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PROCEEDINGS
ROUNDTABLE ON THE DEVELOPMENT OF THE NATIONAL
STRATEGY AND THE NATIONAL PLAN OF ACTION TO COMBAT
TRAFFICKING IN ARMENIA

8 June 2006, Yerevan

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As part of its ongoing efforts to assist the Armenian authorities in addressing the problem of trafficking in human beings, the OSCE Office in Yerevan organized on 8 June 2006 a roundtable for experts on the implementation of the current National Plan of Action (NPA) to Combat Trafficking in Human Beings and the development of the new NPA.

The event was organised in close cooperation with the Armenian Inter-Agency Commission and with U.S. State Department support. Participants of the Roundtable were members of the Armenian Inter-Agency Commission on Anti-Trafficking Issues, representatives of key NGOs working with victims of trafficking and representatives from other international organizations.

This initiative aimed at supporting the Armenian Government to:

- fulfil OSCE commitments and international obligations in this area
- define a strategy that identifies anti-trafficking policy priorities in the country
- develop an NPA that (1) builds on a participatory assessment of the trafficking situation in the country, (2) clearly delineates the responsibilities and tasks of the various implementing agencies, (3) builds on the cooperation and contributions from civil society, (4) establishes funding allocations, taking into account financial and human resources constraints, (5) defines timelines for implementation, (6) and sets benchmarks, thus enabling more efficient monitoring of progress

The purpose of the Roundtable was:

1. to introduce practices from the OSCE participating States;
2. to discuss challenges and lessons learned in the implementation of the Armenian NPA 2004 – 2006;
3. to discuss the follow up to the NPA 2004-2006 and the process of designing an anti-trafficking policy and a new NPA;
4. to identify needs and types of assistance that the OSCE, and possibly other international organizations, may provide in the development of the National Strategy and National Action Plan.

The OSCE Office in Yerevan invited two experts to this Roundtable: Ms Hana Snajdrova, EU Expert Group on Anti-Trafficking, Ministry of Interior, Czech Republic and Ms Liliana Sorrentino, from the OSCE Anti-Trafficking Assistance Unit in Vienna, Austria.



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SUMMARIES OF PRESENTATIONS

Opening address by Ambassador Vladimir Pryakhin, Head of the OSCE Office in Yerevan

Ambassador Pryakhin noted the importance and timeliness of the meeting as the 1st Armenian National Plan of Action to Combat THB (2004-2006) is coming to an end and it is high time now to think about the new National Plan of Action, as the country advances in the implementation of its international obligations and commitments on combating human trafficking. In this regard, it is crucial to design a good new national plan of action and foresee mechanisms for its efficient implementation. Ambassador Pryakhin concluded by wishing participants a productive and fruitful discussion generating ideas for the new action plan.

Presentation by Mr. Valery Mkrtoumian, the Chair of the Inter-Agency Commission on Anti-Trafficking Issues

Mr. Mkrtoumian briefed the audience on the work carried out by the Inter-Agency Commission since 2003. He thanked international organizations, NGOs and media representatives for supporting the Armenian Government in the anti-trafficking area and expressed willingness to further this co-operation.

In his presentation Mr. Mkrtoumian stressed the significance of having ratified the UN Convention on Transnational Organized Crime and its Protocols and adopted Article 132 (trafficking) of the Criminal Code in August 2003. In this regard, the IAC recommended that the Ministry of Justice initiate legislative processes to amend Article 132¹, in order to streamline its interpretation and delineate more clearly the differences between this offense and articles criminalizing pimping and its related activities.

The new Action Plan for 2007 – 2009 should give a clear picture of who the actors are and what their respective roles and responsibilities are. All this should be based on the analysis of lessons learned during the current NPA implementation.

The Poverty Reduction Strategy Paper adopted by the Government of Armenia is also relevant in this context as it elucidates key measures aimed at trafficking prevention. Regional cooperation, which has always been prioritized by the Armenian anti-trafficking community, has been less effective than expected because of tensions with Azerbaijan, in the views of the IAC. Encouraging cooperation has been established with the UAE, a major destination country for human trafficking, Uzbekistan, and other states. In the case of Turkey, another major destination country for Armenian trafficked persons, the Armenian Diaspora there and the Russian diplomatic representations are of help. Armenia has signed readmission agreements with a number of countries and these agreements are expected to facilitate the process of return of nationals illegally residing abroad. Further efforts in the field of labour migration management are essential in prevention of trafficking from Armenia. Additionally, licensing of labour recruitment agencies is an issue that has been raised by some State structures and that should be addressed. Armenian diplomatic missions and consular officials protect the rights of citizens in foreign countries, and guidelines could be developed to help them in handling individual

¹ As of July 16, 2006, amendments to Article 132 and a new Article 132/1 on Trafficking entered into force (reference made by the OSCE Office in Yerevan).

trafficking cases. Additionally, the cooperation between law-enforcement and national NGOs has improved and should be further strengthened.

One of the latest developments is the work on the draft Law on Trafficking sponsored by UNDP that has raised numerous discussions as to whether or not it is necessary. This should be further considered as many state and non-state actors are not convinced that a new law is a step in the right direction.

The following key areas should be addressed in the new version of the National Plan of Action:

- Prevention, also through expanding the role of women in the society.
- Protection of victims through legal counselling, psychological and medical assistance, and support to reintegration. The issue of compensation should also be raised for consideration.
- Punishment of perpetrators is a good prevention measure. Trainings have been provided to law-enforcement officials. Practices in investigation and prosecution mechanisms should be improved. The role of border guards in anti-trafficking work should be further considered.
- Regional cooperation aimed at signing bi-lateral agreements on extradition, readmission and related issues, as well as regular information exchanges are essential.
- More attention should also be paid to mechanisms for effective implementation of the NPA.

Presentation of Mr. Yenok Shatvorian, Head of Hope and Help NGO

Mr Yenok Shatvorian presented on the role and perspectives of NGOs in the implementation of the National Plan of Action.

In the two years of implementation of the current NPA, certain achievements were made by national NGOs, the most important of which include:

- Experience gained in the area of victim protection and provision of assistance;
- Improved cooperation of NGOs with law-enforcement agencies;
- Trafficking-related awareness of the public at large raised.

Hope and Help started its Anti-Trafficking Hot-Line operation in 2003, the first in the country. The NGO established a mechanism of initial identification and assistance. Between October 2003 and June 2006, the organization provided assistance to 48 trafficked victims (including 12 foreigners) within 35 trafficking cases that the NGO has dealt with. The victims were referred to the NGO by law-enforcement (17 victims, 8 cases), IOM (5 victims, 2 cases), and the remaining 26 victims were found through outreach activities carried out by the NGO social workers and the hot-line operators. All the identified victims were provided medical, psychological and legal assistance. 26 victims were provided with temporary shelter, other victims assisted by the NGO did not need to stay at the shelter. Thanks to NGO work with the victims, 12 of them have expressed willingness to cooperate with law-enforcement. The Hope and Help Hot-Line service has received 1,358 calls since January 2004. Through this specific service the NGO has contacted 11 trafficked victims, and has provided information to hundreds on labour recruitment abroad, risks of irregular migration, possibilities of return, etc.

Numerous leaflets have been published and distributed by tourist agencies to passengers leaving for the UAE and Turkey. In cooperation with and with the assistance of local authorities, anti-trafficking resource centres have been established in Vanadzor, Gyumri and Goris. Within a UN



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anti-trafficking project, the South Caucasus NGO Network was established and activities were carried out aimed at the safe return of victims in cooperation with Turkey and Georgia.

On behalf of the national NGOs, the President of Hope and Help thanked the Consular officials of the MFA for providing victims with necessary travel documents. Still, the referral of victims to NGOs by state authorities is not being done properly. This is documented also by the fact that according to official data from the state authorities, in 2005 there were 30 victims of trafficking, though only 14 of them were referred to service providers (NGOs) for assistance,

No victim whose case was investigated under Art. 132 has ever demanded material or moral compensation. There are no accepted criteria for initial identification of victims, and no operational National Referral Mechanism (NRM). Also, there is no Law on Anti-Trafficking. Lack of an operational NRM, as well as having no Law on Combating Human Trafficking make the cooperation between state authorities and NGOs difficult and not always effective.

As for lessons learned: A small number of trafficking cases are revealed through investigations, and most of the victims do not file compliant with law enforcement agencies because they do not trust the police and do not see any benefit for them in cooperating in the investigation and prosecution, particularly because they cannot expect any compensation for the harm suffered. There is also a clear lack of victim witness protection measures which lead victims to fear retaliation by traffickers. Also, victims are not sufficiently aware of their rights and do not claim them. Social reintegration of trafficked victims has not proved effective, as the current unemployment situation in the country does not make it possible for women with limited or no work experience to find jobs. Another problem is lack of experience by defence lawyers in providing legal counselling and representation to trafficked victims. Defence attorneys need thorough training in this specific area.

Presentation by Ms. Liliana Sorrentino, OSCE Anti-Trafficking Assistance Unit

Ms Sorrentino made a presentation on National Action Plans to Combat Trafficking in Human Beings (THB) in the OSCE Region.

64% of the OSCE participating states have developed NPAs or have adopted some sort of policy document setting national objectives to combat THB. NPAs usually comprise measures to prevent THB, to punish perpetrators of THB and to protect its victims and provide a coordinated and multidisciplinary response assigning clear responsibilities and tasks to a variety of State agencies. Furthermore, a number of participating States have also appointed National Coordinators.

Key reasons for adopting a National Plan of Action include:

1. It is a concrete step to advance country's efforts to combat THB.
2. It is a tool to give real substance to all the commitments and good intentions.
3. It serves as a basis for monitoring the problem, what is being done, and how effectively.
4. It gives an opportunity to engage State institutions in a dialogue with civil society on the issue and in the formulation of specific responses.
5. The NPA provides a policy basis for a coordinated, multidisciplinary and comprehensive approach.
6. It is also an effective tool to assign responsibilities to state bodies, NGOs and others in national policy implementation.
7. It is a useful tool to define priorities and allocate resources, incl. from donors.

Guiding principles in the development of a National Plan of Action should be:

1. The Action Plan is based on the Palermo definition of THB
2. The protection of victims' rights is paramount in all anti-trafficking measures. This approach has also proved to be effective for law enforcement, because when their rights are protected and they receive support victims are often more inclined to cooperate with law enforcement and testify.
3. The Plan should be based on a multi-agency approach in the design, implementation, and monitoring.
4. Cooperation with civil society is established. More specifically, the Action Plan should contain provisions for institutionalizing cooperation between state bodies, above all law enforcement, and NGOs.
5. State ownership is crucial. It is up to the national authorities - who bear the primary responsibility against this crime - to decide upon long term goals and a set of relevant measures to achieve them.
6. Realistic, feasible and sustainable measures are envisaged.

To sum up the Plan should provide a flexible framework to respond rapidly to different forms of trafficking. It should ensure that victims of all forms of exploitation are assisted; their rights are protected including the right to make autonomous informed decision and seek remedies, while perpetrators are prosecuted.

Main components of a NPA are usually:

1. Prevention
2. Identification, assistance, and protection
3. Prosecution
4. International, regional cooperation

Drawing on the experience in the OSCE region, Ms Sorrentino provided several examples of preventive, protective and prosecutorial measures that are foreseen in plans of action.

In conclusion, Ms Sorrentino recommended that the new Armenian Action Plan be built on an assessment of the scope of the problem in the country, of past institutional and legislative efforts, and of existing practices in responding to individual cases of trafficking of foreign and national victims, adults and children. In practical terms, the process should be led by the Government, setting up a working group of drafters and engaging in thorough consultations with various national stakeholders including State agencies, NGOs and International Organizations.

Presentation made by Ms. Hana Snajdrova, EU Anti-Trafficking Expert Group member, Ministry of Interior, Czech Republic

Ms Snajdrova's presentation covered Combating Trafficking in Human Beings in the Czech Republic.

The Czech Republic has developed two NPAs to date. The Czech Ministry of Interior is responsible for combating trafficking in the country, and the Deputy Minister of Interior is the National Coordinator. The NPAs are updated every two years. One of the challenges faced by



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the anti-trafficking actors is that there is no clear distinction between labour exploitation and trafficking.

Anti-trafficking agencies that effectively cooperate in the Czech Republic are:

- National Coordinator – 1st Deputy Minister of Interior
- Secretariat of the National Coordinator – Crime Prevention Department
- Police of the Czech Republic (organised crime unit, criminal police and alien police)
- Bliss without Risk – street work NGO
- La Strada –service provider NGO
- Catholic Caritas –service provider NGO
- IOM – voluntary return

Problems: different priorities, competition between actors

Services provided to victims include:

- Immediate withdrawal from the criminal environment
- Legalization of stay
- Reflection period
- Assistance with voluntary return
- Shelter accommodation
- Psychological and social consultancy
- Social work
- Legal consultancy + interpreting
- Psycho-therapy services
- Financial support
- Medical care
- Re-qualification
- Long term social reintegration
- Entry into the witness protection scheme under the act No:137 (2001Sb.)

Victims are excluded from the programme in cases of:

- further contact with criminal environment,
- voluntary return to the criminal environment,
- committing a crime,
- violating shelter accommodation rules,
- refusal to further cooperate with the law enforcement,
- giving false information.

In 2003 funding for the programme was received through a UNODC Project. Starting from 2004 onward, resources have been allocated from the State budget in order to make the activities more sustainable.

QUESTION AND ANSWER SESSION

Q: Who does identification in the Czech Republic?

A: Identification of trafficked victims has up until now been done by NGOs in cooperation with the Police special unit. The presumed victim is informed about his/her rights and options and fills out a form to voluntarily apply for the protection scheme.

Q: Are there any mechanisms for seizing the assets of traffickers in the Czech Republic?

A: This is essential. The Czech Republic does not have much experience in this area, but the Ministry of Interior is trying to develop a mechanism according to which the confiscated assets would be used for a State fund to support victims, instead of being placed in the general State budget.

Q: In case the State does not have funds for assisting victims of trafficking, is it possible to establish a fund which uses confiscated assets for victim assistance?

A: We should distinguish between State budget allocations to fund social protection schemes for trafficked persons and the right of victims of crime to claim compensation for harm suffered. In Italy, for example, programmes for assistance to social inclusion of trafficked persons are funded by the Department for Equal Opportunities and co-funded by local public authorities. There is a roster of NGOs that are accredited by the State to provide assistance and support to THB victims and that compete with project proposals to access available State funds for such programs. Apart from this a victim can also lodge a civil suit against the perpetrator for compensation for material and non-material damages, this action can also be lodged jointly with the criminal proceedings against the perpetrator. However, research shows that compensation mechanisms for trafficked persons are effective in very few countries.

Q: Is it possible to have an operational NPA without a Law on Combating Trafficking in Human Beings? Can we work properly without a Law when the various State agencies do not know clearly what their role in anti-trafficking is? Wouldn't a law define clearly the responsibilities of each agency?

A: Many countries do not have laws on combating trafficking; some do not even have NPAs. Still, there are several effective measures that can be adopted against this crime. Having ratified the UN Convention on Transnational Organized Crime and its two Protocols, Armenia has thus ratified the key international instrument in the area of combating trafficking. Also, Article 132 in the new Criminal Code is harmonizing national legislation with international standards. Given this, coming up with a separate law does not seem to be a must. The state can assume more responsibilities for coordination and funding of anti-trafficking activities through lower-level legal acts, such as Governmental Decrees.

Such a legislative effort should be considered in terms of it added value to the existing framework. In general such a law is not an essential requirement imposed by international legal or political commitments but it might become a useful way of building a comprehensive framework to combat THB, which is based on human rights. Such a law could also provide the basis for establishing NRM and for ensuring State funded support to all trafficked persons, as well as to clearly delineate their rights.



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Moreover, whether the State develops one law or different pieces of legislation on anti-trafficking depends also on the legal system of that particular State. In case of a separate law on combating THB, there will be a need to go through all the various legal instruments (e.g. criminal and criminal procedure codes etc.) and make necessary amendments to ensure harmonization of all relevant legislation. Such laws were adopted in some OSCE participating States, including USA, Romania, Bulgaria, Moldova etc. In Moldova there is a good anti-trafficking law but the challenge is to allocate adequate funds for its implementation.

NPA is a policy document and each Ministry makes a political decision on how much their financial contribution will be.

Q: Very often victims do not trust the authorities and prefer dealing only with NGOs. Given this, should a victims 'shelter be run by the State or by an NGO?

A: There are two apartments that are run by two NGOs in the Czech Republic as shelters. One is provided and paid for by the State and the other one is covered by an NGO. Both approaches are possible.

Q: As mentioned earlier today, we should now work on the "second generation NPA". Should we take the old NPA as a basis? Should we leave the legal framework as a priority after all that has been done? Should the priorities change? Victim protection is getting more important. Will this be very expensive? What is the international experience in these areas?

A: All the key components should stay in the NPA, but the stress and priorities can change. In terms of legal reform, further consideration should be given to provisions for victim and witness protection. In the Czech Republic the Government provides some funds for victim assistance and NGO support.

The legal framework seems to be good in Armenia. The State should develop its policy and revise its legislation with a comprehensive understanding of the current situation. As the Inter-Agency Commission is not a decision maker, one of the aspects of legal reform could also relate to a revision of the Commission's mandate. As all the members of the IAC are full-time officials in different ministries, they are not always able to have enough time to properly deal with anti-trafficking, however their work in this area should be clearly recognized and formally introduced in their terms of reference.

Additionally, one of the next priority steps could be getting a better understanding of what is the status of the National Referral Mechanism (NRM). The OSCE Office in Yerevan can provide assistance in this area and it plans to conduct in the fall a comprehensive assessment of the responses to trafficking.



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CLOSING SESSION

The IAC members present at the Closing Session of the Roundtable stated that the first draft of the revised NPA should be ready by the end of June 2006, in order to make necessary financial calculations for the implementation of the NPA and have it submitted to the National Assembly, before the approval of the State budget in September, 2006. The period June-September should be used to engage in consultations with all relevant Ministries and seek their contributions to the draft NPA.

The most likely scenario is that one or two members of the IAC will draft the NPA and submit it to the interested State agencies and NGOs through the MFA for further comments. The expert recommendations of this Roundtable will be taken into consideration when working on the NPA Draft. The final Draft will be sent to OSCE and other international organizations.

The IAC will also discuss in its next session the opportunity to recommend the Government to consider establishing a national coordination mechanism at the decision-making level while the IAC would continue its work at the operational level.