

## CASE STUDY: ARMENIA

# Determinants of Anti-Trafficking Efforts



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This report is published as part of the 'Determinants of Anti-Trafficking Efforts' Project. The project assesses the links and sequencing of specific factors that have yielded improved political will and capacity in national governments to address trafficking in persons and which have led to sustained and comprehensive anti-trafficking efforts. Through a multi-pronged approach, this project will conduct a review/meta-analysis of the current research and contribute a new data-set through expert interviews, a first of its kind global survey and a series of 14 case studies.

More information including the project outputs are available at:

<https://www.biicl.org/projects/determinants-of-anti-trafficking-efforts>

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Gift of the United States Government



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# Acronyms and abbreviations

ATU	Anti-Trafficking Unit of RA Police General Department for Organized Crime
CC	Criminal Code
CoE	Council of Europe Convention
GPO	General Prosecutor's Office
GRETACOE	Group of Experts on Action Against Trafficking
HR	Human Rights
HLIB	Health and Labor Inspection Body
IC	General Department for Investigation of Particularly Important Cases of the Investigative Committee of the Republic of Armenia
IDP	Internally Displaced Persons
IOM	International Organization for Migration
LE	Law Enforcement
MLSI	Ministry of Labour and Social Issues
MoJ	Ministry of Justice
MFA	Ministry of Foreign Affairs
MESCS	Ministry of Education, Science, Culture and Sport
MLSI	Ministry of Labour and Social Affairs
MoH	Ministry of Health
NAP	National Action Plan
NGO	Non-Governmental Organization
NRM	National Referral Mechanism
OSCE	Organization for Security and Cooperation in Europe
PAW	Persons Affected by War
TIP	Trafficking in Persons
UMCOR	UMCOR Armenia Foundation
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
US INL	United States Bureau of International Narcotics and Law Enforcement Affairs

# Executive Summary

This case study is conducted in the frames of a global research project conducted by the British Institute of International and Comparative Law (BIICL) on the determinants of anti-trafficking efforts, understood as factors that have led to improved political will and capacity of national governments to address trafficking in persons.

The period under review covers the events in Armenia over the last decade, starting from 2011 to 2021. During this period, Armenia underwent critical developments affecting the country's political and social life, including severe threats to safety and security of its population during the war with Azerbaijan over Nagorno Karabakh.

Data for this report was collected through conducting in-depth interviews and focus group discussions with the leading state and non-state actors active in the field of anti-trafficking in Armenia, using the methodology kindly provided by BIICL. In addition, an extensive literature review including monitoring reports, evaluation reports, project reports, situation analyses, and available statistical data was undertaken.

Although the full report is presented below, the immediate findings from interviews with anti-trafficking actors drew up the following conclusions. Thus, among the main determinants of the state anti-trafficking response, the survey respondents mentioned **adherence to human rights principles and international law**. Given that trafficking is a severe and complex violation of human rights that includes corruption, violation of individual rights, torture, social and legal protection, access to employment and justice, and other elements, the State put the fight against TIP on the **political agenda**. By addressing human rights policy, the State raises the level living standards, which is critically important for developing democratic governments like Armenia [INT 14; 16]. An increasing number of cases led to acknowledging the problem and setting up structures to keep the issues under ongoing attention [INT 06;11]. **External monitoring** mechanisms, specifically TIP rankings, GRETA evaluations, OSCE, and others, were also mentioned among driving forces for state anti-trafficking response by 55% of respondents. The recommendations generated by the international experts were used by the State for framing and improving policies as well as by NGOs for supporting their advocacy efforts. In addition, **increased knowledge** of the authorities working at the grassroots level empowered them to understand TIP better and raise problems that needed urgent actions before the higher-level authorities by using vertical communication channels. On the other hand, low international ranking and negative reviews impacting on the state image and further funding opportunities were also mentioned among important factors stimulating the State to take immediate actions to improve the situation.

In general, the fight against trafficking played a critical transformative role, creating a new environment for collaboration, with recognized and respected roles for every partner in the process and with equal and shared space. Faced daily with the reality of human stories through their work, all those, be it law enforcement or civil society representatives, have passed through the change in their attitudes, reservations, stereotypes, and working relations.

# Introduction

Through almost two decades, Armenia has been progressing in developing comprehensive measures to counter trafficking in human beings built on coordination between the relevant state actors and civil society both within the country and internationally. Irrespective of these sustained efforts, the problem still comes up in new forms and presents challenges to the safety of individuals.

Like other states, Armenia has an obligation to exercise due diligence to prevent, investigate and punish perpetrators of trafficking in persons and protect and assist victims. Not doing so violates, impairs, and nullifies the enjoyment of the human rights and fundamental freedoms of victims. Following the Velvet Revolution and democratic changes of 2018, the Government of Armenia has made strong commitments regarding respecting human rights and good governance and started taking legislative and other necessary steps to implement those commitments. Armenia has launched a number of reforms in the areas of human rights protection, the rule of law, combating corruption, fighting against criminal subculture, improved public administration, and strategic planning, along with ambitious economic and social reforms. Empowered by a democratic mandate, a renewed sense of political will has been demonstrated with regard to the rule of law, tackling of corruption and strengthening of democratic institutions, as well as improvements in the legal frameworks, national strategy development and planning, the effectiveness of public institutions and empowering of civil society.

Acknowledgment of the problem in the country served as a starting point for determining political will to institutionalize TIP response. Regular high-level meetings of the Anti-Trafficking Council to monitor NAP implementation and discuss urgent issues show the high level of state attention and put anti-trafficking actions on the priority list. Urgent issues to be addressed are submitted by the Interagency Working Group (IAWG), comprised from representatives of state and non-state actors actively involved in the fight against trafficking in Armenia. The effectiveness of Interagency Working Group (IAWG) in (2011-2018) was determined as an example of effective teamwork and unity of different state and non-state actors who are eager to fight TIP. This group was and still is the most effective, constructive, and successful among other State WGs in Armenia.

To make identification of presumed victims of trafficking more effective and victim-centered, at the end of 2015, under the new anti-trafficking law the multidisciplinary Identification Commission was established with the “function to identify victims of TIP and exploitation, referred by other bodies and those who recognize themselves as victims.” Since its establishment, the Commission has come up with several legislative initiatives that has been approved by the Government, these initiatives aimed to better address the needs of the

victims. The identification commission also initiated a fundamental process of establishing a comprehensive centralized data collection system.

This report reviews the fight against TIP in Armenia by focusing on the main factors determining the State response.

# Context

Armenia is a landlocked country spanning 29,743 km. It is located to the south of the Caucasus region and shares borders with Turkey, Georgia, Azerbaijan, and Iran. A multi-party democracy and a nation-state, Armenia became independent from the USSR in 1991. The population of 3,011,609 (July 2021 estimate) is concentrated in the northern half of the country, where the capital city of Yerevan is home to 1,084,000 people and the second-largest city Gyumri has a population of 121,976 (2019 estimates). Armenia became independent in the aftermath of the fall of the Soviet Union in 1991, three years after the devastating earthquake of 1988. In 2018 a non-violent Velvet revolution that prioritized democratic development, the rule of law and human rights values took place in Armenia. As a result, there has been an almost total replacement of the Government at all levels. At the end of 2020, the country experienced 44 days devastating war with neighboring Azerbaijan in the Nagorno-Karabakh (NK) region. Though Armenia remains a country of emigration, the country nonetheless welcomed around 22,000 Syrian-Armenians fleeing the Syrian civil war and around 37,000 refugees fleeing the war over NK.

Armenia has joined fundamental international instruments providing high standards in the fight against trafficking in human beings. The country had joined the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children on 1 July 2003 and the Council of Europe Convention on Action against Trafficking in Human Beings ratified on 14 April 2008.

In addition, the country also ratified a list of Conventions addressing slavery and forced labour, including the ILO Forced Labour Convention No.29 and the ILO Convention on the Abolition of Forced Labour No.105, ratified on 17 December 2004, the ILO Convention on Worst Forms of Child Labour No.182, ratified on 2 January 2005, as well as the UN Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, ratified in 1993 and 2006, respectively.

Armenia has become the 47<sup>th</sup> state to have completed the ratification of the Council of Europe's Convention on Protection of Children against Sexual Exploitation and Sexual Abuse ("[Lanzarote Convention](#)"), which entered into force in Armenia on 1 January 2021. Armenia also signed the Council of Europe Convention against Trafficking in Human Organs<sup>1</sup> on 24 January 2018. The Convention identifies various activities constituting human organ trafficking as criminal offense, which entered into force on March 1, 2018.

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<sup>1</sup> The Treaty is open for signature by the member States, the European Union, the non-member States which enjoy observer status with the Council of Europe, and by other non-member States since 25/03/2015.

At the regional level, Armenia is involved in the framework of the Commonwealth of Independent States (CIS), through multilateral treaties including “Cooperation of the Ministries of Internal Affairs (Police) of Member States of the Commonwealth of Independent States in the Fight Against Exploitation of (Trafficking in) Human Beings” (2010) and “Agreement on the Cooperation of the Member States of the Commonwealth of Independent States in the Fight against Trade in Human Beings, Organs and Tissues of Human Origin” (2006).

Other multilateral arrangements include the Collective Security Treaty Organization (CSTO), which prioritizes joint response to TIP, the Black Sea Economic Cooperation Organization (BSEC), and the European Neighbourhood Policy, that includes cooperation in the field of anti-trafficking in its strategy. The EU-Armenia Mobility Partnership was adopted in 2011, with cooperation against human trafficking (and irregular migration) included therein. The Eurasian Economic Union Agreement also has three chapters in relation to labour migration.

### **Local legislation**

At the national level, Armenia has established an appropriate institutional and legislative framework to prevent and counter human trafficking. Art. 132, which criminalizes the offence of human trafficking, was first introduced in the Armenian Criminal Code in 2003. It was amended in 2006 and 2011 to align with definitions contained in the Palermo Protocol and Council of Europe Convention, respectively. In addition, the Code criminalizes trafficking in children and persons with mental disability (Art. 132.2); the knowing use of services of trafficked persons (Art. 132.3); theft, damage and forgery of documents (Art/s. 324 and 325); forced child begging (Art 166.1) and involving a minor into the commission of the crime (Art. 165). A new Criminal Code of Armenia was promulgated on 27 May 2021.

Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and Exploitation, which entered into force on 17 December 2014, is a key legal document for the identification, referral and protection of victims of human trafficking. The law replaced the National Referral Mechanism (NRM) adopted in 2008, separated provision of victim assistance from prosecution, provided types and procedures for victim identification and terms of assistance services that victims are entitled to.<sup>2</sup>

Other legal documents in this area include the Labour Law adopted in 2004 and amended in 2014 and 2015, repealing the authority’s right to conduct routine labour inspections (Art. 34) and introducing inter alia regulations for terms and duration of children’s work; the Law on Foreigners adopted in 2006 defining conditions for legal entry and duration of stay in

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<sup>2</sup> Law on the Republic of Armenia on Identification of and Support to Persons Subjected to Trafficking in Human Beings and Exploitation. 2014

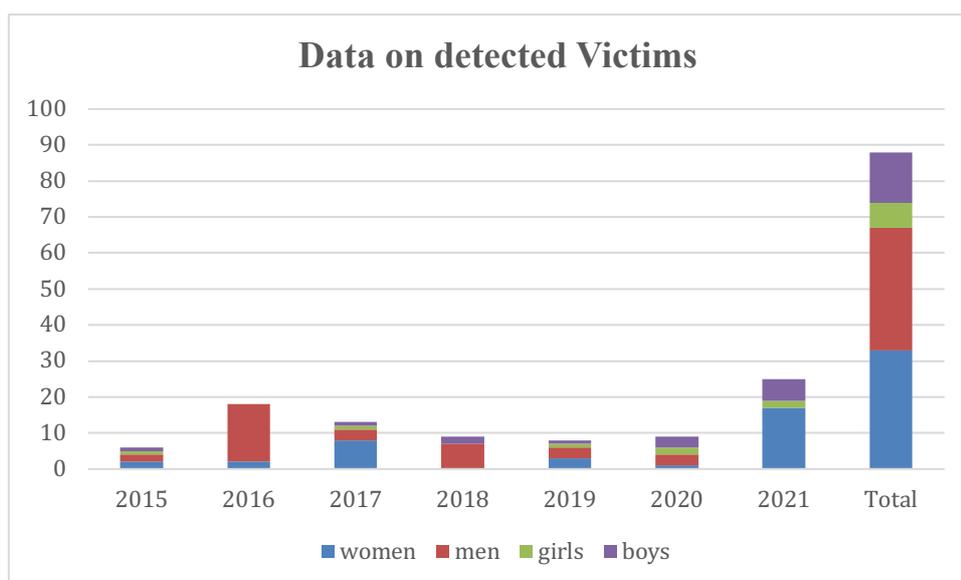
the Republic of Armenia; the Law on Refugees and Asylum adopted in 2008 includes provisions about unaccompanied children or those who are separated from family and are seeking asylum.

### International monitoring mechanisms

Being a party of the Council of Europe Convention on Action against Trafficking in Human Beings, Armenia, along with most of the State Parties to the Convention, have undergone two rounds of evaluation by an independent Group of Experts on Action against Trafficking in Human Beings (GRETA) and currently is under the third review. This evaluation round focuses on trafficking victims’ access to justice and effective remedies. Although OSCE was forced by Azerbaijan to discontinue its activities in Armenia in 2017, the state regularly submitted data on TIP. In addition, Armenia is under regular review within UPR, CEDAW, US DoS TIP, Child Labor and Forced Labor Reports.

### Data on victim identification, investigations and prosecutions

**Table 1. Data on detected Victims<sup>3</sup>**





The role of stakeholders in shaping and supporting the anti-trafficking response in Armenia is crucial. Among international agencies, UN agencies (mainly IOM, ILO, UNHCR, UNICEF, UNDP), US DOS (INL), USAID, OSCE, CoE should be mentioned not only for ongoing professional guidance and expert support in developing policies but also for financial assistance provided for policy development and its enforcing, as well as for continued capacity building, prevention and victim assistance activities.

International organizations working in Armenia over the last two decades, such as UMCOR Armenia Foundation (former United Methodist Committee on Relief office in Armenia), CARITAS, World Vision, People in Need, made their significant investments in the fight against trafficking. For instance, UMCOR has been actively involved in the TIP response since 2004 by implementing anti-trafficking activities, participating in policy development, providing funding to local NGOs and supporting victim assistance and awareness-raising initiatives. Among the local civil society organizations involved in the fight against human trafficking, there are many experienced ones such as “Democracy Today” NGO, Hope and Help” NGO, “Audio-visual reporters” NGO, Association of Investigative Journalists, Fund for Armenian Relief, Armenian Relief Society, Helsinki Citizens Assembly, UN Association and others. In addition, the Office of the Human Rights Defender, Employers Association and Trade unions are also engaged in TIP response.

Among the State actors, quite a high-level representation of agencies involved in the fight against TIP is maintained. Deputy Prime Minister acts as a Head of the Council on Issues of Trafficking and Exploitation of Human Beings, which is represented by main ministries including the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Defense, the Ministry of Health, the Ministry of Sport and Youth, the Ministry of Labor and Social Issues, the Ministry of Education and Science, the Ministry of Territorial Administration, the General Prosecutor’s Office, the National Security Service, the Investigation Committee, the Police (including the specialized police department for combating human trafficking).<sup>5</sup>

### **Existing internal funding<sup>6</sup>**

As soon as the first National Action Plan was adopted, the budget for anti-trafficking efforts was allocated. Although it was not extensive and main areas including victim assistance were covered by international donors, its availability showed the state's positive attitude over the years. The main areas covered by the state budget were awareness-raising activities and media coverage, victims' assistance and provision of one-time compensation to victims (equal to 500 USD per person, but to be provided only after the end of the assistance and reintegration process). The principal owners of anti-trafficking funding are

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<sup>5</sup> Decision on state commission

<sup>6</sup> Government of the Republic of Armenian, State Budget <<https://www.gov.am/am/budget>> /

the Ministry of Labor and Social Issues, the Ministry of Health, and the Ministry of Education, Science, Culture and Sport.

During the period from 2015 to 2017, budget was also secured to support youngsters who leave residential childcare institutions upon turning 18, such as orphanages and special boarding schools. It included, provision of housing, monetary assistance, counselling and social support. Vulnerabilities of institutionalized children become a matter of concern when cases of trafficking of girls with the purpose of sexual exploitation were revealed. However, after a certain period, these budget lines were removed from the anti-trafficking budget and included in child protection section.

The State budgetary allocations consistently increased every year. Despite the fact that due to COVID and war the State had to re-prioritize resources allocation, the expenditures for victim assistance program were not cut and stayed on the same level.<sup>7</sup> This is obvious evidence that the State is in line with its commitment to follow HR principals, ensure a victim oriented approach and combat TIP. (Please see attachment 1.)

#### **Existence of national coordinators, rapporteurs or equivalent mechanisms, as well as specialised structures**

Concerning the institutional anti-trafficking framework in Armenia, the Council to Combat Trafficking in Human Beings (the Anti-Trafficking Council) was set up in 2007 with Government Decree No. 861-A. The Council on the Fight Against Trafficking in Human Beings and Exploitation is a body comprised of the senior officials of stakeholder state bodies. The Council is chaired by the Deputy Prime Minister and meets regularly to set policy directions.

An Inter-Agency Working Group on Combating Trafficking in Human Beings (IAWG) reports to the Anti-Trafficking Council. It was established in 2004 with the primary task of drafting and implementing the actions envisaged in the NAP and submitting recommendations to the Anti-Trafficking Council. The IAWG is composed of staff from the relevant state and non-state bodies directly involved in the implementation of anti-trafficking actions.

The Commission on Identification of Victims of Trafficking in Human Beings and Exploitation is the sole body vested with the authority to recognize a person as a victim.

The Police General Department for Organized Crime has a specialized Anti-Trafficking Unit (ATU). The Department for Organized Crime operates in coordination and cooperation with regional police and other relevant police structures. The General Department for Particularly Important Cases of the Investigative Committee is responsible for leading the investigation into TIP offences and instructing the police accordingly. The Investigative

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<sup>7</sup> The Law of the Republic of Armenia on the state budget 2021 <<https://www.gov.am/files/docs/4337.pdf>>

Committee plays a crucial role in being responsible for the classification of the offence and guiding the evidence gathering process for the case. The General Prosecutor's Office (GPO) is mandated, inter alia, to oversee TIP investigations, instigate the criminal prosecution, confirm the indictment following the investigation and defend the charges in court. The General Prosecutor's Office has a Department for the investigation of especially important cases that employ prosecutors specialized in TIP offenses.

*Presence of particular phenomena or systems with potential impact on anti-trafficking structures*

At the regional level, Armenia has been part of the Eurasian Economic Union (EEU) since 2015. The EEU allows the free movement of goods, services, capital and labour between its Member States.<sup>8</sup> Given the scale of labour migration from Armenia to the Russian Federation, in particular, membership in the EEU has facilitated the easier movement of labour migrants from the Republic of Armenia. However, the protection of workers' rights in the Russian Federation is still an area of concern.

Armenia also has close relations with the European Union (EU). Armenia signed a Mobility Partnership with the EU in 2011. The Visa Facilitation Agreement was signed in December 2012 and a Readmission Agreement in 2013, both of which came into force in January 2014. While discussions with the EU on an Associated Agreement were temporarily placed on hold after four years of negotiations, Armenia signed a Comprehensive and Enhanced Partnership Agreement (CEPA) with the EU in 2017, which was ratified by Armenia in 2018. At the Eastern Partnership Summit in Brussels 2018, EU leaders pledged to start a visa liberalization dialogue (VLD) with Armenia, but an official announcement of a VLD is still to come. Visa liberalization with the EU is a priority for Armenia, as stated in the 2019 Programme of the Government of the Republic of Armenia. Visa liberalization would go a long way to promoting the implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM) since the best way to tackle irregular migration is by providing legal pathways for safe, regular and orderly migration.<sup>9</sup>

In 2014, according to the European Commission regulation, Armenia was included in the list of beneficiaries of the Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) under the reformed EU Generalized Scheme of Preferences (GSP). Following GSP+ requirements, Armenia maintained ratification and implementation

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<sup>8</sup> Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic and the Russian Federation

<sup>9</sup>United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), National Voluntary Review Republic of Armenia (2020) p.4

<[https://www.unescap.org/sites/default/files/Armenia\\_Voluntary%20GCM%20Survey%20Report.pdf](https://www.unescap.org/sites/default/files/Armenia_Voluntary%20GCM%20Survey%20Report.pdf)>

of 27 Conventions on human rights, labour rights, environmental protection, and good governance.<sup>10</sup>

### **A snapshot of international rankings/assessments (TIP report, GSI, UNODC)**

Armenia was first included in the TIP Report in 2002 and was listed as Tier 3. Consideration under the TIP report contributed strongly to the development of anti-trafficking efforts in Armenia, and the recommendations were taken as guidance for policy development. Although the issue was new, long-term policies and legislation were put in place. The state addressed the concerns raised in the TIP Report and decision has been made to strengthen relationships with civil society. External funding played a critical role in developing a comprehensive TIP response in Armenia. UN agencies (ILO, IOM, UNDP, UNICEF), INL, OSCE, the Government of Norway, Netherlands, US and other countries supported Armenia in developing sound policies and legislation, victim assistance, awareness-raising and capacity building for both state and non-state stakeholders.

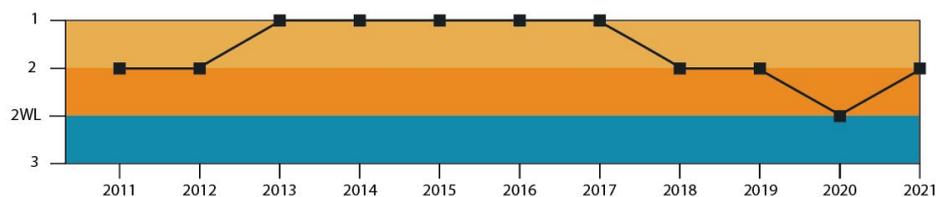
Following the recommendations to provide direct support to trafficked victims, in 2008 the government of Armenia had increased its attention to victim assistance and allocated a special budget for NGO-run shelters. Law enforcement prosecutions have been improved over the next year as well. In light of these developments, in the 2013 TIP report Armenia got Tier 1 status. In the TIP Report narrative of 2013 for Armenia, the State Department focused on their robust training for law enforcement, continued prosecutions of offenders, contributions to trafficking shelters and prevention efforts but there was still much space for improvement left. TIP report also came up with the specific recommendations.

It is important to mention the decline of donor funding with raising of rating Armenia in Tier 1. It might be related to assumption that Armenia has the same level of effort. Indeed, the Government of Armenia fully met the minimum standards for the elimination of trafficking over the five consecutive years from 2013 until 2017. The budget was allocated for rehabilitation and reintegration of victims, provision of compensation, awareness raising etc. However, taking into consideration changing over the time nature of TIP, the need for new knowledge and capacity building efforts, as well as for making appropriate revisions in legislation and policies raised over the time. It was not because of the absence of the political will, but rather because of lack of resources to allocate and shortage of specialists on the front-line. This period also coincided with changes in the government. New people needed time to become aware of the issue and get involved in the anti-trafficking response.

### **Graph. 2. Armenia Tier Placement 2011-2021**

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<sup>10</sup> Council of the European Union. JOINT STAFF WORKING DOCUMENT The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Armenia covering the period 2018 - 2019. (SWD (2020) 17)



The ranking plaid also devil’s advocate policy for Armenia, as being aware of recognition and reputation the government did not take with due important arising problems, mentioned by the international experts and local NGO. Thus in 2018, Armenia was downgraded to Tier 2 and further in Tier 2 Watch List (WL) in 2020. Among the reasons which caused downgrading were the following:

- Low number of investigations and prosecutions;
- Absence of uniform indicators to screen vulnerable populations;
- Suspension of the majority of labor inspectorate functions, which hindering regular inspections that had the potential to identify forced labor;
- Low access to justice faced by victims, including an absence of victim-centered procedures.<sup>11</sup>

This fact had its strong impact on the Government attitude and Government increased its efforts to addressing the raising problems. Therefore, in 2021, in spite of the negative impact of the COVID-19 pandemic on its anti-trafficking capacity, the government demonstrated overall increasing efforts compared to the previous reporting period and was upgraded to Tier 2.<sup>12</sup> According 2021 Trafficking in Persons Report, the Government of Armenia made significant efforts to meet the minimum standards for the elimination of trafficking. These efforts included investigation of more suspects, and identification of more victims; development of a manual for local police on monitoring businesses for trafficking and engaging vulnerable communities; adoption of a law that restricting interviews for children to 90 minutes in the presence of a psychologist; significant increase of resources provided to the NGO-run shelter; allocation of funds to repatriate victims; and conduction of labor inspections by the Health and Labor Inspection Body (HLIB) for the first time since 2015.

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<sup>11</sup> US Department of State. 2020 Trafficking in Persons report: Armenia <<https://www.state.gov/reports/2020-trafficking-in-persons-report/armenia/>>

<sup>12</sup> US Department of State. 2021 Trafficking in Persons report: Armenia <<https://www.state.gov/reports/2021-trafficking-in-persons-report/armenia/>>

# Determinants of anti-trafficking efforts

Determinants are likely to vary depending on the type of response. This section seeks to unpack some of those variations by exploring which factors impact responses under each of the below categories. To address such a dynamic phenomenon as TIP it is necessary to apply holistic approach taking into consideration all the elements that might create vulnerabilities to TIP. All responses should be in coherence and all should be addressed adequately, as inability or negligence in addressing or failing to address one area contributes to the failure of entire process. Without such a holistic approach, it is impossible to fight against this crime [INT.03].

All 4 Ps are very interrelated, and actions in response must complement each other. According to interviewed experts' opinion determinants are varying for each P. For instance, for awareness-raising, the quick response and wide coverage are considered as critical factor, although the impact is often uncertain; equal attention towards all predisposing factors need to be paid [INT.02]. For victim assistance, financial resources are critical, along with the positive change in the attitude of law enforcement (LE) toward the victims due to acknowledgement that for effective investigation and prosecution, ensuring victim protection is critical [INT.13]. Though the state response should be comprehensive, a holistic approach applied, different agencies are responsible for each "P".

While most respondents mentioned interconnection between all four Ps, a number of experts prioritized prosecution. In their view, the state pays more attention to prosecution. The other Ps simply follow after it. As soon as the number of cases increases, prevention has become essential. The prevention efforts are made predominantly due to international obligations and through NGOs that demonstrate active involvement. As for protection, there is more attention in the initial stage of the case identification – but it lessens after some time as NGOs are fully executing work with victims using state and non-state funding.

## Particulars of determinants by type of response

### Prosecution

Trafficking in persons is a complex and victim centred crime – in the sense that the person is the primary object of the criminal activity. It requires by its very nature and definition that a multitude of different criminal elements be established. This feature of the crime is well described by UNODC as 'the mosaic of evidence', i.e., the constellation of various and

multiple circumstances necessary to establish a human trafficking offence.<sup>13</sup> Based on the statements made by the respondents, it is possible to highlight the following factors determining the state response.

### **Political will; Governance and politics**

The essence of the crime itself - TIP is a brutal crime and violation of human rights taking place within country and trans-nationally. The protection and restoration of human rights of each person by executing an effective prosecution is the primary responsibility of the State. To execute this responsibility, the state became a party of the corresponding legal documents and developed its legislation in accordance with international requirements and obligations taking into consideration local specificity.

Trafficking was first criminalized in 2003 with the introduction of Article 132 into the *Criminal Code*, with further amendments made in 2006 to align the definition with the UN *Trafficking in Persons Protocol*, and in 2011 to increase penalties. TIP is considered as a serious and particularly serious crime and the punishment is from 5 to 15 years of imprisonment.

A new Criminal Code of Armenia has been promulgated on 27 May 2021. It was a result of several years of meticulous work of the Armenian authorities in cooperation with the Council of Europe (***External Monitoring; International Organisations***). As per the statement of Christos Giakoumopoulos, Director General Human Rights and Rule of Law of the Council of Europe: "The new Code will make the justice system more humane and thus promotes citizens trust in the latter".<sup>14</sup>

When the *seriousness of the problem was acknowledged, the structural changes in law enforcement bodies to effectively address TIP were undertaken (Political Will; Governance and politics)*. The reason for this was the high number of cases, the complex nature of the crime connected with the number of persons involved, types of the crime, transnational mode as there were many cases in UAE, Turkey and Russia requiring international

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<sup>13</sup> UNODC, "Evidential Issues in Trafficking in Persons Cases" Case Digest (2017) p.8

<sup>14</sup> Armenia enacts a criminal law reform in line with the Council of Europe standards. [https://www.coe.int/en/web/yerevan/home/-/asset\\_publisher/KZTSm796kFrq/content/armenia-enacts-a-criminal-law-reform-in-line-with-the-council-of-europe-standards?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fyerevan%2Fhome%3Fp\\_p\\_id%3D101\\_INSTANCE\\_KZTSm796kFrq%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dnormal%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-1%26p\\_p\\_col\\_pos%3D1%26p\\_p\\_col\\_count%3D5](https://www.coe.int/en/web/yerevan/home/-/asset_publisher/KZTSm796kFrq/content/armenia-enacts-a-criminal-law-reform-in-line-with-the-council-of-europe-standards?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fyerevan%2Fhome%3Fp_p_id%3D101_INSTANCE_KZTSm796kFrq%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_pos%3D1%26p_p_col_count%3D5)

cooperation. To tackle TIP cases, the Police General Department for Organized Crime established a specialized Anti-Trafficking Unit (ATU) which operates in coordination and cooperation with regional police and other relevant police structures (*Specialised Anti-Trafficking Bodies*). If the case is recorded, the information is shared with ATU for further actions and coordination of efforts. In addition, the police officers from local subdivisions have an obligation to make mandatory regular visits to places that are considered as risky in terms of TIP, such as night clubs, massage salons, begging places, or agricultural farms, and to take necessary actions to prevent and/or identify TIP cases. All the actions are agreed with ATU [INT.13].

The Investigative Committee (IC) was established on 19 May 2014. The Investigative Committee plays a crucial role in being responsible for the classification of the offence and for guiding the evidence gathering process for the case. Its General Department for Particularly Important Cases is responsible for leading the investigation into TIP offences and instructing the Police accordingly. The General Prosecutor's Office (GPO) has a Department for the investigation of especially important cases that employ prosecutors specialized in TIP offences. Each month information about TIP cases is collected from all subdivisions at the GPO according to the special order of the Prosecutor General. Thus, information flows are regulated and institutionalized [INT.02].

The judicial system comprises First Instance Courts of General Jurisdiction and Courts of Appeal dealing with civil, administrative and criminal cases. The Court of Cassation acts as a high instance court and ensures uniformity in the implementation of the Law, except for constitutional matters which fall under the jurisdiction of the Constitutional Court. However, there are no specialized courts dealing with criminal cases or specialized sections or judges dealing with TIP cases or with children's and juvenile matters. Any judge can be assigned to take a trafficking case according to their turn. One of the main challenges in investigating human trafficking offences is the collection of testimonial evidence from victims. In many countries, an investigative procedure is dependent on the victims' willingness to come forward and/or testify, and a trafficking victims' statement is a necessary proof of evidence. Thus, several amendments were introduced in the Criminal Procedural Code following ongoing claims from the NGOs working with victims and recommendations of international communities for LE bodies to adopt a victim-oriented approach within law enforcement procedure and to minimize the risk of victims' re-traumatization by repeatedly interrogating them for long hours, including children for up to 10 hours. Thus, in addition to the guidelines restricting interviews to four hours for adults, the government adopted a law, which took effect in January 2021, that restricted interviews for children to 90 minutes in the presence of a psychologist. Another legislation came into force that permits investigators to question the victims of a crime via video for reasons of health, age, or safety. Investigators are also got permission to speak to a witness or victim in another country via diplomatic representation while investigating transnational trafficking cases (*International Law; CSOs*). However, few identified cases reached the court. LE officials are still lacking sufficient

specialized knowledge and capacity on interviewing victims, especially children, which in some cases prevents collecting sufficient evidence to build a prosecutable case.

Yet, legislation improvements are not enough without their practical enforcement. TIP crime is hard to prove as it is often little or no evidence for it, and it is difficult for a non-specialized police officer to differentiate trafficking cases from other crimes (serious health damages, domestic violence, sexual abuse etc.). To address this problem, extensive **capacity-building measures** were undertaken, which brought to their positive results with the utilization of both **internal and external resources**. Thus, the government developed a manual for local police on monitoring risky businesses and interviewing vulnerable communities for those police officers who are not directly involved in anti-trafficking actions on how to identify trafficking cases. According to the opinion of the local experts, the availability of the manual positively contributed to the increased capacity of non-specialized police officers to proactively pursue investigations rather than rely on victims to self-identify [INT.13]. In addition, in 2020, the government introduced a 5-month training program for Armenia's new patrol police force that includes information on combating trafficking in persons and identifying minor victims. The training was provided by ICITAP jointly with the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL).<sup>15</sup> As for judges and prosecutors, they have access to TIP training courses at the Justice Academy.

The next factor determining or hindering state response is limited access to proper disaggregated data on TIP cases identified and prosecuted. There is an inconsistency in data collection formats on both cases and victims reported by various agencies (**Data and research**).

Although data on identified cases are collected in police and information on prosecuted cases is available through DataLex Judicial Information System, the format of the collected data is different, so there is no possibility for comparison and detecting which initiated by police case reached the court and which was dropped or reclassified and the reason for this. Proper data collection is a key for developing effective policies. Setting up a comprehensive and coherent information system on TIP was an ongoing recommendation outlined in the evaluation reports. However, the lack of resources to set up such a system, as well as the availability of tools and limited capacity to maintain it hindering the state from the implementation of this recommendation.

Over the last decade, a stable decline in prosecuting TIP cases has been traced. Following the dynamics of cases during that period, it became obvious that the majority of convictions

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<sup>15</sup> US Department of Justice "Armenia: New patrol police officers begin service in Yerevan" (7 July 2021) <<https://www.justice.gov/criminal-icitap/blog/armenia-new-patrol-police-officers-begin-service-yerevan>>

took place during the period of 2011-2013. The remaining 34% of prosecuted cases were recorded over the following seven years until 2021.

Despite investigative efforts of the Armenian authorities, statistical data demonstrates that few cases were sent to court, and many cases were either discontinued due to a lack of evidence or re-qualified under other articles. According to the police statistical data, 102 criminal cases were opened during the period from 2011 to 2021.<sup>16</sup> Out of them, only 68<sup>17</sup> cases were prosecuted, and up to 41 convicted.<sup>18</sup> There were no convictions in 2018 and 2019.

Attention to decline in prosecuted cases was brought up by CSOs and international experts, as well as by the survey respondents as well. Indeed, at the beginning of the reviewing decade in 2011, 2012, 2013, the majority of cases were identified and prosecuted, and the crime was more “visible”, as the majority of cases were trafficking for sexual exploitation. According to the experts' opinion, investigation for sexual exploitation cases was done more precisely, and it was easier to apply the CC trafficking articles.

They also stressed that currently, the prosecution is lacking as recent cases, especially on labor exploitation, did not reach the court [INT.02;04; 05]. For instance, in 2020, authorities dropped seven forced labor cases due to a lack of evidence, compared with dropping four forced labor cases in 2019.<sup>19</sup> Forced labor convictions were not issued since 2014.<sup>20</sup> Labor trafficking cases are more difficult to identify and proceed with. They are more complex, lack clear evidence, and are mainly based on victims' testimony. For internal labor trafficking cases, victims may be reluctant to give evidence because they feel threatened or intimidated and are afraid of being prosecuted. Since prosecutions rely largely on victim testimonies, securing convictions is difficult. As a result, it is thus unlikely to receive their testimonies during criminal proceedings.

## Protection

### *Political will*

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<sup>16</sup> RA Police. Statistics. <<https://www.police.am/%D5%A9%D6%80%D5%A1%D6%86%D5%AB%D6%84%D5%AB%D5%B6%D5%A3/statistics.html>>

<sup>17</sup> US Department of State. Trafficking in Persons report: Armenia. (Combined data for the period from 2011 to 2021).

<sup>18</sup> RA Judicial information system (DataLex) <http://www.datalex.am/> (convictions by articles 132 and 132.2 of the RA Criminal Code).

<sup>19</sup> US Department of State. 2021 Trafficking in Persons report: Armenia <<https://www.state.gov/reports/2021-trafficking-in-persons-report/armenia/>>

<sup>20</sup> US Department of State. 2021 Trafficking in Persons report: Armenia <<https://www.state.gov/reports/2021-trafficking-in-persons-report/armenia/>>

The main obligation of the state is to ensure the safe living of its citizens. Any single trafficking case is alarming and should be addressed, and resources should be allocated. The majority of respondents mentioned that *the primary responsibility of the state in the fight against TIP is to put efforts into ensuring the protection of the human rights of trafficked victims*. One of the state officials during the interview [INT.03] mentioned that “from survivor point of view the most important is victim assistance and victim-centred approach and this should be put in the course while shaping state policies and anti-trafficking response.” This is not just a statement, the State really puts significant efforts to ensure victims identification, proper referral and access to assistance and reintegration services as well as protection of their human rights and dignity. All seven NAPs contained separate chapters dedicated to victims’ identification, referral and assistance with sufficient budget allocated to ensure implementation of these actions. Assistance to victims of trafficking is also guaranteed by the State and provided as prescribed by the legislation of the Republic of Armenia to all victims, citizens and foreigners who are being forced to traffic and coming to Armenia as a country of destination.

The Ministry of Labour and Social Affairs is responsible for the provision and coordination of assistance to victims. The Law on Identification and Support to Persons Subjected to Trafficking in Human Beings establishes a procedure for identification of trafficked victims and their referral for assistance and determines available assistance packages including medical aid, shelter, psychological counselling, legal counselling and legal aid, translation/interpretation, access to education, vocational training and employment, arrangements for safe return, and a lump-sum monetary compensation. The Government decision further details the procedure, scope and duration of support services for victims. The Government also allocates annually budgetary resources for funding the social and psychological rehabilitation programme for victims of trafficking and foresees the possibility of implementing the programme in partnership with selected NGOs. The State wants to demonstrate its care about the trafficked persons and people at risk, which means the provision of assistance and reintegration and application of a victim-oriented approach [INT.14].

The State budgetary allocations for victim assistance consistently increased every year, and regardless of the fact that due to COVID and war, it was re-prioritization of the State immediate response and consequently the Budget allocations, the expenditures for the victim assistance program were not cut and stayed on the same level. This is obvious evidence that the State is in line with its commitment to follow HR principles and combat TIP.

### ***Compliance with the international law***

#### ***a. Ensuring labor rights of the citizens***

A 2019 World Bank report found that approximately 13 percent of the country’s wage employees did not have a written contract and did not have access to any form of benefits related to paid leave, childcare, or sick leave. In addition, the agricultural orientation of the

country's economy tended to drive informal employment. According to official statistics, the government's *anti-corruption efforts* and active efforts by the tax authorities led to a notable increase in the number of officially registered employees in the country, which in its turn decreased trafficking risks.

Safeguarding decent working conditions for its citizens and enabling exercising of their labor rights is one of the principal factors harnessing political will to take actions in fighting forced labor and trafficking in human beings [INT.10]. Responsibilities being taken by the State under ILO conventions, COE AT convention, and other international documents create a framework for adjusting and improving domestic legislation and policies accordingly. The implementation of these requirements enables the State to take necessary steps for ensuring their implementation and take actions to combat TIP.

The role the **labor inspection** in TIP response should be determined by its mandate and capacity to identify labor exploitation and forced labor cases. Corresponding legislation also should be in place to determine the role of labor inspection in AT response through developing special procedures and monitoring mechanisms [INT.10].

However, as part of a broader inspection reform agenda, Armenia's labor inspectorate was abolished in 2013, and the responsibility for conducting labor inspections was transferred to the new State Health Inspectorate, created the same year. In 2014, legislative changes repealed Article 34 of the Labor Code, which had previously established the government's authority to implement labor legislation and collective bargaining agreements. In 2015, subsequent changes to legislation regulating labor inspections left the State Health Inspectorate unable to conduct labor inspections. In 2017, continued inspection reform led to the dissolution of the State Health Inspectorate and the creation of the Health Inspection Body, which was tasked with monitoring occupational safety and health standards for employees, along with monitoring a variety of public health standards. In 2018, a law on the State Bodies of Governance Systems came into force that changed the Health Inspection Body to the Health and Labor Inspection Body (HLIB).

In its effort to improve supervising the labor rights sphere and enable mechanisms protecting labor rights of workers as well as to fulfill requirements of international treaties (ILO, GSP+) (*International Law*) and following continues recommendations from international community as well as advocacy efforts of local NGOs (CSOs), in 2019 the Article 33 of the Labor Code was amended to empower HLIB to issue penalties for labor violations and to conduct labor inspections.<sup>21</sup> Further on, in October 2020, additional changes to the bylaws regulating the work of HLIB went into effect that granted it responsibility for upholding labor rights and worker health and safety. HLIB widely publicized its new responsibilities,

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<sup>21</sup> Government of Armenia. Law HO-265-N on Amendments to the labor code of the Republic of Armenia. Enacted: December 4, 2019. <<https://www.arlis.am/DocumentView.aspx?docid=137281>>

emphasizing in particular its new authority to examine labor violations in response to written complaints.

Apart from the above-mentioned factors influencing state labor reform, it is worth to mention that *representatives of HLIB having institutional memory of their engagement in TIP response and encountering in their everyday work violations of labor rights remaining unaddressed were also actively attracting attention of the Government, local and international expert to these exiting gaps* [INT.10]. Capacity of IAWG was also used to stress the importance of returning labor inspectors their previous functions to address labor violations. As a result of regular discussions, a special document on this issue was submitted from the IAWG to Deputy Prime Minister, a Chair of AT Council. In addition to that, GRETA reports and TIP reports mentioned this issue several times (**External Monitoring**). Jointly all these factors played their positive role [INT.04]. Thus, according to the current labor HLIB mandate the inspector have access to supervise all types of economic activity and therefore during that work the inspectors can find out the cases of trafficking. Corresponding legislation is in place to determine the role of labor inspection in TIP response trough developing special procedures and monitoring mechanisms. Moreover, the recent changes in labor policies and Labor Code related to defining forced labor in accordance with ILO convention, consider the labor inspector as a guarantee of decent labor relationships regulated by labor laws and policies and thus giving labor inspection a unique role in fight against HT. [INT.10]

#### ***b. Identification and referral of TIP victims***

The process of recognizing a person as a victim of trafficking is crucial to ensuring support, protection of rights and access to justice. Victim identification and assistance are core components of an effective anti-trafficking response. Proper available legislation gives a strong base and an opportunity for developing effective strategies and making improvements in the field [INT.03].

The obligation of the State to be in-line with international conventions they have ratified, recommendations of GRETA,<sup>22</sup> TIP report and other external instruments, together with pressure from local NGOs, worked perfectly in helping the State to fulfil their commitments [INT.06] by developing a new Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and Exploitation (Law) which entered into force on 30.06.2015 (**International Law; External Monitoring; CSOs**). It provided a clear administrative and legislative framework to ensure that trafficked persons are properly identified as victims and referred for assistance and protection.

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<sup>22</sup> COE Group of Experts on Action Against Trafficking, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia. GRETA (2017) Second evaluation round.

By adopting this Law in addition to the provision of comprehensive assistance package, the State ensured access to that assistance by revising the National Referral Mechanism (NRM) lacking human rights approach and setting up a new identification procedure according to which provision of assistance was completely de-linked from the investigation, and which corresponds the requirements of COE AT Convention (Article 12 (6)).<sup>23</sup> In addition, a series of governmental decisions detailed the procedures for victim identification, provision of support services, establishing protection measures, organizing the safe return and granting a lump sum monetary compensation.

### ***Influence of monitoring mechanisms and international pressure***

As it has been already mentioned, the Law on Identification and Support cancelled the previous NRM procedure, according to which volume of provided assistance was determined by the prosecution stages. The NRM lacked human rights and a victim-centred approach and was persistently criticized by NGOs and international experts. A major strength of the Law is that it takes a human rights approach and does not condition access to support, assistance and protection upon the cooperation of victims in criminal proceedings.<sup>24</sup> The law establishes clear obligations for State authorities to provide support services and protection to victims of trafficking during the pre-identification stage and after. In its second evaluation round report, GRETA welcomed the adoption of new, dedicated anti-trafficking legislation.<sup>25</sup>

In response to an ongoing recommendation from the monitoring bodies to effectively develop and implement a new trafficking victim compensation mechanism, the new Law also established the State's responsibility to provide monetary assistance to persons subjected to human trafficking and exploitation as partial compensation for the damage caused.<sup>26</sup> The

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<sup>23</sup> Council of Europe Convention on Action against Trafficking in Human Beings. CETS 197 – Trafficking in Human Beings, 16.V.2005 <<https://rm.coe.int/168008371d>>

<sup>24</sup> Law on the Republic of Armenia on Identification of and Support to Persons Subjected to Trafficking in Human Beings and Exploitation. 2014

<sup>25</sup> COE Group of Experts on Action Against Trafficking, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia. GRETA (2017) Second evaluation round, para 14.

<sup>26</sup> Law on the Republic of Armenia on Identification of and Support to Persons Subjected to Trafficking in Human Beings and Exploitation. 2014. /For instance, according to the Law, monetary assistance should be provided at the end of the reintegration process. However, on practice following NGOs' request, it is provided earlier as soon as the victim is returned home or has to cover some immediate needs out of the assistance package. Putting victims' needs first, the state tries to do its best to support them. This issue of inconsistency of Law with practice and actual needs of people to whom this assistance is entitled was regularly raised by NGOs. It is expected that corresponding changes will be made during the upcoming revision of the Law. Another shortcoming of the Law identified by NGOs during its application connected to cases of trafficked children. When granted monetary assistance, they cannot use this money until turning 18 years old. However, this money is often beneficial for their families as they are always poor and very socially vulnerable. To solve this issue, the Government's decision was issued to enable a parent or legal guardian, if it is in the best interest of a child, to be eligible to get this money and use them to cover the immediate needs of the child. The same provision is applied for cases when the trafficked person has a mental disability/.

compensation is available to anyone who has been recognized as a victim by the Commission for Identification and has not refused to receive assistance. The financial assistance is equal to 500 USD. Eleven persons have thus far received financial compensation (8 citizens of Armenia, two citizens of the Republic of India and one citizen of the Islamic Republic of Iran).

*Improving identification through establishment of Identification indicators.*

Stigma towards trafficked victims is still high, which prevents them from self-identification and getting available protection, and is hindering prosecution. According to the results of the small-scale rapid assessment conducted among teachers, students and journalists in 2018, the main reasons for victims of trafficking not to report what happened to them is fear, shame, stigma, and threats.<sup>27</sup> The stigma also hinders men from self-identification and application to services [INT.16]. Addressing this issue and increasing the access for trafficked persons to rehabilitation services were the focus of the latest TIP reports. An urgent need for the development and application of proactive identification efforts was specifically highlighted among the recommendations.<sup>28</sup>

However, identification of victims of TIP is complicated due to the absence of common identification indicators and inadequate flow of information between public stakeholders and NGOs.<sup>29</sup> Commonly agreed indicators are crucial to facilitate and support the assessment of the different circumstances, according to which a person can be considered a victim of trafficking.<sup>30</sup> According to interviewed experts' opinion, it became obvious that due to the absence of specific indicators, AT response actors were lacking in their capacity to properly identify victims of TIP [INT.03].

To address this gap and ***follow the recommendations of the international community*** (GRETA,<sup>31</sup> TIP report,<sup>32</sup> IOM) to develop standard operating procedures for screening trafficking victims and train officials on screening for trafficking among at-risk populations, MOJ, with financial support from US INL, initiated the process of development of identification and referral procedures in 2020. The lists of specific identification indicators for different agencies that taking into account peculiarities connected with a type of exploitation, victim profile and the agency conducting identification were also developed. Taking into account specificities connected with the identification of trafficked children,

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<sup>27</sup> Sorrentino L., "Assessment Report on Trafficking in Persons in the Republic of Armenia" (IOM 2018).

<sup>28</sup> US Department of State. Trafficking in Persons report: Armenia (2017, 2018, 2019, 2020, 2021).

<sup>29</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia. GRETA (2017) Second evaluation round. (para 97)

<sup>30</sup> Sorrentino L., "Assessment Report on Trafficking in Persons in the Republic of Armenia" (IOM 2018) p.33.

<sup>31</sup> COE Group of Experts on Action Against Trafficking, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia. GRETA (2017) Second evaluation round, para 101.

<sup>32</sup> US Department of State. Trafficking in Persons report: Armenia (2017, 2018, 2019, 2020, 2021).

separate child-sensitive questionnaires were developed for each professional field. Thus, identification indicators were developed for police officers, labor inspection, migration servants, medical personnel, social workers and other actors who may be in contact with potential victims [INT. 07].

Considering the need to make the new identification procedure known by all stakeholders at central, regional and local levels, MoLSA, in cooperation with local NGOs, organized training of front-line officials of victim identification and referral. Similar training was initiated by MTA in cooperation with UMCOR, UNHCR and IOM for migration officers working with labor migrants and asylum seekers.

However, precise execution of recommendations is not always the case. For instance, irrespective of the ongoing recommendations from the international community, the Armenian authorities consider that there is no need for separate shelters for child victims of trafficking due to the low number of such victims and the fact that they do not always need to be placed in a shelter.<sup>33</sup> In practice, most of the trafficked children are special school students, and they are returned to these institutions. In other cases, trafficked children are returned to their families, and the support provider works with the whole family. Those who are in need of shelter may be accommodated in other types of institutions for children or maybe assisted in daycare centres and institutions for social protection. Child victims of violence and TIP are referred to the Fund for Armenian Relief Children Center. Girls, victims of sexual violence and trafficking, are also referred to the state-funded shelter with their mothers or legal guardians. Rehabilitation services along with access to school education are rendered in both centres. The decision on sheltering underage victims of trafficking is made by MOLSA and assisting NGOs (social workers and psychologists), taking into consideration the best interest of a child in each case.

Taking all mentioned above into account, as well as the availability of other specialized facilities providing child-friendly services and the possibility to stay with mother or other relative implementation of this requirement is still pending.

### ***State and NGO constructive dialog and cooperation***

*Victim identification and assistance.* As mentioned earlier, before the Law on Identification and Assistance was adopted, access to state assistance for trafficked victims was predetermined by the victim's cooperation with LE. It is worth mentioning that no one identified victim of TIP was deprived of their right to get assistance because the assistance programs were implemented by NGOs (UMCOR Armenia Foundation, Hope and Help NGO, Democracy Today NGO) having flexibility and additional funding, apart from the State funds, to provide full assistance package to all referred victims in case of restricted

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<sup>33</sup> Assistance to Victims of Human Trafficking, GRETA, Thematic Chapter of the 8<sup>th</sup> General Report on GRETA's activities.

access for the State assistance. The State appreciated this opportunity as it allowed to assist all victims within the NRM and out of it.

The Law on Identification and Support, therefore, also established a collaborative, multidisciplinary and inclusive process between NGOs and law enforcement and social welfare institutions for the identification of victims of trafficking and their referral to support. Thus, the Victim Identification Commission consists of seven members appointed by the Government: two from the Ministry of Labour and Social Affairs, one from the General Prosecutor's Office, one from the Police and three from the NGOs (Democracy Today, Hope and Help and UMCOR, respectively).<sup>34</sup>The representative of the Ministry of Labour and Social Affairs chairs the Commission.

The "Psycho-social rehabilitation for victims of trafficking and exploitation" programme has been supported through both State budgetary funding and other donors grants since 2014 (Table 2). This programme foresees a standard package of services that are then adapted and tailored to respond to the individual needs of trafficked persons, be they women, men or children. Support services include information on assistance options and conditions, shelter, medical, psychological, material and legal assistance, interpretation, and reintegration services. Support services tend to be shelter-based; however, victims outside the shelter also have full access to assistance packages as described in the Law.

All provisions of the Law, including the provision of monetary compensation, are equally applicable to both the citizens of the Republic of Armenia and foreigners recognized as victims by the Commission for Identification. State - NGO model in organizing victims' rehabilitation and reintegration process is quite effective as all the problems hindering the provision of timely bound to the victims' needs assistance are revealed immediately, translated to the relevant state authorities and got corresponding solutions.

Ensuring Free Legal aid. Victims subjected to trafficking are provided with legal assistance during the criminal procedure after a criminal case on trafficking has been instituted and from the moment of rendering a decision on recognizing the victim, including the child, as an injured part of criminal proceedings by the preliminary investigation body. As the State orders provision of assistance services to victims of trafficking to the partner NGO, those victims who are not cooperative and refuse to get NGO support were deprived of getting free legal aid (as legal aid is included in the assistance package and provided by the hired

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<sup>34</sup> Once the Identification Commission grants the victim status, the person referred for the assistance to service providing NGOs which are the main partners of the Ministry of Labour and Social Affairs in the implementation of the State programme for social and psychological rehabilitation for victims. Contracting experienced NGOs to provide assistance to trafficked victims was an effective solution of the state authorities to overcome an existing bureaucracy hindering organizing immediate response actions. NGOs do not overburden by bureaucratic procedures and have the flexibility to provide a comprehensive response to victims' urgent needs irrespective of the time of the day or night.

lawyer). This issue was raised by NGOs and Ombudsmen office representatives several times. Having the responsibility to protect its citizens affected and to ensure access to free legal aid to victims of trafficking, the State's amended the Law of the Republic of Armenia "On the profession of advocate".<sup>35</sup> Based on this amendment, the Office of Public Defender now can provide free legal assistance also to trafficking victims, irrespective of their immigration status or type of exploitation.

## Prevention

Most respondents mentioned prevention efforts as the most effective type of state response. However, prevention often takes the form of reflection rather than reaction. There is no comprehensive program on prevention, as there is no corresponding research on the root causes, vulnerabilities of population groups, and available resources. As in any other country, prevention efforts in Armenia are mainly seen as training and information campaign, but prevention is an entire process of change, including the mentality of people [INT.14]. It should encompass a wide variety of measures ranging from awareness-raising to employment and income generation programmes, safe migration, addressing gender-based violence, gender inequality and other forms of discrimination, strengthening child protection, demand reduction and crime prevention. Prevention should be the first, as it is better to prevent the case than deal with its consequences [INT. 07]. As indicated by one of the interviewed experts: "TIP is easier to prevent through awareness-raising rather than through prosecution" [INT. 17].

### *Acknowledgement of the problem/ available data /NGOs pressure*

To frame a policy for trafficking prevention and having scarce resources, the State used available information by analyzing identified victims' cases, their vulnerabilities and predisposing factors to make targeted actions. NGOs were always very helpful in this matter as during their work with victims on their rehabilitation and reintegration, trafficking risk factors were always identified and taken into account to prevent re-trafficking. NGOs persistently raised these issues before the State and donors for taking further actions and allocating sufficient funding. Thus, corresponding actions were outlined in all seven NAPs, and a stable budget was allocated for the specific actions. For instance, the NAP 2016-2018 established five primary goals in the area of prevention with a particular focus on the prevention of child trafficking and labour trafficking. The Plan also includes general measures related to awareness-raising, capacity building for government officials at central and local levels, projects for preventing child trafficking, and socio-economic programmes to foster employment.

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<sup>35</sup> Law of the Republic of Armenia "On the profession of advocate" Article 41. part 5(13) <<https://www.arlis.am/DocumentView.aspx?DocID=95001>>

NGOs' influence is also another determining factor for the State action. When NGOs voiced the alarm that almost all trafficked children were out of school the government reacted urgently. Some of those children dropped out of school while being exploited. The other had never been gone to school and were illiterate. To address this issue, the state adopted a new regulation on detection and referral of children who dropped out of school.<sup>36</sup> The document outlines the responsibilities of each authority involved implementation of this regulation.

Keeping in mind that the most utilized source of information is television, a corresponding state budget was allocated for broadcasting programs, interviews, talk shows about human trafficking. Free of charge social advertising time was ensured for shooting videos and PSA aimed at increasing public awareness on TIP. Moreover, since 2015 the state has provided funding to support hot-line services in the frames of its "Psycho-social rehabilitation for victims of trafficking and exploitation" program. The State also provided funds for development and maintenance of [www.antitrafficking.am](http://www.antitrafficking.am) website.

### ***Media Framing/Addressing Stigma & victim blaming***

The quality of media reporting on trafficking, with sensational stories of sexual exploitation and real identities of victims revealed, was an issue for a long time. In addition to deepening stigma, such mistakes made by media in reporting in some cases compromised the safety of victims of trafficking. NGOs were perpetually raising concerns on professional and ethical coverage of trafficking cases. To regulate this area, in 2014, the Anti-Trafficking Council initiated a Mass Media Award on professional reporting about TIP. Since then, the competition has been organized to award the best journalists every year. State funding was allocated to the Ministry of Education, Science, Culture and Sport (MESCS) for organizing this activity. Though the evaluation of the impact of this initiative was not done, TIP coverage in mass media become more professional, less aggressive, and do not create double-stigma as it was before. The experts mentioned increased knowledge of journalists on how to write about TIP during the interview [INT. 16].

To support this approach, awareness-raising efforts, including the development of PSAs, printing leaflets, public speeches and other related activities, were directed to tailor messages towards seeking a change in stigmatizing and blaming attitudes. An increase in labor trafficking cases of exploitation of men and children also changed the context. It shifted focus from prostitution to violation of labor rights and exploitation of publicly accepted works in agriculture, construction, car maintenance, and other similar areas of employment.

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<sup>36</sup> Establishing the Procedure for Detection and Guidance of Children Excluded from Compulsory Education, RA Government Decree #154N 11 February 2021 <<https://www.arlis.am/documentview.aspx?docid=149923>>

### ***External monitoring/ Funding***

Following the recommendations of international organizations and with available funding and expert support from donors, several State institutions have developed handbooks to raise awareness and train their staff on TIP issues on regular bases. For example, the MFA has developed a handbook for its consular officers; the Ministry of Defense has developed a manual for training the Peacekeeping Brigade. The MoJ, the National Police and the MLSI have also developed specialized handbooks on TIP. Furthermore, the MESCS has included the topic of trafficking in school education under social science studies in grades 8, 9, 10, 11 and 12 and the training module of the social science teachers. Access to this knowledge is essential for graduates of professional colleges as their students are specifically vulnerable [INT.17]. Training manuals for teachers and students were developed in partnership with the IOM and distributed in schools.

Following recommendations from the representative of the UNODC Voluntary Trust Fund to support activities of the Fund and to mark World Day against Trafficking in persons on 30 July, Armenia officially joined the Blue Heart campaign in 2021.<sup>37</sup> On this occasion, and as part of its ongoing anti-trafficking efforts, the Armenian Ministry of Labor and Social Issues launched a dedicated campaign on human trafficking and exploitation awareness and prevention.

The majority of survey respondents stressed the success of such prevention interventions during the past years. Awareness-raising campaigns were considered as the most effective because of wide coverage and visible outcome. However, due to lack of funding, this impact was never determined as neither research nor evaluation has been conducted. Only ad-hock indirect data can support these statements. For example, according to UMCOR data generated by analyzing hotline calls, it was evident that the nature and context of the calls changed over time, as they became more targeted and callers' requests more specific. In addition, TIP as a phenomenon has become more popular and attractive for scholars. Graduates from the law, political science, social work and other related faculties of universities often prepare their thesis on TIP [INT.16].

## **Partnership**

### ***Political will/monitoring bodies***

Established cooperation channels at the international level, specifically between counterparts in countries of destination and Armenia, play a pivotal role in identifying, assisting and providing a safe return to presumed victims of trafficking. A specific section of

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<sup>37</sup> UNODC "Armenia joins Blue Heart Campaign against human trafficking"

< <https://www.unodc.org/unodc/en/frontpage/2021/August/armenia-joins-blue-heart-campaign-against-human-trafficking.html>>

the NAP has always been dedicated to international cooperation. Thus, in the current NAP 2020-2022, the 5th Section relates to continuing collaboration with international and regional organizations in the area of the fight against trafficking and cooperation with media companies, as well as foreign law enforcement partner agencies in countries of destination and other countries and diplomatic missions in Armenia.

The importance of strengthening cooperation with counterparts in countries of destination and making it efficient has been an area of concern of the State and was under the ongoing attention of monitoring bodies. It was expected, for instance, to make a cooperation with law enforcement in other countries feasible and quicker with the aim of identification and return of trafficked victims. Thus, cooperation agreements in the area of criminal justice were concluded with Latvia, Russia, Egypt, Cyprus and Poland. Police and the GPO may provide information relevant for criminal investigations to other states through diplomatic channels, the National Bureau of Interpol or direct communication through counterparts. Cooperation with other countries is often through exchanges of letters rogatory. The cooperation with Turkey is channelled via Interpol as there are no diplomatic relationships between the countries.

#### ***External monitoring/ CSOs***

Given that the victim's return is a complicated process and State diplomatic resources are limited, the efforts of NGOs and international organizations (IOM) were always appreciated. International cooperation between NGOs is ad-hock and connected mainly with detected cases and situations when victims, both foreigners trafficked within Armenia and locals trafficked abroad, are in need of organizing a safe return to their home country. For example, cooperation of Armenian NGOs with NGOs in UAE, Russia, Ukraine and Turkey can be indicated. Connections with Turkish NGOs are critical as there are no diplomatic relationships between countries. In such situations, NGOs can often cooperate more effectively than state officials can.

In response to ongoing recommendations of the international community (TIP report, GRETA), and requests from local NGOs facing problems both financial and procedural while organizing victims' return, and owing to the effective, multi-stakeholder, and multi-step cooperation, the Procedure "On organizing a safe return of victims and special category victims of trafficking in human beings and exploitation" was approved by Decision of the Government of the Republic of Armenia No 353-N in April 2016.

***Structural conditions, specifically the government's ability and willingness to implement anti-trafficking efforts***, is essential for enabling effective cooperation between members of IAWG comprised of different state agencies and NGOs. This diversity of actors represented by dedicated people has proved to be the key to success in organizing an anti-trafficking response, especially for the identification and organization of safe return of victims, both foreigners and Armenian nationals. Thus, established official channels and cooperation between NGOs in countries of destination has helped to find, locate and return victims

home. There have been many situations when the hotline received calls which have become a base for starting search and investigation. These calls were from people concerned with the life and work conditions of their relatives abroad or those who did not have information for a long time or received alarming information. Calls from people from abroad to their relatives or the hotline directly were immediately addressed, and the process of assistance and return was initiated.

Thus, due to the effective cooperation of the Police, Ministry of Foreign Affairs, Ministry of Diaspora, IOM and NGOs (both Armenian and Russian) and Russian authorities, the safe return of several Armenian citizens from the Russian Federation was organized in 2015-17. Due to the efforts of the Ministry of Foreign Affairs, NGOs, Embassies of China, Thailand, and IOM, the voluntary return home was organized for foreigners trafficked to Armenia. In the centre of such multi-stakeholder cooperation was a person, identified or potential victim, men and women of different age and nationality, and all these actions were determined by ensuring their safety and security and by restoring their human rights and dignity.

The other determining factor for partnership, specifically an international partnership, was *the government's willingness to learn and share the anti-trafficking experience*. Armenia has raised its knowledge over the years and has developed successful specific practices to address TIP situations. This knowledge was built due to ongoing learning and capacity building efforts of anti-trafficking actors, both State and non-state.

Capacity-building activities were predetermined not only by the State's willingness to fight TIP and availability of budget but also by the joint effort with international partners aimed at creation of a comprehensive regional and sub-regional anti-trafficking response. In addition, new emerging forms of trafficking also require new knowledge, best practices and shared experience of other countries in order to be able to address adequately and even prevent them [INT.14; 15].

As an essential determinant for cooperation between agencies, State and non-state partners, and police, *individual qualities of people engaged have a vital role. Interpersonal relationships are critically important*, specifically in tackling complex and sensitive issues like human trafficking. Mutual understanding of the capabilities and limitations of each partner is crucial in organizing trafficked persons' rescue operations, safe return and reintegration.

Law enforcement, investigative and prosecutorial authorities operating at central level have specialized sections working on human trafficking and report to have well-founded and functional working relations and lines of communication with each other. Furthermore, they have also established regular and smooth cooperation with NGOs in the handling of individual TIP cases. Interviewed stakeholders indicated that such cooperation built mutual understanding, recognition and respect of each other's role, mandate and responsibilities, and created an environment for constructive dialogue and problem-solving at the operational level. Cooperation with NGOs functions well at the central level thanks also to

personal relationships, while it poses more challenges at regional and local levels due to staff rotation, lack of specialized personnel and resources, as well as due to the stigma associated with human trafficking.<sup>38</sup>

It is worth mentioning that close partnerships with NGOs contributed to declined stigma towards sex trafficking among police officers. This change in attitude was mainly a result of the deliberate actions made by NGOs working in victim assistance and facing challenges connected with negligence and non-supportive approach to victims from the family members, police officers and state officials. Sensitization training, workshops, and meetings were implemented to explain root causes and natural factors that forced women and girls to be sexually exploited, creating an atmosphere of empathy, acceptance, and improved cooperation.

## Particulars of determinant by form of exploitation

People are trafficked for various purposes: sexual exploitation, forced labour, forced begging and the removal of organs. While in the past, identified trafficking cases in Armenia were mainly cases of sexual exploitation, over the last seven years 2015-2021 the number of trafficking cases of forced labour and begging has increased. Out of all victims identified since 2015 till November 30, 2021, the share of those exploited in labor was 53%, against 37% of sex exploitation cases and 10% of exploitation in begging.<sup>39</sup>

## Trafficking for the purpose of sexual exploitation

Armenian women and children are subjected to sex trafficking in the UAE and Turkey as well as domestically. Over the past decade, there were also cases of sexual exploitation of Ukrainian, Belarusian, and Russian women working as dancers in nightclubs as well as Chinese and Thai women working at massage parlours. The RA court made 32 convictions on sexual exploitation cases over the last decade. 64 victims of sexual exploitation (50 women and 14 girls) participated as an injured party in those criminal cases.<sup>40</sup>

Irrespective that the State takes significant efforts to identify and prosecute trafficking cases, protect victims, and improve immediate response mechanisms, the root causes for TIP such as poverty, unemployment, gender issues remain unaddressed. Related actions are neither included in the NAP nor explicit references made in corresponding policy papers and programs related to women's economic empowerment, fight against domestic violence,

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<sup>38</sup> Sorrentino L., "Assessment Report on Trafficking in Persons in the Republic of Armenia" (IOM 2018), P.47

<sup>39</sup> Identified cases over the period from 2015 to 2021. Data provided by the MLSI.

<sup>40</sup> RA Judicial information system (DataLex) <http://www.datalex.am/> (convictions by articles 132 and 132.2 of the RA Criminal Code).

gender-based violence, and others. Prevention actions are discrete without interconnections between projects and, because of this, are missing a holistic approach to address root causes. Lack of research in this regard, as well as an absence of adequate and properly disaggregated data on sex, gender, and other characteristics to determine vulnerability of falling victim to trafficking, especially for sexual exploitation, or using the services provided by trafficked or exploited persons is also hindering the State from framing comprehensive anti-trafficking efforts (*Data and Research*).

Existing patriarchal relationships and gender inequality create a fruitful foundation for sexual exploitation. Sexual exploitation in Armenia, as in many countries, is viewed through the lens of prostitution. Stigma towards victims is high, making it challenging to organize a proper anti-trafficking response. Although much work is done in terms of awareness-raising to break this stereotype and create an environment of empathy and compassion towards women who passed ordeals of sexual exploitation, public opinion is still condemning. Nevertheless, survey respondents [INT.11; 06] were mentioning that detected cases of sexual exploitation with many victims, especially minors became a starting point for framing the state response. Over time, a transformation of the attitude towards victims of sexual exploitation among authorities took place. In the beginning, they were considered prostitutes who “deserve such treatment”. This process took a long time and significant efforts of civil society organizations, specifically those working with victims (training for law enforcement and state representatives, personal communication, discussions on cases, etc.), to break this humiliating image of victims of sexual exploitation. The attitude and determinant were changed because of the evolution of understanding the difference between trafficking, slavery and prostitution and acceptance that prostitution can be involuntary and is not always a free choice (*Culture and Victimhood*). There is an element of involvement, and the women in prostitution are often not because of the good life [INT. 14].

The 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, create an environment where children are increasingly vulnerable to sexual exploitation. The misuse of available technologies allows perpetrators new avenues to groom and exploit children. A survey of 1,200 children across all provinces of Armenia, carried out by Save the Children in 2017, found that 13% of the children had received a message from an adult online who wanted to talk about “personal issues”.<sup>41</sup> However, there is still a lack of understanding among state authorities of online trafficking risks, specifically of sexual trafficking for children, possibly because there are no visible actions or requests to CSOs to address these issues are in place. Analyses of data on cyber-trafficking cases and their dis-aggregation by

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<sup>41</sup> Save the Children & World Vision. (2017). Report: On “Young Voices” Survey Results. p14.

age, sex, location and other criteria are also missing. This issue should be prioritized by all actors (*Data and Research*).

To bring local legislation in line with international, Armenia has become the 47<sup>th</sup> state to have completed the ratification of the Council of Europe's Convention on Protection of Children against Sexual Exploitation and Sexual Abuse ("[Lanzarote Convention](#)"), which entered into force on 1 January 2021. The Lanzarote Convention is making a big difference in helping governments across Europe and beyond work together to tackle child sexual exploitation and abuse. The Lanzarote Convention obliges states to criminalize all kinds of sexual offences against children, including online, to protect victims and prosecute perpetrators. It also requests countries, *inter alia*, to ensure that the statute of limitation for initiating proceedings regarding sexual offences against children continues for a sufficient period of time to allow the start of proceedings after the victim has reached the age of majority.<sup>42</sup>

## Trafficking for the purpose of forced labour

The increasing share of detected victims trafficked for the purpose of forced labour has been steadily reported for more than a decade.<sup>43</sup> Men, women and children are trafficked for the purpose of forced labour. Over the past recent years in Armenia, the share of detected victims who were trafficked for forced labour has increased as well as the share of men among detected trafficking victims. Such a dynamic change in nature and number of the cases focused the State's attention to the problem of labor trafficking (*Data and Research*). Thus, victims of forced labor account for about 53% of all detected victims between 2015 and November of 2021.<sup>44</sup> Of them, 61% (46 persons) were men, 30% (14 persons) were children and 9% (4 persons) women. The majority (72%)<sup>45</sup> of detected labour trafficking cases concern male victims trafficked for forced labour to the Russian Federation, where they were often employed in the construction industry, small private businesses, and agriculture. However, men are reluctant to self-identify and seek help due to existing stigma and shame and gender stereotypes related to the role of men in society (*Culture and Victimhood*).

## Trafficking for the purpose of forced criminality

The definition of TIP in Article 132 of the CC does not refer specifically to the exploitation of criminal activities as one of the forms of exploitation. However, the Armenian authorities

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<sup>42</sup> COE, "Armenia completes ratification of Lanzarote Convention" 7 September 2020 <[https://www.coe.int/en/web/yerevan/home/-/asset\\_publisher/KZTSm796kFrq/content/armenia-completes-ratification-of-lanzarote-convention?\\_101\\_INSTANCE\\_KZTSm796kFrq\\_viewMode=view/](https://www.coe.int/en/web/yerevan/home/-/asset_publisher/KZTSm796kFrq/content/armenia-completes-ratification-of-lanzarote-convention?_101_INSTANCE_KZTSm796kFrq_viewMode=view/)>

<sup>43</sup> UNODC 2020.

<sup>44</sup> MLSI data

<sup>45</sup> MLSI data

have stated that forcing children to commit criminal offences would be considered a form of forced labour. They refer to Article 3 of the ILO Convention on the Worst Forms of Child Labour, where such child labour comprises the use, procuring or offering of children for illicit activities (*International Law*). By way of example, the authorities have referred to case ԵԿԴ/0148/01/13,<sup>46</sup> in which children were exploited through forced begging and theft, which was considered a form of forced labour. Considering that the victims were forced to commit offences while being in a state of exploitation, they were exempted from criminal liability in the application of Article 132, paragraph 5, of the CC.<sup>47</sup> This effort of the State is directly linked with the implementation of non-punishment provision as required by CoE AT conventions (Article 26) (*International Law*). The non-punishment clause is fundamental for exempting victims of trafficking from civil, administrative or criminal liability for offences committed under coercion or intimidation. Article 132(5) of the Criminal Code envisages that a victim of THB is exonerated from punishment for offences of minor or medium gravity which he/she was involved in during trafficking or exploitation and was forced to commit.<sup>48</sup> Article 8 of the Law on Identification exempts victims from criminal and administrative liability “for those offences in which he or she was involved under coercion, within the course of the human trafficking or exploitation committed against him or her.”<sup>49</sup>

## Trafficking for other exploitative purposes

### *Forced begging*

The Armenian Criminal Code criminalizes trafficking for forced begging under Art. 132, with forced begging being considered a form of forced labour or services. The Criminal Code also criminalizes involving a child in begging under Article 166, which is applicable when exploitation is absent. However, distinguishing between situations of child begging and child trafficking for the purpose of exploitation in begging may also be challenging.

Nevertheless, the authorities have detected six cases of exploitation of children by involving them in begging, which occurred in the period 2011-2021. In four of them, children were exploited by a family member. Overall, eight of the children were recognized as victims. Three cases resumed with convictions of 10 to 11 years of imprisonment. In one of the cases, the offender got imprisoned for ten years and six months. In another case in 2013, charges were brought against a man who, in complicity with his wife, forced his sister's children to

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<sup>46</sup> ԵԿԴ/0148/01/13 criminal case, RA Judicial information system (DataLex)

<sup>47</sup> COE Group of Experts on Action Against Trafficking, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia. GRETA (2017) Second evaluation round, Para 150.

<sup>48</sup> CC

<sup>49</sup> Law on the Republic of Armenia on Identification of and Support to Persons Subjected to Trafficking in Human Beings and Exploitation. 2014 Art.8, para1.

engage in begging, taking away the money received. Investigation of two cases of forced child begging initiated in 2020 is still ongoing.

In addition to the trafficking of children in forced begging, two cases of adults were detected 2019 and 2020. Four adults (three men and a woman) were recognized as victims. Out of them, three persons (two men and a woman) had a mental disability and one man had a physical disability. One case<sup>50</sup> is currently prosecuted in the court.

Unlike the forced begging of children, in cases of adult the component of recruitment is absent, all detected victims had been begging for years earning money for everyday survival. Traffickers abused their vulnerability and used physical and psychological violence, to force them to beg for longer hours than they used to and take all the money.

NGOs have raised concerns about internal trafficking cases of forced begging, specifically children and adults with mental and physical disabilities. According to the experts' opinion, this initiated an active discourse among anti-trafficking stakeholders, attracted the government's attention to this problem and generated response actions (CSOs). For instance, a special strategy to address the problems of homeless and begging children was applied from 2015 through 2016.<sup>51</sup> This strategy encompassed actions aimed at the prevention of begging and homelessness among minors, such as detection and registration of children and families in difficult life situations; initiatives to raise awareness about risks of begging and homelessness among social workers, teachers, members of guardianship commissions, NGOs, police and others; work with vulnerable families for addressing their vulnerabilities, etc. As for legislation, the government established a specific child-friendly mechanism for identifying and referring children victims of trafficking<sup>52</sup> and the procedure for detection, registration, and referral of children out of compulsory education.<sup>53</sup>

### **Organ Removal**

Organ trafficking not only represents a risk to the individual and public health but is also an affront to human rights and dignity. According to Article 132, paragraph 4, of the CC of Armenia, removing human organs or tissues is considered a form of exploitation relevant to TIP. Further, Article 125 of the CC establishes illegal transplantation of organs as a criminal offence, punishable by a fine of 300 to 500 minimum monthly salaries or up to three years' imprisonment for the basic offence.

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<sup>50</sup> ԵՊ/0074/01/20 criminal case, RA Judicial information system (DataLex)

<sup>51</sup> The Strategy for Solving Problems of Begging and Vagrant Children for 2015-2016, Session of the Government of the Republic of Armenia, Excerpt from the protocol #37, 6 August 2015 <<http://www.irtek.am/views/act.aspx?aid=81848>>

<sup>52</sup> The Procedure of Providing Assistance to Victims of Trafficking, RA Government Decree #492N, 5 May 2016 <<https://www.arlis.am/documentview.aspx?docid=143688>>

<sup>53</sup> Establishing the Procedure for Detection and Guidance of Children Excluded from Compulsory Education, RA Government Decree #154N 11 February 2021 <<https://www.arlis.am/documentview.aspx?docid=149923>>

The transplantation, removal and preservation of organs are regulated by the Law on Transplantation of Organs and (or) Tissues of Human Origin, adopted on 16 April 2002, and several Government Decrees. Removal and transplantation of organs from deceased donors are regulated under Chapter 2 of this law, and removal and transplantation from live donors under Chapter 3. Live donors must give their informed consent to remove organs or tissues and must be warned in writing about possible complications. The trade in organs and tissues from living or deceased donors is prohibited. In Armenia, kidney transplants from living donors are performed only in one specialized hospital.

There was only one detected and prosecuted case of trafficking for the purpose of organ removal, which occurred between November 2011 and March 2012.<sup>54</sup> This case shattered the public and the authorities, and urgency to take corresponding preventive actions was realized (*Event and Crises; Media Exposure*). If before organ trafficking was considered as the least likely to happen in Armenia, after this case, it became a reality. In addition, wide media coverage of the case created a public request to the state to act. Thus, to meet that demand and to fulfil its responsibility to ensure human rights and security of life of their citizens as well as following GRETA's recommendation in its Second Evaluation Round report (*External Monitoring*),<sup>55</sup> Armenia signed the Council of Europe Convention against Trafficking in Human Organs<sup>56</sup> on 24 January 2018.<sup>57</sup> The Convention identifies various activities constituting human organ trafficking as criminal offences and entered into force on 1 March 2018. According to the treaty, trafficking in human beings for the purpose of organ removal and organ trafficking are distinct crimes sharing similar root causes, such as shortage of organs to meet the demand for transplantation and poor economic and other conditions that put persons in a vulnerable position.<sup>58</sup> The Convention foresees measures for protecting witnesses and victims and calls on signatory parties to cooperate in international investigations and prosecutions. Preventative measures are also included at the national and international level for ensuring transparency, promoting equal access to transplants

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<sup>54</sup> An Armenian national recruited several persons in Armenia by abusing their vulnerability and transported them to Sri Lanka, where one of them had a kidney removed for transplantation. The accomplices of the trafficker, who were in Israel, paid him 2.000 USD for each recruited person. The police started an investigation into this case in 2012 and identified six persons as injured parties (even though the actual removal of organs from five of them did not take place). The trafficker was sentenced under trafficking Article 132 of the CC to eight years' imprisonment.

<sup>55</sup> COE Group of Experts on Action Against Trafficking, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia. GRETA (2017) Second evaluation round, para 79.

<sup>56</sup> Treaty open for signature by the member States, the European Union, the non-member States which enjoy observer status with the Council of Europe, and by other non-member States since 25/03/2015.

<sup>57</sup> CoE "Armenia signs Convention against Trafficking in Organs" (News 31 January 2018) <<https://www.edqm.eu/en/news/armenia-signs-convention-against-trafficking-human-organs>>

<sup>58</sup> CoE Convention against Trafficking in Organs, Details of Treaty #2016, <<https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=216>>

and designating national contact points for the exchange of information pertaining to trafficking in human organs.

### **Early marriage**

Though the cases of trafficking with the purpose of forced marriage have never been registered in Armenia, certain predisposing factors increasing vulnerability of girls to this type of exploitation need to be addressed. These factors affect specifically the girls from Yezidi community, the largest national minority group in Armenia. The report of the Special Rapporteur on the sale of children, child prostitution and child pornography indicates that Yezidi girls enter marriage at the age of 13-14 years mainly through arrangements by their parents, which constitutes a violation of children's rights and makes them vulnerable to sexual abuse and trafficking. Following the pressure from civil society to eliminate discrimination against women concerning the marriage ages of men and women, amendments were made to Article 10 of the Family Code of Armenia by setting the minimum age for concluding a marriage at 18 (CSOs).<sup>59</sup> Exceptionally, 17-year old persons can get married with the consent of their parents, adoptive parents or guardians. The minimum age for concluding a marriage could be lowered to 16 years if the permission of the child's parents, adoptive parents or guardian is obtained, and the other person is at least 18 years old.

## **Particulars of determinants according to trafficked persons' profile**

The recent UNODC Global TIP Report findings confirm the 15-year trend of changing age and sex composition of detected victims. Although for every ten victims detected globally, about five were adult women, proportionally, women are becoming less commonly detected. The share of children has increased to over 30% of detected victims, and 20% were adult men. Traffickers target victims who are marginalized or in difficult circumstances. Undocumented migrants and people who are in desperate need of employment are also vulnerable, particularly to trafficking for forced labour.<sup>60</sup>

### **Sex, Gender Identity and Sexual Orientation**

Armenia has similar tendencies in terms of victim profile. In 2020 in the frames of its "Comprehensive response to emerging forms of human trafficking in Armenia" project conducted, UMCOR Armenia Foundation (UMCOR) conducted analyses of victim profiles to find out the main common areas and vulnerabilities for further interventions (*Data and*

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<sup>59</sup> Irtek.am. (2018). Family Code of the Republic of Armenia. Article 10. [Unofficial translation].

<sup>60</sup> UNODC report 2020. p.10

**Research**). Thus, UAF analysed data of 61 persons who were the project beneficiaries for the period from 2017 to 2020. According to collected data, 69% of those whom UMCOR assisted were victims of human trafficking and 31% were persons at-risk of being trafficked. 67% of surveyed were women and 43% men. It was the only case when LGBT person applied to police claimed being sexually exploited by intimate partner. Although the assisting NGO representative immediately communicated with the person and explained the available protection and assistance package, the person withdrew the claim shortly. The case was dropped.

Considering that analyses of victim profiles had never been sufficiently done, and there were limited gender-sensitive data available, therefore anti-trafficking responses are gender blind. The Law on Identification and Assistance is gender-neutral and equally applied to every potential and identified TIP victim.

“Lack of preventative measures targeting women at risk” was pointed out by NGOs working with victims as well as by international experts<sup>61</sup> as the factor increasing women’s vulnerability to trafficking and hampering their reintegration into society (**CSOs**). Thus, special actions on women’s economic empowerment were included in anti-trafficking NAP. However, later these actions were transferred to NAP on Gender based Violence, therefore it is difficult to assess the outcome of these efforts. Another, action taken in response to NGOs and experts influence was hiring of female investigators at ATU and Investigative Committee to work with women victims of TIP.

Traditional gender attitudes and the tendency to perceive men as less vulnerable to being victimized in TIP situations lead to underestimating the impact of trauma in cases of labour trafficking (**Culture and Victimhood**). Strong feelings of shame and fear experienced by victims, including male victims, can undermine the quality and credibility of their statements during the investigation and in court proceedings. The need for specific sensitization of public officials involved in criminal proceedings for labour trafficking was stressed by international experts.<sup>62</sup> A special course on vulnerabilities of victims, witnesses and suspects and specifics of investigation with their participation was launched for investigators at the Justice Academy (**Training**).

Another factor that under the attention of international experts (TIP report, GRETA) was the provision of safe accommodation and adequate assistance adapted to the needs of male victims of THB (**External Monitoring**). Representatives of public bodies believe that there is no need for separate shelters for men victims of trafficking, as their number is low, and they prefer to return to their homes and receive out-of-shelter assistance. However, UMCOR

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<sup>61</sup> Committee on the Elimination of Discrimination against Women. Concluding observations on the combined 5<sup>th</sup> and 6<sup>th</sup> periodic reports of Armenia. Para 18 (b)

<sup>62</sup> Sorrentino L., “Assessment Report on Trafficking in Persons in the Republic of Armenia” (IOM 2018)

reported provision of shelter to four men and underage six boys staying at the shelter. The boys stayed with their mothers and/or sisters. According to NGO's report, there were no other women or girls at that time when men were getting shelter assistance. In other cases, when the shelter was required for men, NGO rented secure and comfortable apartments to accommodate them.

## Age

As for the age of trafficked persons referred for assistance, almost one-third of them (30%) were children from 9 to 17 years old. All of them were from socially vulnerable or incomplete families. More than half of those children did not attend school at all. Some of them were unable to read and write. Among adults, 14% comprised 18-20 years old, 23% - the age group from 21 to 31, 22% - the age group from 31 to 40, and 11% comprised the age group from 41 to 65 years old. Thus, according to the age groups, the most vulnerable to trafficking were children (30%) and persons aged 21 to 40 (45%).

The majority of adult beneficiaries were from low-income families, homeless, unemployed and mainly from rural areas. None of them had higher education, and some did not have even secondary education. Three victims of forced begging (two men and a woman) had a mental disability and a man - physical disability.

Many children were trafficked by the members of their families or communities. There were cases when children were exploited together with their parents and siblings. Vulnerability to forced labor of so-called "travelling families" was persistent through generations, and it has become a norm of their life. When parents are raised in such abusive conditions, they do not see other future opportunities for their children because physical survival is the main and the only goal of their lives.

According to NGOs there were numerous undetected and unreported cases caused by gaps in legislation, training, awareness raising, identification, and reporting, although official statistics showed relatively few cases of sexual exploitation and sale of children.

It required significant efforts from NGOs working with cases to advocate for addressing these issues (CSOs). Advocacy work was held in two directions. The first one was with the representatives of the Anti-Trafficking Working Group on convincing them to include corresponding response actions in NAP, and the second direction was the work with *international experts and monitoring bodies* on providing them with evidence-based data. This joint effort resulted in focusing certain activities of the fifth AT NAP for 2016-2018 on preventing trafficking and exploitation of children. The next AT NAP for 2020-2022 included a separate chapter on the prevention of child trafficking. In February 2021, the government adopted procedures for the identification and referral of children who have

dropped out of compulsory education.<sup>63</sup> Thus, the State created an institutional response mechanism to prevent child trafficking and child labor, as children outside the education system are a high-risk population for exploitation. In addition, a Referral Mechanism for Minor Victims of TIP was established in June 2020 and oversees a child-friendly process by which child victims are referred to the Identification Commission and provided assistance.<sup>64</sup> (*Governance and Politics*)

### **Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all of the worst forms of child labor. In most cases the minimum age for employment is 16, but children may work from age 14 with permission of a parent or a guardian. The law allows children younger than 14 to work in the entertainment sector. The maximum duration of the workweek is 24 hours for children who are 14 to 16 and 36 hours for children who are 16 to 18. Persons younger than 18 may not work overtime; in harmful, strenuous, or dangerous conditions; at night; or on holidays.

However, authorities did not effectively enforce applicable laws because of *limited resources and enforcement mechanisms*. Penalties for violations were commensurate with those for other serious crimes but were not sufficient to compel compliance. The absence of unannounced inspections impeded the enforcement of child labor laws. During the year the HLIB examined several cases of child labor and issued a fine in one case of a minor younger than 14 working in a bakery. Children younger than age 14 worked in a variety of industries, including agriculture, construction, and begging.

### **Citizenship and migration status**

According to UMCOR data for 2017-2020, 82% of all trafficked persons referred for assistance were citizens of Armenia. Among the remaining 18% of non-Armenian citizens, four persons were from India, two persons from Uzbekistan, one from Georgia, Kazakhstan, Kirghizstan, Islamic Republic of Iran, and two persons did not have any citizenship. In 2014, there were cases of sexual exploitation of four Chinese and two Thai women trafficked to Armenia to work as masseurs in Yerevan.

Most trafficked labor migrants in Armenia had expired entry visas, residency and work permits. Only two Indians did not have legal status problems and enjoyed the right to work in the country. A citizen of the Islamic Republic had an expired passport, no visa, and no employment permission.

It is worth mentioning that all identified and potential foreign victims benefited from the Law on Identification and Support, which is equally applied to all potential and trafficked

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<sup>63</sup> <https://www.arlis.am/documentview.aspx?docid=149923>

<sup>64</sup> RA Government Decision N492-Ն, May 05, 2016. <https://www.arlis.am/documentview.aspx?docid=143688>

persons regardless of their citizenship and migration status. The Law establishes the right of potential foreign victims of trafficking to a thirty-day reflection period for escaping traffickers' influence and recovery (Article 19). The Law also prescribes translation services as a type of assistance (Article 22).

### Migration management

Armenia has traditionally been seen as an origin country for migration and a transit point for migrants heading elsewhere, predominantly to the Russian Federation and the West. However, although official statistics continue to record net emigration, the country has recently experienced a year-on-year increase in the arrival of immigrants seeking to work and study.<sup>65</sup>

When the migration balance changes in any country, the authorities and people inevitably need time to adjust, and Armenia is no exception. When the number of migrant arrivals was negligible, Armenia took a reactive approach to third-country migrants, primarily because they could be fairly easily integrated within existing social and official (government) structures. However, a significant and rapid rise in new arrivals has threatened to increase migrant vulnerability and created issues relating to access to information and basic services (e.g., health care, education and social protection).<sup>66</sup> Responding to the increased immigration of foreign citizens, the government initiated drafting the "2021-2031 Strategy of the Migration Policy of the Republic of Armenia on Regulation of Integration and Reintegration Issues". The strategy outlines many goals, including reforms in the institutional framework for integration and reintegration as well as capacity building and competence development for staff involved in the process. The strategy also outlines goals relating to shelter and living conditions, rights and social assistance, access to health care and education, economic inclusion, cultural integration and reintegration, and cultivating an accepting environment (*Level of Immigration*).

### Race and ethnic origin and other criteria

According to UMCOR analyses, more than half of trafficked victims (53%) were subjected to labor exploitation, 35% of the surveyed were victims of sexual exploitation, and 12% were victims of forced begging. The main sectors where labor exploitation took place were agriculture, construction, work in restaurants, and home-care. 69% of victims of trafficking

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<sup>65</sup> Rapid needs assessment: COVID 19 related vulnerabilities among migrants in Armenia. 2021 <https://armenia.un.org/index.php/en/134131-rapid-needs-assessment-covid-19-related-vulnerabilities-among-migrants-armenia>

<sup>66</sup> Rapid needs assessment: COVID 19 related vulnerabilities among migrants in Armenia. 2021 <https://armenia.un.org/index.php/en/134131-rapid-needs-assessment-covid-19-related-vulnerabilities-among-migrants-armenia>

for forced labor were exploited in Armenia, 14% in Russia, 7% in Turkey, 5% in the United Arab Emirates, and 5% used Armenia as a transit country on their journey to Turkey.

The majority of adult victims were from low-income families, homeless, unemployed and mainly from rural areas. None of them had higher education, and some did not have even secondary education. Lack of education limited their opportunities to access the labor market. A prevailing number of identified victims never had official employment or labor contract. Their work has been mainly agriculture, cattle breeding, construction, and other risky and unregulated labor within the country and abroad. To address the vulnerabilities mentioned above, **experts from local and international organizations, including IOM, ILO, US Department of State and GRETA monitoring group**<sup>67</sup> recommended the State to focus on the development and implementing social-economic empowerment initiatives for groups vulnerable to TIP and conducting targeted awareness-raising campaigns.

In addition to experts' recommendations, the State identified factors predisposing to TIP such as poverty, unemployment, labor migration, and gender-based violence. To mitigate their negative impact, the State implemented targeted socio-economic programs among vulnerable groups. However, these programs were implemented within very narrow margins due to a number of factors. On the one side, the study was absent on the needs of the vulnerable to trafficking population, their educational level, social conditions and possible employment opportunities. On the other side, the existing programs provided by the State to address the needs of vulnerable groups, such as employment opportunities, training to get new professions or micro-loans to initiate startups, were not sufficiently advertised to be attended. In addition, these programs were not effectively supported, implemented and monitored, and there were no data on their effectiveness in terms of trafficking prevention (*Data and Research; Media framing; Resources*).

The state authorities also claimed that these targeted programs are incorporated in the State Employment Program, and data on their implementation is reported within that global program and other NAPs (for instance, within NAP on Gender-Based Violence). So, this component was excluded entirely from the current NAP for 2020-2022. Another component aimed at women's economic empowerment was excluded from the NAP on the fight against TIP even earlier.

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<sup>67</sup> COE Group of Experts on Action Against Trafficking, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia. GRETA (2017) Second evaluation round, para 78.

## Particulars of determinants according to perpetrator profile

In the context of prosecutions, the law is equally applied to all perpetrators irrespective of their citizenship, gender etc. [INT. 01; 02; 07]. In case of necessity, specific provisions are regulated by RA CC. For instance, provision of translation services when the perpetrator is a foreigner.

There is certain statistical data in police annual reports and some non-personal information in DataLex system. Out of 50 traffickers (41 criminal case) sentenced for sexual exploitation, 56% were women, and 44% were men. The share of female offenders might reflect the fact that the investigations in the country of origin usually target recruiters, as frequently women are involved in the recruitment of other women for sexual exploitation. All traffickers charged for labor exploitation were men.

Concerning the nationality of traffickers, generally, they have the same ethnic background as their victims. Out of 62 offenders, two were citizens of China, and the rest were Armenian nationals or persons having double citizenship Armenian and Russian. Both solo traffickers and organized crime groups were involved in TIP criminal activities. In some cases of children exploitation, the offenders were family members.

Given the fact that data collection on trafficking cases especially on profile of traffickers was not properly done, it provides challenging to make reliable analyses. However, data collection might be essential to understand the modus operandi of the traffickers and improve prevention and proactive investigation efforts.

## Particulars of determinants by type of trafficking

### Internal v International trafficking

Human trafficking trends had changed in recent years, compared to previous years when Armenian women were primarily trafficked to Turkey and the United Arab Emirates (UAE) for sexual exploitation.

Over the last decade, there has been a tendency of increasing internal trafficking over international trafficking.<sup>68</sup> There is a growing recognition that people are also trafficked

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<sup>68</sup> Among transnational trafficking cases there were cases of sexual exploitation of Armenian women in UAE, Cyprus and Turkey and labor exploitation of Armenian men in Russia and Georgia. In addition, Chinese and Thai women were trafficked to Armenia with the purpose of sexual exploitation as well as Indian and Iranian men with the purpose of labor exploitation. There is also anecdotal information on trafficking Armenian women to Turkey and Russia for labor exploitation, and Armenian women and men to Sri Lanka with purpose of organ removal. Overall, 16 court cases were initiated during the last decade on transnational trafficking. Of them 15

within Armenia for the purpose of sexual and labour exploitation as well as for forced begging. Authorities have detected cases where women and their children underwent exploitation in agriculture and animal breeding in private farms. Thus, compared to statistical data on identified victims for the period of 2003 to 2009 when among 177 identified victims, only seven persons (4%) were victims of internal trafficking, among victims identified between 2015 - 2021, the share of internal trafficking increased to 66% (49 persons).

Despite the considerable number of detected victims, only six court cases were initiated during the last seven years. Of them, three were for sexual exploitation, 2 for forced begging and 1 for labor exploitation. There was not a conviction on internal labor trafficking case since 2014.<sup>69</sup>

Although complete and consistent statistical data is not in place, analysing of available information collected from identified cases and conducted courts, the tendency is proved that more cases committed abroad reach the court unlike those committed within the country. The prosecution is also made properly, and convictions are made quick. The defendants in these cases are mainly recruiters. Very seldom the direct exploiters are found via international LE cooperation and extradited to Armenia to get a punishment they deserved. When foreigners are trafficked to Armenia, there is also a relatively rapid response and broad coverage in the media. However, internal trafficking cases, especially labor exploitation, do not have the same attention. Though victims are provided with complete and immediate assistance, the prosecution lacks, and media coverage is weak (*Media Framing*). Cases of trafficking of foreign citizens in Armenia are easier to identify and prosecute. They have clear and convincing evidence, and victims' vulnerabilities are apparent and understandable for all participants of the prosecution process.

In its turn, internal cases of exploitation, specifically of forced labor are often quite complex. Taking into consideration that those cases mainly related to agricultural works and farming, the victims and witnesses usually live in the same community as perpetrators, so they are reluctant to testify against the trafficker. Thus, for the LE sometimes it is challenging to make a clear distinction between labor exploitation and violation of labor rights and gather compelling evidence.

Moreover, not a single court case on labor exploitation of Armenian men in Russia took place in domestic courts during the whole decade, although the investigations were initiated and among victims were those who were returned due to international cooperation efforts between authorities of both countries, including law enforcement, NGOs, Armenian

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court cases were on sexual exploitation of citizens of Armenia abroad and one court case on exploitation of four Chinese women within the country.

<sup>69</sup> US Department of State. 2020 Trafficking in Persons report: Armenia

diplomatic missions and Armenian diaspora in Russia. Of them, two cases of harsh labor exploitation of Armenian men were commenced by Russian authorities. Both investigations were initiated under article 127.2 “Use of slave work”, but dropped or reclassified later.

The second case was also initiated by the Russian authorities, but after some time was dropped irrespective of the wide media coverage. The victim safely returned to Armenia. During the rehabilitation process, assisting NGO contacted a partner NGO in Russia concerning this case. As a result, the attorney was provided by the Russian NGO to initiate a civic case on compensation for moral damage caused by the crime. The statement of claim was sent to court in January 2020; since then, no single court hearing took place.

### ‘Incoming’ v ‘outgoing’ v ‘transit’

The Republic of Armenia is mainly a country of origin for trafficking in persons, and also to a much lesser extent a country of destination and transit. Numerous sources suggest that Armenia is mainly a country of origin for women and girls subjected to sexual exploitation in Turkey, Cyprus and the United Arab Emirates (UAE). Georgia is often a transit country for the trafficking of Armenian victims; women first travel to Georgia by car or bus and from there they are transferred to Turkey and, in some instances, from Turkey to Cyprus. When the destination country is the UAE, victims often travel by plane directly to Dubai, or in some instances they travel via Georgia and there they are provided with forged documents. As a country of origin, Armenian men are trafficked to the Russian Federation for labour exploitation.<sup>70</sup>

Six victims of trafficking for the purpose of organ removal were identified in 2012. Traffickers abused the vulnerability of six Armenian nationals recruited them for illicit kidney removal. The surgery of one of the victims was done in Shri Lanka. The others passed the preparatory stage and necessary preliminary examinations but escaped the actual organ removal.

As was mentioned earlier, the main predisposing factors forcing people to find employment opportunities abroad are socio-economic vulnerability, poverty, insecurity and instability in the country, and gender stereotypes. To address these issues the State adopted policies investing in improvement of social and economic status and wellbeing of its citizens. Thus, the Armenia Development Strategy 2014–2025 focuses on expanding employment, investing in human capital, enhancing social protection systems, strengthening public administration, etc. The Government Program for 2019–2023 highlights the promotion of human rights, equality before the law, and inclusive and participatory approaches in policy

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<sup>70</sup> US Department of State. 2018 Trafficking in Persons report: Armenia.

development. The government program also underlines the importance of advancing women's economic opportunities<sup>71</sup> (**Governance and Politics**).

Armenia is also recognized as a country of destination to some extent. The most recent case of cross-border trafficking to Armenia dates back to 2018 and concerns labor exploitation of four Indian men in one of the Indian restaurants in Yerevan. All four men got a status of TIP victim and full package of assistance including shelter, food, clothing and financial assistance. For two of them IOM office in Yerevan organized repatriation process. The other two decided to stay in Armenia for work. The other case was even earlier, in 2014 and concerns the sexual exploitation of four Chinese women working as masseurs in Yerevan. They also received all necessary assistance including shelter, food, clothing, as well as translation during the investigation and organizing repatriation process. The case was prosecuted and the court was convicted.

In addition, there is anecdotal information concerning the trafficking of foreigners into Armenia, particularly among Tajik and Philippine migrant populations. However, there are no officially detected TIP cases, and there is no evidence.

To prevent the exploitation of foreign migrants in Armenia, the State undertook reforms regulating the provision of work permits and registration of working agreements. For this purpose, an electronic system of work permits was launched on January 1, 2022, which allowed digitalizing the process of granting work permits and residence status to foreigners in Armenia.<sup>72</sup> It made a process of foreign citizens' employment in Armenia transparent and regulated. The introduction of this new system can be considered an effort that contributes to preventing trafficking cases among this population group (**Governance and Politics**).

The potential of Armenia to be a destination or transit country for TIP should not be underestimated. Possible risk factors relate to migrant workers from countries of origin for human trafficking and irregular migrants in transit through Armenia.<sup>73</sup> For instance, in 2018, two presumed victims, an Uzbek and Kirgiz women, were using Armenia as transit to Turkey. They got shelter and assistance at UAF shelter and repatriated to their home countries with the assistance of RA National Security Service and Consulate of Kirgizstan in Armenia.<sup>74</sup>

Another vulnerable group are refugees, Syrian Armenians, affected by the armed conflict in Syria. Despite having a legal status and enjoying the right to work in the country, some Syrian Armenians encounter challenges in finding employment due to various reasons,

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<sup>71</sup> Government of Armenia. 2019. Government Program 2019–2023. Yerevan.

<sup>72</sup> Electronic System of Work Permit <<https://workpermit.am/en/home>>

<sup>73</sup> Sorrentino L., "Assessment Report on Trafficking in Persons in the Republic of Armenia" (IOM 2018)

<sup>74</sup> UMCOR Armenia Foundation Annual Report (January - December 2018)

including linguistic difficulties, general shortage of economic opportunities, and lack of community support structures. Research conducted among Syrian Armenians living in the country highlights the risks of labour exploitation; the study reports lack of payments, underpayments, sexual harassment and bonded labour. These findings suggest that they are a group of people potentially vulnerable to TIP. References to specific vulnerability to trafficking of Syrian nationals fleeing the conflict were made by the international experts in US TIP report 2017 and GRETA (para 46). However, no cases of TIP involving Syrian Armenians have been detected. The possibility of certain risks of abuse and trafficking, particularly for vulnerable categories (e.g., women with children, elderly, young women etc.), and others stressing their level of acceptance and integration into the Armenian society, need to be taken into account.

The current context of migration in and through Armenia points to the need for regular monitoring of vulnerable migrant populations to prevent instances of abuse and exploitation. To improve the integration of Syrian Armenians, the Ministry of Diaspora, in cooperation with other related ministries and support of NGOs implemented a number of targeted initiatives, including facilitation of access to State employment programs, supporting small and medium entrepreneurship, organization of vocational skills courses, organization of language courses, printing and distribution among refugee community information materials alerting on trafficking risks and informing on available assistance (*Data and research; External Monitoring*).

## Particulars of determinants by stage of response

### Acknowledgment and prioritisation of trafficking as a policy issue

One of main factors contributing to acknowledgement of the problem was considerable number of TIP cases specifically in 2011-17. The specific of this field is that each case is dangerous in term of overall picture. Acknowledgement and understating of the core of the problem along with on-going advocacy and support from civil society side enable State to address critical issues step by step.

However, if the numbers of TIP cases are low the State does not pay enough attention to the issue giving the preference to other major problems. From the other hand lack of understating the issue also prevents putting anti-trafficking efforts among priorities and consequently does not incorporate mechanisms to collect statistical data to get the real picture.

Reliable data is one of the critical factors for CSOs to attract State attention toward the problem. Available data on nature of the crime, type of exploitation, the main population groups affected is also used by NGOs to trigger the State response. The most influential indicator is increasing number of overall cases or at least specific type of cases (labor trafficking) or cases of exploitation of specific group of population (e.g., children). The

majority of interviewed experts confirmed the fact that number of cases is among critical factors determining the State response (*Data and Research*).

First of all, it relates to prosecution. Specialized units in police, investigation and General prosecutor offices were established with the purpose of organizing targeted actions. Efforts were put to increase the capacity of LE, prosecutors and judges. A number of training and experience exchange programs were organized with the support of international donors, TIP as a topic was included in a mandatory educational program at the Police Academy, appropriate legislation was adopted or revised to prosecute TIP cases better. Based on case analyses and the regular TIP related interventions, a proactive investigation was intensified, specifically targeting those population groups and areas identified as the riskiest for that period.

Among the hindering factors for the effective response were mentioned turnover of staff in LE, lack of reliable data and changing nature of the crime. To address these issues, funding is critical.

There is a common understanding by the State that the country has many TIP predisposing factors, which need an urgent address. These factors include high poverty rate, unemployment, high rates of labor migration, gender-based violence. The State also supports the idea that even one case of TIP is a big deal for the country. However, the decrease in the number of identified victims and cases that reached the court created an illusion that the fight against TIP could succeed without addressing key vulnerability factors. Therefore, maintaining the minimum effort of action without further developments is enough.

For victim protection, the number of victims referred to assistance is directly connected with funding of the assistance programs. Keeping in mind the complexity of victims' needs, variety in volume and duration of provided aid in each case, the current funding allocated by the State is enough to cover the immediate and long-term needs of victims. Decrease in the numbers of identified and referred victims for assistance naturally initiates a discourse on more effective budget use.

In terms of prevention, the dynamic in the number of identified cases, the victim's data had its specific impact. When the numbers were high, public awareness-raising campaign was implemented using all possible resources, including printing and distributing information materials, information training and seminars among stakeholders and vulnerable groups, PSAs, TV/radio programs and social advertisement. Almost all the interviewed experts mentioned its effectiveness and increased awareness about the TIP in general and risks connected with labor abroad in particular.

## Adoption of legislation and policy and setting up of institutions or mechanisms

Combating trafficking and exploitation of human beings has always been under the Government's attention, and therefore anti-trafficking initiatives were constantly maintained, although with varying intensity. The vivid evidence is that for years systemic mechanisms for combating trafficking have been established, and Armenia undertakes coordinated steps in different fields.

Ensuring and protecting human rights is one of the main objectives and priorities of the Republic of Armenia. To execute this responsibility, the state became a party of the corresponding legal documents and developed its legislation in accordance with international requirements and obligations taking into consideration local specificity. The Republic of Armenia is a party to the main international instruments addressing human trafficking, including the UN Convention against Transnational Organized Crime (UN TOC), its Trafficking Protocol and Smuggling of Migrants Protocol, the Council of Europe Convention on Action against Trafficking in Human Beings, and the ILO Conventions on Forced Labour C29 and C105 and on Worst Forms of Child Labour C182 (*International Law*).

Furthermore, the country has ratified the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as “the Lanzarote Convention”, requiring the adoption of specific legislation and measures to prevent sexual violence against children, protect child victims and prosecute perpetrators. The need for ratification of the Lanzarote Convention was acknowledged based on data reported by the stakeholders working in the field and following the recommendations made by international experts, including the UN Special Rapporteur on the sale of children, child prostitution and child pornography<sup>75</sup> (*External Monitoring; CSOs*).

The country has established an articulated legislative, policy and institutional framework to address trafficking in persons. The legal framework on TIP comprises a number of provisions in the Criminal Code and in the Criminal Procedure Code, a specific Law on Identification of and Support to Persons Subjected to Trafficking in Human Beings and Exploitation, and related secondary legislation for its practical implementation. *Local counter-trafficking legislation is derived from international legal documents that Armenia is bound to and reflects provisions of the UN and CoE conventions on the fight against TIP.*

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<sup>75</sup> Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to Armenia. Para B (d). 2016. <https://digitallibrary.un.org/record/831602?ln=en>

The Criminal Code (CC) criminalizes human trafficking and exploitation under Article 132, prescribing

punishment ranging from a minimum of five years to a maximum of fourteen years' imprisonment and including the possibility of property confiscation, depending on the gravity of the offence and the presence of aggravating circumstances. It criminalizes trafficking committed domestically and across borders by individuals and organized crime groups. In addition to the Criminal Code provisions, Armenia has adopted a specific law to address human trafficking. The Law on Identification and Support sets the legal basis for the national referral mechanism for the identification, referral and assistance of victims and potential victims. The Law is based on human rights principles and strategic cooperation between public institutions and NGOs in the implementation of its various measures. Following an ongoing criticism made by NGOs and international monitoring bodies regarding existing NRM lacking human rights approach, the Law was built on fundamental principles of CoE AT Convention (**Governance and Politics; CSOs; External Monitoring**).

The main policy document in this field is the National Action Plan on Organizing the Fight against Trafficking in Human Beings and Exploitation in the Republic of Armenia. Since 2002, the Government has approved six triennial national action plans. The recent one covers the period from 2020 to 2022. Although the implementation of the latter had been delayed, the NAP entered into force on June 4, 2020, and implementation in several areas, such as public outreach and education, began immediately.<sup>76</sup> Moreover, it has been approved during COVID-19 pandemic, which serves as another evidence that the Government does its best even in emergency situations to ensure the continuation of works aimed at combating trafficking. It is articulated in five main thematic areas: legislative framework, prevention, identification and assistance, cooperation and research.<sup>77</sup>

Considering increased detection of labor trafficking cases especially those related to children exploitation and worst forms of child labor, actions on preventing child trafficking and exploitation are formulated in a separate chapter. Following the recommendations of the local and international experts and being willing to ensure effective use of allocated funds, the latest NAP for the first time includes performance indicators both quantitative and qualitative<sup>78</sup> (**Data and Research; Governance and Politics**).

At the policy level, Armenia has established the Council to Combat Trafficking in Human Beings and Exploitation, operating since 2007. The Law on Identification and Support mandates this high-level body to design an anti-trafficking policy, ensure general coordination of the activities conducted by central and local government authorities and

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<sup>76</sup> 2020 Findings of the worst forms of child labor

<sup>77</sup> NAP 2020-2022

<sup>78</sup> NAP 2020-2022

supervise the working groups and commissions adjunct to it.<sup>79</sup> Every year, the Chairman of the Council presents a report to the National Assembly of Armenia illustrating the activities and expenses for the implementation of the Law on Identification and Support.<sup>80</sup>

At operational level, the development of anti-trafficking policy and the coordination of the NAP implementation is assigned to a Working Group operating under the Council.<sup>81</sup> The Working Group meets regularly to discuss and coordinate the National Action Plan's implementation and develop proposals for future activities and policies. Over the years, there has been a very good degree of continuity in the membership attendance of the working group; this has fostered effective cooperation and coordination and has also contributed to advancing anti-trafficking policy and action in the country.<sup>82</sup> Well-developed national governance structure created to frame and maintain effective counter-trafficking policies and legislation determines the State's acknowledgment of the problem in the country and demonstrates its ability and willingness to implement anti-trafficking efforts.

## Allocation of resources and capacity building

The State was always providing special attention to, and support of, capacity building initiatives organized with the participation of both state and non-state stakeholders. Increased knowledge brings new vision and requires new approaches and continued policies and legislation improvements.

Over the last decade, there were various initiatives, including training programs, study visits, attendance of workshops, seminars, and conferences that aimed at creating strata of professionals working in the TIP area in different fields. Integration of TIP topic in the study program of Police Academy and Justice Academy as well as in mandatory qualification courses of state employees working with socially vulnerable groups played its positive role by giving TIP issues special attention and enhancing understanding of the phenomena and the specific role of authorities in the fight against this crime.

In addition to specialized professional training and workshops, joint multidisciplinary events were conducted with representatives from different agencies involved in the anti-trafficking response, both state and non-state. Participation in the initiatives mentioned above allowed

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<sup>79</sup> Law on the Republic of Armenia on Identification of and Support to Persons Subjected to Trafficking in Human Beings and Exploitation. 2014, Art. 9, para 3.

<sup>80</sup> Decision of the Prime Minister No 760-A of 18 August 2015 "On approving the individual composition of the Council for Combating Trafficking in and Exploitation of Human Beings in Armenia and the rules of procedure thereof, establishing the working group, and repealing Decisions of the Prime Minister No 861-A of 6 December 2007 and No 312-A of 5 June 2008" entered into force on 19 August 2015.

<sup>81</sup> Decision of the Prime Minister No 760-A of 18 August 2015

<sup>82</sup> Law on the Republic of Armenia on Identification of and Support to Persons Subjected to Trafficking in Human Beings and Exploitation. 2014, Art. 2, para 1; Art. 10, para 1.

participants to learn new effective approaches, share their own experiences, acquire a common understanding of the issue, and build up professional communication by using shared working “language”.

Another important outcome of these initiatives was an improved international cooperation. Building personal and professional relationships with AT actors from other countries was crucial for enhancing cross-border relations, specifically when working on transnational TIP cases.

Availability of **external funding** provided to the country to fight against TIP is very much has determined the success made by the State in fighting TIP. Besides the availability of professional specialists in TIP and strategies in place, sufficient continued funding is needed to fight against TIP effectively. Thus, external funding was critical in developing AT response for both State and NGOs. For the State, the funding was essential for accumulating required knowledge in the field, building internal capacity to make targeted actions, and developing sound policies and legislation. For NGOs, the funding made it possible to establish appropriate HR-based victim protection mechanisms, advocate for accepting victim-oriented policies and procedures, and implement public awareness-raising campaigns. In addition, State budget allocations in victim assistance and awareness-raising were rising every year.

However, as soon as Armenia appeared in Tier 1, the interest of international donors declined. It was probably because the country was considered as having enough capacity and resources to maintain the same level of effort. Indeed, the Government of Armenia fully met the minimum standards for eliminating trafficking<sup>83</sup> over the five consecutive years from 2013 till 2017 and kept on its Tier 1 qualification. The budget was allocated for rehabilitation and reintegration of victims, provision of compensation, awareness raising etc.

Changing over time the nature of TIP requires new knowledge and capacity strengthening efforts, as well as appropriate ongoing revisions in legislation and policies. Limited internal resources, shortage of external funding, changes in the Government and new challenges such as the COVID-19 pandemic and war over Nagorno Karabakh had their negative impact on TIP response. The latter mentioned two factors also contributed to re-prioritization and reallocation of internal and external resources. Although the TIP budget was not cut significantly, the attention to the issue declined and supporting environment contributing to a successful anti-TIP response was lacking. For example, almost all social advertisement time on TV was dedicated to coronavirus prevention; social, psychological, and humanitarian assistance programs were mainly focused on refugees, IDPs, and other groups directly affected by war and epidemic.

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It was not because of the absence of the political will but rather shift in urgent priorities and resource allocation accordingly, as well as shortage of specialists on the front line (**Governance and Politics; Political Will**). This period also coincided with changes in the Government in 2018. New people needed time to build knowledge and capacity on the issue and motivation to get involved in the anti-trafficking response.

## Implementation and enforcement of law, policy and practice

Given the hidden nature of the crime and the negative influence of predisposing factors such as poverty, high unemployment rates, seasonal labor migration, and even not high numbers compared to other countries of identified cases are pretty significant for small countries like Armenia.

The Government of Armenia took active and effective efforts to address the situation. Adopted international documents became the fundament for developing sound policies and legislation. Recommendations of the TIP, GRETA reports, IOM and OSCE were taken into consideration and incorporated in NAPs to maintain an effective level of anti-trafficking action (**International Law; External Monitoring**). The corresponding budget was allocated and had been increasing during the reporting decade. Regular reporting (semi-annual and annual) on implementation of NAP was maintained. These reports were presented at the AT Council meetings to discuss the effectiveness of NAP implementation and its shortages and to determine further actions. Given that these meetings were open for CSOs' participation, civil society raised several issues directly, and authorities did correspond dispositions immediately (**Governance and Politics**).

The effectiveness of AT response has its ups and downs. Being under the stable attention of the State, the struggle against TIP was effective, and the number of detected cases increased. When the State got a positive assessment of its efforts several times, the attention towards the issue started to decline, keeping in mind that the established system of anti-trafficking response should remain operational. However, due to changing nature of the crime and the inability of working mechanisms to adequately respond to new challenges, the effectiveness of counter-trafficking efforts began declining, and consequentially, the numbers of identified cases decreased. In addition, changes in the political situation in the country, although being positive in general, followed by changes in the Government as well as COVID and war in 2020, shifted the State's attention to other essential for that moment issues for the country. However, the TIP report downgrading to Tier 2WL in 2020 and the **possibility of further sanctions** played a triggering role in intensifying anti-trafficking efforts in the country, taking into account the new realities (**Governance and Politics; External monitoring**).

## Establishment of partnerships (including with civil society organisations and the private sector)

During the last decade, there were many projects on capacity building on TIP issues for various professionals, including LE (police, prosecutor's office), judges, HLIB, border guards, health personnel, social workers, NGOs, etc. Apart from specialized training courses, there were workshops for multidisciplinary professional groups of state and non-state actors (e.g., LE and mass media reps, LE and NGOs, judges and NGOs, etc.) and front-line officials and NGOs working with socially vulnerable groups at risk of TIP. In addition to the strengthening knowledge on the subject, sharing experience and understating specificity of each actor's work, the above-mentioned events contributed to building ground for cooperation between agencies and establishing personal communication. This process is critical in countries where collaboration is very dependent on persons involved in the process. During discussions within mixed groups, the gaps in organizing anti-trafficking responses were revealed, and holistic approaches to address them developed.

NGOs working in victim assistance were actively involved in all processes of policy-making legislative improvements (e.g., development of the Law of Identification and Assistance). They also participated in the works of WG and AT Council, raising issues on high levels of decision-making and providing feedback about the application of legislation and policies on practice for real situations (CSOs).

Due to the ongoing support of NGOs, comprehensive and long-term victim assistance activities were always in place. Cooperation between State and NGOs in this field is extremely important and aimed at rehabilitating victims and restoring their rights. This area has never been left without funding. Until the State initiated budget allocations for full coverage of victim assistance, NGOs closed this gap using donor or their own funds. Smooth transfer of victim assistance from NGO funding to state funding has happened due to close cooperation with the Ministry of Labor and Social Issues. The State budgeting has strict requirements and calculation scales that are not suitable for calculation of shelter expenses. Sheltering and assistance services for trafficked victims have their specificities. It is impossible to make precise calculations of the costs because it is impossible to predict the number of victims referred for the assistance and their specific needs necessary to address. So, in the beginning, it was agreed that the State would cover the only fixed costs (shelter staff salaries and shelter space rent), and the NGO would cover all the remaining costs.

This model was very beneficial. On the one hand, the State got involved in assisting victims. On the other hand, an NGO kept enough freedom and flexibility by using its funding for the best benefit of the victim. As a result of ongoing recommendations of TIP, GRETA and other experts, the State has increased its contribution to cover victim assistance since 2018 fully. However, it still took a couple of years until NGOs enabled utilization of these funds without additional external funding (***Governance and Politics; Funding; External Monitoring***).

The increased number and diversity of cases in 2011-2015 intensified cooperation between State actors as well as between State and civil society to address them adequately. The stable decline in detected cases recorded from 2017 to 2020 induced persistent attention of NGOs and international donors to this situation. Counter-trafficking stakeholders intensified their cooperation efforts to understand “why it happens”. There are three factors identified that required an urgent address: 1. Lack of identification indicators tailored to each of the frontline agencies that could meet TIP cases during daily work; 2. Tendency to increase in number of labor trafficking, forced labor and forced begging cases over the sex trafficking cases and connected with this problem in identification and prosecution; 3. Precarious conditions of working children. In this case, the decline in statistical data had a positive impact and focused the State’s efforts on specific issues (*Data and Research*).

### Monitoring and evaluation of anti-trafficking efforts and reporting

Conducting regular studies and analyses and using their results for policy development is key for having an effective and time-bound anti-trafficking response. There have been several studies conducted to address various aspects of TIP, including the issue of child labour. The research provided a sound basis for adjusting policies and legislation. While there is a necessity of conducting new studies, for example, widening the concept of root causes to see it not just as isolated poverty but a complex of many factors, there is also the necessity to use these studies as an evidence-based tool for enhancing the efficiency of counter-trafficking work.

Over the last decade US Embassy, IOM, OSCE, ILO, COE took an active role in bringing international experience and best practices to Armenia. Study tours, participation in training programs, international conferences, and organizing visits of experts (OSCE, IOM, TIP, COE) to Armenia were very important. Besides the knowledge and new practices, the country got an expert opinion on its achievements and recommendations on the following steps, though it was upon the State to decide on which recommendation to follow. Assessments conducted by IOM and OSCE, GRETA monitoring reports and annual TIP reports provided a necessary foundation for shaping policies in the field of TIP. The outcomes of these reports were discussed within the Inter-Agency Working Group (IAWG). For instance, as soon as the TIP report was issued, it was discussed during the IAWG meeting. Representatives of the US Embassy in Armenia were invited to IAWG meetings to clarify the issues raised by the members and NGOs regarding the statements made in the report. The same practice more or less was maintained with any TIP references in other related reports (CEDAW, Worst forms of child labor, Slavery index etc.). Although the initiator of such discussions specifically related to crosscutting issues often were IOs and local NGOs, the State IAWG was always used as an open platform for brainstorming and finding doable solutions for the problems raised in these documents (*Governance and Politics; External Monitoring; CSOs; International Organisations*).

As mentioned earlier, Armenia is currently at the stage of implementation of its seventh NAP. State agencies and NGOs usually submit semi-annual and annual reports on NAP implementation to the coordinating body, which till 2018 was the MFA and since then replaced by the MLSI. Given that NAPs, except for the last one for 2020-2022, did not have measurable performance indicators, the reporting did not provide information about the effectiveness of their implementation. Even though the last chapter of the NAP has been dedicated to "implementation of surveys, monitoring and evaluation", no budget was allocated to carry out these activities. Acknowledging the importance of having reliable data, the state kept claiming no funds and asking for donors' and IOs' assistance. Thus in 2019, COE prepared a report on the Assessment of implementation of NAP 2016-2018 and generated recommendations for the draft of the next NAP. The results of the Assessment, along with the recommendations, were presented at the IAWG and AT Council, and the next NAP was developed, taking into account many of them (*Funding and Resources*).

## Sustainability

Sustainability is always a concern. To have a sustainable long-term impact continued beyond implementing the anti-TIP action, especially when resources are limited and often donor-driven, is very challenging for the state to ensure. In addition to corresponding policies and legislation, there is a need to use a holistic approach while expecting an effective TIP response. It is necessary to have a complete, dynamic and time-bound picture of TIP situation, response actions and their effectiveness. Although the action is sustained at the policy level (NAPs, budgetary allocations), the structures supporting the proper implementation of national policies are lacking. It happens because TIP actors mainly work separately without using horizontal ties. A holistic approach should be applied in analyzing all possible impediments encountered while implementing programs or laws or providing assistance, protection and reintegration services to victims. The problem is that TIP is accepted as a separate phenomenon that needs a specific response. Cross-cutting issues such as poverty reduction, economic stability, gender-based violence etc., are preferred not to be taken into account. Therefore, corresponding actions are absent in the NAPs during the period under this review. One of the reasons for this was failing to report on cross-cutting issues. Although this reporting was conducted within corresponding NAPs, the connection with TIP was lost, and impact analyses were not done, which led to inadequate response actions. Ongoing data analyses of victims' profiles, impact assessment of implemented counter-trafficking measures, and focus on the identified needs are critical to maintaining sustainability.

Another negative factor is the staff turnover responsible for counter-trafficking within the State authorities. It negatively affects the sustainability of TIP response because of lack of

knowledge or professional capacity of new persons and lost institutional memory (**Governance and Politics**).

One of the interviewed state officials mentioned that there are objective factors such as the unstable political situation in the country, coronavirus, and war, which does not allow to put enough efforts and resources in counter TIP (**Governance and Politics**). As for the MLSI there is a complete understanding of the problem and using all possible resources to its best outcome, which may be insufficient though the political will is there [INT. 03]. Availability of external funding specifically for areas uncovered by the state is also an important determinant for ensuring sustainable efforts specifically for adjusting existing capacities to address new emerging TIP issues (**External Funding**).

# Focus: the Council to Combat Trafficking in Human Beings and Exploitation

Over the history of its fight against TIP, Armenia has established an effective institutional mechanism to address this crime effectively. At the policy level, Armenia has established the Council to Combat Trafficking in Human Beings and Exploitation, which has operated since 2007. The Council is chaired by the Deputy Prime Minister and is composed of ministers, deputy ministers and senior officials from all relevant State structures for anti-trafficking action. At the implementation level Inter-Agency Working Group Against Trafficking in Persons (IAWG) was established even earlier to develop and discuss the implementation of AT NAPs, raise issues and find solutions. It serves as a platform for communication and cooperation between state agencies, civil society organizations and experts.

Acknowledgement of the problem in the country served as a starting point for determining political will to institutionalize TIP response. Regular high-level meetings of the Council to monitor NAP implementation and discuss urgent issues show the high level of state attention and put the fight against TIP on the priority list. Institutionalization itself leads to long-term sustainable results. In the case of Armenia, this outcome is multiplied by the professional and personal capacities of the IAWG members.

The effectiveness of Interagency Working Group (IAWG) in (2011-2018) was determined as an example of effective teamwork and unity of different state and non-state actors who are eager to fight TIP. This group was the most effective, constructive and successful among other State WGs in Armenia. For that time, the IAWG coordination was within the Ministry of Foreign Affairs (MFA) responsibility. During the regular quarterly meetings, ongoing issues, projects, reports, news in the area were presented and discussed, and recommendations for future actions were generated. All the actors felt themselves accountable to contribute to the works of the group. In addition, affiliated working groups were organized to discuss specific issues with experts and involved parties in this particular area (NRM, Law on identification and Assistance, etc).

Apart from having the right people at the right places, smooth and friendly interpersonal relations among IAWG members were maintained due to regular outside events when the whole group got together for 2-3 days to discuss various

issues. These events were usually dedicated to discussing the annual reports or drafting the new NAPs. Those meetings contributed to the strengthened cohesion of this group to work around the critical issues for the country.

In 2015, H.E. Richard Mills, Ambassador of the United States of America gave the Universal Rights Award in the Government Reformer category to the Anti-Trafficking Working Group (IAWG). “Congratulations to the IAWG, which is this year’s recipient of the Universal Rights Award for Government Reformer. The IAWG is made up of dedicated professionals who contribute to counter-TIP activities and cooperation between the Government of Armenia and civil society through programs to prevent TIP crimes, provide assistance to victims, prosecute traffickers, and build partnerships. The IAWG represents the best of government – civil society cooperation, and its impressive results demonstrate that when government and civil society work together and listen to each other, they are more effective agents of change”, said H.E. Mills during the award ceremony.<sup>84</sup> It is worth mentioning that such an acknowledgement of the joint effort of the working group enhanced the already existing dedication of IAWG members and their enthusiasm to contribute to AT efforts actively.

After the “Velvet Revolution” in Armenia in spring 2018 number of reforms and restructurings were made. First of all, the coordination of IAWG activities transferred to the Ministry of Labor and Social Issues (MOLSI) and the ministries appointed new members of the commission. At that time, MOLSI did not have the experience and institutional capacity to lead such WG. People at all key positions were changed, including the minister, deputies, heads of units, departments, etc. In addition, the COVID epidemic and war over Nagorno-Karabakh in 2020 focused the State's attention on addressing negative consequences connected with these catastrophes. The primary burden to meet these new challenges was put on the shoulders of the MOLSI, and to manage them the re-prioritization of the needs was done coming out from the situation. Thus, it took time for the structure to self-stabilize.

Since then, there have been a couple of meetings to draft NAP and discuss TIP report recommendations. Echoing successful past cooperation, the new IAWG members started to build relationships with the members having institutional memory.

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<sup>84</sup> US Embassy in Armenia, “Armenia’s International Community to Honour Rights Advocates”(US Mission in Armenia, 4 June 2015) <<https://am.usembassy.gov/armenias-international-community-honour-rights-advocates-2/>>

However, the process of integration of new IAWG members into the working process takes time because they need knowledge and understanding of the issue as well as to establish working relationships with other members of the commission having previous experience in organizing an effective counter-trafficking response, implementing NAP and fulfilling international obligations.

# Focus: Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and Exploitation

*The obligation of the State to be in-line with ratified international conventions, recommendations made by GRETA,<sup>85</sup> TIP report and other external instruments, together with pressure from local NGOs (**International Law; External Monitoring; CSOs**), worked perfectly in helping the State fulfil taken commitments and resulted in development of the new Law [INT. 06].*

Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and Exploitation (Law) entered into force on 17 December 2014 as a key legal document on the identification, referral and protection of victims of human trafficking. Chapter 2 of the Law defines tasks and responsibilities of the Council on the Fight against Trafficking in Human Beings and Exploitation (hereinafter referred to as the Council), the Commission on Identification of Victims of Trafficking in Human Beings and Exploitation (hereinafter referred to as Identification Commission) and Non-Governmental Organizations (NGOs) as key partners in identification, referral, support and protection of trafficked victims.

By adopting the new Law and providing a comprehensive assistance package, the State also ensured access to that assistance by revising the previous NRM lacking human rights approach. The Law set up a new identification procedure according to which the assistance was entirely de-linked from the investigation. This provision of the Law is completely in-line with the requirements of the COE AT Convention [INT.12] (**International Law; External Monitoring; CSOs**).

Enacting such legislation, the State demonstrated its adherence to human rights values and principles (**Political Will**). Acknowledging its responsibility for persons who suffered from TIP crime, be it Armenian nationals or foreigners trafficked within the country's borders, the State created a mechanism to identify, protect, rehabilitate, and reintegrate trafficking victims by taking into account their individual needs and circumstances.

A primary strength of the Law is that it takes a human rights and victim oriented approach and is based on the principles outlined in CoE Convention on Action against Trafficking in

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<sup>85</sup> COE Group of Experts on Action Against Trafficking, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia. GRETA (2017) Second evaluation round.

Human Beings. One of the critically important basic principles of the Law that it de-linked the access to assistance from criminal proceedings, which is a direct outline of one of the main CoE anti-trafficking convention principle stated in Article 12 point 6 (*International Law*). The international community and NGOs criticized the previous NRM for applying three-stage assistance determined by the stage of the criminal proceeding. However, victims did not suffer from such restrictions as they have been supported by NGOs and the State did not object this support. Nevertheless, the regulation was improper and did not correspond to adherence of Armenia to democratic values (*External Monitoring; CSOs*).

The Law also establishes clear obligations for State authorities to provide support services and protection to victims of trafficking during the pre-identification stage and after. The Ministry of Labour and Social Issues is responsible for providing and coordinating assistance to victims. The Law envisages various support services, including medical aid, shelter, psychological counselling, legal counselling and legal aid, translation/interpretation, access to education, vocational training and employment, arrangements for safe return, and a lump-sum monetary compensation. A government decision further details the procedure, scope and duration of support services for victims. The Existence of the Law sustained the State's responsibility to allocate year marked funding for the provision of the full package of victim assistance as well as for lump sum compensation (500\$) provided to victims to cover their immediate needs. It is also worth mentioning that funding increased every year, and currently, the State fully funds the shelter.

The Law establishes a collaborative, multidisciplinary and inclusive process between NGOs and public law enforcement and social welfare institutions to identify victims of trafficking and refer them to support in line with the international obligations under the Council of Europe Anti-Trafficking Convention. The Victim Identification Commission consists of seven members appointed by the Government: two from the Ministry of Labour and Social Issues, one from the General Prosecutor's Office, one from the Police and three from the NGOs Democracy Today, Hope and Help and UMCOR Armenia Foundation, respectively. The representative of the MLSI chairs the Commission. The Identification Commission examines the case and decides by simple majority on granting the status of victim of trafficking. In the case of equal votes, preference is given to decisions supported by NGOs. The procedure foresees the right to appeal for victims in case of a rejection. Irrespective that this is a small commission addressing particular issues, such a democratic decision-making process one more time proves the State's position to facilitate access to assistance for TIP victims as much as possible. The Law also details stages in the identification process and defines the timeline for the actions of competent bodies.

Potential victims are referred to the Identification Commission by designated competent bodies, including the Police, the MLSI, and specified NGOs. These are the first responders/first-line stakeholders in charge of the pre-identification. First responders gather information and evidence about the person's trafficking situation, arrange referral to

support with his/her informed consent, and submit the motion for victim status recognition to the Commission.

Given the changing nature of the crime and situation in the country, the Law and its supporting mechanisms are examples of life documents requiring to be adapted to new realities. Shortages in applying provisions of the Law revealed during the work process are discussed within the Identification Commission, and recommendations are submitted to AT Council for approval. As a result of such cooperation, the referral mechanism for children, special procedures for providing financial assistance to children and other supporting documents were adopted, and revisions of the Law in this connection took place. Apart from specific attention to TIP, the State also demonstrates flexibility in changing legislation and its decisions coming from the best interest of vulnerable persons, which is once more prove the statement that *political will* is paramount for the anti-trafficking state response.

# COVID-19

## Impact on anti-trafficking efforts

Armenia is being hit hard by the COVID-19 pandemic crisis and the movement restriction measures adopted by the government to stop the spread of the virus. The country, like many others, has been taking measures to prevent the spread of the virus, and emergency policy and legislation has been rapidly introduced.

In January 2020, the Government of Armenia had already established an interdepartmental commission to prevent the spread of COVID-19 and coordinate the response. On March 1, the first case was registered in Armenia, detected in an Armenian national who had arrived from the neighboring Islamic Republic of Iran. The federal state of emergency was declared on March 16, 2020, to April 14, 2020, then extended to July 13, 2020.<sup>86</sup> A nationwide lockdown was imposed: non-essential business activities had to be temporarily closed down, telework was encouraged, schools closed, travel restrictions and mandatory self-isolation of everyone in their place of residence were adopted to prevent the spread of the virus, affecting the economy, firms and people. These restrictions applied to both citizens of Armenia and foreign nationals. Armenia has suspended entry into the country of most foreign nationals who arrive from areas of high risk of COVID-19 infection, including several European countries.<sup>87,88</sup>

The spread of the coronavirus significantly impacted the incomes of households. The lockdown and job cut seriously affected sources of income for community households. More than one-third of household survey respondents conducted by UNDP in 2020 reported either losing their jobs or experiencing a significant cut in working hours or volume of work. Moreover, job reductions have impacted women more than men as COVID-19 harder hit social enterprises supporting home-based non-registered businesses where vulnerable groups of women are engaged (single parents, women with disabilities, women subjected to domestic violence, etc.).<sup>89</sup>

According to the NGO Women's Rights Center, during the COVID-19 state of emergency, domestic violence cases also increased; experts blamed the rise in part on social isolation. The persisting social stigma against seeking support, along with the inaccessibility of some

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<sup>86</sup> Republic of Armenia Government decision No. 298-N, dated 16 March 2020, available at [www.bit.ly/2Z0zbks](http://www.bit.ly/2Z0zbks).

<sup>87</sup> Commandant's decision No. 1 adopted on 17 March, 2020, available at <[www.gov.am/fifiles/docs/3950.pdf](http://www.gov.am/fifiles/docs/3950.pdf)>

<sup>88</sup> Commandant's decision No.10, dated 22 March, 2020, <[www.gov.am/fifiles/docs/3962.pdf](http://www.gov.am/fifiles/docs/3962.pdf)>

<sup>89</sup> Socio-Economic Impact Assessment of the COVID-19 Outbreak on Armenian Communities. 2020 UNDP

support services during the pandemic, further worsened the situation. The Coalition to Stop Violence against Women registered an increase in calls to domestic violence hotlines and noted that the ban on public transportation during the state of emergency made it very difficult for some women to reach police precincts or support centers.<sup>90</sup>

Armenian labor migrants and their families also emerged as a vulnerable group during the COVID-19 crisis. Recent migration was primarily seasonal labor migration and provided employment opportunities, as seasonal labor migration was primarily motivated by difficulties with finding work in Armenia. Many seasonal migrants (travelling primarily to Russia) were unable to leave for destination countries during the crisis and fell back into a jobless situation; those in destination countries were facing health risks as well as high risks of losing jobs; and some appeared in a trapped situation owing to border closures in destination countries. These resulted in the loss of income of migrant households and put remittance-dependent households, especially in rural areas, at downside risk.

On 3 May, the Commandant allowed most businesses to operate.<sup>91</sup> At the same time, most restrictions on internal movement were removed. To mitigate the serious negative impact of COVID-19 on the socioeconomic situation in the country, a number of support programmes were adopted by the Government. About twenty-two, such support programmes have been developed, which can be categorized as those aimed at reducing the negative impact on the economy and others to provide support to individuals to mitigate the social consequences precipitated by a coronavirus. Some of these programmes benefited labour migrants and Armenian nationals, whereas others only related to Armenian nationals.<sup>92</sup> The Government supported small and medium-sized enterprises operating in food, transportation, tourism, other businesses providing services, entertainment and leisure businesses.<sup>93</sup>

Additionally, some measures were implemented to assist individuals, including labour migrants, by covering partial compensation for utility costs.<sup>94</sup> Several programmes aimed at supporting those who had lost their jobs and income. For instance, assistance was provided to people who worked for specific businesses the most affected by the COVID-19, such as hotel and hostel services, tourism services, catering services, etc. This measure also applied

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<sup>90</sup> Bureau of Democracy, Human Rights and Labor, United States Department of State, "Armenia 2020 Human Rights Report" Country Reports on Human Rights Practices for 2020, p.38.

<sup>91</sup> Commandant's decision No.63, dated 3 May, 2020, <[www.arlis.am/DocumentView.aspx?docid=141955](http://www.arlis.am/DocumentView.aspx?docid=141955)>

<sup>92</sup> The description of the programmes is available on the Republic of Armenia Government website, <[www.bit.ly/2DrbH0z](http://www.bit.ly/2DrbH0z)>

<sup>93</sup> Republic of Armenia Government decision, No. 357-L, dated 26 March, 2020, decision available at <[www.arlis.am/DocumentView.aspx?docid=140968](http://www.arlis.am/DocumentView.aspx?docid=140968)>

<sup>94</sup> Republic of Armenia Government decision, No. 550-L, dated 14 April, 2020, available in Armenian at <[www.arlis.am/DocumentView.aspx?DocID=141374](http://www.arlis.am/DocumentView.aspx?DocID=141374)>

to labour migrants, provided they were formally registered employees, i.e. their work is based on an employment contract and did not include labour migrants or international students.<sup>95</sup>

In autumn 2020, the negative COVID impact was amplified by the 44-day war between Armenia and Azerbaijan over Nagorno Karabakh. In addition to human and territorial losses, around 90,000 IDPs fled to Armenia.

New reality imposed by the above-mentioned devastating events aggravated trafficking risks for vulnerable groups of populations and created vulnerabilities for those who were not at risk. Response mechanisms needed to be adjusted to this new reality, specific measures were required to be implemented. For example, a special hotline should have been established for children, as during the lockdown, children become more vulnerable to exploitation from parents and via the Internet. [INT. 14]

However, the State took TIP out of its agenda for some time and directed all its efforts to fight COVID and war consequences. [INT.12;15] During an emergency, the state changed its priorities, and trafficking was pushed out as a less urgent issue, specifically considering the war and its consequences and emergencies connected with IDPs, PAWs, changed borders etc. [INT. 11]

With the main focus on COVID-19 impact, the majority of interviewed experts mentioned that restrictions for peoples' gatherings played a negative role in *partnerships* - all the meetings were online, including international ones, which had limitations such as time differences and connection problems. Overall, Zoom meetings were mentioned as not so effective. [INT. 16] IAWG was not working effectively. There have been only two-three online meetings since the beginning of the epidemic.

The following most affected area was prevention. [INT.04;09;16] This includes awareness-raising campaigns, capacity building activities, information dissemination etc. Online training sessions were ineffective and did not have the desired impact, and it took more time to sort out the problems and elaborate discussion. [INT. 06]

Respondents also mentioned delays in investigations and suspended courts as an issue connected with the coronavirus epidemic. Witnesses were not participating in court hearings due to quarantine. However, this problem with the courts was solved quite fast. Electronic online mechanisms were integrated to enable a smooth court hearings process without delays. [INT. 07] The experts also noted that it is early to judge how this situation impacted

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<sup>95</sup> Republic of Armenia Government decision No. 412-L dated 30 March, 2020

the court system's effectiveness. For instance, in 2019, courts did not have any convictions, while in 2020, there were four convictions related to TIP. [INT. 02]

The dynamic of the working processes was mainly affected. In terms of MLSI, its actions did not suffer, although slowed down. [INT. 03] An important factor was how the agency could adjust the problems connected with COVID to use the given situation. Thus, MoJ representatives, jointly with MLSI, focused their efforts on incorporating forced labor articles in the new labor Code. [INT. 07]

The situation of the population at risk worsened. The people were locked up, and the perpetrator had enough time to hide the proof or destroy it or to pursue the victim not to talk about it or to hide some important detail. Traffickers do not have any rules, and they can adapt to any situation very quickly. As for the State, it has to go to various instances for being adjusted to new circumstances, and the bureaucracy is very time-consuming. Even when the restrictions were lifted partially, these impediments remained and hindered quick response to the cases.

All the processes connected with victim detection, referral, and provision of assistance slowed down. The same situation related to investigation, court hearings, and all activities connected with interacting with the state authorities, e.g. restoration of identity documents. The victims' acceptance procedure to shelter was adjusted to new regulations, including organizing COVID testing for victims and isolation until PCR negative response is obtained. [INT. 09] For the special note, this was not a hindering factor for acceptance of a victim at the shelter and providing necessary support, it was a factor requiring additional efforts and time. [INT. 12]

It is also worth mentioning that COVID related emergency legislation in the case of HLIB had rather a positive impact on their work and enabled them to identify persons at risk of HT cases and make preventative actions. The obligation of safeguarding the implementation of the emergency regulations was under the mandate of HLIB, which fully implemented its functions without any limitation or delays. Moreover, HLIB got more authority to make supervisions and even strengthened its capacities to identify TIP cases. To speed up its actions, HLIB was authorized to monitor employers for COVID regulations without initially informing them. By this, it got an opportunity to find out TIP cases, if any. [INT. 10]

Given that emergency situations are quite stressful and might lead to an increase in domestic and other types of violence, the full picture of their impact in terms of TIP will become visible after some time when corresponding analyses of increase or decrease of criminality will be done. [INT. 07] Nevertheless, experts mentioned a possible increase in cyber trafficking cases and possibly a decrease in forced criminality, as children could not sell different things due to restrictions and fewer people on the streets.

# Conclusion

Over the last decade, Armenia passed a very diverse but important process of developing TIP response. Last decade Armenia have been going through vibrant political and social changes which have been finding place in the short urgent responses and overall long-term policy goals. The goal of the “Velvet Revolution” of 2018 to develop democratic human rights based egalitarian society became the most important determinant of the policy directions and contents in the area of counter trafficking.

**International Law.** New legislation and policies were adopted and working mechanisms to enact them formed. It is worth mentioning that the human rights approach was put at the centre of the State efforts. Being a party to the fundamental international documents addressing eradication of trafficking and protecting human rights, Armenia strengthened the process of aligning itself with the obligations taken under these instruments aimed to devise, enforce and strengthen effective measures to combat and eliminate all forms of trafficking in persons, to counter the demand for trafficked victims and to protect them. 30% of the experts interviewed for the purpose of this report stated that affiliation to the international legal frameworks was important in framing anti-trafficking efforts in Armenia.

**Governance and Politics.** Acknowledging that trafficking is a severe and complex violation of fundamental human rights and crime that involves corruption, cheating, exploitation, torture, use of persons’ vulnerability, and putting a person in the degrading and slavery condition, the State put the fight against TIP on the political agenda, developed corresponding legislation and policies, and set up specialized institutions to maintain effective anti-trafficking response. To promote comprehensive and coordinated actions in a regular manner, Armenia has established a high-level coordinating mechanism: The Council on Trafficking and Exploitation. The Interagency Working Group is responsible for developing the National Action Plan (NAP) to be adopted by the Council and for the coordination, implementation, and evaluation of the activities set out in NAP and preparing regular reports on its performance. Armenia also has established cooperation on an international level to coordinate efforts in exchange for operative information, joint actions and organizing protection and secure the safe return of victims.

Irrespective of the fact that the political situation in the country changed dramatically due to the non-violent velvet revolution, coronavirus epidemic and war that hit the country during the last two years, efforts to fight TIP were always in place. Although the level of State attention to the issue varied given the different objective factors, the *political will* to counter TIP and protect the most vulnerable is definite.

**Funding and Resources.** The allocated funds from the state budget have increased significantly over the period of this review. This is specifically related to funding of the provision of direct assistance to trafficked victims. The recommendation was among the

persistent core recommendations made in the frames of the US DoS TIP report over the time. Currently, assistance to trafficked victims is fully covered by the State through grant to local NGO.

International funding always played a critical role in developing a comprehensive TIP response in Armenia. UN agencies (ILO, IOM, UNDP, UNICEF), INL, OSCE, the Government of Norway, Netherlands, US and other countries supported Armenia in developing sound policies and legislation, victim assistance, awareness-raising and capacity building for both state and non-state stakeholders.

**External monitoring** mechanisms, specifically TIP rankings, GRETA evaluations, OSCE, and others, were also mentioned among driving forces for state anti-trafficking response by 55% of respondents of the survey. Recommendations generated in result of external evaluations were used by the State as a guidance for developing anti-trafficking response. These recommendations become strong incentives for discussions in the frames of IAWG to find proper solutions and their following reflection in NAPs. In general, Armenia has incorporated a considerable number of recommendations provided by US DOS TIP, GRETA, OSCE, IOM and other reporting and monitoring bodies. These recommendations became a robust base for CSOs to require the State to follow up and implement these recommendations and take actions to improve the situation. In addition, On the other hand, low international ranking and negative reviews impacting on the state image and further funding opportunities were also mentioned among important factors stimulating the State to take immediate actions to improve the situation. "International reputation of the State" was mentioned by 53% of respondents as one of the factors determining the State actions in combating TIP.

**Civil society** also played a crucial role in determining the State anti-trafficking actions. 42% of the survey participants mentioned among the factors which are most influential in improving the state's anti-trafficking efforts. Understanding the complexity of the problem as well as need of joint and coordinated actions a constructive dialog was established between the State and CSOs. This platform was used by civil society to raise urgent issues and advocate for taking actions and make timely and evidence-based decisions. CSOs were not only pressurizing the State to implement recommendations and address issues but also were extremely cooperative and supportive in filling the gaps where State did not have sufficient resources both human and financial.

Irrespective of considerable headway, Armenia still has to make significant steps forward to provide effective time-bound actions to fill the existing gaps and provide an adequate response to newly emerging forms of TIP.

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