



Office in Yerevan

Trafficking in Human Beings in the Republic of Armenia

An Assessment of Current Responses

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The opinions expressed in this report are those of the authors and do not necessarily reflect the policies and views of the OSCE Office in Yerevan.

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LIST OF ABBREVIATIONS AND ACRONYMS

RoA	Republic of Armenia
IO	International Organization
IOM	International Organization of Migration
MFA	Ministry of Foreign Affairs of the Republic of Armenia
NGO	Non-Government Organization
OSCE	Organization for Security and Cooperation in Europe
UNDP	United Nations Development Programme
NAP	National Action Plan
NS	National Strategy
IAC	Interagency Commission
IWG	International Working Group

Chapter One: INTRODUCTION

Executive Summary

The report presents an overview of the current situation in the fight against trafficking in human beings in the Republic of Armenia and assesses the strengths and weaknesses of the anti-trafficking response.

Since 2002, when the Armenian Government established an advisory body on trafficking in human beings, there have been several positive developments. The legislative framework criminalizing trafficking has improved, law enforcement agencies and other actors started to identify victims of trafficking, and the number of victims assisted by NGO shelters in Armenia increased significantly.¹ The cooperation between the state authorities and NGOs and other service providers improved and law enforcement agencies started referring some victims to NGOs. Specialized NGOs gathered valuable experience and knowledge. In general, the capacity of all anti-trafficking actors increased, albeit from a very low base.

In 2004, the Government adopted a National Plan of Action to Combat Trafficking in Persons. Between 2004 and 2006, the Government of Armenia took some steps to increase awareness about trafficking. Despite numerous initiatives and activities that have been conducted, there are still significant gaps in many areas of the anti-trafficking response. The assessment team identified serious shortcomings in practically all areas of anti-trafficking activities undertaken by the state. The state authorities pay limited attention to the issue, and efforts to combat trafficking in human beings remain erratic. There is no clear national strategy and a national coordination mechanism hardly exists, which hampers the establishment of a National Referral Mechanism. There is a notable shortage of both financial and human resources for the implementation of the National Plan of Action. Another weak point is the lack of institutionalised and formalised victim protection. Importantly, in July 2006, the trafficking statute was amended and punishments significantly increased. However so far, the amended statute has been applied only in a few cases.

¹ Between 2005 and 2006 the number of assisted victims of trafficking almost doubled.

Purpose of the Report

The purpose of the assessment is to review the current situation and responses to trafficking in human beings in the Republic of Armenia, and to provide recommendations to the state authorities, international organizations and the civil society for possible further actions. The assessment aims at contributing to changing the Armenian anti-trafficking practice to make it more consistent with international best practices and standards in order to increase the quality of the anti-trafficking response in Armenia.

The assessment was conducted by Hana Snajdrova of the Czech Ministry of Internal Affairs, assisted by national experts, between October and December 2006. Most interviews were held in Yerevan and in Vanadzor (Lori region of Armenia) in October 2006. The report was updated by Blanka Hancilova, former Democratization Officer at the OSCE Office in Yerevan, in March 2007 to include the latest developments.

Data was collected through various methods, including a) review of available literature, documents and other sources of data on trafficking in human beings in the Republic of Armenia; b) semi-structured and in-depth interviews with key informants; c) participation in anti-trafficking events (workshop, Inter-Agency Commission² meeting, International Work Group meeting). Preparation of the report incorporated the gathering of information from stakeholders involved in counter-trafficking activities, collecting data on trafficking in human beings, mapping out existing networks and initiatives to combat trafficking in the Republic of Armenia, identifying gaps in current initiatives, and assessing the level of development of the national coordination mechanism.

Sources of data and data collection methods were compared, when possible, in order to confirm the accuracy of information collected. Key informants were selected from government agencies, international organizations and NGOs on the basis of their role in the national anti-trafficking body, the Inter-Agency Commission, and/or the International Working Group; and their current involvement in counter-trafficking activities. The assessment team attended a meeting of the International Working Group, meeting of the Inter-Agency Commission and a workshop on the development of a new national strategy and National Action Plan organized by the OSCE for members of the IAC and key civil society actors.

Apart from interviews held in Yerevan, the assessment team visited the town of Vanadzor in the Lori region of Armenia. Vanadzor was selected because the assessment team wanted to gain insight into the state of anti-trafficking outside of the capital and because Vanadzor was known to have cases of trafficking.

² N 591-A Decree of the Prime Minister of the Republic of Armenia dated October 14 2002 established an Interagency Commission for “studying the issues and making suggestions in regard with illegal transfer and trafficking in humans from the Republic of Armenia with the purpose of exploitation.”

The assessment team noticed that many government and law enforcement agencies were rather reluctant to share relevant information, opinions or anecdotal information, referring exclusively to generally known statements about trafficking in human beings in Armenia. In general, perhaps understandably, the governmental agencies had a tendency to portray the state of affairs in more positive light than the representatives of the international community and civil society.

Chapter Two: LEGAL RESOURCES FOR COUNTERACTING TRAFFICKING IN HUMAN BEINGS IN THE REPUBLIC OF ARMENIA

Legislative Framework – anti-trafficking and migration

The modification of Armenia's legislation in accordance with international instruments on trafficking in human beings is an ongoing effort. Although Armenia has embraced in principle the foremost international anti-trafficking conventions, its overall legislative effort to adopt the specific provisions of these conventions has been less focused and lacks the comprehensive, multi-front, human rights-based approach to combating trafficking that the conventions endorse. Over the past five years, there were some positive developments in the area of criminalization of trafficking, but other areas, equally important for addressing this complex issue, such as witness protection and social assistance to victims, have not been appropriately addressed. From a systemic point of view, lower normative acts such as decrees and regulations specifying the implementation of laws are notably missing. As a result, there is a gap between the laws and their implementation.

The legislative definition of trafficking in human beings in Armenia is more expansive than definitions found in international treaties, but it is similar in comprehensiveness and gender-neutrality as the international treaties.

Since the latest amendments of the Criminal Code in July 2006, punishments for trafficking seem to be severe enough to dissuade. Trafficking can no longer be sanctioned with a fine like was the practice in the past. According to these latest revisions, the penalty for trafficking is three to six years, with the maximum penalty for this crime being 12-15 years' imprisonment.

Armenian law does not explicitly forbid the subjecting of victims of trafficking to prosecution for crimes they may have committed during the process of trafficking, even under conditions that often amount to duress or compulsion, but there are no known cases where victims were prosecuted for acts committed while they were trafficked.

Perhaps the area in which Armenian law has adapted least to the reality of trafficking is in victim assistance and protection. The current version of the Criminal Procedure Code (CPC) restricts protection only to victims, witnesses involved in the criminal proceeding, and their close relatives, but does not extend protection to other persons participating in the criminal proceeding. Currently the Criminal Procedure Code

requires that authorities respond initially to threats against victims or witnesses with an official warning, a measure that does little to put an end to such threats while eroding the security of the victims or witnesses themselves.

For trafficking victims who do decide to take legal action or testify against offenders, assistance in various forms is critical to ensuring an effective, long-term recovery from the trafficking process. According to the Armenian legislation (particularly the Law on Social Assistance) certain assistance should be provided to victims, and that should as a minimum include secure accommodation, medical treatment, and education for children, but *de facto*, because of lack of financial means, this is not implemented.

Finally, for some transnational crimes such as trafficking, traditional territorially-based jurisdiction may not be sufficient to ensure prosecution of offenders. Armenia has not yet modified its CPC to allow for the possibility of extending jurisdiction for trafficking crimes when they are committed by or against Armenian nationals abroad.

Coordination of legislation development

The efforts to develop a legislative framework to combat trafficking in human beings were not quite coordinated in Armenia. Several national institutions and international organizations have been involved in the process. The legislative initiative often comes from the Ministry of Justice. In 2005, and especially 2006, efforts of the General Prosecutor's Office were notable especially in developing the latest amendments to the Criminal Code in this area, though the General Prosecutor's Office does not have the right of legal initiative.

In 2005 and 2006, UNDP Armenia supported the drafting of a comprehensive, rather ambitious, anti-trafficking law that has been promoted by the National Assembly. However, there is no consensus about the need for such a law either among national agencies or international organizations. While some national bodies and experts in Armenia feel that Armenia needs a new law on anti-trafficking, others stress that the Criminal Code, Criminal Procedure Code and international conventions are providing a sufficient legislative basis for the criminalization and that the real issue is their implementation. In the summer of 2006, the Government asked the National Assembly to coordinate their efforts with the Ministry of Justice that had earlier submitted for adoption a package of CPC amendments, including some on victim and witness protection, to the National Assembly. These were developed with support of the OSCE Office in Yerevan³. The package was adopted in May 2006. It is not clear whether the draft anti-trafficking law will be finalized and adopted and if so, how its implementation should be financed and coordinated.

Special provisions for the protection of trafficked children should be taken into account though there have not been numerous cases of trafficking in children registered in the Republic of Armenia so far.

³ Amended provisions on victim and witness protection: CPC, Chapter 12, Art. 98 and 98.1

Related legislation frameworks

In Armenia various aspects of migration are governed by separate laws and government decrees. However, there is no legal code covering the migration or labor migration comprehensively. The Migration Agency within the Ministry of Territorial Administration represents the main state authority dealing with migration management and migration issues in general. In 2004, the Republic of Armenia adopted a Concept Paper on State Regulation of Population Migration incorporating among others also prevention of trafficking in human beings. The new Law on Foreigners came into force on the 4th of February 2007. A Draft Law on Overseas Employment which has undergone several revisions since it was first drafted in 2002, and which suggests, among other things, to license travel and employment agencies was presented by the Migration Agency to the government for approval. However, it has not been followed up yet by relevant authorities. The Migration Agency established, with the assistance of international organizations, a Migration Resource Center, where potential migrants can get information on the possibilities of temporary or permanent migration. A phone line is in operation, which offers information on labor laws abroad and what to do in case of difficulties while abroad.⁴

As for social assistance to victims of trafficking: the Law on Social Assistance was adopted in 2005 and came into force in January 2006. It indicates which services and benefits vulnerable groups of society are entitled to. According to the Law, vulnerable individuals or families can get the following social services: consultation, reintegration assistance, financial assistance, temporary shelter for up to 60 days, legal assistance, etc.

The State Labor Inspection is a newly established state structure in the Republic of Armenia addressing, among others, the issue of forced labor. Adoption of the new Law on Employment and Social Protection in Cases of Unemployment (2006), as well as the Labor Code (2004) incorporating provisions on forced labor, improves the legislative basis. A new provision on illegal employment is also introduced, concerning jobs carried out without contracts or with contracts with legal violations. Amendments to the Constitution also contain the concept of forced labor.

Article 14 (Movement of the Labor Force) of the Law on Employment and Social Protection in Cases of Unemployment contains provisions on the regulation of overseas employment. The State Employment Service has a broad mandate, including informing Armenian citizens on the risks of overseas employment in specific countries (Law on Employment and Social Protection in Cases of Unemployment, Article 15). Employment agencies also should play a leading role in assisting

⁴ Specifically, the Migration Agency, together with the Russian Embassy and the Russian Migration Service office in Armenia, the Armenian Police and MFA prepared in 2005 a brochure „Useful advice for those leaving for Russia“. This brochure gives details on the Russian immigration law to those who are interested to look for jobs in the Russian Federation. Also, the Migration Agency concluded an MoU with UMCOR on assistance in migration issues and information sharing among people leaving the country and coming back from abroad. When checking in at Armenian airports, these people can get inserts into the plane ticket indicating where to go when they get into trouble and phone numbers of consular offices.

potential migrants to make informed decisions on labor migration. Thus, those interested looking for a job abroad should know that they can apply to the Employment Service or to the recruitment/employment agency and get information on available jobs.

Still, there is a strong feeling among anti-trafficking actors that in the area of labor, citizenship, immigration and licensing laws, more elaboration is needed.

Chapter Three: SITUATIONAL ANALYSIS

Trafficking in human beings is often characterized as a modern form of slavery. This perception evokes images of women, men and children being forcibly taken from their homes and transported elsewhere for the purpose of sexual or labor exploitation. However, in reality the vast majority of trafficking cases is an attempt to earn a living abroad, a distorted way of migration that went terribly wrong.

The break-up of the Soviet Union brought many positive changes for Armenia, but it had also strong negative consequences such as a drastic decrease in economic well-being and access to housing and employment, which led to emigration. The economic hardship and the resulting need to look for work abroad and continuing gender inequality in Armenia were quoted by respondents as the main root causes of trafficking from Armenia.

Information about trafficking in human beings in, from and through Armenia is sketchy and often not reliable. Existing limited knowledge about the profile of trafficked persons, vulnerability factors influencing the occurrence of trafficking and modus operandi used by traffickers is generally based on information gathered from Armenian victims of trafficking who have returned home, have been identified and assisted. The majority of these are women and they were trafficked for sexual exploitation. Even this limited information available is not systematically collected and analyzed. NGOs that assist victims of trafficking do not have the capacity to provide generalized data due to lack of financial and human resources and each governmental agency provides at best basic data referring to their particular area of responsibility only. No single actor collects and analyzes the data available.⁵

The most well-known cases of trafficking were those of trafficking for sexual exploitation. This kind of trafficking is often understood in Armenia not as a condition similar to slavery but it is mixed up with prostitution. The fact that the law-enforcement units sometimes regard cases of pimping and engagement in prostitution as “trafficking” and vice versa is illustrative in this regard. There is a widespread view that a woman who consented to work as a prostitute cannot be a victim of trafficking, that she is simply a prostitute (a bad woman) who “should have known better”.

⁵ Personal data of victims of trafficking are of course confidential, but the characteristics of each case should be shared among the anti-trafficking actors with the view of improving their knowledge and thus responses to trafficking.

In practically all available documents on trafficking in Armenia, including the US State Department Trafficking in Persons Report 2006, Armenia is considered to be mainly a country of origin.⁶ It seems that trafficking for sexual exploitation usually starts in Armenia, from where recruited victims are trafficked to Turkey, the United Arab Emirates and other countries. There seem to be two main trafficking routes (1) through land to Georgia (Batumi) and then to Turkey or (2) either directly or through Moscow to the United Arab Emirates. In Moscow, Armenian victims sometimes get forged Russian passports. As for labor exploitation and trafficking for labor exploitation, it seems that the main destination country is Russia.

The expert community expects that the number of trafficked persons about whom little or nothing is known is much bigger than the number of those who have been identified as victims and have shared information about their experiences. NGOs that provide assistance to victims, Democracy Today and Hope and Help, keep files with the victim's entry proclamation, description of his/her story, updated protocols from border guards etc. Until recently, practically no data was shared with the wider anti-trafficking community. Thanks to the efforts of the UNDP Armenia, some data will be shared soon. It is unfortunate and symptomatic that this unique source of valuable information about victims and modalities of trafficking is not systematically analyzed by the anti-trafficking community in order to improve the anti-trafficking responses.

So far the most serious research in trafficking in human beings in Armenia was implemented with the support of the US State Department and the OSCE Office in Yerevan in 2005 by two national NGOs - the Armenian Sociological Association (ASA) and the Armenian Relief Society (ARS). The ASA prepared a report on the trafficking situation in Armenia and the ARS wrote a report on awareness of trafficking in human beings in special and boarding schools. The objective was to identify trends and routes of trafficking in human beings in the Republic of Armenia. The research carried out by ASA identified 40 victims of trafficking/forced labor; and established the key destination countries for sexual exploitation as Turkey and the United Arab Emirates, while labor trafficking takes place mostly in Russia.⁷ The findings helped to place trafficking for labor exploitation more firmly on the agenda of the anti-trafficking actors and provided some useful information, but further research needs to be undertaken.

It could be the case that the law enforcement agencies have collected many data on victims of trafficking, but it is not clear how this data is analyzed – the wider anti-trafficking community has not received statistics or other information. The police reported that they collect data on cases of trafficking in human beings. The organised crime police (6th department) reported good co-operation with the border guards, the National Security Service and Interpol. No generalized data were shared with the wider anti-trafficking community.

The General Prosecutor's Office has an electronic database containing operational

⁶ The Deputy Head of the Organized Crime department of the Police strongly opposed this opinion claiming that Armenia was a transit country and a destination country as well.

⁷ The information about a key destination country for persons trafficked for labor exploitation being Russia is in line with other research such as the Labor Migration for Armenia 2002 – 2005, Anna Minasyan and Blanka Hancilova, OSCE Office in Yerevan/AST, 2006. (http://www.osce.org/yerevan/item_11_18193.html).

data on cases, victims and perpetrators. Since 2005, that Office has been preparing public information about cases of trafficking and organized prostitution (Art. 132, 261 and 262 of Criminal Code). According to the General Prosecutor's Office's statistics on cases of trafficking in human beings, there were no cases investigated under article 132 Criminal Code (trafficking in human beings) in 2003, in 2004 – 2 cases and in 2005 – 14 cases. For January – December 2006, 16 cases were initiated (15 under Art. 132 and one under 132/1). So far, one victim was a minor (under 18 years of age).

Experts and limited available information sources suggest that the key destination countries for Armenian victims of trafficking for the purpose of sexual exploitation are Turkey and the United Arab Emirates, as well as Russia and to an extent Greece. Armenian victims do not seem to be trafficked to Georgia or Azerbaijan. In 2005, a group of women (including a minor) from Uzbekistan was intercepted in Armenia. They were trafficked from Uzbekistan through Armenia with their final destination being the United Arab Emirates where they were to engage in prostitution. In 2006, four trafficked strip dancers from Ukraine and Russia were identified in one of the regions in Armenia.⁸ This is the first case where Armenia was clearly a country of destination.

Anecdotal evidence suggests that some victims were promised jobs in the service sector and deceived, while others, often with previous experience of offering sexual services, expected to get engaged in prostitution. According to the Police, traffickers often recruit among prostitutes.

As for trafficking for labor exploitation, migration research suggests that the extent of this issue is much higher than trafficking for sexual exploitation. Victims, overwhelmingly men, are migrants who look for work in Russia and happen to get into a situation where they are exploited/trafficked. Available information suggests that exploitation happens most often in the construction industry and small private businesses. There is one registered case of labor trafficking from the Republic of Armenia to Turkey and information from service providers (NGOs) suggests that Turkey may be another important destination for victims of trafficking who are trafficked to be engaged as domestic servants. By all means, trafficking for labor exploitation is an area that needs to be further studied in Armenia.

No cases of trafficking in organs have been registered in Armenia or involving Armenian nationals.

As for the trafficker's profile, law enforcement agencies reported that often the recruiter/pimp is a woman with children who happened to be in a difficult socio-economic situation as a sole bread-winner for her family - her husband might have left the country to work abroad and stopped sending remittances or she is divorced or widowed. In the absence of any other possibility to earn money, she turned to prostitution and eventually started recruiting others, who were deceived.⁹

⁸ There is a good co-operation with Ukrainian authorities in the area of prevention. According to a recent agreement between Armenia and Ukraine, all women from Ukraine are registered at their consular office in Armenia. They must have working contracts, pay taxes and thus their security is considered relatively secured. With Russia this procedure does not work yet.

⁹ This view mixes up trafficking and prostitution, which is symptomatic for the understanding of trafficking for sexual exploitation in Armenia.

Armenian media is relatively interested in trafficking issues, but the coverage often lacks professionalism and sometimes puts the victims at risk of re-victimization.¹⁰ Probably the most interesting and professional media information on trafficking can be found at the webpage of investigative journalists www.hetq.am. Another source of information is a specialized anti-trafficking web-site www.antitrafficking.am.

National Strategy and National Action Plan and their implementing mechanism

A clear anti-trafficking policy has yet to be formulated in Armenia. An efficient national response should consist of a well-formulated National Strategy against trafficking in human beings and a National Plan of Action listing activities that will lead to the implementation of the National Strategy. A coordinating and supervisory body needs to be established to oversee the implementation of the national strategy. The state also has to clearly delineate the responsibilities of respective actors in all fields such as legislation, prevention, investigation and prosecution, as well as victim assistance and protection.

In October 2002, the Government of Armenia established an Inter-Agency Commission (IAC) to “study the issues and make suggestions in regard to illegal transfer and trafficking in humans from the Republic of Armenia with the purpose of exploitation”¹¹. The following agencies involved in combating trafficking are represented in this body – the Ministry of Foreign Affairs, the Prime Minister’s Office, the Prosecutor General’s Office, the Ministry of Labor and Social Issues, the Ministry of Health, the Ministry of Justice, the National Security Service, the Police, Department for Migration and Refugees (later renamed the Migration Agency and included as part of the Ministry of Territorial Administration), the National Assembly, and the National Statistical Service. The Armenian Red Cross is the only civil society full-fledged member of the IAC. Members of the IAC are not paid and perform IAC related activities in addition to their usual workload. Representatives of the International Working Group - IOM, OSCE, UNDP and several NGOs - are often invited to participate in IAC meetings. Their status is not clearly spelled out in the governmental decision on the establishment of the IAC, but practically they are considered to be observers.¹²

The IAC Chair, the Ministry of Foreign Affairs, calls IAC meetings several times a year. Members do not receive minutes of the previous meetings and it is not clear

¹⁰ For example, some newspapers run articles with full names of victims, thus making possible their identification in their home communities.

¹¹ Prime Minister Decree N 591-A, 14 October 2002.

¹² The report will discuss in more detail the activities of Hope and Help and Democracy Today NGOs. Other NGOs with anti-trafficking activities include Caritas Armenia that is active in awareness raising activities in schools. The Audio-Visual Association created with UNDP funding a website (www.antitrafficking.am). The Women’s Rights Centre focuses mainly on gender and domestic violence. The Armenian Relief Society (ARS) works in orphanages and boarding schools in Armenia as children in these institutions are considered as a vulnerable group. In 2005, it conducted a study on trafficking in Armenia. In addition to these NGOs, the Armenian Sociologist Association (ASA) that in 2005 implemented THB research sometimes participates in the meetings.

whether records of meetings are always prepared. Sometimes members receive the agenda beforehand. The level of co-operation within the IAC is considered satisfactory by several members of the IAC, mainly state institutions, while others, international organizations and NGOs called for enhanced coordination and a more pro-active IAC approach. Numerous interviewees mentioned that at least bi-monthly meetings should be held. The “observers” are not invited to all meetings of IAC, be it due to bad coordination or due to the intention of the IAC.

In 2003, the IAC with assistance of international organizations drafted a so called “Concept Paper” and the first National Plan of Action. According to the IAC, the National Strategy to combat trafficking in human beings and the corresponding National Plan of Action for the period 2004-2006 was based on the Concept Paper. However, the Concept Paper is simply too short (two pages only) to provide the necessary details when conceptualizing the issue. As such, it can not be a good basis for the development of the National Action Plan.

The first National Plan of Action for 2004 – 2006 was drafted by the IAC with some input from the international organizations (mainly OSCE, IOM and UNDP) but it was not discussed with the broader anti-trafficking community before its adoption by the Government of the Republic of Armenia on 15 January 2004. The Action Plan lists tasks and activities aimed at prevention, protection and prosecution. In total about USD 11,000 was allocated for its implementation from the state budget. It foresaw that most activities would be funded – and to a large degree implemented – by international organizations. This is problematic. The IAC had no real coordination power over the activities of international organizations and/or NGOs and there were hardly any financial resources further allocated from the state budget for IAC-activities.

The assessment team noticed that at the end of 2006, three years after the NPA was adopted, information about the Anti-Trafficking National Strategy and National Action Plan was not sufficiently disseminated throughout the regions of Armenia and even people who work in the field had little or no idea about these documents.¹³

From mid-2006, the OSCE and UNDP urged repeatedly the Government to initiate the preparation of the next NPA so that the plan can reflect international experience and can be discussed before its adoption by the Government with all relevant stakeholders, including civil society. It was the opinion of the OSCE that the national strategy needs a serious revamp in as much as it cannot in its present form serve as a good basis for the formulation of the NPA. However, the IAC was of the opinion that the national strategy is sufficiently spelled out and that it does not have to go through essential changes for the next, 2007 – 2009 National Action Plan. According to the IAC the next strategy should prioritize prevention as this was the most successful part of the previous strategy. At the time of the assessment (October – December 2006), it seemed highly probable that the new NPA would have to be elaborated by the current IAC, which on the one hand did not have the necessary mandate being just an advisory body, but on the other hand rightly assessed that “there was nobody else to do it.”

¹³ Interviews in Vanadzor, Lori region.

During the assessment, the assessment team repeatedly stressed the need to assess the achievements of the 1st NPA and take lessons learned into consideration when preparing the 2nd NPA, which should then concentrate rather on those areas that have not been properly implemented previously – most notably victim assistance, protection and NRM.

In January 2007, the IAC prepared a report on the implementation of the NAP for 2004-2006 based on inputs from IAC members and listed recommendations on the future status and mandate of the IAC. Regrettably, the 2nd generation National Action Plan (2007-2009) was drafted by the IAC without sufficient consultations with the wider anti-trafficking community in Armenia. International experience clearly demonstrates that a multi-agency approach is a necessary prerequisite for successful development and implementation of a National Action Plan. There was no detailed and thorough analysis of the 2004-2006 NPA implementation and no Work Group or Expert Team was established to draft the new NPA. In fact, the NPA was written by one member of the Inter-Agency Commission with the intention of submitting the draft to the interested actors for their input. No terms of reference were developed for the drafter and no formal decision was made by any state unit about its development. It has not been clarified how the comments submitted to the Ministry of Foreign Affairs will be incorporated in the existing draft and who will be responsible for revising the document based on the recommendations made by the interested parties, both national and international.

International working group and main international actors

There are four main international actors in the anti-trafficking field in Armenia – OSCE, UNDP, IOM and the US State Department.

The international community and anti-trafficking NGOs exchange information in the format of a so called International Working Group that started working in 2002 upon the initiative of the IOM, OSCE and the UNDP. There are bi-monthly meetings chaired by the OSCE, UNDP and IOM. A representative of the IAC is invited to the meetings, but does not participate regularly. The following national NGOs actively participate in the IWG meetings - Hope and Help, Democracy Today, Caritas Armenia, the Armenian Red Cross, the Armenian Relief Society, the Association of Audio-Visual Reporters.

The OSCE Office in Yerevan has assisted the Armenian authorities with the elaboration of legislation criminalizing trafficking; conducted assessments, roundtables, seminars and trainings to build the capacity of state and non-state actors in the anti-trafficking field. Since the end of 2003, and more actively since 2005, the OSCE promotes the establishment of a National Referral Mechanism. To this end, it organized, in June and October 2006, an NRM Roundtable and a workshop for IAC members on writing/revising the anti-trafficking Concept Paper and the 2007-2009 NAP.

The UNDP Armenia is another key anti-trafficking player. It currently runs a second phase of its Anti-Trafficking project. The 1st phase of the project, 2004 – 2006,

focused mainly on law enforcement capacity building, IT development (information sharing between the police and the prosecutors) and support to the UMCOR/Democracy Today shelter. UNDP contracts UMCOR as its implementing partner, UMCOR then works with the Democracy Today NGO.

IOM started its anti-trafficking activities in 2001, when it together with the OSCE and UNICEF, played a crucial role in bringing the issue up on the national agenda. It helped to build the capacity of the Hope and Help NGO and since 2003 it has assisted (mainly through this NGO) more than fifty victims from Armenia, Ukraine and Uzbekistan.

Other UN agencies focus on aspects of trafficking in human beings, if relevant to their respective mandates. UNICEF co-operates with relevant ministries and NGOs to prevent trafficking in children and UNHCR assists THB victims who are asylum seekers.

Another important actor is the US Embassy in Yerevan, which gives high priority to combating trafficking. Various US Government agencies provide assistance directly to the Government of Armenia or through international organizations and local NGOs. The annual publication of the US State Department Trafficking in Persons Report is an important event for the anti-trafficking community in Armenia.

Chapter Four: PREVENTION

The majority of activities outlined in the NAP for 2004-2006 related to the prevention of trafficking in human beings. The prevention activities however prioritized strongly only one narrow aspect of it, namely awareness, while prevention of re-trafficking through programs of assistance and reintegration of victims is extremely weak or non-existent. As a result, prevention activities that have been implemented do not sufficiently respond to the need of addressing root causes of trafficking in human beings that should be the key objective of prevention in a country that is considered to be predominantly a country of origin of victims of human trafficking.

The interlocutors agreed that the difficult economic situation is one of the main push factors contributing to trafficking. Armenia has a remarkably high rate of economic growth. However, large pockets of society do not benefit and remain in poverty or close to poverty. The Government of Armenia adopted a Poverty Reduction Strategy Paper (PRSP) in August 2003 and set the foundation for eradicating poverty through economic growth and redistributing gains to social programmes for socially disadvantaged groups. Regrettably, anti-trafficking is not mentioned in the current version of the document. The PRSP is now being revised and updated and the IAC has come up with a recommendation to include some provisions in the paper, focusing on combating trafficking through assisting vulnerable groups of the population who may become an easy prey for traffickers.

Both the Government and NGOs have recognised the importance of media coverage in public awareness campaigns. There are many examples of the press being

interested in the issue of trafficking in persons, especially in relation to investigative reports on stories of women who have been sold into slavery. The most important piece of investigative journalism focused on trafficking for sexual exploitation is “Desert Nights”, a series of reporting from the United Arab Emirates done by Hetq investigative journalists.¹⁴ However, the media coverage usually leaves a lot to be desired. As a matter of rule, it looks for sensational stories of sexual abuse, with journalists often mentioning victims’ names in full, thus endangering their psychological, if not also, physical well-being.

Since 2004, UMCOR has been implementing a UNDP Armenia funded anti-trafficking project with a strong awareness raising component. UMCOR prepared TV clips, public service announcements for the radio, newsletters with job announcements and posters. The implementing partner of UMCOR, the NGO Democracy Today, distributed in the regions of Armenia leaflets that informed travellers about the threats of trafficking and a hot line number. Passport inserts were distributed by border guards and by air companies. UMCOR also operates a 13-hours a day hot-line in three languages - Armenian, Russian and English - and has established regional resource centres supplying interested individuals with information on trafficking. In cooperation with the Ministry of Labor and Social Issues and the Democracy Today NGO, UMCOR organized trainings in Yerevan and the regions to sensitize social workers and other state employees about trafficking in human beings and to provide them with skills to identify presumed victims.

The Ministry of Labor and Social Issues reported that several projects prepared and implemented by the state authorities aimed at assisting young people leaving orphanages and presenting one of the most vulnerable groups of THB. In 2003, the Ministry initiated a programme for providing housing for care-leavers, and their integration in the society. Over 100 care leavers have already been provided with apartments. This is an on-going programme.

Another programme of awareness raising and prevention activities was implemented by IOM, which produced public service announcements and a weekly TV program „Man Hunting“ that was broadcast in February – July 2006. The Hope and Help NGO, that was previously an implementing partner of IOM, operate a free hot-line for nine hours per day. Their staff takes part in activities with the resource information centres together with other organizations (e.g. local libraries) and in the delivery of training for journalists.

The assessment team noticed a rather low level of awareness about trafficking in Vanadzor, where the local office of Hope and Help promoted the topic through TV programmes on local channels. In agreement with the local authorities, the awareness raising was expanded to surrounding villages, with posters being displayed in shops, markets and at bus stops. As a result, there was an increase in calls to the hotline. Thanks to this awareness raising, several sexual exploitation cases and forced labor cases were revealed in neighbouring towns and villages. The NGO also visits schools and organises interactive classes for students to inform them about the risks of trafficking in human beings. Given that in many regions of Armenia there are no NGOs raising the awareness of the public on trafficking-related issues, the assessment

¹⁴ The Hetq investigative reports can be found at <http://www.hetq.am/>,

team concludes that in these regions the awareness is even lower.

Despite the fact that awareness-raising was according to IAC one of the most successful areas of the 2004 – 2006 NAP implementation, there is still a huge need for massive awareness raising activities in many parts of Armenia.

Chapter Five: INVESTIGATION AND PROSECUTION

In 2003, the Republic of Armenia adopted new Criminal and Criminal Procedure Codes which improved the legislative framework for prosecution of trafficking in human beings. Both codes have been amended since 2003 several times to further improve the trafficking and victim/witness protection related provisions. Nevertheless, practically all interlocutors agreed that enforcement of legislation is very weak in Armenia. There are several law enforcement bodies possibly involved in combating trafficking.

Border guards, part of the National Security Service that is tasked to control border crossing points, can be the first contact for potential/presumed victims leaving the country or those returning home from abroad. Their activities are regulated mainly by the Law on the State Border, the Law on Border Guards and the Law on Foreigners. They are allowed to use operational investigative techniques that can be used in proactive investigation of trafficking in human beings. In practice, however, they reported that it is extremely difficult to identify presumed victims at the border, because border guards usually do not have enough time for interviewing a presumed victim nor do they command the necessary skills. Border guards are obliged to forward information about presumed victims of trafficking and suspected criminals to the police.¹⁵ Three border crossings: Bagratashen (the border crossing point with Georgia), Zvartnots International Airport and Meghri (border crossing point with Iran), are connected to an electronic information-sharing network.¹⁶

The main law enforcement body dealing with trafficking in human beings and also with trafficking in narcotic drugs is a specialised police Department for Combating Organized Crime (“6th department”) established in 2003. Originally, this police department dealt with internal pimping. Representatives of this police department stated that traffickers are known to them since the majority of recruiters are Armenian women who have been previously involved in prostitution and are registered by the police as prostitutes.¹⁷ According to the police, there are no problems in cooperation with law enforcement authorities in the CIS countries. However, this statement can hardly be taken at face value in the light of the fact that there are thousands of Armenians working in Russia without legal status, contracts and proper rights protection. Co-operation with the United Arab Emirates is assessed by the police as

¹⁵ The airport border crossing points are protected jointly by Armenian and Russian border guards. The number of Russian border guards is gradually decreasing and they are being replaced by qualified Armenian border guards.

¹⁶ Interestingly, Armenia allows foreigners to get entry visa also at crossing points, which makes the control over them more difficult.

¹⁷ Prostitution is an administrative offence in Armenia.

relatively good. Cooperation with Turkey is very problematic due to the absence of diplomatic relations. Problems related to victims such as assistance and repatriation are being solved exclusively through international organizations (such as the IOM) and NGOs. The police also stated that victims of trafficking are often ready to give testimony as they are not afraid of revenge from traffickers and that as a result, protection of victims has not been prioritized as there was no need for it. According to the police, more sophisticated victim protection will be needed only when international organized crime in Armenia develops. At present, there are only accidental cases and criminal networks are not sufficiently established.

Their opinion contradicts that of the prosecutors and other interlocutors who complained about the lack of appropriate victim/witness protection in the Republic of Armenia and who underlined that the testimony of trafficked persons was considered central to successful prosecution in the Republic of Armenia. Many respondents reported that trafficked persons are not generally willing to provide testimony to the police. This is possibly due to the absence of protection measures. They also fear secondary victimization (rejection by the community in case it would become known that they had to offer sexual services). In Armenia, there is a tightly-knit, patriarchal society that strongly condemns prostitution. This, and the size of the communities (relatively small, with the exception of the capital Yerevan), make successful reintegration for female-victims of sexual exploitation extremely difficult if not outright impossible. It should be noticed that even in significantly more liberal societies, such as the Czech Republic, cases of successful reintegration are very rare. As for Armenian men that were subjected to forced labor, it can be assumed that they can re-integrate more easily because they are not stigmatized based on their forced labor experience. The service providers assume that there are many victims who prefer to return home anonymously and never seek any remedies through the judicial system or services of specialized NGOs.

The General Prosecutor's Office is in charge of the investigation, supervision and monitoring of cases. An anti-trafficking unit within the General Prosecutor's Office was established on 8 June 2005 as a constituent part of the investigation department. It is staffed with an investigator, senior prosecutor, and head of unit who is supervising activities of the unit and who at the same time performs the function of deputy director of the investigation department. The General Prosecutor's Office cooperates with two NGOs – Democracy Today/UMCOR and Hope and Help. All the cases investigated by them have been based on victim's testimony.

Respondents from the General Prosecutor's Office stated that trafficking cases have proved to be among the most difficult to prosecute compared with other crimes defined in the Criminal Code. There is a big difference between the number of investigations and cases that end up in court proceedings and result in convictions. Only a small number of offenders convicted of trafficking in human beings will receive serious sentences. So far, many trafficking cases ended with suspended sentences or even fines. As it is difficult to prove the crime of trafficking in human beings, some suspects are convicted of other crimes such as organisation of prostitution.

In 2005, serious allegations of corruption emerged against an investigator in the anti-trafficking unit. The General Prosecutor's Office did not investigate the allegations

until February 2006. As the US State Department sums up, a cursory investigation conducted by the General Prosecutor's Office task force found no evidence of wrongdoing. In August 2006, a group of alleged trafficking victims, assisted by an NGO, brought new allegations of corruption and complicity against the same investigator and another official. A few days after the allegations were brought to the government's attention, tax inspectors launched an investigation into the NGO's finances. The Prosecutor General's Office created a task force that included members of anti-trafficking NGOs to investigate the officials, who remained in charge of the original case during the internal investigation. The internal investigation commission found no evidence of wrongdoing. However, the investigators were transferred out of the anti-trafficking unit, and one was demoted from senior investigator to investigator.¹⁸

As for the judiciary, judges in Armenia do not specialize in this specific area of the law and misinterpretation of this crime may therefore sometimes happen.¹⁹ The US 2006 TIP report pointed out the problematic attitude of judges towards victims of trafficking.²⁰ The IAC, however, believes that inappropriate behaviour of judges, if there was any, was an exception.²¹

Chapter Six: IDENTIFICATION, PROTECTION AND ASSISTANCE

Identification

Proper identification of trafficked persons is a necessary prerequisite for provision of protection and assistance. Identification of victims is clearly a weak point in the Armenian anti-trafficking response. Often there are no clear criteria that would enable identification. The lack of methodological guidance is felt in the field and among the actors that are not unified as to what might be the best methods and tools for identification. The absence of agreed-upon standards complicates cooperation among various state agencies and civil society.

Armenian victims are often deported from abroad and not identified as victims of trafficking by the police in the respective country. Upon deportation, some victims are identified by law enforcement agencies, NGOs working in the field, and social workers or through hot lines. Self-identification of victims is very low. In Armenia, the police sometimes start the case by gathering operational information and then inviting the presumed victim to the police department for an interview.

Hot lines are used not only as a source of information on migration issues and dangers

¹⁸ US State Department 2006 Human Rights Report
<http://www.state.gov/g/drl/rls/hrrpt/2006/78799.htm>, visited on 7 March 2007.

¹⁹ US State Department TIP Report 2006, <http://www.state.gov/g/tip/rls/tiprpt/2006/65988.htm>, accessed on 25 February 2007.

²⁰ Ibid.

²¹ IAC meeting held in October 2006.

of THB, but also as a source of information on available services for trafficked persons (and often migrants or potential migrants).

In 2005 and 2006, there were attempts by both the IOM and the UNDP to design a comprehensive identification questionnaire that could be used by all involved agencies for initial identification of victims. Some actors, most notably the OSCE, criticized the proposed questionnaire for its complexity. With over 70 questions, some of them requesting the presumed victims of trafficking to describe in details the circumstances of their trafficking situation, the questionnaire would not well suit the purpose of initial identification not least because its use would be too time consuming.²² OSCE advocated then for a set of lead criteria that would be used for initial identification while more in-depth identification would be done after a reflection period, enabling the victim to recover to a necessary degree to reflect on his/her situation.

The interviewing and identification process by NGO personnel may last as long as seven months. However usually it takes a few days. The Hope and Help NGO reported that it usually takes about 10 days. Victims who have been identified through outreach work in the field are often reluctant to make use of services provided by the NGOs out of fear that sensitive information may be revealed to their families and home community and possibly because they do not fully understand the potential benefits of assistance. Victims are more likely to make use of NGO services when referred to the NGO by the police and while a criminal case is being investigated and prosecuted. As mentioned by Democracy Today NGO, one victim stayed at the UMCOR shelter for more than one year and as of February 2007 she was still at the shelter, as she is an orphanage care-leaver and has no other place to stay.

Border guards can play a significant role in victim identification. At the Bagratashen border crossing point with Georgia there is one separate room for victims of trafficking or asylum seekers where they can stay for 1-2 days and go through more profound identification. Democracy Today NGO attempted to organise preliminary identification at the Zvartnots airport in Yerevan, but it was not granted the permission to operate within the special security zone.

Police stated that they usually identify presumed victims on the basis of proactive investigation and intelligence gathering.

Armenian NGOs are open for cooperating with similar NGOs in destination countries. Hope and Help NGO has established good working relations with a Turkish NGO Human Resource Development Foundation. In general, however, cooperation with Turkish NGOs is beset with problems because they have to share information with the police in Turkey. Most victims are usually deported from Turkey.

Armenian victims trafficked to the United Arab Emirates are as a matter of rule not assisted at all, as there are no NGOs with a relevant mandate to deal with trafficked victims. Victims are often deported to Russia, because they entered the United Arab Emirates from Moscow with forged Russian passports.

²² Such a detailed questionnaire when used for initial identification may also re-victimize the victim.

Armenian victims of trafficking are usually deported from destination countries or repatriated through consular offices that have very limited possibilities and funds for assistance. In some cases, IOM assists Armenian victims abroad in acquiring documents and in some cases organises voluntary return of foreign victims identified in Armenia to their country of origin.

Chapter Seven: PROTECTION AND REINTEGRATION OF TRAFFICKED PERSONS

Victim/witness protection

There were no cases reported of traffickers threatening or intimidating victims when staying in shelters. Physical protection of victims seems to be at a good level and police officers are knowledgeable in this area. They try to preserve good co-operation with NGOs.

It is necessary to underline that protection of the human rights of victims does not meet the required standards. There are hardly any possibilities for legal redress and compensation of victims. However, victims are at least entitled to free legal assistance and interpretation. In Armenia there is no special protection for witnessing victims (hearing behind closed doors, video-conferences, audio-visual recording, changing identity etc.). Interests of law enforcement agencies are hardly properly balanced with the interests of victims and NGOs.

Assistance

Upon return to Armenia identified victims usually get free accommodation in NGO-run shelters for a limited initial period, as well as are provided with medical, psychological and legal consultancy.

Basically, there are two NGOs that specialize in providing assistance to victims of trafficking – the Hope and Help NGO and UMCOR that closely cooperates with the Democracy Today NGO. Each of these organizations run a shelter structure – Hope and Help in several rented apartments (mobile shelter) and UMCOR in a family house accustomed to this purpose (stable shelter).

UMCOR/Democracy Today NGO specialises in awareness raising, outreach work, training, victim identification through interviews and also in their long-term reintegration. Since June 2004, UMCOR operates a shelter, which has been established in the framework of the UNDP anti-trafficking project in a rented house with two bedrooms, each of them accommodating three people. The location of the shelter is confidential, which provides for a degree of physical security of the shelter. The length of victims' stay in the shelter ranges from several days to over one year (as described above). From June 2004 to February 2007, 27 victims in total were assisted; two of them males and two minors. Out of these 27 victims, 19 stayed in the

shelter, while others refused to stay there.²³ Out of the total number of assisted victims, 3 were victims of trafficking for the purpose of forced labor and one boy was a victim of internal trafficking who was forced by his step-parents to beg. Most of the assisted victims were Armenian citizens; there was one case of a Canadian citizen of Armenian origin trafficked to Armenia and some victims were trafficked from Uzbekistan. Many victims were young women from orphanages.

In the UMCOR shelter, there are four trained staff members dealing exclusively with victims of human trafficking. Psychological care is provided on a daily basis and a nurse is present at night. The shelter manager responsible for administration is present during the day. Medical assistance can be provided directly in the shelter.

The Democracy Today anti-trafficking project team also ran a “drop-in-centre” located in their office. However, since June 2006, the project office and the drop-in-centre are closed down due to lack of funding. At present, the project team shares the space with the NGO main office.

UMCOR plans to hand over the shelter and the hot line to Democracy Today at some point in the future, most likely when a national referral mechanism is in place. However, it is not clear whether the shelter will be sustainable then. The original UNDP project envisaged sustainability after three years, yet this has proven to be unattainable and the outlook remains that external (international) funding will be needed in the mid- if not long-term.

As mentioned earlier, Hope and Help often implemented parts of IOM projects. The NGO has ten trained staff members. Since 2004, Hope and Help assisted 61 victims, out of whom two were victims of forced labor. Victims usually stay in their shelter-rented apartment - for two to three weeks. The length of victims’ stay in the shelter depends on their medical assistance requirements, time needed to prepare to testify in the court and also their willingness to go back to their respective homes. The capacity of the shelter (rented apartments) is 8 persons at any time. Victims can receive services from the Hope and Help NGO for up to six months. However, shelter accommodation should as a rule be provided only for an initial period of 10 days, which can be extended, if need be. Victims get medical treatment and legal support, information about their rights and the possibility of testifying against their traffickers. Victims are not obliged to co-operate with law enforcement. The police are informed only with consent of the victim. For victim identification, Hope and Hope uses a questionnaire developed by the IOM.

The Hope and Help branch office in Vanadzor was established in 2004 and it has one social worker. Nine victims have been assisted by the branch office. In 2006 the number of assisted victims increased. The victims are referred for legal assistance to the human rights NGO, Helsinki Citizens Association branch in Vanadzor. The trafficked victims may be provided with medical assistance and when psychological care is required, victims are assisted by a psychologist from the Yerevan office.

²³ These victims were offered assistance outside of the shelter.

A Shelter strategy

All actors involved in anti-trafficking activities in Armenia agreed that there is a need to comprehensively assess the existing shelter structure and come up with a clear picture of available capacity, real needs and develop a strategy for this area. The current structure with two shelters is over-dimensioned and too expensive. The assisted number of victims so far suggests that this capacity is not needed. Should there be a surge in numbers of victims, the mobile shelters seem to offer a more flexible and thus preferable solution.

Armenian anti-trafficking NGOs are totally dependent on international grants, which makes the development of a longer-term shelter strategy very difficult. To counteract this, the IAC considers it necessary to establish a state shelter financed from the state budget, because this would in their opinion be a sustainable solution. It remains to be seen how such a shelter would be run. International best practice suggests that the shelter should be run by a service provider, not necessarily a state institution. However, the IAC has not so far recommended the Government to include into the state budget funds for a shelter.

The current situation is to a large degree the result of competition for resources and turf battles among local NGOs but also international organizations. It remains to be seen whether the anti-trafficking actors in Armenia will be able to find a meaningful compromise in sharing responsibilities in running shelters.

Reintegration

Armenia is not currently in a position to provide efficient long-term reintegration assistance. Assistance with victims' reintegration is the objective of both Hope and Help and UMCOR/Democracy Today. Most victims have nowhere to go once they leave the shelter, and there are extremely limited possibilities for NGO assistance due to lack of funding. Given the general economic and social situation in Armenia, victims face many difficulties to find a job or secure housing due to divorce, rejection by the family, lost rights to property because of extended absence etc.

Reintegration of victims is a serious, long-term and expensive process that should be dealt with by the state, as it involves issues like job creation, housing, etc. The IAC is aware of this fact but so far the resources allocated to national anti-trafficking measures have been clearly insufficient. The IAC mentioned in this context that it envisages establishing special training centres for re-qualification of victims, but there are no funds available yet. Interlocutors in Armenia repeatedly mentioned that access to micro-credits for victims could significantly contribute to their social reintegration and thus prevent re-trafficking. However, once more, funds for micro-credits are missing.

National Referral Mechanism

Available data suggests that about half or less than half of the victims identified by

law enforcement agencies are referred to NGOs.²⁴ There is no clear NRM policy and plan for its implementation formulated, which results in practically no funding from the state budget and insufficient human resources allocation. The development and institutionalization of NRM depends foremost on the main national actor – the Inter-Agency Commission. However, the IAC lacks a clear division of roles and responsibilities and it does not have a clear mandate to co-ordinate the national anti-trafficking response.²⁵

In December 2003, the OSCE organized the first seminar on NRM in Armenia. In 2005 and 2006, the OSCE on several occasions brought international experts to Armenia to discuss NRM and its components.

Parts of the NRM are already in place or being developed. Importantly, there are instances of cooperation between the state agencies and the NGO service providers. Some actors have bilateral MOUs with their partner agencies. For example, there is an agreement on co-operation between UMCOR and the Ministry of Labor and Social Issues (cooperation agreement on conducting trainings for local social units and employment centres, signed in 2004), UMCOR and the Ministry of Health (cooperation agreement within the IAC – UNDP Programme, signed in 2005) and UMCOR and the Migration Agency (cooperation agreement on awareness raising activities, signed in 2005). Their roles are clearly divided in the area of victim assistance and prevention.

The main gap within the NRM as it functions today, besides lack of coordination and money, is the lack of institutionalized referral. There is no legal or sub-legal act requiring law enforcement agencies to refer victims of trafficking to specialized service providers and specifying the roles and responsibilities of service providers. Sometimes, law enforcement agencies refer victims to NGOs, in other cases they do not. Many operational details have not been settled. For example, it is not clear, which NGO should be contacted, for how long the NGO should provide assistance, what assistance and so on. Besides, capacity of the police dealing with victims of trafficking is very limited as discussed in Chapter 5, and no mechanism of return and reintegration is in place.

To start closing this gap in the NRM architecture, the roles and responsibilities of individual NRM actors should be described in an interim regulation (a sub-legal act, for example governmental decree) which will specify the roles and responsibilities of all actors in necessary detail. This regulation should be periodically updated to ensure that best practices are considered and procedures adapted based on lessons learned.

²⁴ In 2005, 17 out of 34 victims were referred to NGOs. Based on comparison of data provided by the General Prosecutor's Office and NGOs. The assessment team could not get information what happened with those victims who were identified but never referred to specialized NGOs. However, the 34 victims were linked to instituted criminal cases. The law enforcement agencies reported that many more investigations are initiated and it is possible that more victims were identified or could be identified but since no criminal charges were instituted and they were not referred to NGOs, they are not included in the statistics.

²⁵ That said, some actors in Armenia consider that NRM is functioning, the most optimistic assessment to the present situation was given by the Ministry of Labor and Social Issues that considered that NRM was functioning to 70 %.

Gaps

There are several key issues that need enhanced attention. Perhaps the most important is the lack of clarity as to which national body is to coordinate national anti-trafficking activities and which powers should the national coordinator/national coordinating body be vested with.

Currently, the IAC is an advisory body to the Government with no decision-making and coordination authority. It is thus not logical that this body should be tasked with the preparation of the National Plan of Action as it was the case in 2003 and *de facto* also in early 2007, when the second NPA was drafted, or reporting to the Government on its implementation.

The technical capacity of the IAC has to be addressed. The 2004 – 2006 time period showed that the IAC lacked the necessary mandate as well as human and technical resources to ensure appropriate communication even within IAC, not to mention coordination and monitoring of NPA implementation. Currently, there seem to be very limited if any records management. Members of the IAC mentioned that they were not provided with financial means for minor things such as photocopying documents. It would be necessary to establish a National Coordinator's Secretariat and to build its capacity so that it can fulfil the coordination, monitoring and reporting functions at a professional level. This should be done through designated administrative and expert staff who will take responsibility for better preparation of meetings and a proper follow-up.

To ensure a more effective and efficient coordination, the Government of Armenia may wish to consider a two-tier structure with the current IAC as a lower level operational body that is accountable to a higher decision-making level body chaired by a high-rank governmental official (probably a Minister).

Another important issue is the funding for the NPA implementation. The IAC relies heavily on financial support from international organizations and bilateral donors (mainly the US). Between 2003 and February 2007, a total USD 11,000 were allocated to the implementation of the National Plan of Action from the Armenian state budget.²⁶ The IAC explained that more funds were not allocated because the NPA was adopted after the mid-term budgetary planning was submitted to the Government and thus funds could be found only under the Government reserve budget line. Clearly, the allocated funds were not sufficient to implement the activities listed in the NPA. In the second half of 2006, the OSCE and other international organizations shared with the IAC their concerns about the next action plan and its funding. Regrettably, the IAC or some other relevant agencies of the Government of Armenia did not undertake steps to include funding for NPA into the mid-term planning for 2007 – 2009 and as of February 2007, after delayed negotiations, it was possible to get 10 million Armenian Drams (USD 28,000)²⁷ for the implementation of

²⁶ 11,000 USD were allocated to prevention activities in early 2004 when the NPA was adopted.

²⁷ As of March 2007 the exchange rate of 1 USD was 360 Armenian Drams, so the earmarked amount makes approximately 27,800 USD.

the NPA. It is not clear at this stage what the amount will be spent on, or what are the mechanisms for reporting on the utilization of this budget line, or whether it is for 2007 only, or the three years of the NPA.

Government funding is crucial in two respects – it sends a clear signal that the Government of Armenia is serious in its intention to combat trafficking in human beings and it would be the only more or less continuous source of funding for certain activities. Currently, practically all activities of NGOs working in the anti-trafficking area depend on international funding. Thus, even key areas such as victim assistance are very volatile, because NGOs may or may not have funding to provide assistance. Without clear mid- or long-term funding, the service providers cannot make optimal strategic decisions and they cannot retain trained and experienced staff.

Another key issue is cooperation between government agencies, including law enforcement and NGOs. It is urgently needed to identify a clear structure within which NGOs and government could cooperate.

Training and capacity building

Training and capacity building activities in the anti-trafficking field are relatively scattered, small scale and in general suffer from no or bad coordination among international and national actors and a lack of a strategic approach.

Respondents from the General Prosecutor's Office stated that prosecutors are sufficiently trained and informed on trafficking in human beings. The Scientific and Training Centre of the General Prosecutor's Office prepared in 2005 a methodological Manual on Investigation of Cases of Trafficking and other Sexual Exploitation. The publication aims at instructing prosecutors and other relevant officials how to deal with trafficking cases. The assessment team unfortunately had no chance to get familiar with the document. However, some experts indicated that the methodological instruction is at times misleading. For example, it mixes up prostitution and trafficking in human beings. The OSCE Office in Yerevan in 2005 and 2006 monitored on an ad hoc basis some trials of trafficking cases. The trial monitoring and subsequent discussions with prosecutors suggest that more training for judges, prosecutors and attorneys is needed.

Since border guards come across potential or actual victims when the latter cross the Armenian border in both directions, it is crucial for them to have the necessary skills to recognise indicators of trafficking in human beings, to identify trafficked people, to be able to treat them properly and to refer them to relevant structures. There is no specialised police school for border guards in Armenia and border guards sometimes go for education to the Ukraine or Russia. Since 2005, a three-month-training course for junior border guards is organized in Armenia and trafficking in human beings is included in the curriculum. Also a one-day seminar provided by UMCOR is incorporated into this training. The UMCOR course aims at sensitizing the trainees in what trafficking is, how to do initial identification of presumed victims, where to refer

these people, etc.²⁸ In the past, IOM and OSCE have also provided some training to border guards.

The situation is somewhat complicated by the fact that until recently, the majority of border guards at border crossings in Yerevan (international airport Zvartnots) and the Meghri border crossing with Iran were Russian border guards. Starting from 2005, they are being gradually replaced by Armenian border guards, and the protection of these border crossing points is done jointly. The Hope and Help NGO thinks very few Armenian border guards have been sufficiently trained in anti-trafficking issues and suggested that small libraries with anti-trafficking documents should be organised and available for border guards at every border crossing point.

Reportedly, there are various manuals targeted at different aspects of anti-trafficking activities available or under preparation in Armenia. UMCOR drafts a manual for social workers and health services covering the issue of human trafficking, problems of victims, overview of international legislation and international experience with national referral mechanism and others.²⁹ The MLSI is preparing an NRM manual, which should be used as reference material and for training of social workers.³⁰ The Democracy Today NGO prepared manuals for the police and public prosecutors and training materials for consular staff. Unfortunately, none of the above mentioned drafts were provided to the assessment team, thus it is not possible to comment on their relevance and quality.

As for training of attorneys, only one three-day training on defence techniques for 15 attorneys working on trafficking cases was organized by IOM in 2006. The area of attorneys training clearly deserves more attention.

The OSCE, IOM, UNDP are the main organizations that have supported capacity building of Armenian institutions and NGOs.

Despite some investments, so far the technical equipment of the relevant institutions is still rather poor and needs to be reinforced. That said, investment into technical equipment needs to be matched with capacity building of human resources and proper institutionalization of mechanisms to address trafficking in human beings.

Interviews held with the police representatives showed that despite a number of efforts to enhance capacity building of the police made by IOs, more capacity building is still needed to enable the police to successfully fight human trafficking as a form of organised crime. This means not only allocation of the latest technology (computers, software, databases etc.), but also allocation of adequate human resources to police units dealing with organised crime.

Capacity building should also be targeted at social workers. Victims are usually afraid to speak out and establishing good contact with them calls for a private space to talk, such as a social worker's office.

²⁸ So far, 150 border guards have been trained.

²⁹ The experts and the OSCE Office in Yerevan were not provided with a copy of the manual as it was not finalized yet.

³⁰ The manual was not shared with the assessment team as it was still a draft.

Several projects implemented by international organizations in Armenia provide opportunities for the exchange of international experience in the area of trafficking through study tours and international conferences. While international best practices are relevant, further capacity building should focus also on labor trafficking, which is more complex than sexual exploitation.

Chapter Eight: CONCLUSIONS AND RECOMMENDATIONS

- Currently, the IAC suffers from key operational and planning deficiencies: The IAC is officially an advisory body to the government. It does not have decision-making and coordination powers. Its current role in elaborating the National Strategy and the National Plan of Action, and reporting on its implementation, is illogical from a structural point of view. It lacks real coordination, proper records' management and systematic follow-up on meetings. For instance, the minutes from meetings are not prepared and distributed.

Recommendation: Armenia needs to improve the co-ordination of its anti-trafficking response at the state level. A two-tier national coordinating structure could be set up with the current IAC as a lower, operational level that is accountable to a higher decision making body chaired by a high-ranking government official (probably a Minister). The body should be staffed with administrative and expert staff who will take responsibility for better preparation of meetings and a follow-up.

- The level at which the IAC is composed cannot ensure proper co-ordination. IAC is composed of members under, or at the level of, Head of Department of the respective government agencies. These members can not ensure efficient coordination and systematic monitoring of the implementation at their agencies. The current structure is too formal and too unwieldy. The roles and responsibilities of IAC members are not well delineated. The IAC Chairman in 2004 – 2006 was often out of country or preoccupied with other tasks. There was no clear delegation of his responsibilities, which led to delays in work of the IAC.

Recommendation: A national coordinator should be appointed at a higher level and with appropriate technical and professional capacity (secretariat, experts).

- Government agencies are not ready to co-operate with NGOs. A national referral mechanism is not ready to accommodate this co-operation and there is no budget line to support anti-trafficking activities. NGOs are seeking external funds (UNDP, OSCE, IOM mainly) for the implementation of significant parts of the National Action Plan .

Recommendation: It is urgently needed to identify a clear structure within which NGOs and government can cooperate. NGOs have been dealing with the trafficking issue for a longer period than the government. The government should appoint a contact person to work with NGOs.

- Cooperation between the International Working Group and IAC has not been very efficient so far. Many anti-trafficking actors have established good personal

relations which help them to perform their duties on the operational level, but stronger institutionalization is needed.

Recommendation: The International Working Group and the Inter-Agency Commission/National Coordinator should take appropriate steps to improve coordination.

- There is no comprehensive coordination among international actors.

Recommendation: The leading international agencies should strengthen their coordination in general. A particular issue worth discussing is the development of a comprehensive strategy for shelters and drop-in centres in Armenia. The International Working Group and the Inter-Agency Commission/National Coordinator should take appropriate steps to improve coordination.

- There remain several essential gaps in Armenian anti-trafficking legislation.

Recommendation: Legislation should incorporate a provision on the state obligation to ensure victim assistance (e.g. by allocating adequate financial resources or by establishing a state administered shelter). Subsidiary legislation such as decrees and regulations needs to be developed specifying the functions and the division of roles among anti-trafficking actors. Special provisions for protection of trafficked children should be taken into account though there have not been numerous cases of trafficking in children registered in the Republic of Armenia so far. More attention should be paid to trafficking for labor exploitation issues.

Appendix

List of interviewed organizations

State Agencies

- ☐ Border Guards Unit under the National Security Service of the Republic of Armenia

Mr. Shavarsh Mikayelian, Head of the Border Crossing Points Unit

- ☐ Ministry of Labor and Social Issues

Ms Lala Ghazarian, Head of the Department for Women, Children and Family Issues

Ms Eleonora Virabian, Chief Specialist at the same Department, Member of the Inter-Agency Commission

- ☐ Prosecutor General's Office

Mr. Marcel Matevosian, Head of the Anti-Trafficking Unit

Mr. Armen Boshnaghian, Senior Prosecutor at the Anti-Trafficking Unit

- ☐ Police of the Republic of Armenia

Mr. Karen Babakekhian, Deputy Head of the Department for Combating Organized Crime

- ☐ Criminal Police Vanadzor

Mr. Anoubakh Hambarian, Head of the Criminal Police of Vanadzor

- ☐ Inter-Agency Commission (IAC)

Mr. Valeri Mkrtoumian, Head of the International Organizations Department of the Ministry of Foreign Affairs, Chair of the IAC

Ms Lialia Aslanian, Deputy Head of the Migration Agency at the Ministry of Territorial Administration, IAC Coordinator

Ms Anna Aghadjanian, Head of the Human Rights Desk of the International Organizations Department of the Ministry of Foreign Affairs, IAC Secretary

NGOs

- ☐ Democracy Today

Ms Gyulnara Shahinian, Democracy Today Board Member, UNODC Expert

Ms Hasmik Edilian, Anti-Trafficking Project Manager

- ☐ Hope and Help

Mr. Yenok Shatvorian, President
Ms Nora Mnatsakanian, Anti-Trafficking Project Manager

- ☐ Hope and Help Vanadzor office
- Ms Haiarpi Edilian**, Vanadzor branch office Social Worker
- ☐ Helsinki Citizens Association branch office in Vanadzor
- Mr. Arthur Sakunts**, Head of the Vanadzor office

- ☐ Armenian Red Cross Vanadzor office

International Organizations

- ☐ IOM
- Ms Nelli Sedrakian**, Head of Office
- Ms Anetta Arakelian**, Programme Coordinator
- Ms Kristina Galstian**, Programme Coordinator

- ☐ UNDP
- Ms Alla Bakunts**, Portfolio Manager
- Ms Aida Ghazarian**, Anti-Trafficking Expert
- Mr. Hayk Khemchian**, Anti-Trafficking Project Coordinator

- ☐ UMCOR
- Ms Viktoria Avakova**, Anti-Trafficking and HIV/AIDS Programme Coordinator