

# Republic of Armenia Law Enforcement Anti-Trafficking Training Needs Assessment

## REPORT



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## ABBREVIATIONS

<b>AMD</b>	<b>Armenian Drams</b>
<b>CEDAW</b>	<b>Convention on Elimination of all Forms of Discrimination against Women</b>
<b>CPC</b>	<b>Criminal Procedure Code</b>
<b>HVT</b>	<b>High Value Targets</b>
<b>IAC</b>	<b>Inter Agency Commission</b>
<b>ICMPD</b>	<b>International Centre for Migration Policy Development</b>
<b>ILO</b>	<b>International Labour Organization</b>
<b>INL</b>	<b>Bureau of International Narcotics and Law Enforcement Affairs</b>
<b>IOM</b>	<b>International Organization for Migration</b>
<b>LE</b>	<b>Law Enforcement</b>
<b>LI</b>	<b>Labour Inspectorate</b>
<b>MFA</b>	<b>Ministry of Foreign Affairs</b>
<b>MOU</b>	<b>Memorandum of Understanding</b>
<b>NPA</b>	<b>National Plan of Action</b>
<b>NGO</b>	<b>Non-governmental Organization</b>
<b>NRM</b>	<b>National Referral Mechanism</b>
<b>NSS</b>	<b>National Security Service</b>
<b>OSCE</b>	<b>Organization for Security and Cooperation in Europe</b>
<b>RA</b>	<b>Republic of Armenia</b>
<b>THB</b>	<b>Trafficking in Human Beings</b>
<b>TIP</b>	<b>Trafficking in Persons (<i>US State Department Report</i>)</b>
<b>ToT</b>	<b>Training of Trainers</b>
<b>UAE</b>	<b>United Arab Emirates</b>
<b>UMCOR</b>	<b>United Methodist Committee on Relief</b>
<b>UNDP</b>	<b>United Nations Development Programme</b>
<b>UNICEF</b>	<b>UN Children’s Fund</b>
<b>UNIFEM</b>	<b>UN Development Fund for Women</b>
<b>UNODC</b>	<b>United Nations Office on Drugs and Crime</b>
<b>VoT</b>	<b>Victim of Trafficking<sup>1</sup></b>

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<sup>1</sup> The word ‘victim’ is regarded as disempowering. However, in some circumstances it has been considered appropriate for use. In other cases the term ‘trafficked people/persons’ has been used.

## PREFACE

Trafficking in human beings (THB) was established as a criminal offence in Armenia in August 2003, when the new Criminal Code entered into force. Considering the crucial role of the Police, the Border Guards unit of the National Security Service, the Prosecutor's office and the judiciary (hereinafter referred to as law enforcement (LE) agencies<sup>2</sup>) in ensuring successful prevention, detection, prosecution and punishment of trafficking and related crimes, it is essential to build the capacity of the national law enforcement officials, i.e. prosecutors, police, judges, border guards and officers of related fields in this area. In order to develop a better understanding of the training needs of these agencies, a comprehensive assessment of the current training capacities and needs in Armenia was launched in September 2007.

This assessment is a joint initiative of the UNDP Anti-Trafficking Project<sup>3</sup> and the ILO-OSCE-ICMPD Project. The UNDP Anti-Trafficking Project aims at facilitating the continued development of a national framework, tackling the problem of human trafficking at the national and institutional level as well as providing direct assistance to victims of trafficking (VoT). The ILO-OSCE-ICMPD Project aims at the development of a comprehensive anti-trafficking response in Armenia. Within this joint initiative an international expert team was invited to conduct a review of the current training needs of law enforcement in the field of human trafficking. Its mandate was to identify training gaps and produce recommendations for future training strategies in the area of law enforcement and anti-trafficking.

The field mission to Armenia was preceded by a literature review of documents provided to the international experts by OSCE and UNDP national staff.

### ***Dates:***

The in-country assessment was conducted between 3-12 September, 2007.

### ***Team members:***

International expert team members:

Ilias Chatzis: Project Coordinator, Anti-trafficking Section, UNODC

Mark Colhoun: Regional Coordinator, UNODC

Angela Mackay: Anti-trafficking Training Consultant, ICMPD

National expert support team members:

Heghine Gyulnazarian

Davit Hakobian

### ***Location:***

The assessment was conducted in Yerevan, Bagratashan border crossing, Vanadzor city (Lori marz), and Zvartnots international airport.

### ***Schedule:***

See **Annex 1** for complete listing of persons interviewed.

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<sup>2</sup> The report addresses the role of Labour Inspection as well.

<sup>3</sup> The full name of the Project is "Anti-Trafficking Programme: Capacity Developing Support and Victims' Assistance". The Project is implemented in cooperation with the Government of the Republic of Armenia and is funded by Norwegian Ministry of Foreign Affairs.

## EXECUTIVE SUMMARY

Armenia has made significant strides towards dealing with human trafficking. It is a subject in the public arena, supportive legislation exists and civil society and LE have successfully collaborated with training in some areas. This is a foundation upon which to build a future successful training programme for LE agencies.

Trafficking in human beings is typified as a 'new' crime in Armenia, which, in spite of considerable publicity and awareness efforts, is not thoroughly understood. The language often used by LE and some government officials to describe traffickers, their victims and the offences committed, is inconsistent and lacks precise definition. This reflects confusion both with the specifics of the crime(s) involved and the actions required for successful prevention, investigation and prosecution.

Armenia is party to most international legal instruments against human trafficking. Legislation at the national level is largely in place. Implementation though remains low and has historically resulted in conviction of mid-level traffickers, predominantly women who, arguably, have also been 'victimized.'

At the national level, an Inter-Agency Commission was established on the 14 November 2002 by the 591 A Decree of the Prime Minister to submit recommendations on counter-trafficking activities to the government. The Commission is chaired by the Ministry of Foreign Affairs.

Profiles of VoTs are consistent throughout the LE bodies, although the language used to describe victims indicates the internal confusion and imprecision with both the nature of the offence and the processes of human trafficking.

Labour exploitation is almost universally denied or ignored, except by marz NGOs that provide compelling evidence. The existence of labour migration is generally acknowledged and explained as a legacy of seasonal migration during Soviet times.

Training for LE is uneven and inconsistent. Most significant training is conducted by local and international NGOs and the International Organization for Migration (IOM). Little has been initiated within LE to provide consistent, relevant, high quality training for their services.

Inevitably, the external training provided has focussed disproportionately on the protection and assistance needs of VoTs rather than preventive measures and modern investigative techniques required by LE.

Significant gaps exist within the training needs of LE officers which can not and should not be satisfied by civil society organizations. Such training needs to be coordinated and organized by state bodies which bear the responsibility for training office-bearers, and must be subjected to rigorous evaluation and review. To be sustainable, qualified trainers are needed within the different LE bodies, with the authority to deliver training to all levels of the service.

The legacy of the former Soviet system – referred to by numerous interlocutors – has led to a rigid hierarchy, with top-down direction that mitigates against personal initiative and thorough investigation of criminal activities both to unravel complex criminal structures and provide justice for the VoT.

As a result, civil society organizations are taking the lead and bearing the burden of responsibility for activities which should be undertaken by the state. There is therefore no consistent message, few recognized standard procedures or reliable, uniform data collection.

However, LE bodies report satisfaction with training efforts to date by the NGO community, acknowledge the need for an improved training delivery system and claim to desire greater inter-action and collaboration with each other and with international institutions.

The 'newness' of THB provides an opportunity to capitalize on this openness and willingness to adopt new training methods.

There is clearly a high level of trust between some NGOs and some LE institutions where personal contact and persistent effort have resulted in an appreciation of each other's capacities and responsibilities. However, there are significant distinctions in the level of understanding and cooperation between those based in Yerevan and those in the marzes.

Prosecutors, police officers, border guards and judges, as well as civil society members, all indicate that human trafficking is increasing. The basis for this belief is professional experience and observation rather than reference to reliable and universally agreed statistics.

With this believed increase in the number of victims, heightened public awareness of the crime of trafficking and the groundwork of collaboration and respect built between LE and NGOs, it is timely to establish a sustainable, locally-owned and high quality training and learning programme for Armenia's LE bodies. Revision of the national anti-trafficking legislation and improved prosecution of trafficking have been prioritized in the draft 2007-2009 Anti-Trafficking National Plan of Action (Objective 1, NPA 2007-2009). To support effective implementation of the NPA, there is a role for NGOs to play, but the primary responsibility for provision of the full range of skills and knowledge required to effectively combat the crime, ultimately rests with the government of Armenia.

The following report outlines details of a programme to support this goal.

# 1. INTRODUCTION

***Trafficking of human beings is defined as:***

“The recruitment, transport, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, abduction, of fraud, of deception of the abuse of power of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The consent of the victim of trafficking in persons to the intended exploitation...shall be irrelevant where any of the ...(fore-mentioned)...means have been used.”

***UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime (2000).***

## a) HUMAN TRAFFICKING – PROFILE, SCALE AND LOCATIONS:

Armenia is identified as a source country for human trafficking. While a number of examples were provided of Armenia as destination and transit country, such cases appear to be rare and random.<sup>4</sup> Local attention is focused principally on trafficking of women for sexual exploitation in the United Arab Emirates (UAE) and Turkey. Secondly, NGOs report significant numbers of men trafficked for labour exploitation in Russia.

A few cases of trafficking of minors were indicated.<sup>5</sup> Concerns were expressed by UNICEF that small numbers of vagrant children who live alone on the streets and the children of vagrant families might fall victim to trafficking because of their extreme vulnerability. This remains to be confirmed.

There were no reports of trafficking of human organs/body fluids.

Women from socially vulnerable groups are identified as the most typical victims of human trafficking. They are likely to be single, widowed, divorced or abandoned women who lack other means of economic support. They are likely to be responsible for children and elderly parents and are unable, through lack of education, or more likely, employment opportunities, to find a legitimate means to maintain their family. Information from law enforcement bodies and NGOs differs significantly regarding the age of VoTs. Police and prosecutors claim trafficking of young women in their teens and early twenties does not prevail in Armenia, while

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<sup>4</sup> Persons of Uzbek, Ukrainian, Russian and Canadian nationality have previously been identified as VoTs in Armenia.

<sup>5</sup> Child trafficking examples have been identified in past years. Action by UNICEF and the RA Government has paid specific attention to the vulnerability of minors and other potential victims on graduation from orphanages and boarding schools. Media reports ([www.hetq.am](http://www.hetq.am)) in 2005 suggest that both women and children are trafficked to the UAE.

the NGOs claim 44% are in the 18-24 age category.<sup>6</sup> This has implications for the accounts provided regarding limitations on women under 30 years entering the UAE. It is important to remember that statistics are based only on numbers of VoTs identified for possible direct assistance. This is by no means an absolute figure.

Victims originate from both urban and rural locations. Areas such as Lori marz, seriously afflicted by both the devastation of the 1988 earthquake and the collapse of the local industrial economy following the demise of the Soviet Union, has seen high levels of unemployment and out-migration.

LE representatives speculate that some women drift to urban centres, particularly Yerevan, looking for employment and end up in prostitution. Local traffickers and/or pimps then recruit them into sex exploitation outside of Armenia.

A significant local phenomenon, based on police observation and prosecution statistics, is the almost exclusive use of women as traffickers to conduct recruitment of other women. Typically, recruitment in both urban and rural areas, is by known family members, friends, relatives, neighbours or work colleagues.

Detailed, reliable evidence from LE and NGOs on the circumstances of recruitment and conditions of labour is sketchy, but suggests classic use of false promises to trafficked women and the recruitment of known prostitutes. The issue of 'consent' is contested. The National Security Service (NSS) and police claim that many of the VoTs "know what they are getting into." The foundation for this certainty is unclear.

It was suggested by the NSS that as the tactics of traffickers change to stay ahead of the law, VoTs no longer fit the classical definition, and that in many cases their consent is assured and they know what work is in store for them.

A lack of clarity and precision exists with regard to terminology which makes the role and involvement of these traffickers/recruiters unclear. Police and other LE personnel tend to use the terms prostitute/trafficked woman and pimp/trafficker interchangeably. The distinctions are critical and of particular significance for prosecution and conviction purposes. Such misuse of terminology clouds the issue and can have a negative influence on public perceptions of the crime of trafficking.

It is important to differentiate between the actions of the 'traffickers' in Armenia who recruit women to work in the sex trade in the UAE, and the role of 'pimps' for those women once they are trapped as victims and forced into sexual exploitation. Pimping and human trafficking can be separate crimes, depending on details of the offence. Pimps may be technically judged as traffickers because of their knowledge of the conditions, their complicity and active engagement in control and marketing of the victims. Or they may be charged on lesser offences than the crime of trafficking.

A 'trafficker's' purpose is to recruit, transport, house and control victims for the purpose of exploitation, whether labour or sexual. The means used are always linked to intimidation, threats, coercion and other forms of physical and mental abuse.

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<sup>6</sup> "Victims of Trafficking Assisted in Armenia", October 2003-March 2007, NGO "Hope and Help", NGO "Democracy Today", UNDP, Yerevan 2007.

No trafficker works alone. By definition, the recruiter is linked to others in the chain of exploitation. The complexity, scale and density of those connections are specific and contextual.

The point was made repeatedly that the ‘traffickers’ in Armenia are ‘fugitives’ operating alone and are not a part of organized crime structures. Regardless of the scale of trafficking operations, given that these local traffickers arrange the documentation, transport, reception and work locations for the trafficked persons, this assertion is unlikely to be true.

In the case of men trafficked for labour exploitation, the traffickers also appear to be known locally, the men are recruited and transported in organized groups (up to 40) and work in Russia for periods of two years in the construction industry. Their freedom of movement is limited, passports confiscated, conditions of work poor and they receive only a small percentage of the wages owed. This is often accompanied by threats of recrimination to their families if the circumstances of their labour are revealed.

No Yerevan-based NGOs, or LE bodies made reference to this region-based phenomenon as a concern, nor is it recorded in “*Victims of Trafficking Assisted in Armenia.*”<sup>7</sup>

## **b)       TRAFFICKING PATTERNS**

Armenia is a landlocked country. Its borders with Turkey and Azerbaijan are militarized and remain closed. The main points of entry to the country are by land through Georgia and Zvartnots international airport in Yerevan. There is also one border crossing with Iran but traffic is reportedly low. Three routes for trafficking from Armenia have been identified. These appear to be constant although there may be occasional aberrations of routing.

### Route 1

Trafficked women are taken directly to the UAE using legal passports and other documents purchased by themselves or by the intermediate ‘trafficker’ through legitimate travel agencies. Visas are arranged by the travel agency for collection upon arrival in the UAE. However, travel agents do not issue tickets until receipt of confirmation that visas have been approved for travellers.

In spite of discriminatory legislation enacted by the UAE which prohibits the entry of unaccompanied women under the age of 30, it is alleged this rarely creates an obstacle and in some cases Armenian women undergo false ‘marriages’ in order to circumvent this law. They are met by their ‘husbands’ or other members of the trafficking chain and taken to their place of work.

Women are recruited with a typical array of false promises, with offers of work as waiters, baby-sitters, dancers, housemaids. On arrival their documents are routinely confiscated and they are forced into prostitution or other forms of sexual exploitation. Accounts of their freedom of movement vary.

Media reports from the UAE by Armenian journalists suggest this trafficking is highly organized and exploitative.<sup>8</sup> In April 2005, they claimed as many as 2000 Armenian prostitutes worked in the UAE and other Gulf States.

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<sup>7</sup> Ibid.

<sup>8</sup> See [www.hetq.am](http://www.hetq.am)

Information on this trafficking route was reported to the mission team by border guards at Zvartnots airport (and also by NGOs) who interviewed women returning to Armenia after being deported by the UAE authorities. A variation of this route entails a preliminary journey to Russia where false documents and/or visas are obtained in Moscow before the women are moved to the Gulf States.

Public prosecutors assert that fewer victims with this profile have been identified recently. This may be attributable to tighter immigration controls in Russia and the increased costs involved in transportation/harboursing/and document provision by this indirect route.

Members of the NSS also indicated that the focus of human trafficking in the Gulf States is shifting towards Qatar and Kuwait as the UAE has become notorious as a destination state.

## Route 2

Trafficked women travel to Turkey via the land borders Armenia/Georgia and Georgia/Turkey. Most of them are believed to be trafficked to eastern Turkey. Some are known to routinely revisit the Turkey/Georgia border to renew entry visas. The entire process of detection, investigation and follow-up is complicated by the absence of diplomatic relations between Armenia and Turkey. Numbers of VoTs, believed to be significant, are difficult to prove.

Border guard personnel report few identified cases – but considerable suspicion - in some cases. However, documents are generally found to be in order and they are unable to hold suspected victims without serious and supportable grounds for suspicion.

Typically victims travel by bus, singly or in small numbers. Border guards at Bagratashen – as at Zvartnots airport – appear well versed in identification methods, noting the enthusiasm, excitement and naiveté of the travelling women. Possibilities for intervention by LE are limited if documents are in order. The Bagratashen guards report most travellers to Turkey are engaged in trading and become familiar faces at the crossing point. This tends to emphasise strangers and results in some of the trafficking victims being readily detected.

While information on known traffickers is distributed and arrest warrants issued, most of the victims are able to pursue their dreams of a better life and opportunities outside Armenia without delay or prevention at the Armenia/Georgia border crossing.

## Route 3

Trafficking of men for labour exploitation in Russia is a serious problem in areas of extreme social vulnerability. In Lori marz, both men and women are trafficking victims. While women follow one of the typical routes described, trafficked men travel to Russia with legal documents, but are presumed illegal if they stay without employers obtaining the required permission to hire foreign labour.

Information on labour trafficking is obtained primarily as a result of men revealing to local NGOs. Few men self-reveal because of fear of recrimination against their families – and shame regarding the conditions of their service. NGOs report that not even the victims' wives are aware of their experiences.

### **c) STATISTICS**

The scale of the trafficking problem in Armenia is impossible to determine with any accuracy.

- The Police Anti-Trafficking Unit in Yerevan reports 12-15 cases per year;

- In the first nine months of 2007, NGO service providers in Yerevan variously report 8 and 11 cases of victims in the shelters (76 women and 10 men in the period 2003-2006);
- NGO in Vanadzor city reports equal percentages of women and men trafficked out of the marz;
- Journalists claim thousands of women trafficked into sexual exploitation in the Gulf States;
- The RA General Prosecutor's Office reports 137 criminal cases considered by investigative entities (August 2003 - January 2007).

These statistics do not provide a conclusive case for the scale of human trafficking from Armenia and give an incomplete picture of trafficking trends. Some LE personnel claim trafficking is on the increase while others deny its very existence. At the same time Armenia remains on the Tier 2 Watch List of the US State Department "Trafficking in Persons Report" 2007.<sup>9</sup>

Data collection is clearly problematic and contradictory and is scattered throughout the different entities, is collected using different criteria, for different purposes and is neither systematic nor generally shared or analysed.

The suspicion emerges of far larger numbers of VoTs than appear in official statistics. This may well be the case, as many of those interviewed stated that women who have been sexually exploited and men exploited for labour, do not wish to reveal their experiences for fear of the stigma attached to those activities, anxiety about the investigation and prosecution process and for fear of recrimination for themselves and their families. The extent of the power, reach and sophistication of the traffickers is confirmed by the scale of the fear created.

As long as VoTs are characterized by LE as 'prostitutes,' and the language of pimp and trafficker is used loosely and interchangeably, the offence may not be taken seriously and not pursued and investigated adequately.

*The means and methods described above portray the classic features of human trafficking: (Actions – deceit, coercion, intimidation; Means – recruitment, transportation, transfer, harbouring, reception; and Purpose – exploitation for profit) and bear the sign of a highly organized criminal system. It would be a mistake to interpret the relatively small identified numbers of identified VoTs as an indication of casual criminal activity. The complicity of a number of Armenian women, moving between the UAE and Armenia as traffickers, many of them former prostitutes/trafficked persons, is not in question, nor is that of the men who recruit for labour exploitation in Russia. However, even on the scale officially recorded, this trafficking could not happen without intent and organization.*

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<sup>9</sup> The 2007 Report, published in June, provides data for the previous year.

## 2. RESPONSES

### *a) NATIONAL ACTION PLAN*

In 2002, the Prime Minister established the Inter-Agency Commission (IAC) to submit recommendations on counter-trafficking policies and activities to the government. The commission is chaired by the Ministry of Foreign Affairs. The IAC consists of representatives of government agencies. NGOs, as well as OSCE, IOM, UNDP and ILO participate in the IAC meetings as observers. The commission's ability to perform its functions and ensure the continuity and sustainability of counter-trafficking efforts is seriously affected by the fact that it has no coordination or decision-making power. It has neither its own budget nor support staff.

In 2004, the Commission developed a National Plan of Action to Combat Trafficking in Persons for the period 2004-2006. The plan provided for a series of activities including awareness raising, specialised training for law enforcement and victim assistance and protection mechanisms. A number of activities foreseen under the action plan have been fulfilled especially regarding the ratification of relevant international instruments and reform of Armenia's legal framework. Full implementation was hampered by a number of factors including:

- i) lack of state funding that made implementation of action plan activities conditional on financial support from NGOs and international organizations resulting in a reliance on donor-driven activities;
- ii) non-binding character of the Commission's decisions;
- iii) lack of a national referral mechanism for victims of trafficking and government support to temporary shelters that accommodate such victims;
- iv) lack of a comprehensive anti-trafficking strategy based on analysis of the accumulated data and current trafficking situation, as well as lack of coordination and supporting national mechanisms to implement the ambitious NPA;
- v) lack of integrated planning cycle for the anti-trafficking institutional framework;
- vi) lack of connection and coherence between plans, policy, and funding distorting prioritization and implementation of activities;
- vii) lack of leadership, effective communication and monitoring and evaluation.

In view of the drawbacks in the implementation of the National Plan of Action and pursuant to the results of round table discussions convened in cooperation with UMCOR, the Commission has developed a new National Plan of Action for the period 2007 – 2009. The plan is currently under consideration by the government and aims at ensuring efficient anti-trafficking response in eight areas:

- a) Prosecution of Trafficking / Improvement of Legislative Framework
- b) Prevention of Trafficking
- c) Protection and Assistance to Trafficking Victims
- d) Cooperation
- e) Studies and Research
- f) Management and Coordination
- g) Monitoring and Evaluation
- h) Funding and Resource Mobilization

### *b) LEGISLATIVE FRAMEWORK*

#### **International Instruments**

On 25 March 2003, Armenia ratified the United Nations Convention against Transnational Organized Crime as well as its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the Palermo Protocol) and Protocol against the Smuggling of Migrants by Land, Sea and Air.

#### The Palermo Protocol - Key features:

- Defines trafficking as a crime against humanity, marked by the **intent to deceive and exploit**;<sup>10</sup>
- Expands the range of **actions** considered part of the trafficking process – **recruitment, transportation, transfer, harbouring, and receipt** of persons in end-institutions;
- Addresses a wide range of **means** used, from blatant force to subtle inducements that capitalize on vulnerability, to achieve ‘consent’;
- Makes **consent to the intended exploitation irrelevant**, where any of the means outlined in the definition are used;
- Acknowledges **men** are also trafficked, though it emphasizes trafficking in **women and children**; (*Article 2*)
- Recognizes a **range of purposes** of trafficking, in addition to sexual exploitation;
- Contains **rights-based** and protective social, economic, political and legal **measures to prevent trafficking, protect, assist, return and reintegrate** trafficked persons, and to **penalize trafficking** and related conduct; (*Articles 6, 7, 8, and 9*)
- Calls for **international cooperation** to prevent and combat trafficking. (*Articles 9, 10, 11*)

While its human rights provisions could be expanded, enriched and made obligatory on States, the Protocol is nonetheless an important step towards locating trafficking within a rights framework.<sup>11</sup>

Armenia has also signed but not ratified yet the Council of Europe Convention on Action against Trafficking in Human Beings and is party to UN and European Human Rights instruments including:

- Convention on the Elimination of all forms of Discrimination against Women (CEDAW);
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Convention on the Rights of the Child; and
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

*See Table in Annex 3 for Additional detail on rights violated in the context of human trafficking and corresponding legal instruments.*

### **National Legislation**

#### Overview

Human Trafficking was defined for the first time as a separate crime in Armenia in 2003 when the new Criminal Code entered into force. Over the last five years harmonization of legislation with international standards has been ongoing. In 2006, new amendments were introduced to the anti-trafficking provisions of the Criminal Code and relevant provisions on state protection of persons participating in criminal proceedings of the Criminal Procedure Code. Draft laws on State Protection of Persons Participating in Criminal Proceedings and on Prevention of

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<sup>10</sup> See International Criminal Court, Rome Statute: Article 7: Crimes against Humanity.

<sup>11</sup> UNIFEM Asia, “Trafficking in Persons: A gender and rights perspective,” Briefing Kit.

Trafficking passed their first reading in March 2007 and are currently under consideration by Armenia's Parliament.

Even though particular areas especially regarding victim and witness protection have not been properly addressed, Armenia's legal framework in the field of human trafficking is, overall, in compliance with international standards. The main problems are identified in the slow pace of implementation as well as the absence of implementing regulations.

### Criminal laws

In 2006, Armenia's Criminal Code was amended with a view to achieve greater compliance with international standards such as those introduced by the Palermo Protocol. Trafficking can no longer be sanctioned with merely a fine and convicted traffickers face prison sentences ranging between three to fifteen years imprisonment. Labour trafficking is sanctioned as a punishable offence and trafficking of children is more clearly defined.

New articles were introduced in 2003 to address crimes related to human trafficking, such as "Kidnapping" (Article 131), "Illegal deprivation of freedom" (Article 133), "Child trafficking" (Article 168), "Engagement in prostitution of other persons for profit" (Article 261) and "Inciting to prostitution" (Article 262).

Prostitution is an administrative offence in Armenia, foreseen by Article 179.1 of Code of Administrative Violations of the Republic of Armenia. The penalty is from 500-1000 AMD (from 1,5 to 3 USD), and in the case of committing the offence (prostitution) the second time within a year from the first offence, the penalty will vary from 1000-2000 AMD (from 3 to 6 USD).

The use of the services of a prostitute is not a punishable offence in Armenia.

Armenian law does not explicitly incorporate the penalty of confiscation of assets derived from criminal offences. In spite of the increased sentences for trafficking since July 2006, when it began to be considered a 'grave crime,' interviewees reported to the mission that there has been no imposition of confiscation as an additional punishment.

### Victim/witness protection

Perhaps the area in which Armenian law has adapted least to the reality of trafficking is in victim assistance and protection. Armenia's Criminal Procedure Code includes provisions for the protection of witnesses (Articles 98-99). They provide for the security of participants in criminal proceedings. The definition includes not only witnesses but victims, experts, undercover agents and justice officials as well. Protection measures are not limited to cases of organized or other serious crimes and may apply to any crime. They can be ordered by the investigating agency (police, NSS, Prosecutor's Office) at any stage of the proceedings from the initiation of the criminal investigation until the end of the trial hearings. The main criterion for their application is the existence of a threat against the life, health, property, rights and lawful interests of the participant to the criminal proceedings. Protection may extend to other people as requested in writing by the witness.

The Criminal Procedure Code provides for most measures of protection including, *inter alia*:

- Protection of personal data of the witness
- Use of surveillance
- Physical protection during court testimony
- Temporary relocation
- Change of identity documents

- Changing of place of work, service or education
- Removal of accused or other individuals from the courtroom
- In camera sessions and use of modern communications means for witness testimony such as videoconference.

Interviews confirmed that their implementation remains low. The main problems have been identified in the absence of criteria for the use of each of the above measures, conflicting responsibilities among law enforcement and prosecutorial authorities and total lack of confidentiality safeguards.

In 2005-2006, Armenia's Standing Committee on State and Legal Affairs initiated, with the support of UNDP Armenia the drafting of a new law on state protection of persons participating in criminal proceedings. The draft law was subject to international expertise by UNODC Legal Advisory Section, Vienna.

The draft law is an improvement from the existing provisions in the Criminal Procedure Code but still lacks mechanisms of comprehensive regulation of the area and needs to be further revised.

NGOs provide most victim assistance, rehabilitative counselling, and shelter. Border guards are able to provide a separate room at the border crossing point with Georgia for victims to wait while decisions are made about subsequent procedures. The government provided no financial or in-kind assistance for anti-trafficking NGOs. Armenia's authorities often pointed out to the lack of exposure to experiences from other countries and to the need for the establishment of a covert unit to implement the relevant legislation.

### Labour laws

The Armenian State Labour Inspectorate, acting under the relevant law on State Labour Inspectorate, aims to control and supervise the compliance with, and implementation of, labour legislation. The Labour Code itself provides the definition for illegal work.

Armenia ratified two conventions, namely the Forced Labour Convention and the Convention on Abolition of Forced Labour in 2004. In the same year the Armenian Constitutional Court adopted two respective resolutions on compliance of obligations of Armenia, undertaken under these conventions, with the Constitution of Armenia.

Armenian national law regulates the prohibition of forced labour in the following manner:

- forced labour institute is incorporated in the trafficking articles of the Criminal Code; and
- one of the governing principles of labour legislation, established in the Labour Code is the prohibition of any kind of forced labour and violence against employers.

The Armenian Labour Code prohibits illegal labour, which is labour performed without any labour contract and when the labour is performed on the basis of a contract in violation of Armenian labour legislation.

The operation of private employment agencies is regulated in the national law of 2005 on Employment and Social Protection in Cases of Unemployment and by the Government Decree No. 375 of 15 September, 1997. There is no requirement for such agencies to be licensed.

When a labour legislation violation is identified, the inspector is mandated to resolve the

problem and to impose an administrative punishment. Evidence of criminal activity is reported to the general labour inspector who is responsible to refer it to the Prosecutor's Office.

### ***C) LAW ENFORCEMENT RESPONSE***

A specialised six-person Anti-Trafficking (Humans and Drugs) Unit has been established within the Department of Organized Crime at Police HQ in Yerevan. This unit coordinates the work of 'territorial units,' whose primary focus is on drug trafficking. No other police body exists that has specialist THB training, knowledge or experience. It reports that most of the cases that come to light are investigated by this unit. There are well-established working relationships and lines of communication with the NSS, and the General Prosecutor's Office, currently the only other LE bodies likely to be involved in the initial identification and detection of THB cases.

Good working relationships exist with NGOs, which have been the primary source of training in THB for the police.

The NGO "Hope and Help" as part of a regional training initiative, and IOM in conjunction with the NSS have embarked on the provision of basic and secondary level training on THB for the Border Guards of NSS.

#### Prevention

Effective law enforcement that targets traffickers and exploiters contributes to prevention to the extent that it disrupts the networks and organized crime, and acts as a deterrent to others entering the trade in human beings.

Prevention is typically described as being a 3-tier process:

- i) Primary: **"Stopping things before they happen"** - tackling supply and demand for women in the sex industry and men in labour exploitation – providing information to buyers and victims: economic policies that increase employment opportunities for girls and women and men;
- ii) Secondary: **"Efforts to limit the number of cases that occur"** - interventions with high-risk groups, such as young women at risk in rural areas, migrating women, uneducated women. Visiting high-risk households: enhanced law enforcement that increases the costs for exploiters: targeting businesses involved in facilitating the trade, such as travel agents, job agencies, marriage bureaux and airlines: consular officer responsible for visas: stronger penalties for perpetrators;
- iii) Tertiary: **"Limiting the extent of the cases and their damaging effects"** - stronger law enforcement: victim rehabilitation and strategies to prevent re-trafficking and re-victimisation.

Prevention as an outcome of aggressive investigation has not been established and linkages with organized crime are not pursued. Preventive activities in the realm of awareness raising have largely been initiated by an array of NGOs, and materials produced passed on to LE for their use, and distributed among population. Such activities are subject to donor funding whims and in most cases cannot be relied on for long-term, sustainable prevention.

Prevention at the community level is appropriately carried out by NGOs, but there is a great deal of opportunity for LE initiative in prevention and investigation with land transportation companies, airlines, hotels, travel agents, tax authorities, or municipal authorities. Nor is there currently any evidence of churches, municipalities or youth groups engaged in ongoing prevention work. This would be fertile ground for LE to develop partnerships.

## Protection

There appears to be a lack of consistency in terms of purpose or conduct regarding identification processes – with screening interviews, identification questionnaires/interviews and risk assessment formulae not being clearly differentiated. The needs of the police and of the NGOs are not identical, nor are the services they are able to provide.

The impression gained is of disproportionate attention being paid to assistance and little attention being given either to active prevention or thorough investigation and prosecution.

The activities of local and international NGOs and the IOM in outreach, training, victim assistance/rehabilitation and awareness raising, carried out through donor funding have ensured that LE are aware of their presence and services offered and carry out referrals. However, both NGOs and LE concede that few VoTs self-reveal or are identified as a result of LE investigations.

One of the principal findings of the mission was the inadequacy of pro-active investigation and the lack of familiarity by law enforcement bodies with modern investigative techniques as a means to secure prosecution and the conviction of human trafficking as a crime. The focus on assistance has possibly created a false sense of security that the task of dealing with human trafficking is not only improved, but completed.

At the same time, in spite of the focus on assistance, the LE responsibility in the realm of protection is confused. The tension between the needs of police to establish identity and pursue intelligence, and concern for the rights and welfare of the victim is a global phenomenon. Therefore, clarity and consistency in the delineation of roles and responsibilities is essential. The distinctions between and purpose and conduct of procedures, as well as issues of confidentiality and victim evidence need to be made clear and broadly disseminated.

### ***D) PROSECUTION RESPONSE***

A specialised Department for Combating Irregular Migration and Trafficking in Human Beings has been established within the General Prosecutor's Office, with significant autonomy for the investigation of trafficking cases. As of 2008 an amendment to the Procuracy law will result in the investigation function residing with the police.

The difficulties encountered in identifying VoTs, the apparent disinclination of VoTs to self-reveal and/or agree to testify in trafficking cases all contribute to the challenge of securing successful prosecution and conviction.

In most cases indictments depend on criminal complaints from victims. This reliance on victim evidence to secure convictions is an inadequate means of pursuing the criminals who organize human trafficking. In few cases do criminal investigations independently uncover evidence of the crime.

Prosecution data on the successful conviction of criminal trafficking cases (137 cases considered by investigation bodies August 2003-January 2007) indicates that the majority of traffickers convicted were women. They have been imprisoned for periods from 1.5 to 5 years, or given corrective labour or fined. LE and prosecutors seemed confident that these are not simply the 'local recruiters' of larger human trafficking networks and claimed that the degree of organization was not sophisticated. No cases of organized crime structures were reported to the mission.

The exposure of the victim to the trafficker in the course of criminal investigation and the 'confrontation' between the VoT and trafficker prior to or during court proceedings is surely a deterrent to VoT continuing to agree to testify and can create a negative perception of the LE officers if they encourage this method.

It is alleged that numerous victim witnesses withdraw from cases, refuse to give testimony or agree to lesser charges.

Armenian law does not include measures explicitly exempting victims from punishment for crimes committed under compulsion. In practice LE use this to pressure the victims to provide statements. Cases are reported where victims have been charged for inciting to prostitution (recruiting prostitutes) as well as for forgery. In some cases the charges were dropped after having obtained the desired statements from the victims.

There is a need to provide some guidance bringing definitional clarity, including the concepts of exploitation, coercion, abuse of power and abuse of a position of vulnerability, etc. The definition provided by the criminal code does not contain a provision removing the consent of the victim as a defence to a trafficking charge. In practice the consent of the victim makes law enforcers reluctant to apply the Art. 132 and 132<sup>1</sup>. They are more inclined to apply the Art. 261, paragraph 1 notably based on the victim's profile (previous prostitute) which does not require any 'means.'

#### ***E) JUDICIAL RESPONSE***

All First Instance Courts hear cases of THB, but specialization occurs at the Appellate Court where a core of judges deal with the criminal proceedings related to THB.

The greatest challenge faced by judges is that the exploitation takes place outside of Armenia's boundaries. Armenia has signed two international agreements with the UAE, one is a Treaty on Mutual Legal Assistance in Criminal Matters, and the other is a Treaty on Extradition (both signed on 20 April 2002 and ratified on 25 March 2003).

The mentioned agreements do not seem to be functional. There are no diplomatic relations with Turkey – and so far no investigated cases of THB within Russia, which would presumably be easier to deal with, but has not yet been put to the test.

There has been limited travel to the UAE by Prosecutors, but little evidence has been forthcoming. The chain of evidence beyond witness statements is problematic for judges.

### **Punitive Practice: 2006**

Court of 1<sup>st</sup> instance of Armenia considered 29 criminal cases of trafficking in human beings. 39 persons were convicted: 32 – women: 7 – men:

- According to Article 132 – 12 persons for 10 cases;
- According to Article 132' – 1 person for 1 case;
- According to Article 161 – 3 persons for 2 cases;
- According to Article 262 – 23 persons for 16 cases.

24 persons received prison sentences: 19 women, 5 men. Imprisonment period ranged from 1,5 to 5 years: average indicator 61,5% vs. 49,1% of the national average In 2005 59,5% vs. 44,9% respectively.

Punishments not related to imprisonment were imposed upon 19 persons, including:

- Corrective labour – 5 persons (4 women and 1 man)
- Fine - 10 persons (9 women and 1 men).

All persons accused of trafficking in humans (Articles 132 and 132' of the RA Criminal Code) were sentenced to prison terms.

***Abstracts from Address on Criminal Cases and Preventive Measures Taken by the RA General Prosecutor's Office in Relation to Trafficking and Related Crimes, 2007***

## **A Gender Perspective**

Societal expectations of the roles and responsibilities of women and men, their behaviour and attitudes to the gendered division of labour have a profound effect on human trafficking. Women who are widowed, single, divorced, with no male 'breadwinner' in the family, and who lack education, skills and other resources to find employment in a depressed market, may have limited choices available to them to support their family and are vulnerable to traffickers who entice them into sexual exploitation.

Likewise, men are expected to conform to gender norms and fulfil the role of 'provider.' In times of hardship and high unemployment they are prey to offers of employment in male-dominated sectors like construction, agriculture and resource extraction.

For both women and men, the shame and stigma of working in the sex industry and/or in conditions of servitude or forced labour, controlled by other men, does not conform with socially accepted norms of behaviour. Their actions are not acceptable, or not what is to be expected of a 'moral' woman or a 'masculine' male.

As a consequence neither women nor men tend to reveal themselves on their return to Armenia, but rather fade into anonymity and choose not to make a significant contribution to investigations.

Although attitudes are changing within LE bodies, the same stereotypes and discrimination are reflected in the dismissive language of trafficked women as "prostitutes", the careless interchangeable use of the terms 'pimp' and 'trafficker' and the apparent official denial of the existence of labour exploitation of men.

The often expressed opinion that trafficked women were prostitutes to begin with – and therefore used to sex work – or "knew what they were getting into" - thereby suggesting their consent to the resulting exploitation - indicates the persistence of prejudice.

It was also stated that data is maintained about prostitutes by criminal investigators to "keep an eye on them," and that trafficked women could be identified by their provocative clothing and slovenly speech.

Working with NGOs that deal with the realities of victim's experience is modifying these attitudes and introducing compassion and understanding to the LE bodies as well as a respect for the fact that trafficking is a human rights issue and is a 'gendered' activity.

All LE interviews for this assessment were conducted with senior male personnel. On two occasions single women were present as note-takers. One of them is a Major in the six-person Police Anti-trafficking Unit.

Between 30-40% of Border Guards are women. Women serve at border crossing points, but in 'administrative' capacities. If a woman is required to conduct a search at a border crossing, the male officers request the services of a female Customs Officer. What happens if no woman is on duty was not clear. The majority of women Border Guards work at Zvartnots airport.

8-10% of the places for the annual intake of cadets at the Police Academy are allocated to women.

As of December 2006, out of a total of 178 judges serving in Armenia's courts (Cassation, Appeal, and first instance courts) 39 are women (22%).

No information is available on the number of women prosecutors.

### 3. CURRENT TRAINING ASSESSMENT

#### Overview

The involvement of criminal organizations in trafficking in persons has expanded in recent years due to the high profits and relatively low risks involved.<sup>12</sup> Those perpetrating the offence may consist of a series of small, loosely connected networks recruiting and selling victims from one to another as they move from the country of origin to the country of destination, or it may be carried out by large sophisticated criminal organizations operating every stage of the process. In either scenario, few groups limit their criminal activities to trafficking in persons; other forms of trafficking or other crimes are almost always occurring.

The difficulty of identification, investigation and prosecution of the offence centres on the fact that the involvement of a criminal organization in human trafficking offences may not be readily apparent to the law enforcement officials investigating it or to others who encounter the victims. Furthermore, trafficking often goes unreported because victims are frightened to give evidence, may have been brutalized and be in need of care, are likely to need interpretation services, and may sometimes have been treated as criminals themselves by some enforcement agencies.

The international nature of human trafficking provides further difficulties for those investigating and prosecuting the crime. A multi-agency, multi-jurisdictional approach is a requirement for most cases of this nature and the complexity of such investigations for investigators, prosecutors and judges alike often leads to only superficial investigations, resulting in the conviction of low-level criminals, while the main funders and/or organizers remain either undetected or are not prosecuted.

In identifying and prosecuting such high-value targets (HVT), it is necessary to remember that human trafficking is not a single offence, but rather a series of illegal acts carried out together. UNODC has described it in its “Toolkit to Combat Trafficking in Persons” as a criminal process rather than a criminal event. Therefore, efforts to effectively address the crime cannot solely revolve around the victim, but need to encompass the wide range of investigative techniques currently available.

Ensuring that law enforcement officers at all levels are properly trained in the application and use of these techniques is of paramount importance to any government wishing to move its anti-human trafficking initiatives forward. While much work has been done in many countries, including Armenia, to recognize indications and clues that trafficking in persons is taking place, increased efforts are required to move beyond reactive investigations and to initiate disruptive and proactive investigations. This is specifically true in Armenia where the approach is currently driven through victim orientation, and while this document in no way wishes to imply that the rights of the victim should not be first and foremost in an investigator’s mind, efforts against the actual criminal activity are essential if the three Ps are to be met (prevention, protection and prosecution).

The current training systems in Armenia are not yet capable of effectively addressing the new mechanisms and standard operating procedures that need to be developed and implemented by enforcement agencies, prosecutors and judges in the country for anti-human trafficking initiatives. While substantive amendments have been made to domestic legislation to ensure

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<sup>12</sup> State of the Future survey by the World Federation of United Nations Associations, (September 2007) estimates global human trafficking is worth US\$44bn.

that human trafficking and related offences are treated as serious crimes and that adequate powers are granted to law enforcement authorities in order to enable effective domestic investigations and prosecutions, work is still needed to empower front line officers and other officials through the introduction and institutionalization of modern training programmes and techniques.

The following paragraphs outline the strengths, weaknesses, opportunities and threats identified by the mission in relation to the development of such a training plan for the country.

## **Police of Armenia**

### **a. Police Academy**

The Police Academy is a well-established, independent institute consisting of the Departments of Advanced Learning, Distance Learning, Interior Troops and Law. A Traffic Department is soon to be added. Most of Armenia's commissioned police officers pass through the academy, including those attached to the Anti-Trafficking Unit. Recruits undergo a two week induction course, followed by two years of general training involving humanitarian studies, political sciences and the fundamentals of law. Upon completion of this, recruits specialise in their final years, studying more specific modules based on their academic background, qualifications and interests.

The Law Department focuses on four aspects of police work namely:

- i) Administrative Law
- ii) Criminal Justice
- iii) Investigative Techniques
- iv) Operative Work

The Academy recognised that in order to adequately address Organised Crime, elements would have to be added to most of the Law Departments modules, but no indications were given as to whether such a process had been initiated.

The training curriculum provided to the mission was last reviewed in 2000 and outlined a five-year study plan containing a total of 64 modules. Currently, Anti-Human Trafficking is not included in this curriculum and the process of reviewing the curriculum is reactive, with requests to include new topics being submitted to the academy directly from Police management. A decision to include the subject or not is then taken by the Management Board. There does not appear to be any motivation for senior management at the academy to move away from this approach, unlike the approach taken at the Prosecutors Training Academy where a much more proactive approach was adopted (see section below). In fact the Director of the Police Academy indicated a preference to have stability in the curriculum.

Training is presented using a traditional, passive teaching approach and lacks modern, interactive methodologies. Advanced and continual training does not appear to be formalised but is presented only on demand. No formal selection or training process exists for trainers/lecturers employed in the Academy, with candidates being selected on the basis of responding to a job advertisement and completing an interview with the head of the department advertising the vacancy. There is also no psychometric testing of students to determine aptitudes.

The Academy has an established procedure for including new subjects in the curriculum, but indicated that if a subject on THB were to be introduced all they would need is a model curriculum and available literature on the subject. Through the introduction of THB into the

Academy's course a wider audience could be guaranteed than if training on the subject continued to be presented as it is now done – in an uncoordinated and piece-meal fashion. Furthermore, the Academy has an independent budget from the Government so, in that respect, once the subject is included sustainability is no longer an issue.

Some of the trainers met at the Academy expressed an interest in becoming more involved with international best practises. If such practises were introduced through, for example, a THB module, other changes may be implemented in the curriculum for the other subjects leading to a re-vamping and modernisation of over-all techniques in the institution.

Established academic teaching practices may result in resistance to the introduction of new modules into the existing curriculum and/or to developing and introducing new teaching techniques. With specific regard to new teaching techniques, difficulties may be experienced in introducing investigative learning techniques as this runs contrary to the culture of many police and military training establishments, not only in Armenia, but elsewhere as well.

The possibility of introducing external lecturers trained under train-the-trainer programmes is also problematic. It was noted that training is viewed as a career path, as opposed to a part-time or mentoring function and the Academy and its trainers may view “operational trainers” as being a threat to their position and career.

Due to the academic nature of their work, trainers/lecturers had little understanding of the practical issues to be addressed when conducting THB investigations. This was particularly true with regards to rights of the victim and sensitivity when handling certain cases. It is difficult to learn these skills on a theoretical level and without the introduction of either first hand tuition from experienced investigators or inactive learning procedures in which the lecturer has also participated, it is unlikely that the Academy could train members to the level required for professional investigations.

#### **b. Police Training School**

The Police Training School is responsible for the provision of three months of Induction Training to newly recruited personnel who graduate to become guards and patrol police. Neighbourhood Police Inspectors are also trained at the school and receive periodic refresher courses.

Given the more basic policing responsibilities of these recruits and the fact that they will not be responsible for investigations or organized crime activity (unless they progress through the ranks to officer level), THB is not included as a separate subject, but is included with a wide range of subjects, linked to relevant articles in the criminal code, which are crimes of specific danger to humans. Thus, it is dealt with more as a human rights violation than a criminal offence.

The Director of the Training School indicated a willingness to try new teaching methods and indicated current activity at the school which includes ToT courses and community policing initiatives.

#### **c. Police Anti-Trafficking Unit**

As mentioned above, Police of the RA has established a specialised Anti-Trafficking Unit within the Organized Crime Department at Police HQ in Yerevan. Officers are identified on the basis of skills and aptitude shown in practical work as opposed to formal assessment and currently the formal training provided is negligible. New officers are provided with six-month

mentorship programmes during which time they train alongside more experienced field officers. Given this history of mentorship as a learning tool, Unit members would be more likely to embrace new techniques and eventually become trainers themselves. The possibility of introducing mentorship programmes into their informal training curricula is also a possibility.

A need for cooperation in investigations at the international level in AHT cases has also been recognised, and through joint investigations, investigators can be introduced first hand to other types of non-victim led investigations.

Through the work carried out by NGOs in the THB field in Armenia, the Unit has become aware of the work done and recognises the NGOs' efforts in victim support. As a result good working relationships have evolved, the Unit has a desire to see these bonds formalised through the establishment of a Memorandum of Understanding (MOU) that would be a part of the National Referral Mechanism (NRM).

The Unit only comprises six members at the HQ level and covers both drug and anti-human trafficking. If investigations were intelligence led, this could be an effective approach to countering organised crime, but in both fields the responses appear to be reactive and therefore no linkages are likely to be uncovered at the level of current investigations as there is a total reliance on witness led i.e. reactive investigations (in the field of THB). There seems to be little understanding for how or why intelligence led, or disruptive, investigations have to be carried out or how they could be initiated.

Trafficking is viewed solely as an international issue but no attention is given to the national aspects of investigating organised crime, where decent leads can be identified and followed up on without the need for international agreements.

The Unit also noted that current training needs are being met primarily by NGOs for border guards, but stressed that these training events were mainly one-off events and were in no way sustainable.

Limited law enforcement training has been provided to the Police Anti-Trafficking Unit through the Minsk IOM Training Centre. The Unit has a culture of mentorship and therefore would be more inclined to embrace the more interactive and inquisitive learning procedures used today for implementation at all levels of the police. They realise that more is to be gained through a hands-on training approach and that learning theory is not an adequate response to the issues that need to be addressed surrounding THB.

While there is no formal interaction with NGOs and while the Unit did not participate in the training provided by the NGOs, they willingly contributed to the materials for the courses. The Head of the Unit further commented that cross-training with other government bodies responsible for THB does not take place, and such events would be welcome as they would provide opportunities to network with counterparts and exchange experiences and skills.

The Unit employs experienced investigators who could benefit from participating in joint investigation teams involving international colleagues. Such a practical introduction to different techniques can be easily introduced by such members in their domestic investigations.

There is denial (whether at the political or professional level could not be determined) in Armenia that the human trafficking experienced is organised crime. Investigators stress that it is a "cottage industry" with individuals being provided through word of mouth by acquaintances.

There is also reluctance to progress investigations beyond the initial arrest and therefore involvement of organised crime figures (HVT) cannot be proven and their initial assumption of a cottage industry becomes a self-fulfilling prophecy. Until a culture of organised crime investigations becomes more widely accepted, only limited successes can be achieved in the field of THB.

### **The National Security Service (including Border Guards)**

The NSS incorporates the Border Guards as part of their service and is therefore the sole agency responsible for controlling access to Armenia through/over international borders. The NSS also sits on the Inter-Agency Commission to address THB.

Concerning reactive investigations, all repatriations to Armenia are handled by the MFA Consular Section and Border Guards interview all deportees. If a deportee is identified as a victim, support and assistance is offered through one of the NGOs and investigations are only launched when the victim is settled in a shelter and requests an investigation be conducted.

All training and workshops provided on THB have been attended by the NSS and as such they are able to provide a critical evaluation of efforts until now, in particular, stating that senior officials were now well educated but officers on the ground still needed training on the issue. Through the training, progress has been made in sensitising Border Guards to the identification and treatment of THB victims and they claim successes have been achieved in preventing trafficking.

Border Guard and Passport Control Officers have their own training programme developed by NGOs and IOM covering both theory and practical exercises. An UMCOR trafficking module has apparently been included in the training programme, but specific details were not provided.

Cooperation with Police and Prosecutors was described as good, as was the relationship with other CIS countries.

The NSS has only a limited number of investigators assigned to AHT and therefore most investigations are handled by the police. The lack of diplomatic ties with Turkey was also highlighted as a cause for concern as information on trafficked Armenian nationals in that country cannot be shared.

The NSS claims having used all legal measures to investigate trafficking, including the use of agents and telephone intercepts, and using these techniques no organised groups/structures have been found to be responsible for the cases. It is claimed that no sophisticated schemes exist due to the fact that the country is landlocked with closed borders – situations that would normally increase the need for organised crime to circumvent existing controls.

No statistics were made available on the number of deportees or cases of potential trafficking identified by the Border Guards. It was not clear whether this information is not recorded or simply not shared, but such information could provide a valuable oversight of potential extent of trafficking within the country.

The NSS has its own training centre and while the legal definition of trafficking is included in the curriculum, specifics on actual cases and investigations are not currently entered into. The need for train-the-trainer courses was recognised by the service.

In addition to the identified destinations of Turkey and the UAE for human trafficking for the purpose of sexual exploitation, the NSS also identified Bahrain and Kuwait as possible destinations for future victims. With insufficient mechanisms in place to launch investigations in the already identified countries, additional trafficking destinations will only complicate matters for the authorities concerned.

### **The General Prosecutor's Office**

Since 2003, a special Anti-Human Trafficking Department has been created within the Directorate for Special Investigations of the Office of the General Prosecutor. The Department consists of four prosecutors and investigators. The chief of the Department reported to the mission team a small but increasing number of criminal investigations by the Department between 2004 and 2007.

Under the current Criminal Procedure Code, the Department has joined responsibility with the Police and the NSS for the investigation of human trafficking cases. Cooperation among the agencies is reportedly good with the NSS taking up only a small number of cases relating to national security and the Police undertaking the majority of human trafficking investigations.

Latest amendments to the Criminal Procedure Code provide for the transfer of investigate powers from the Prosecutor's office to the Police and National Security Service. The Prosecutor's Office would retain amongst others, the power to oversee investigations, initiate prosecutions, order restraining orders and issue arrest warrants. Concerns were expressed that valuable expertise may be lost if inadequate provision is made for the transfer of investigators from one agency to the other. As the initiative for the investigation of human trafficking cases will be with the police and given the particular transnational character of the crime, extensive reference was made to the need for law enforcement training to familiarize them with their new role in criminal investigations and relation with the prosecutor's office.

A training school for prosecutors has been recently established in Armenia to replace the pre-existing prosecutorial academic centre. The school has been established by law and has the status of an independent institution. Its functions are:

1. Training for newly appointed prosecutors;
2. Training courses for all serving prosecutors at least once a year on specific subjects;
3. Training courses for serving prosecutors whose personal appraisals were not satisfactory;
4. Training of administrative personnel in the office of the prosecutor with a view to promote academic research.

The school gave the impression of a well-established institution and the management and teaching staff demonstrated a strong desire to improve services.

Curricula are not replicating University courses and efforts are made to include subjects with practical implications such as human rights and aspects of common law. Human trafficking and victim and witness protection have been introduced in the curricula and a training manual was published on international best practices and standards. The school has established good partnerships with other training institutions in Armenia, especially the Police Academy, and joint trainings have been conducted. The transfer of investigative powers from the prosecutor's office to the police will necessitate intensive trainings for police investigators and the school has expressed the readiness to accept in its courses trainees from other services.

### **The Judiciary**

The courts of general jurisdiction in Armenia are the Courts of First Instance, the Courts of Appeal, and the Court of Cassation. There are 17 Courts of First Instance in Armenia, one in each of Armenia's 10 administrative regions (*marzes*), and seven in Yerevan (one in each community or a group of communities). Courts of First Instance consider all civil, criminal, military, and administrative cases, resolve issues related to detentions, issue search warrants, and can restrict the right to secrecy of communication. Cases in the Courts of First Instance are heard by one judge.

There are two Courts of Appeal in Armenia, one of which has jurisdiction over civil appeals, and the other over criminal and military appeals. Both are located in Yerevan. The Court of Appeal for criminal and military cases has a chairman and 15 judges. Cases before the Courts of Appeal are heard by three-judge panels, with decisions rendered by majority vote.

The Court of Cassation is the highest court of appeal in Armenia and is located in Yerevan.

A reorganization of Armenia's court system is foreseen in 2008. Its main element is the establishment of misdemeanour courts and the abolishment of courts of general jurisdiction at the first instance. Instead, separate administrative, civil and criminal courts will be established to hear criminal cases at the first instance and a single appellate court for the entire country with seat in Yerevan. Separate administrative, civil and criminal chambers will also be created at the Court of Cassation. The reorganization is expected to strengthen the capacity of the justice system to deal with serious crimes through the creation of courts specialized in criminal matters.

Until the enactment in 2007 of the new law on judiciary, there was no formal, comprehensive judicial training programme for newly appointed judges, and no legal requirement that sitting judges participate in continuing legal education courses. The new law provides for the establishment of a Judicial Training School to provide training for newly appointed judges as well as serving judges and court staff.

Training is compulsory and there is even a statutory requirement for all judges to successfully complete a minimum amount of training courses per year. Even though the school has its own premises, it may also use court facilities around the country for training courses.

The Council of Chairmen - a collective body where the chairmen of the Court of Cassation, Chambers of the Court of Cassation, Courts of Appeal, Economic Court, and Courts of First Instance are represented - approves curricula at the proposal of the school. The council also develops guidelines for programme development by the school. The intention is to provide training on specialized topics. In this respect, in 2007 the focus of training programmes was common law theory and court practice.

Lack of trainers has been identified as one of the main challenges for the successful fulfilment of the school's purpose as available expertise is scarce in Armenia.

### **Lawyer's Association**

There are 730 attorneys licensed to practice law in Armenia. There are no regular training programmes for attorneys besides those organized by the Association and NGOs<sup>13</sup>. The President and Members of the Lawyer's Association identified the judiciary's lack of familiarity

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<sup>13</sup> It was reported to the mission team that an EU funded technical assistance program is underway and would provide for the creation of a school for lawyers in Armenia.

with the new provisions of the criminal code especially definitions of human trafficking as the main problems in the implementation of anti-trafficking legislation.

Legal Aid is available in Armenia through the Public Defender's Office. However, aid is limited to the accused while victims of crimes cannot benefit from the service. NGOs usually provide for the legal representation of victims before the courts. New amendments are under development by the government to correct the discrepancy and expand assistance by the Public Defender's Office to victims as well.

### **Labour Inspectorate**

There are 150 labour inspectors (LI) in Armenia, some of whom have received training on standards from the ILO. So far there has been no training received on the identification, referral and reintegration of VoT for forced labour.

While acknowledging that THB exists, the LI claim that THB for forced labour does not exist in Armenia, but that trafficking of women to the UAE for sexual exploitation is the most common trafficking feature. There is reportedly no internal forced labour trafficking, but it is accepted that forced labour exploitation of Armenians takes place in Russia. This is a sensitive issue, considering the different approaches to labour of both countries, but there is evidence of a cooperative relationship.

Given the responsibility of the LI for detection and reporting on criminal activity, and the potential role they can play in prevention as well as referral of identified VoTs, there would be great value in strengthening their knowledge and understanding of THB. This will enhance the capacity of the LI to respond appropriately to identified cases and suspicions of criminal activity. The LI is a relatively new creation. While the mandate does not specifically extend to THB, the possibility that further research clarifies the extent of trafficked labour, both domestically and internationally, requires timely investment in education and training on the topic.

## 4. RECOMMENDATIONS:

### i) SWOT (Strengths, Weaknesses, Opportunities and Threats) Summary

The current approach to THB training needs in Armenia has largely been addressed through the efforts of NGOs and, while valuable, this training has been neither coordinated nor sustainable. A more comprehensive and coordinated response is required if the practical efforts of Armenian law enforcement agencies are to effectively implement the adequate legislation that the country has recently put in place. This will require a comprehensive training package, not only for new members starting with key agencies, but also for the experienced members already serving in those agencies.

*It is therefore recommended that the international community, in close cooperation with the Government of Armenia, contributes to and supports the development of a comprehensive training package for all LE agencies.*

A firm basis exists in Armenia upon which a THB training curriculum can be based. A training/learning culture has begun to be established in the country and the respective agencies all have dedicated institutions with experienced and professional staff. The existence of such institutions already provides a basis for introducing a comprehensive training package. The strengths of these existing establishments are at the same time, however, their greatest weakness. The training provided is of a non-inquisitive and passive nature, where interaction between trainer and students is not encouraged. Without significant changes in the approach to learning and training, serious impediments to the development of a dynamic programme such as the one now required would exist.

*It is therefore recommended that a training curriculum be developed in stages, first using international trainers to introduce new training methods to the country. This would be followed by training national trainers to present the course and fine tune it for national requirements. Ultimately, at the end of a three-year period a tried and tested training methodology would be introduced into the training curricula currently in place in the existing training locations. Such a process will ensure the overall sustainability of THB training in Armenia.*

Apart from the existing training culture, there is a need to revisit and revise the procedures currently used in the investigation, prosecution and sentencing of human trafficking cases. Current cases in Armenia rely solely on victim testimony and there is a need to develop the experience of law enforcement officers, prosecutors and judges in modern investigative techniques particularly in the field of intelligence led investigations.

*It is therefore recommended that the training curricula should contain material focussing on, not only reactive victim led investigations, but also on proactive investigations, disruptive investigations, financial investigations, special investigative techniques and joint investigation teams as a minimum.*

The nature of human trafficking is both national and transnational in character and difficulties are currently being experienced in i) identifying cases of trafficking at the national level and ii) conducting combined investigations with international counterparts at the international level.

*It is therefore recommended that any training curricula include aspects of cross-training at the national and regional level and would encourage/provide study tours to promote international joint investigations.*

*The Assessment Mission was of the opinion that the above objectives can best be achieved through the development and implementation of a training project that may be designed according to the following paragraphs.*

*ii) Project Goal*

**“To create a locally-owned and managed training programme that serves the needs of all Armenian LE entities responsible for the prevention and prosecution of human trafficking and the protection of victims.”**

*iii) Project Principles*

**□ Permanent, fully-funded dedicated staff:**

- This ensures commitment of people, time, money and other resources, rather than relying on ad hoc, partially-funded and uncoordinated activities, as is currently the case;
- Staff will work full-time on implementation of the project rather than carrying out other duties at the same time and being distracted by an array of priorities;
- This also ensures one central focal point to which requests, inquiries, services, etc. can be directed;
- The presence of experienced, senior personnel also provides a body expertise that can be called on by government to advise and mentor on human trafficking issues.

**□ Minimum 2-year programme:**

- A permanent programme with clearly defined timelines, priorities and outputs will provide constancy and consistency and will build confidence among the LE institutions that participate;
- Training is, by definition, a long-term undertaking. Effective training cannot result from sporadic, uncoordinated and un-evaluated efforts. Training/learning impacts need to be measured and the lessons applied. This needs time.

**□ Co-ownership (national and international) to ensure long-term sustainability:**

- To have lasting effect the training project needs to be firmly rooted in Armenian national institutions;
- Initially this process will be introduced by ensuring national project counterparts to work alongside international experts;
- National staff will increasingly undertake responsibility for the management and delivery of training activities and will, themselves, become skilled facilitators and expert anti-trafficking resources;
- Over the period of the project, responsibilities will be transferred, according to a schedule agreed by both national and international personnel.

**□ Identification of trainers within LE services and extensive delivery of Training of Trainers (ToT):**

- Sustainability of training skills and programmes will be supported by the identification of potential trainers within all LE bodies;
- ToT will be conducted to develop the capacity of these trainers;

- Ongoing support and coaching will be provided to these trainers by project personnel;
  - Training skills will then reside within each LE institution, thus ensuring ongoing training provision according to specific needs;
  - Periodic workshops conducted during the project will further provide support and possibilities for information exchange, cross-discipline reinforcement and collaboration among these trainers.
- **Comprehensive evaluation and monitoring of training:**
    - Evaluation of training programmes needs to be twofold:
      - i) Pre and post-course participant assessment;
      - ii) Long-term qualitative and quantitative measurement of training impact.
- **Introduction of participatory, inter-active training methodologies:**
    - Current methodologies used by professional institutions reflect out-dated didactic teaching methods, which do not encourage critique, analysis or inquiry;
    - To combat trafficking requires not only intellectual understanding of the phenomenon, the legislative framework and boundaries of LE action, but also intense practical application, creativity and action;
    - Adults learn most effectively through ‘doing’ as much as by ‘seeing’ and ‘hearing.’ They need to practice and to assess what they learn alongside their own experience;
    - Adults need a combination of knowledge, skill development and behaviour change for learning to take effect;
    - Modern participatory methods with skilled trainers/facilitators, interactive methodologies and topical, relevant materials and activities are essential to the success of this training.

### **Short-Term Activities**

The following points outline the priority activities to be conducted in the first phase of the project. A solid foundation of existing training materials for such purposes exists, however these materials will need to be contextualized and ‘translated’ for the Armenian reality. In some cases new material may need to be written to augment existing materials, but it is important to note that it will not be necessary for completely new curricula and materials to be developed.

It will be important to create momentum and enthusiasm by embarking on the first round of training as soon as possible within the project timeframe. This initial course will be used as a springboard for future training by conducting thorough evaluations and reviews to ensure relevance and applicability.

It will also be important to negotiate with other training providers to ensure there is no duplication and the current wasteful ad hoc practices are not repeated.

#### **a) Identify appropriate training materials.**

The following are examples of materials developed that conform with EU standards.

There are numerous other sources that can be used:

- i. “Law Enforcement Manual to Combat Human Trafficking” ICMPD/UNDP 2006
- ii. “Anti-Trafficking for Frontline Law Enforcement Officers: Background Reader” ICMPD 2006
- iii. “Anti-Trafficking Training Material for Judges and Prosecutors” ICMPD 2004
- iv. “Toolkit to Combat Trafficking in Persons” UNODC 2006
- v. “Best Practices Law Enforcement Manual for Fighting Against Trafficking in Human Beings” UNDP 2003

**b) Translation.**

Once the most appropriate materials are selected, contents for both trainer and participant need to be translated into Armenian.

**c) Contextualize for local needs (case studies, legislation, etc.).**

This is required to ensure that materials used for practical exercises, legislative references and examples given are relevant to the local context. These also need to be translated.

**d) Negotiate participation of LE entities as well as appropriate non-LE participants (Labour Inspectorate, NGOs, etc.).**

Although the training is intended for LE officers, each course offered should provide a limited number of places to other participants who have a professional interest in expanding their understanding of THB and who can contribute their knowledge and experience to the training.

This is an opportunity for cross-discipline learning and appreciation of the multitude of services and skills required to combat trafficking.

**e) Collaborate with IOM to limit duplication of existing trainings and negotiate ways to incorporate IOM training within project.**

The mandate of IOM as an international organization working with migration issues gives it a particular relevance to the topic. It would be a mistake not to ensure collaboration and cooperation and avoid duplication in the provision of training, particularly to border guards.

**f) Deliver the first basic course, separately for all LE services, using international trainers. Project counterparts will be participants with selected LE groups. Key objectives of these preliminary courses will be to.**

- iv) Test and review materials/content/methodology
- v) Identify required adjustments/additions to content and methodology
- vi) Identify possible ToT candidates

**g) All-trainee workshop for networking and review.**

In addition to systematic pre-course assessment of participants, and systematic feedback and evaluation processes throughout each course, it will be important to bring all trainees together in one or a number of workshops for a more informal (but structured) opportunity to review the course delivery and contents.

Such a workshop will be conducted some weeks or months distant from the delivery of the first class. This allows for valuable reflection and an opportunity to test application.

This workshop also allows for cross-discipline discussion and networking.

**h) Evaluate process.<sup>14</sup>**

Equally important is the evaluation that is conducted by project staff. This includes a 360° review of the preparation, delivery and evaluation of the courses to ensure Procedures, as well as materials are revised prior to embarking on the next training phase.

**i) Identify needs and content of subsequent courses.**

This will take place concurrent to the activities listed above.

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<sup>14</sup> The development of training evaluation processes will provide additional opportunities for short training courses on Evaluation Methods.

It is anticipated that the 'specialist' courses will be required for more senior level personnel.

### **Medium-Term Activities**

The project's initial short-term activities would be entirely driven by project staff, but the medium term objectives focus more on developing the sustainability of the initiative at the national level through enhancing the capacity to provide training without international support. Seven specific phases have been identified to achieve this:

**a) Modification of existing materials.**

Following the evaluation exercises carried out after each workshop in the initial phase, project staff will analyse the comments and suggestions made by trainees. Following the analysis, and taking their own experiences as trainers into consideration, the existing training material will be reviewed and adjusted to reflect local needs and requirements.

**b) Prepare and develop ToT instructional methods.**

An objective of the training carried out under the first phase of the project is to identify the law enforcement officers, prosecutors and judges that show the most aptitude in THB issues. These officials will then be given the opportunity to become national trainers. As the potential trainers will have already completed the initial training and will, most probably, be working in THB on a daily basis, there is no need to focus on the technical aspects of THB work. The project will however have to train these people in modern teaching techniques. Project staff will need to develop a programme appropriate for Armenian trainers.

**c) Deliver ToT course(s).**

Following the development of the ToT curriculum, the international project coordinator, supported by national project staff, will train a sufficient number of trainers from participating offices including, as a minimum, Police, Border Guards/National Security Service, Prosecutors and Judges. As with all training activities under the project, trainees will also be actively involved in the review process. At this stage, as the training is on teaching techniques and methodologies, all offices participate in the same courses. This introduces the added benefit of improving networks of national THB experts.

**d) Trainers deliver courses in own disciplines.**

Upon completion of the ToT courses, a second round of basic THB courses should be presented at the national level for new/untrained staff involved in THB investigations. The courses would be agency/office specific with the newly trained trainers leading the events. Backstopping would be provided by international trainers at this stage with feedback on the effectiveness of the course and trainers being provided by both trainees and international trainers.

**e) Review and evaluation.**

Upon completion of the first nationally led training events, a review and evaluation of the courses would be carried out involving international assessors. The evaluation will allow the further adjustment, if necessary, of subject material and teaching methods prior to introduction into the curricula of national training institutions in the third phase of the project.

**f) Engagement in regional training initiatives.**

With a professional tailor-made product for Armenia, regional events could be convened through the project bringing together practitioners from countries experiencing similar THB issues. Local trainers would present these courses. If successful, the training activities will

lead to improved networking as well as providing an opportunity to expand project activities into other countries participating in the events.

**g) Initiate data/research collaboration.**

As an ongoing activity under the project, assistance and guidance would still be provided to national authorities in establishing data collection and dissemination tools as well as analytical methodologies. Through the training components, information exchange mechanisms can be identified and introduced between competent authorities to ensure a better overall understanding of each stage of THB investigations/prosecutions in Armenia.

## **Long-Term Activities**

**a) Integrate training material in the formal curricula of institutions such as the police academy, school of prosecutors and school of judges.**

Activities

- Revise existing institutional curricula and assess their relevance in the proactive investigation and prosecution of human trafficking.
- Design counter-human trafficking courses that would pay due respect to the needs of victims but would equally promote the investigation, arrest and prosecution of traffickers without having to rely exclusively on the cooperation and testimony of victims.
- Identify available resources within Armenia's academic, legal and law enforcement community to support implementation of new curricula.
- Train instructors of human trafficking subjects on modern interactive teaching techniques and methods.

**b) Conduct additional Training of Trainers to ensure incorporation of lessons-learned in national training curricula and sustainability of inter-agency cooperation.**

**c) Capacity building of Inter-Agency Commission (IAC).**

Activities:

- Support the empowerment of IAC to come up with justified priority issues, to be submitted to the Prime Minister's Office, on the training/capacity building of government agencies, law enforcement and civil society in combating human trafficking.
- Assist IAC in the development of a combined, comprehensive, and long-term training needs "menu" for Armenia's law enforcement agencies and training institutions for use by IAC in raising donor funding for training activities and improve donor coordination.

**d) Support the establishment of a National Referral Mechanism (NRM) that would include:<sup>15</sup>**

- identification and appropriate treatment of trafficked persons;**
- mechanism for their referral to appropriate assistance and protection agencies; and**
- harmonization of such services with the requirements for the investigation and prosecution of human trafficking.**

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<sup>15</sup> The NRM process itself, if conducted as a fully participatory exercise, will provide further learning opportunities, particularly about the different roles and capacities of the agencies/bodies involved.

#### Activities:

- Develop procedures for the identification of trafficked persons and identification procedures and regulations, which will be binding for all involved public and non-governmental organizations;
- Advise on the establishment under IAC of a multi-disciplinary Workgroup, including representatives of the police, prosecutor's office, NGOs, NSS to decide on the initial identification of a victim of trafficking and approve assistance and protection measures;
- Embed the NRM into national training curricula.

#### **e) Strengthen regional cooperation in the prevention and effective investigation of human trafficking.**

#### Activities

- Conduct joint trainings with counterpart law enforcement agencies in the region on issues such as victim identification, pro-active investigation and intelligence gathering and exchange.
- Include representatives of counter-human trafficking agencies from neighbouring countries in training programmes in Armenia.
- Facilitate contacts between training institutions for the approximation of curricula in the field of human trafficking.

### **Additional Recommendations**

In order to ensure that the training provided for LE agencies is current, accurate and relevant, it will be important to conduct further research in a number of areas. Knowledge about child trafficking and labour exploitation, both internally and externally, needs to be further elaborated to ensure empirical, evidence-based data that can be used both for training and purposes of preventive action and LE investigation.

Research is also required in the realm of public attitudes towards trafficking. An appreciation of what the public believes, and of the knowledge and prejudice that shapes public opinion, is critical to the development of preventive strategies, public education and the training of LE personnel.<sup>16</sup>

## **5. CONCLUSION**

For the LE agencies in Armenia to fulfil their responsibilities in the prevention, protection and prosecution of human trafficking offences, there is a need for a coherent, comprehensive training structure. To avoid the current ad hoc and largely civil society driven provision of training, it needs to be institutionalized across the LE agencies and contextualized to both their common and specialist requirements.

To ensure that current and future generations of LE personnel are adequately trained, a cadre of trainers needs to be developed, versed in adult learning principles that will ensure currency and relevance of content, and will conduct training with professionalism and confidence.

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<sup>16</sup> For research conducted by Catholic Relief Service in Kosovo, see <http://www.kopfund.org>

Training should not be confined to routine classroom activities but must include, among others activities, practical training, on-the-job coaching and mentoring, and exposure to international fora and information.

Reliable statistical data collection needs to be established that will inform both the focus of future training and the conduct of law enforcement investigations into the complex and diverse realm of organized crime. An initial step towards prevention would be the conduct of a baseline study on public attitudes towards trafficking – in order to rely more specifically on facts rather than assumptions, anecdotes and myths.

The significant steps already taken in Armenia, to deal with this global phenomenon, have prepared the way for the essential progress required to ensure the capacity of all LE agencies to respond appropriately.

## 6. ANNEXES

### Annex 1:

#### List of Interviewed Officials and Organizations

- Ms. Dziunik Aghajanyan, Head of the International Organizations Department, MFA, Chair of the Anti-Trafficking Inter-Agency Commission
- Mr. Yenok Shatvoryan, President, Hope and Help NGO
- Ms. Aida Arakelyan, Operations Manager, Catholic Relief Service
- Mr. Mikayel Shahinyan, President, and Ms. Hasmik Edilyan, Anti-Trafficking Project Manager, Democracy Today NGO
- Ms. Victoria Avakova, Anti-Trafficking Projects Coordinator, UMCOR
- Mr. Nazaret Mnatsakanyan, Head of the Organized Crime Department, Police HQ, and Mr. Tigran Petrosyan, Head of Anti-Trafficking Desk, Police HQ
- Mr. Ashot Gndoyan, Head of the Police Academy
- Mr. Ashot Nadoyan, Senior Prosecutor, Anti-Trafficking Department, Mr. Vahagn Harutyunyan, Investigator for Especially Important Cases, Anti-Trafficking Department, General Prosecutor's Office
- Mr. Artak Harutyunyan, Director, Mr. Arthur Ghambaryan, Criminal Procedure Chair, Prosecutors Training Centre
- Ms. Ilona Ter-Minasyan, Head of Office, IOM Yerevan, Ms. Kristina Galstyan, Programme Unit
- Mr. Vahagn Harutyunyan, Investigator, Anti-Trafficking Department, General Prosecutor's Office
- Mr. Mher Khachatryan, Chairman of Criminal Court of Appeal
- Mr. Arman Vardanyan, Director, Judicial School, Mr. Arsen Mkrtchian, Head of Legal Department, Court of Cassation
- Mr. William Douglass, Transnational Crimes Affaires Officer, US Embassy
- Mr. Rouben Sahakyan, Chair, Bar Association
- Ms. Naira Avetisyan, National Programme Officer, UNICEF
- Mr. Rouben Abrahamyan, Mr. Shavarsh Mikaelyan, Colonels, Heads of Departments, Mr. Alek Markosyan, Deputy Head of the International Relations Department, National Security Service
- Mr. Harutyun Harutyunyan, Director of Inspectorate, Mr. Vahan Simonyan, Head of the Employment and Labour Department, Mr. Gevorg Gevorgyan, Head of Department, State Labour Inspectorate, Ministry of Labour and Social Issues
- Mr. Boris Kharatyan, Vice Chairman, Trade Unions Confederation of Armenia
- Mr. Valery Poghosyan, Lieutenant Colonel, Head of Border Crossing Point, Mr. Mnatsakan Mirzoyan, Deputy Head of Department, National Security Service
- Mr. Artashes Andreasyan, Head, Centre for Induction Training, Police Academy
- Mr. Gorik Mkhitaryan, Head of Criminal Investigative Department, Vanadzor Police, Lori Marz
- Ms. Arpi Edilian, Head of Vanadzor Branch, Hope and Help NGO

**Annex 2:**

**Additional detail on the rights violated in the context of human trafficking and the corresponding legal instruments.<sup>17</sup>**

<b>Human Rights Usually Violated in the Context of Human Trafficking</b>	<b>Corresponding International Legal Instruments and Articles</b>
<b>Right to Health and Social Services</b>	Articles 22 and 25 (1) of the Universal Declaration of Human Rights (UDHR) Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 24 of the Convention on the Rights of the Child (CRC) Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Article 5 (e) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
<b>Right to Education and Training</b>	Article 26 of the Universal Declaration of Human Rights (UDHR) Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 18 of the International Covenant on Civil and Political Rights (ICCPR) Articles 28, 29 of the Convention on the Rights of the Child (CRC) Article 10 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) UNESCO Convention Against Discrimination in Education
<b>Right to Liberty of Movement and Freedom to Choose one's Residence</b>	Article 13 (1) of the Universal Declaration of Human Rights (UDHR) Article 12 (1) of the International Covenant on Civil and Political Rights (ICCPR)
<b>Right to a Decent Work</b>	Article 23 of the Universal Declaration of Human Rights (UDHR) Article 8 (3) of the International Covenant on Civil and Political Rights (ICCPR) ILO Convention 29 Article 23 (1) of the Universal Declaration of Human Rights (UDHR) <input type="checkbox"/> Article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) <input type="checkbox"/> Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
<b>Right to Freedom from Slavery</b>	Article 4 of the Universal Declaration of Human Rights (UDHR) Article 8 of the International Covenant on Civil and Political Rights (ICCPR) United Nations Slavery Convention Supplementary Convention on the Abolition of Slavery, the Slave Trade and institutions and Practices Similar to Slavery
<b>Right not to be Tortured and/or Submitted to Other Cruel, Inhuman or Degrading Treatment or Punishment</b>	Article 5 of the Universal Declaration of Human Rights (UDHR) Article 7 of the International Covenant on Civil and Political Rights (ICCPR) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>Right to Peace and Security</b>	Article 3 of the Universal Declaration of Human Rights (UDHR)
<b>Right to Non-Discrimination</b>	Articles 1, 2 and 7 of the Universal Declaration of Human Rights (UDHR)
<b>Right to Access to Justice</b>	Article 6 of the Universal Declaration of Human Rights (UDHR)

<sup>17</sup> This table is adapted from the *Human Rights Standards for the Treatment of Trafficked Persons* published by the Global Alliance Against Trafficking in Women (GAATW) and from *International Perspectives and Nigerian Laws on Human Trafficking*, Olaide Gbadamosi Esq, Network for Justice and Democracy

<b>Right to Freedom of Expression and Participation</b>	Articles 19 and 21 of the Universal Declaration of Human Rights. (UDHR)
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