the new order the certificate of return can be obtained from the Ministry of Foreign Affairs of the Republic of Armenia through the authorized representative of the person.

Paragraph 5, sub-point (b)

The purpose of the RA Law on “Identification of and support to persons subjected to trafficking in human beings and exploitation” is prescribed as follows: “The purpose of the Law shall, in the interests of persons subjected to trafficking in human beings and/or exploitation, be their detection, proper identification, provision of support, protection and effective social reintegration thereof, by developing strategic cooperation procedures between the state government and local self governing bodies, as well as with the NGOs, international organizations and civil society”.

Paragraph 5, Sub-point (C)

The Government of the Republic of Armenia acts has undertaken several obligations for organizing immigrants' integration by various legal acts.

- Paragraph 8 of the «Action Plan for Implementation of the Policy Concept for the State Regulation of Migration in the Republic of Armenia in 2012-2016», which was adopted by the RA Government resolution N1393 on November 10, 2011, provides assistance to RA citizens for returning to Armenia from abroad and for their further reintegration.
- Paragraph 8.3 of the «Action Plan for the Implementation of the National Strategic Plan for the Human Rights Protection», which was adopted by the RA Government by the Annex of its resolution N303 on November 27, 2014, provides development of appropriate legal draft which will allow people who were recognized as refugees and asylum granted persons to integrate fully in the Republic of Armenia. The deadline for the submission of the RA Government resolution is the third quarter of 2016.
- Paragraph 5.1 of the “Action Plan on regulation of Armenia’s legislation in the migration field in compliance with the international standards including the actions related to the principles and approaches in line with the European Union and Common Economic Area standards in 2014-2016” which was adopted by the RA Government by the resolution N769, on 17th of June, 2014 provides systematization of the NGOs, which provide assistance to returnees in the framework of «One window» principal.

In order to implement the mentioned activities, a replacement was made in the structure of State Migration Service of RA MTAES and a Division of Integration was founded by the RA Government resolution N 212 of March 6, 2014.

In parallel, on September 4 2014 the RA Government approved the order of service of <http://www.tundarc.am> information website by its resolution N942. This information service was created for RA citizens living abroad and for people with dual citizenship. It gives information on how to return to motherland and information regarding reintegration processes, on projects being implemented in this field. It also gives an opportunity to apply to the RA competent authorities using modern IT technologies.

Paragraph 5, Sub-point (g)

The RA Law on Refugees and Asylum guarantees the family reunification right for refugees’ and asylum seekers’ children.

On 5th of February, 2015 the RA Government adopted and submitted to National Assembly Draft Law on amendments and supplements to the RA Law on Refugees and asylum seekers. It provides additional rights and guarantees for unaccompanied migrant children and children of refugees and asylum seekers for ensuring of their best interest (For ex. priority for providing shelter).

Paragraph 5, Sub-point (h)

According to Article 25 of the RA Law on Refugees and Asylum <Refugees and asylum seekers have equal general education rights with RA citizens>.

Article 39 of the same Law gives the RA Ministry of Education and Sciences competences for implementation of asylum seekers’ and refugees’ education rights provided for by Article 25 of the Law, as well as for organizing admission to educational

institutions for unaccompanied migrant children and children of refugees and asylum seekers.

The problems of ensuring equal rights for asylum seekers, refugees and RA citizens in the field of higher education are provided by the Draft Law on amendments and supplements to the RA Law on Refugees and asylum seekers, which is waiting for approval by the National Assembly of the Republic of Armenia.

Paragraph 7

Article 20 of the Law on <Identification of and Support to Persons Subjected to Trafficking in Human Beings and Exploitation> determines that < Every victim or victim of special category shall be entitled to receiving support and protection in a manner prescribed by legislation. The forms, types, duration, scale of the protection and support to victims and victims of special category may not in any way be interrelated with or conditioned by their participation in the activities carried out by the law enforcement bodies in a manner prescribed by law of the Republic of Armenia. The provision of support and protection may not pursue an expectation of receiving other services or any compensation in return for the provided services>.

According to Articles 21 and 22 of the same Law, support to potential victims and special category victims may also include the following

- emergency medical aid;
- provision of temporary domicile;
- provision of general education;
- in-kind aid of first necessity;
- primary psychological aid;
- general consultation;
- provision of care;
- provision or restoration of necessary documents;
- legal consultative aid
- provision of translation services;
- provision of employment;
- arrangement for a safe return.