



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **Concluding observations on the initial report of Armenia submitted under article 12 of the Optional Protocol to the Convention the sale of children, child prostitution and child pornography, adopted by the Committee at its sixty-third session (27 May – 14 June 2013)**

1. The Committee considered the initial report of Armenia (CRC/C/OPSC/ARM./1) at its 1792<sup>nd</sup> meeting (see CRC/C/SR. 1792) held on 30 May 2013, and adopted at the 1815<sup>th</sup> meeting, held on 14<sup>th</sup> June 2013, the following concluding observations.

#### **I. Introduction**

2. The Committee welcomes the submission of the State party's initial report (CRC/C/OPSC/ARM/1) providing detailed information on its fulfilment of the rights guaranteed by the Optional Protocol as well as the written replies to its list of issues (CRC/C/OPSC/ARM/Q/1/Add.1), taking into account the difficulties in producing these documents for the first time. The Committee also appreciates the constructive dialogue held with the high level and multisectoral delegation of the State party.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations on the State party's third and fourth periodic report under the Convention on the Rights of the Child and on the initial report under the Optional Protocol on the involvement of children in armed conflict, contained in CRC/C/ARM/CO/3-4, 2013 and CRC/C/OPAC/ARM/CO/1, 2013, respectively.

#### **II. General observations**

##### **Positive aspects**

4. The Committee notes with appreciation the State party's ratification of:

(a) The Hague Convention No. 28 on the Civil Aspects of International Child Abduction, in March 2007; and

(b) The Council of Europe Convention on Cybercrime in October 2006.

5. The Committee welcomes the progress achieved in the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including the National Programme on the Fight against Human Exploitation (Trafficking) for 2010-2012.

### III. Data

#### Data collection

6. The Committee notes that the Police gather statistics regarding some of the crimes covered under the Optional Protocol, namely, child trafficking, engaging a child into prostitution and pornography. However it is concerned that the State party did not provide any statistics on the wide range of other offences that are covered by the Optional Protocol as well as statistics in relation to children in vulnerable situations who are at risk of becoming victims of offences under the Optional Protocol.

**7. The Committee recommends that the State party establish a comprehensive data collection and information system and ensure that data, disaggregated, inter alia, by age, sex, socio-economic background and geographic location, are systematically collected on all crimes covered under the Optional Protocol, and on children in vulnerable situations who are at risk of becoming victims of such crimes. Such data should be analysed and utilised as essential tools for assessment, policy development, implementation, monitoring and evaluation of preventive measures.**

### IV. General measures of implementation

#### Legislation

8. While welcoming the efforts taken by the State party to integrate various provisions of the Optional Protocol into its legislation, the Committee is concerned that such efforts have focused mostly on trafficking and not on the crimes of sale of children as defined by the Optional Protocol.

**9. The Committee requests the State party to take all necessary measures to ensure the full incorporation of the Optional Protocol into its domestic legal system. The Committee recommends that the State party ensure that the definition of sale of children, which is similar to, but not identical with trafficking in persons, is included in the national legislation in order to adequately implement the provisions on sale of children contained in the Optional Protocol.**

#### National plan of action

10. Despite the adoption of the National Plan of Action for the Protection of the Rights of the Child for 2013-2016 and the National Programme on the Fight against Human Exploitation (Trafficking) for 2010-2012, the Committee is concerned that such plan and programme only partially address the issues under the Optional protocol. The Committee also regrets the lack of information on human, technical and financial resources allocated for the implementation of such programmes and plans, in particular for research and data collection, prevention of the offences covered by the Optional Protocol, criminal investigations, legal assistance and physical and psychological recovery measures for victims.

**11. The Committee recommends that the State party revise the National Plan of Action for the Protection of the Rights of the Child (2013-2016) to incorporate all issues covered under the Optional Protocol. It also recommends that the Plan be regularly assessed and evaluated on the progress achieved and provided with adequate human, technical and financial resources for its implementation, namely for measures aimed at prevention, protection, physical and psychological recovery and social reintegration of child victims, as well as the investigation and prosecution of the offences covered by the Optional Protocol.**

### Coordination and evaluation

12. The Committee notes that the Police is the responsible authority for the coordination of the implementation of the Optional Protocol. The Committee, however, regrets that the Police lack competence to develop policies, monitor and evaluate activities under the Optional Protocol.

13. **The Committee recommends that the State party establish a single body that is not only executive, but also responsible for the periodic monitoring and evaluation of measures taken in order to use the results of such evaluation for further strategy and policy development on all areas covered by the Optional Protocol.**

### Dissemination and awareness-raising

14. The Committee welcomes the State party's initiatives to raise awareness about human trafficking. Nevertheless, it is concerned that these initiatives have been limited to prevention of trafficking and child prostitution only and that the other offences under the Optional Protocol have not been sufficiently promoted and disseminated, in particular among implementing agencies, the public at large and children.

15. **The Committee recommends that the State party disseminate the Optional Protocol among implementing agencies and make its provisions widely known to the public at large and children in particular, through, inter alia, developing and implementing long-term educational and awareness raising programmes, including campaigns, on the preventive measures and harmful effects of all the offences covered therein.**

## V. Prevention of the sale of children, child prostitution and child pornography (art. 9, paras. 1 and 2)

### Measures adopted to prevent offences prohibited under the Protocol

16. The Committee notes the efforts taken by the Police aimed at preventing child trafficking and prostitution. However, the Committee is concerned that the State party does not have mechanisms in place to identify, detect and monitor children at risk of becoming victims of the offences under the Optional Protocol, and lacks programmes specifically targeting children living in poverty, unaccompanied children and children leaving care institutions as well as girls from the Yezidi community who are often subjected to early marriages.

17. **The Committee encourages the State party to establish effective mechanisms to identify, detect and monitor children in vulnerable situations who are at risk of becoming victims of the offences under the Optional Protocol, and establish special programs targeting children living in poverty, unaccompanied children and children out of care institutions as well as girls from the Yezidi community. It recommends that the State party reconsider its system so that the monitoring of and visits to children in vulnerable situations are carried out not by the police, but by specially trained social workers.**

### Adoption

18. While welcoming the ratification by the State party of the Hague Convention No 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption, the Committee is concerned about the reports of improper financial or other gains and various forms of corruption among government officials involved in processing adoptions.

19. **The Committee urges the State party to take immediate measures to fight and prevent financial or other gains and various forms of corruption among officials involved in processing adoptions, by investigating, prosecuting and punishing perpetrators under relevant provisions of the Criminal Code regarding the sale of children.**

## **VI. Prohibition of the sale of children, child prostitution and child pornography and related matters (arts. 3; 4, paras. 2 and 3; 5; 6 and 7)**

### **Existing criminal or penal laws and regulations**

20. The Committee notes that the provisions of the Criminal Code stipulate the prohibition of trafficking in human beings and child trafficking, as well as provisions that prohibit engaging a child into prostitution and pornography. The Committee is however concerned that the Criminal Code does not specify all the offences under the Optional Protocol and does not reflect the definitions of crimes provided in article 2 of the Optional Protocol. It is also concerned that the State party does not criminalize the following elements under article 3 of the Optional Protocol:

(a) the sale of children by offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation of the child, transfer of organs of the child for profit and engagement of the child in forced labour;

(b) the sale of children by improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(c) Offering, obtaining, procuring or providing a child for child prostitution;

(d) Importing, exporting, offering, or possessing child pornography; and

(d) the attempt to commit any of the abovementioned acts and complicity or participation in any of the said acts.

21. **The Committee recommends that the State party revise its Criminal Code to include definitions of crimes provided in article 2 of the Optional Protocol and criminalize the elements of crimes mentioned in paragraph 20 that are currently missing in its criminal legislation. The Committee recommends that the State party establish punishments commensurate with the gravity of crimes.**

### **Investigations, prosecutions and convictions**

22. The Committee notes the information provided by the State party on the number of cases registered on trafficking in children and engagement of children in prostitution and pornography. However, it regrets the absence of information on the number of investigations, prosecutions and convictions under the existing provisions of the Criminal Code that are relevant to the Optional Protocol.

23. **The Committee recommends that the State party establish effective enforcement mechanisms of the criminal legislation and provide in its next periodic report information on investigations, prosecutions and convictions in relation to all crimes as defined in articles 2 and 3 of the Optional Protocol.**

### **Extraterritorial Jurisdiction and Extradition**

24. The Committee welcomes the fact that the State party can establish its jurisdiction over crimes prescribed in the Criminal Code, including those that are relevant to the Optional Protocol, committed abroad by or against its citizens. It also notes that article 5 of the Optional Protocol can be used as a legal basis for extradition, in the absence of bilateral or multilateral treaty of extradition. The Committee is, however, concerned that double criminality is required in all cases of extradition.

25. **The Committee recommends that the State party take steps to ensure that a double criminality requirement is not used in cases of extradition for crimes covered by the Optional Protocol when they are committed outside its territory.**

## **VII. Protection of the rights of child victims (arts. 8 and 9, paras. 3 and 4)**

### **Measures adopted to protect the rights of child victims**

26. The Committee notes the array of measures aimed at protecting child victims, child witnesses and child collaborators through criminal procedures. The Committee also welcomes the improved attitudes of judges towards victims of trafficking and that the government did not criminalize victims for unlawful acts committed as a direct result of their being trafficked. The Committee is nevertheless concerned that in some instances child witnesses and victims were not provided with appropriate protection during trials and that children involved in prostitution were subjected to administrative fines.

27. **The Committee strongly recommends that the State party ensure the application of special protection measures in criminal proceedings to all child victims and witnesses up to the age of 18 is considered as mandatory. In particular, the Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and/or witnesses of crimes are provided with the protection required by the Convention and that the State party take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20). The Committee urges the State party not to subject the children below the age of 18 to administrative or other types of liability for their involvement in prostitution, and provide them adequate protection and assistance.**

### **Recovery and reintegration of victims**

28. While noting that child victims of violence and sexual exploitation are placed in child assistance centres or community rehabilitation centres and provided with a range of assistance, the Committee is concerned that social reintegration and assistance are carried out mainly by non-governmental organizations with little support from the Police and Ministry of Labour and Social Issues.

29. **The Committee recommends that the State party take all necessary measures to ensure that child victims of the offences under the Optional Protocol are provided with appropriate assistance, including for their physical and psychological recovery and full social reintegration, by, inter alia, effectively implementing its rehabilitation programmes. It further recommends that the State party not only support the relevant non-governmental organizations, but also take full responsibility for effective reintegration and rehabilitation of children victims of offences under the Optional Protocol.**

## **VIII. International assistance and cooperation (art. 10)**

### **Multilateral, regional, bilateral agreements**

30. In the light of article 10, paragraph 1, of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures for and mechanisms to coordinate the implementation of such arrangements, with a view to improving prevention, detection, investigation, prosecution and punishment of those responsible for any of the offences covered under the Optional Protocol.

## **IX. Follow-up and dissemination**

### **Follow-up**

31. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the relevant Government ministries, the National assembly, the Supreme Court and to regional and local authorities, for appropriate consideration and further action.

### **Dissemination of concluding observations**

32. The Committee recommends that the report and written replies submitted by the State party and related recommendations (concluding observations) adopted be made widely available, including through the Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups, media professionals and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

## **X. Next report**

33. In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child due by 22 January 2019, in accordance with article 44 of the Convention.

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