

AMERICAN UNIVERSITY OF ARMENIA

**HUMAN TRAFFICKING
THE SITUATION IN THE REPUBLIC OF ARMENIA**

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Abstract

Human trafficking is a crime against humanity. It is an extremely grave offence against an individual leading to serious violations of the physical and mental integrity of the victims. Human trafficking is one of the most dynamic, adaptable, opportunistic criminal activities which takes advantage of conflicts, humanitarian disasters and the vulnerability of people in situations of crisis.¹

After the disintegration of Soviet Union, Armenia like other post-Soviet countries experienced a whole range of hardships and difficulties in both economic, political and social life. Bad socio-economic conditions, lack of opportunities and gender discrimination forced many people to leave the country often falling prey to the network of traffickers. Now, after two decades the situation has changed, however human trafficking remains a serious issue requiring adequate response and measures. The aim of the following policy paper is to study human trafficking and its underlying causes keeping the main focus on the current situation concerning human trafficking in the Republic of Armenia. The counter-trafficking measures and activities undertaken by the state and non-state actors in Armenia to address the problem will be studied. The paper analyses the current situation on the basis of secondary and primary data followed by identification of the main gaps and problems needed to be addressed for effective fight against trafficking. In the end recommendations will be put forth based on the results of the analyses and on the existing problems.

¹ Kristina Touzenis 2010 UNESCO “Trafficking in Human Beings: Human rights and trans-national criminal law, developments in law and practices”

List of Abbreviations

UNODC – United Nations Office of Drugs and Crime

UNDP – United Nations Development Program

ILO – International Labor Organization

OSCE – Organization for Security and Cooperation in Europe

IOM – International Organization for Migration

UNHCHR – United Nations High Commissioner for Human Rights

WHO – World Health Organization

UNICEF – United Nations Children’s Fund

EC – European Commission

BSEC – Black Sea Economic Cooperation

CEDAW – Convention on the Elimination of All Forms of Discrimination against Women

CRC – Convention on the Rights of the Child

RA – Republic of Armenia

IAC – Inter-Agency Commission

MoU – Memorandum of Understanding

UAE – United Arab Emirates

NRM – National Referral Mechanism

H&H – Hope and Help

DT – Democracy Today

UMCOR – United Methodist Committee on Relief

ICMPD – International Center for Migration Policy Development

TIP – Trafficking in Persons

Introduction

Human trafficking is one of the most rapidly growing global phenomena the nature of which is incompatible with human dignity and freedom. It is the fastest growing criminal industry in the world that has unavoidably destructive impact on both the individual and society. The consequences range from physical to psychological/emotional trauma to economic and political implications. The phenomenon of human trafficking is also referred to as a modern form of slavery, or “white slavery” which, per se, is detrimental from the perspective of human rights, since it totally rejects all human rights putting the individual in a condition of slavery.

Human trafficking can affect all states and there are no guarantees for being immune from it. Especially the developing countries and those in transition are seriously affected by trafficking, since poverty, economic vulnerability and social exclusion as a result of implemented policies and practices are some of the factors that make people vulnerable to human trafficking.²

Armenia which is considered to be a country in transition has also encountered this problem of international concern since independence. The devastated economy, the conflict over the territory of Nagorno-Karabakh, lack of work opportunities and gender inequalities generated huge migration flows from the country making people vulnerable to trafficking. However, the government began to address the issue only since 2002 after the first research on Trafficking in Women and Children from the Republic of Armenia conducted by the International Organization for Migration in 2001 and after being listed in the US State Department Trafficking in Persons report in 2002 for the first time.³ Before that human trafficking was not recognized as an existing problem by the state authorities and it was deemed as a marginal issue.⁴ Since then, in the past 8-10 years many steps were undertaken both by the government, by international/intergovernmental organizations and also NGOs to deal with human trafficking.

The methodology of this paper is based on both secondary and primary sources of data. As secondary source reports of United Nations Office of Drugs and Crime (UNODC), reports of Expert Group on Trafficking in Women and girls, statistics by International Labor Organization

² UNODC An Introduction to Human Trafficking: Vulnerability, Impact and Action

³ UNDP 2010 Victims of Trafficking Assisted in Armenia: Booklet Compiling Data Gathered by Providers of Victims of Assistance, October 2003- December 2009

⁴ UNDP 2008 Comprehensive Action Against Trafficking Programme: Assessment of Victims Assistance through Shelter Services in Armenia

(ILO), United Nations Development Program (UNDP) data on the work carried out in Armenia were used. Some information was also taken from the official webpages of the organizations that are involved in carrying out anti-trafficking activities in Armenia. Data on the work relating trafficking, state funding to different Ministries and their anti-trafficking activities as well as information about future plans were taken from the 2010-2012 National Action Plan for combating trafficking and from the latest reports of the Working Group on trafficking. In addition to secondary data, for the purpose of this paper interviews were also conducted with the experts that have been and are working in the anti-trafficking field. Interviews were conducted with experts from UNDP, IOM, OSCE, since these are the key playing actors implementing counter-trafficking measures in Armenia and with an independent expert involved in the Working Group. Interviews with NGOs were not possible, because none of them could give interview in the period of this research.

The objective of this paper is to study the situation concerning the phenomenon of human trafficking in the Republic of Armenia and to identify the existing problems which should be addressed for more effective fight against trafficking in persons.

The argument is that since 2002 (when human trafficking was recognized as a existing problem in Armenia by state authorities) up until now attention towards the issue of human trafficking has been increased with the Government, the international organizations and the NGOs undertaking numerous measures in this respect, however there is still lack of appropriate response to the root causes essential for prevention of trafficking, there are problems with identification and prosecution, and lack of adequate protection and assistance to the victims of trafficking by the state. The main research questions are: what is human trafficking and what are its underlying causes; what is the situation concerning human trafficking in Armenia; how the fight against trafficking is carried out in Armenia and by whom, and last but not least what are the existing problems to be further addressed.

The following paper will begin with describing the phenomenon of human trafficking, its root causes and contributing factors. Then some data will be presented on human trafficking, as well as the international and regional instruments devised to combat trafficking will be introduced. However, the main goal is to study the situation in the Republic of Armenia and see how far Armenia has reached in terms of fighting human trafficking. I will try to explore on the one hand the work carried out by the Armenian government in the fight against trafficking, and

on the other hand the work of key international players and trafficking NGOs on the ground. We need to see what programs, projects and policies have been implemented, how the actors carried out their work, whether they cooperated with one another and how. In the end gaps and deficiencies will be identified and some recommendations put forth on of how to proceed more efficiently with the fight against human trafficking.

The Phenomenon of Human Trafficking

Although slavery has been prohibited and abolished from the world, trade in human beings known as human trafficking continues today, Women, considered as property in some places may be sold into marriage. Men or women may be forced to work in brothels, sweatshops, construction places and fields. They may be exposed to sexual violence, horrific conditions, threats against their families and dangerous workplaces.⁵ This abhorrent phenomenon called trafficking in human beings is broadly defined as “modern day slavery” and as such it is the absolute rejection of human rights of an individual. In fact, this trade in humans has structural, systematic implications; it destroys and paralyzes the entire fabric of societies.⁶

According to article 3 paragraph (a) of the Protocol to Prevent, Suppress and Punish trafficking in Persons, especially Women and Children, that supplements the United Nations Convention against Transnational Organized Crime, “Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or 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.”⁷

⁵UNFPA Gender Equality “ Trafficking in Human Misery.” <http://www.unfpa.org/gender/violence1.htm>

⁶ Democracy Today Gulnara Shahinyan 2002 Trafficking in Women and Girls

⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children which supplements the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in its resolution 55/25 (A/RES/55/25)

Thus, on the basis of this definition provided in the Protocol on Trafficking in Persons, it is evident that trafficking in persons has three constituent elements:

- *The act* (what is done) - Recruitment, transportation, transfer, harbouring or receipt of persons
- *The means* (how it is done) - Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability,

or giving payments or benefits to a person in control of the victim

- *The purpose* (why it is done) - For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs ⁸

Data on Human Trafficking

Statistics about trafficking are unreliable mainly for the illicit and hidden nature of the activity. However, rough estimates suggest that between 700,000 and 2 million women are trafficked across international borders annually. Adding domestic trafficking would bring the total much higher, to perhaps 4 million persons per year. ⁹ Statistics on the number of trafficking victims according to the estimates by different international and regional organizations are the following: Council of Europe estimates 120,000-500,000 victims trafficked to Europe annually; International Organization for Migration (IOM) estimates 700,000 – 2,000,000 globally; United Nations point to 200,000 – 300,000 in Europe and 4,000,000 globally. ¹⁰

Thus, although it is difficult to speak about exact number or the extent of human trafficking because of its “hidden” nature, an estimated 2.5 million people are in forced labor (including sexual exploitation) at any given time as a result of trafficking. ¹¹

The International Labor Organization (ILO) has developed the first-ever global estimate on the numbers of persons who are held in forced labor, with a breakdown of those who have been trafficked into labor as well as commercial sexual exploitation. Out of 12.3 million in forced

⁸ UNODC 2008 Toolkit to Combat Trafficking in Persons , Global Program Against Trafficking in Human Beings

⁹ www.unfpa.org

¹⁰ Filip Jasinski 2006 “National Coordination of the Fight against Trafficking in Human Beings: Recommendations for Poland as a ‘New’ Member State”

¹¹ International Labour Organization, *Forced Labour Statistics Factsheet* (2007)

labor worldwide, around 2.4 million were trafficked. The figures present a modest estimate of actual victims at any given point in time, estimated over a period of ten years. Earlier estimates of ILO on child labor indicate that 1.2 million victims of trafficking are minors (under 18). It is often assumed that people are mainly trafficked for the purpose of commercial sexual exploitation. ILO data indicate, however, that 32% of all victims were trafficked into labor exploitation, 43% were trafficked for sexual exploitation and 25% for a mixture of both. Women and girls make up the overwhelming majority of those trafficked for the purpose of sexual exploitation (98%). International migrant workers represent a large number of identified trafficking victims for labor exploitation and for forced labor purposes. The table below presents a regional breakdown of the estimated number of trafficked victims¹²

Table 1: Regional Distribution of trafficked forced laborers

Asia & Pacific	1'360'000
Industrial Countries	270'000
Latin America & Caribbean	250'000
Middle-East and North Africa	230'000
Transition Countries	200'000
Sub-Saharan Africa	130'000
World	2'440'000

Trafficking in persons has become a global enterprise. It can involve legal as well as illegal activities. It is fuelled by criminal networks or individuals seeking to exploit loopholes of national migration and labor market regimes. Traffickers take advantage of the huge supply of cheap labor, the ignorance of migrant workers and the many constraints they have to face. Yet there are only a few thousand convictions of traffickers every year. Most of the victims are not identified and consequently never receive justice for the damage inflicted upon them. Despite growing awareness and more effective law enforcement responses trafficking remains a low-risk

¹² ILO Action Against Trafficking in Human Beings 2008

criminal enterprise with high returns. The ILO estimates that annual profits generated from trafficking in human beings are as high as 32 billion USD.¹³

Trafficking in humans is one of the most serious forms of violation of human rights. It brings about gradual and total destruction of a person's personal identity and his/her right to live as a free human being in a civilized society. Violence, humiliation and violation of personal integrity many cases leave the victims with the lifelong effects of mental and physical trauma. The victims of such destructive violence may also end up with life-threatening HIV/AIDS, STDs, drug addiction or personality disintegration. Trafficking is one of the corrosive means of violation of human rights, since it is a denial of the right to liberty and security of the person, the right to freedom from torture, violence, cruelty or degrading treatment, the right to a home and a family, the right to education and employment, the right to health care - everything that makes for a life with dignity. Trafficking has been rightly referred to as a modern form of slavery.¹⁴

Root causes of Trafficking

The report of the Expert Group Meeting on “trafficking in women and girls” mentions about the demand and supply side of the phenomenon. On the supply side there exist factors that make people, especially women and children vulnerable to trafficking, such as development processes marked by class, gender and ethnic concerns that marginalize women from employment and education; discrimination against women and gender-based violence in families and communities, dysfunctional families, displacement caused by natural or human made catastrophes.

On the other hand, there exists the demand side and one of the contributing factors to the increase of demand is considered to be globalization. It accelerates and contributes to development of economic sectors with high demand of women-specified cheap-labor and growth of commercial sex industry. Among other causes that lead to human trafficking by exploitation of human vulnerability the Expert Group mentioned consumerism, greed and impoverishment of

¹³ ILO Action Against Trafficking in Human Beings 2008

¹⁴ UN DAW & UNODC (2002) Report of the Expert Group Meeting “Trafficking in women and girls”

values. Trafficking is also mentioned to occur quite often within the context of migration, when people leave their countries of origin for richer sites where there exists a demand for jobs. Because of the lack of information and contacts, lack of literacy and language skills they become a target for traffickers who exploit them getting high profits.¹⁵

In fact, trafficking in human beings is the fastest growing form of transnational organized crime, involving very high earnings and very low risks. It thrives on the fact that many countries do not have adequate laws against trafficking. The laws, when enacted, often do not recognize a trafficked person as a victim. Globalization has facilitated freer movements of people, goods and services across international borders, inadvertently resulting in concealing such illicit operations as human trafficking. Although trafficking does not occur merely within the context of migration or illegal migration, the vulnerability of migrants, especially of migrant women is very high because of poverty, inequalities, restrictions in immigration policies, including gender-based restrictions which contribute to trafficking.¹⁶

Another factor contributing to thrive of trafficking according to the report of the Expert Group is the contemporary situations of armed conflict or internal disorders. Under such conditions women and children are disproportionately targeted and constitute a majority of victims. During conflicts, women and girls are vulnerable to sexual violence and exploitation, including torture, rape, forced pregnancy, sexual slavery, enforced prostitution and trafficking. Women and children also constitute a majority of the world's refugees and internally displaced persons, creating further vulnerability, which can be exploited by traffickers. As the report of the Secretary General to the Commission on Human Rights on "Integration of the Human Rights of Women and the Gender Perspective: Traffic in Women and Girls" points out, "The problem of trafficking and the web of human rights violations it embraces present some of the most difficult and pressing issues on the international human rights agenda. Complexities include different political contexts and geographical dimensions of the problem; ideological and conceptual differences of approach; the mobility and adaptability of traffickers; different situations and needs of trafficked persons; the inadequate legal framework; and insufficient research and coordination on the part of actors involved – at the national, regional and international levels."¹⁷

¹⁵ UNDAW and UNODC 2002 Report of the Expert Group Meeting "Trafficking in women and girls"

¹⁶ UNDAW and UNODC 2002 "Trafficking in women and girls" Report of the Expert Group Meeting

¹⁷ Report of the Secretary General to the Security Council on women, peace and security, 16 October 2002, S/2002/1154.

How the UN Combats Trafficking? The Main International Instruments

The global dimension of trafficking requires a concerted international response. Trafficking has been a long-standing concern of the international community and the United Nations has been at the forefront of activities to confront this abuse.¹⁸

A series of treaties dealing with the issue of trafficking (then understood as exploitation of women and girls in foreign countries) were concluded still in the first half of the twentieth century. These were:

- 1904 International Agreement for the Suppression of the White Slave Traffic;
- 1910 International Convention for the Suppression of the White Slave Traffic;
- 1921 International Convention for the Suppression of Traffic in Women and Children;
- 1933 International Convention for the Suppression of Traffic in Women of Full Age;
- 1947 Protocol Amending the International Convention for the Suppression of Traffic in Women and Children and the International Convention for the Suppression of Traffic in Women of Full Age.
- 1949 Protocol Amending the International Agreement for the Suppression of the White Slave Traffic, and Amending the International Convention for the Suppression of the White Slave Traffic;¹⁹

In 1949 most of these agreements were consolidated into the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others which remained the major international agreement on trafficking for five decades.²⁰ In the Preamble of the 1949 Convention prostitution and trafficking were declared as incompatible with the human worth and dignity endangering the welfare of the individual, the family and the community. The 1979 Convention on the Elimination of All forms of Discrimination against Women (CEDAW) also addressed the issue of trafficking, particularly in the Article 6, which declares that “State parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”²¹. It first of all was addressed to those who profit from the sexual exploitation of women and girls. The Optional Protocol to this Convention

¹⁸ UNDAW and UNODC 2002 “Trafficking in women and girls” Report of the Expert Group Meeting

¹⁹ Office of the United Nations High Commissioner for Human Rights 2010 *Recommended Principles and Guidelines on Human Rights and Human Trafficking Commentary*

²⁰ Office of the United Nations High Commissioner for Human Rights 2010 *Recommended Principles and Guidelines on Human Rights and Human Trafficking Commentary*

²¹ Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in its resolution 54/4 (A/RES/54/4).

that came into force in December 2000 allowed individuals or groups to appeal in case of violations of their rights under the protocol.²²

The rights of girl children are further addressed by the 1989 Convention on the Rights of the Child (CRC) which, in its article 35, states that: “State parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form”.²³ It was supplemented by an Optional Protocol on the sale of children, child prostitution and child pornography which entered into force in 2002.²⁴

The main international instrument in the fight against trafficking and transnational organized crime in general is the United Nations Convention against Transnational Crime, adopted by General Assembly resolution 55/25 of 15 November 2000. The Convention opened for signature by the Member States at a High-level Political Conference in Palermo, Italy, on 12-15 December 2000 and entered into force on 29 September 2003. Three Protocols with the focus on specific areas and manifestations of organized crime came to supplement the Convention:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (entered into force on 25 December 2003)
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (entered into force on 28 January 2004)
- Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (entered into force on 3 July 2005)

Thus, the Convention became a major step in combating transnational organized crime which signified the seriousness of the existing problems by the member states, as well as the need of closer and deeper international cooperation in fighting against these problems. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially in Women and Children, became the first globally legal and binding instrument which incorporated an agreed definition on trafficking in persons. The aim is to facilitate convergence in approaches of the Member States

²² UN DAW and UN DESA 2002 The United Nations response to trafficking in women and girls

²³ Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 (A/RES/44/25).

²⁴ UN DAW and UN DESA 2002 The United Nations response to trafficking in women and girls

with regard to establishing domestic criminal offences that will contribute to efficient international cooperation in investigating and prosecuting trafficking in persons. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights. To date 147 states have signed and ratified the Protocol.²⁵

The table below presents information about signature, ratification and accession of the mentioned UN Conventions and Protocols by the Republic of Armenia

²⁵ UNODC Human Trafficking 2012, <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menu>

DOCUMENT NAME (Entry into force, Status)	SIGNATURE	RATIFICATION	ACCESSION	ACCEPTANCE
<u>Convention on the Elimination of All Forms of Discrimination against Women</u> <i>(3 Sep 1981, Signatories: 99, Parties: 187)</i>		13 Oct 1993	13 Sep 1993	
<u>Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women</u> <i>(22 Dec 2000, Signatories: 79, Parties: 104)</i>	14 Sep 2006	14 Dec 2006		
<u>Convention on the Rights of the Child</u> <i>(2 Sep 1990, Signatories: 140, Parties: 193)</i>		22 Jul 1993	23 Jun 1993	
<u>Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict</u> <i>(12 Feb 2002, Signatories: 129, Parties: 144)</i>	24 Sep 2003	30 Sep 2005		

<p><u>United Nations Convention against Transnational Organized Crime</u> <i>(29 Sep 2003, Signatories: 147, Parties: 166)</i></p>	15 Nov 2001	29 Sep 2003		
<p><u>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</u> <i>(25 Dec 2003, Signatories: 117, Parties: 147)</i></p>	15 Nov 2001	25 Dec 2003	1 July 2003	

<p><u>Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime</u></p>	<p>15 Nov 2001</p>	<p>28 Jan 2004</p>		
<p><i>(28 Jan 2004, Signatories: 112, Parties: 129</i></p>				

(source: United Nations in Armenia, *Updates as per March 2012, according to <http://treaties.un.org>*)

Other international human rights treaties also include and protect rights important in the context of trafficking: the right to own and inherit property, the right to education, the right of opportunity to gain a living through work freely chosen or accepted the right to a fair trial, the right to a remedy, etc. These are the International Covenant on Civil and Political Rights and its Optional Protocol (1966) ; 1966 International Covenant on Economic, Social and Cultural Rights and its Optional Protocol (2008); 1966 International Convention on the Elimination of All Forms of Racial Discrimination; 1984 Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and its Optional Protocol (2002); 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Migrant Workers Convention); 1951 Convention Relating to the Status of Refugees (Refugee Convention); 2006 Convention on the Rights of

Persons with Disabilities and its 2006 Optional Protocol (provides right of individual and group complaint).²⁶

Besides the Conventions serving as a tool in the fight against trafficking the United Nations also tackled the issue through conferences and conference reviews. The Vienna Declaration and program of Action adopted in 1993 by the Conference on Human Rights linked trafficking to the violation of women's human rights stating that "Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated."²⁷ The 1994 Program of Action of the international Conference on Population and Development in Cairo stated that "Countries should take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children... they should prohibit degrading practices, such as **trafficking in women, adolescents and children** and exploitation through prostitution, and pay special attention to protecting the rights and safety of those who suffer from these crimes and those in potentially exploitable situations, such as migrant women, women in domestic service and schoolgirls..."²⁸ At the 1993 World Summit for Social Development the countries agreed to coordinate national and international measures in combating trafficking meanwhile strengthening institutions for the rehabilitation of the victims. The Platform for Action has adopted by the Fourth World Conference on Women held in Beijing in 1995 called on Governments to consider the ratification and enforcement of international conventions on human trafficking and slavery, to undertake measures to address the root factors contributing to trafficking in women and girls with the aim of eliminating it. The World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban in September 2001 affirmed "urgent need to prevent, combat and eliminate **all forms of trafficking in persons**, in particular women and children, and recognize that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance."²⁹ States were urged to devise, enforce and strengthen effective measures at all

²⁶ Office of the United Nations High Commissioner for Human Rights 2010 *Recommended Principles and Guidelines on Human Rights and Human Trafficking Commentary*

²⁷ *Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24)*, Part 1, chap. III, sect. I, paragraph. 18.

²⁸ Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (A/CONF/171/13), chap. I, resolution I, annex.

²⁹ Declaration and Programme of Action of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, United Nations, Department of Public Information, New York, 2002.

levels to prevent, combat and eliminate all forms of trafficking in women and children, in particular girls, through comprehensive anti-trafficking strategies, legislative measures, campaigns and information exchange.³⁰

Among the most significant non-treaty international instruments in the area of trafficking is The Recommended Principles and Guidelines on Human Rights and Human Trafficking contained in the Report of the UN High Commissioner for Human Rights (UNHCHR) to the Economic and Social Council of May 2002 which provided standards and guidance on issues such as prevention, assistance and protection. Other examples of normative UN work include the World Health Organization's (WHO) Ethical and Safety Recommendations for Interviewing Trafficked Women, the UNICEF Guidelines for Protection of the Rights of Child Victims of Trafficking of April 2005 and contribution by United Nations Children's Fund (UNICEF) and the Innocenti Research Centre to the UN Secretary General's Study on Violence against Children in the form of UN Human Rights Standards and Mechanisms to Combat Violence against Children of 2005.³¹

A major step towards coordinated, comprehensive response to drugs and crime (including trafficking) was the establishment of the United Nations Office on Drugs and Crime (UNODC) in 1997. As the guardian of the Trafficking Protocol, UNODC addresses human trafficking issues through its Global Programme against Trafficking in Persons. The strategy towards combating human trafficking involves three elements: 1. research and awareness raising (research, issue papers, Blue Heart Campaign against Human Trafficking); 2. promotion of the Protocols and capacity-building (providing legislative assistance, strategic planning and policy development, technical assistance to strengthen criminal justice responses, protection and support to victims of trafficking); and 3. the strengthening of partnerships and coordination.³²

Regional Instruments

A number of treaties and agreements have also been adopted at the regional level between regional groupings of states. One of the significant legal instruments for combating trafficking on

³⁰ UN DAW and UN DESA 2002 The United Nations response to trafficking in women and girls

³¹ UNHCR (2005) Combating Human Trafficking: Overview of UNHCR Anti-Trafficking Activities in Europe

³² UNODC Human Trafficking, http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menu#UNODC's_Response

regional level is the 2005 Council of Europe Convention on Action against Trafficking in Human Beings (European Trafficking Convention) ratified in February 2008, which has the potential to bind more than 40 countries of Western, Central and Eastern Europe to a higher level of obligation especially with regards to victim protection, than laid down in the Trafficking Protocol.³³ Armenia has ratified the Convention on April 14, 2008.

Despite the existence of other international instruments, the Convention benefits from more limited and uniform context of the Council of Europe. It does not compete with other instruments rather aims at improving the protection, particularly protection of the human rights of the victims of trafficking. Its added value lies in the affirmation that trafficking in human beings is a violation of human rights and violates human dignity and integrity, therefore greater protection is needed for all victims of trafficking. Then, the scope of the Convention takes all forms of trafficking (be it national, transnational, linked or not to organized crime and for the purposes of exploitation) with the aim of victim protection measures and international cooperation. Further, the Convention sets up monitoring machinery to ensure implementation of the provisions by the Parties and lastly, it mainstreams gender equality in its provisions.³⁴

Trafficking in Armenia

Being recognized as a problem on the global scale human trafficking gained significant attention in the Republic of Armenia as well. After the collapse of the Soviet Union nearly 1million people left the country as a result of drastic rise in poverty, cuts in social spending and removal of exit controls. Women have to seek employment outside of the country because of gender discrimination and lack of opportunities, which makes them vulnerable to traffickers' fake promises of getting legitimate jobs abroad.³⁵

Like other CIS countries Armenia also inherited a whole range of problems after the disintegration of the Soviet Union: the absence of a structure to control and manage the new state borders, the absence of new, competent economic and social policies needed to implement the

³³ Office of the United Nations High Commissioner for Human Rights 2010 *Recommended Principles and Guidelines on Human Rights and Human Trafficking Commentary*

³⁴ Council of Europe Convention on Action against Trafficking in Human Beings CETS No.197, 16/5/2005

³⁵ The Protection Project 2008 "Trafficking Forms Protection, Prevention, Prosecution

new task – the creation of a social legal state oriented toward market economy. In addition to these problems, Armenia faced the negative results of the earthquake of 1988, the armed conflict of Nagorno Karabakh and economic blockade imposed on it by Turkey and Azerbaijan all of which put the country in an extremely hard situation. They led to chronic unemployment, structural poverty and mass migration. It is widely recognized that economic desperation among other factors lies at the heart of trafficking phenomenon.³⁶

Migration is also one of the reasons that increase vulnerability to trafficking. People facing limitations of legal ways of leaving the country tend to leave illegally and attracted by the false promises of organizers find themselves in the hands of traffickers.³⁷

According to the 2001 Report by IOM on trafficking in Armenia “the primary cause of trafficking in persons is the relative and absolute impoverishment and lack of decently paid job opportunities since the collapse of the USSR and the subsequent transition to a market economy...on the other hand are gender roles and inequalities that make women particularly vulnerable to certain forms of trafficking such as that of the sex trade, to serve the needs of men.”³⁸ Clearly during the first years of independence some groups in the society were more vulnerable to trafficking and despite the significant improvement in the economy the vulnerable groups still exist and Armenia must not become less concerned with the issue assuming that it will decrease as the economy improves.³⁹

Armenia is mainly a country of origin and to some extent a transit and destination country for trafficking. There have been cases when Armenia was used as a transit country and there is also data indicating a growing demand for the type of services that trafficked persons are forced to do, suggesting that in future Armenia may become a destination country.⁴⁰

According to the U.S. Department of State Report on Trafficking in Persons in 2011 Armenia is a source country for women and girls subjected to sex trafficking, as well as a source country and country of destination for women subjected to forced labor, and a source country for men subjected to forced labor. The report indicates that women and girls from Armenia are

³⁶ UNDP 2010 Victims of Trafficking Assisted in Armenia: Booklet Compiling Data Gathered by Providers of Victims Assistance

³⁷ *ibid*

³⁸ IOM (2001) Trafficking in Women and Children from the Republic of Armenia: A Study

³⁹ UNDP Comprehensive Action Against Trafficking Programme 2008

⁴⁰ UNDP 2010 Victims of Trafficking Assisted in Armenia: Booklet Compiling Data Gathered by Providers of Victims Assistance

exposed to sex trafficking in Germany, the United Arab Emirates, and Turkey. In Russia Armenian men and women are subjected to forced labor and Armenian women are subjected to forced labor in Turkey. Armenian boys are subjected to forced labor and Armenian women and girls are found in sex trafficking within the country. Women from Russia are subjected to forced labor in Armenia.⁴¹

The US State Department which is one of the main international players in the anti-trafficking field in Armenia ranked the country in the category of Tier 2 – the Government of Armenia does not fully comply with the minimum standards for the elimination of trafficking however, as stated it is making significant efforts to do so. The report mentions about partial funding provided by the government to NGO-run shelter for victims, government's cooperation with NGOs for providing trainings to officials as well as the enacted amendments to the Criminal Code in 2011 strengthening anti-trafficking statutes. However it shows concern because of sharp drop in the number of victims identified during the year, as well as the absence of investigations of forced labor offenses.⁴²

In Armenia the issue of trafficking was seen as a very marginal issue that affected only a few and did not get the attention of the authorities until 2002. Most of the victims of trafficking were considered to be 'prostitutes' who knew what they were getting themselves into. They were not perceived as 'family women,' hence according to the public opinion they did not deserve any assistance either. However, according to the UNDP data half of the identified women were divorced and 50% had children. It was also found out that 85% of the victims were recruited and tricked by friends, family or neighbors, thus disproving the wrong perceptions and showing that in fact any women could become a victim of trafficking.⁴³

However, after the first publication of the research on Trafficking in Women and Children from Armenia by the International Labor Organization in 2001 the overall perception and mentality vis-à-vis the phenomenon of trafficking has undergone significant changes – from the shock and rejection to realization and development of policies to combat trafficking. During the recent years the government took measures to combat trafficking and due to cooperation with

⁴¹ US Department of State 2011 Trafficking in Persons Reports - Armenia

⁴² US Department of State 2011 Trafficking in Persons - Armenia

⁴³ UNDP (2008) Comprehensive Action against Trafficking Programme; Assessment of Victims Assistance through Shelter Services in Armenia

state agencies, NGOs and international community a wide range of programs and counter trafficking activities have been implemented to combat trafficking.⁴⁴

Fighting Against Trafficking

In general, to prevent and combat human trafficking effectively a comprehensive international approach is required, including measures to prevent trafficking, protect victims and prosecute traffickers. Under the international law and international human rights standards states are obliged to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons.⁴⁵ For instance, for effective prevention of trafficking, the Trafficking in Persons Protocol (Palermo Protocol) requires States to strive for taking such measures as social and economic initiatives, research and media campaigns targeting at potential victims. It also requires States to strengthen anti-trafficking measures through *inter alia* bilateral and multilateral cooperation to address such factors as lack of equal opportunity and poverty which make persons, especially women and children vulnerable to trafficking. The Protocol also stipulates that the policies, programs and other anti-trafficking measures should include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society. Another important aspect that the Protocol stresses is strengthening legislative or other measures such as educational, social or cultural to reduce the demand side of trafficking. Taking into account the fact that the victims are even more vulnerable later on, the Trafficking Protocol also calls on states to protect victims from re-trafficking and revictimization. As well as, for effective prevention the Protocol requires States to strengthen border controls and prevent misuse of passports and other identification or travel documents.⁴⁶

The following table incorporates information on whether the Armenian Government has undertaken steps to comply with the requirements of the Protocol and if yes how and what measures it initiated for that purpose.

⁴⁴ UNDP (2010) Victims of Trafficking Assisted in Armenia Booklet Compiling Data Gathered by Providers of Victims Assistance

⁴⁵ Office of the United Nations High Commissioner for Human Rights 2010 *Recommended Principles and Guidelines on Human Rights and Human Trafficking Commentary*

⁴⁶ UNODC 2008 Toolkit To Combat Trafficking in Persons Global Program Against Trafficking in Persons

Trafficking in Persons Protocol requires States	The Republic of Armenia
<p>1. Social, economic initiatives, research and media campaigns targeted at potential victims</p>	<p>Victims of trafficking included in the category of vulnerable groups</p> <p>Awareness raising campaigns (trainings, round-table discussions) for target groups in Yerevan and marzes – Anti-Trafficking Support and Resource Unit joint program by the Ministry of Labor and Social Affairs and OSCE Yerevan Office</p> <p>Broadcasting of videos and social advertisements – Ministry of Youth and “Audio-Visual Journalist Association” NGO</p>
<p>2. Bilateral and multilateral cooperation to address such factors as lack of equal opportunity and poverty</p>	<ul style="list-style-type: none"> • December 2009 Memorandum of Understanding (MoU) between the RA and UAE on cooperation in combating trafficking • April 2009 MoU between Migration Services of the RA and RF • June 2011 Agreement On the Use of Labor Force of the RA on the Territory of the State of Qatar
<p>3. Cooperation with non-governmental organizations, other relevant organizations and elements of civil society</p>	<ul style="list-style-type: none"> • October 2002 establishing Inter-Agency Commission – cooperation between state bodies and international organizations and several NGOs • 2007 Anti-Trafficking Council and Working Group – NGOs and international

	<p>organizations actively participate (these points also in the previous part)</p>
<p>4. Strengthening legislative and other measures such as educational, social and cultural to reduce the demand side</p>	<ul style="list-style-type: none"> • Creation of a Unit on Trafficking and Illegal Migration within the Police • Department for Combating Irregular Migration and Trafficking in Human Beings at General Prosecutor’s Office • Trainings for the staff of the mentioned units on victim identification and on investigation of trafficking cases in Armenia and abroad • November 2009 toughening punishment for those involved in human trafficking: from 5 to 15 years • Awareness raising through secondary education- Ministry of Education and Science and IOM
<p>5. Protect victims from re-trafficking and revictimization</p>	<p>November 2009 Gov. decision on establishing procedure for proving social-psychological rehabilitation services to victims</p> <p>During 2011 project “Socio-psychological recovery to the victims of trafficking” by Ministry of Labor and Social Affairs with an anti-trafficking NGO</p>

6. Strengthen border controls and prevent misuse of passports and other identification or travel documents	
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The activities mentioned in the table above refer only to those undertaken by the state, which are presented in a more detailed way in the following part. As well as the role of international organizations and NGOs and their efforts to combat trafficking in Armenia are studied and discussed.

Actions taken by the Government

In the Republic of Armenia the authorities began to address the issue of trafficking since 2002 when the U.S. Department of State in its annual report to the Congress on the situation of human trade in the world ranked Armenia in the 3rd category of states, i.e. countries whose governments do not pay attention to this phenomenon and are not taking preventive measures.⁴⁷

On 25 March 2003, Armenia ratified the United Nations Convention against Transnational Organized Crime and its supplementing protocols which are instruments to combat trafficking in persons: Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and Protocol against the Smuggling of Migrants by Land, Sea and Air, as well as an Optional Protocol of the UN Convention on the Rights of the Child – On the sale of children, child prostitution and child pornography. Armenia also signed (16 May 2005) and on 22 January 2008 ratified the Council of Europe Convention on Action against Trafficking in Human Beings, which is mainly focused on the protection of victims of trafficking and their rights. The Republic of Armenia also joined International Labor Organization’s (ILO) conventions On Forced Labor (29), On Abolition of Forced Labor (No 105), and On the Worst Forms of Child Labor (182). In combating trafficking Armenia has also actively cooperated within the framework of such

⁴⁷ Antitrafficking.am ‘Trafficking in Armenia’
<http://antitrafficking.am/?laid=2&com=module&module=menu&id=74>

organizations as CIS, OSCE, Black Sea Economic Cooperation (BSEC) including elaboration of legislative acts and events.⁴⁸

Since the ratification of the UN Convention against Transnational Organized Crime in 2003, Armenian government was obligated to take measures toward the implementation of the Convention. Earlier, in October 2002 the Government of Armenia established an Inter-Agency Commission (IAC) under the Decree of the Prime Minister of the RA – N 591-A to study the issues and make recommendations with regards to illegal transfer and trafficking in humans from the Republic of Armenia for the purpose of exploitation.⁴⁹ The Commission is chaired by the Ministry of Foreign Affairs and consists of the following agencies involved in the fight against trafficking – the Prime Minister’s office, the Prosecutor General’s Office, the Ministry of Labor and Social Issues, the Ministry of Health, the Ministry of Justice, the National Security Service, the Police, Department for Migration and Refugees (later renamed the Migration Agency and included as part of the Ministry of Territorial Administration), the National Assembly, and the National Statistical Service. Representatives of the International Working Group – international organizations like UNDP, OSCE, IOM and several NGOs- are invited to participate in the meetings of the Commission as observers. In 2003 the Commission with the assistance of international organizations developed the “Concept Paper on Preventing Trafficking in Humans from the RA” and the “Action on Prevention of Trafficking in Persons from the RA plan for 2004-2006” which have been approved by the Decree N 58 of the Prime Minister of RA on January 15, 2004.^{50 51}

The Concept Paper and the Action Plan incorporate the major directions of combating trafficking, i.e. **Prevention, Prosecution and Protection and International Cooperation**. The National Action Plan calls upon state and non-state actors to join efforts and work in synergy to combat trafficking. Meanwhile the role and activities of international organizations and NGOs are also clearly articulated in the document. The next step in combating trafficking by the government of Armenia was the establishment of Anti-Trafficking Council in 2007 chaired by the Deputy Prime Minister, the Minister of Territorial Administration of the Republic of

⁴⁸ RA Government Decision N 1140 2010 *On Establishing the RA 2010-2012 National Action Plan to Combat Human Trafficking and Timetable for Its Implementation*

⁴⁹ Antitrafficking.am Trafficking in Armenia, <http://antitrafficking.am/?laid=2&com=module&module=menu&id=74>

⁵⁰ OSCE (2007) Trafficking in Human Beings in the Republic of Armenia : An Assessment of Current Responses

⁵¹ UNDP (2010) Victims of Trafficking Assisted in Armenia : Booklet Compiling Data Gathered by Providers of Victims Assistance

Armenia and consisting of the representatives on Deputy Ministerial level and NGOs. For organizing current activities and work of the Council a Working Group adjacent to the Council was also established under the supervision of the Ministry of Foreign affairs. Both NGOs involved in combating trafficking and international organizations actively participate in the work of the Council and of the Working Group (status of observer).⁵²

Other steps included the creation of a Unit on Trafficking and Illegal Migration within the Police of the Republic of Armenia and creation of a similar unit at the National Security Service. In 2005 a department for Combating Irregular Migration and Trafficking in Human Beings was established at General Prosecutor's Office of RA. The staff of the mentioned Law Enforcement Agencies has received trainings on victim identification and on investigation of trafficking cases in Armenia and abroad. Since 2008 as a result of amendments to the Law on the Procuracy law, the functions of investigation on trafficking cases are fully residing with the Police. In November 2008, the Government of the Republic of Armenia approved the "National Referral Procedure for Persons subjected to human trafficking" the aim of which was to define a framework through which the state actors carry out their obligations to protect and promote human rights of trafficked persons in close partnership with the civil society.⁵³

As to the legislative field and measures taken in the Republic of Armenia to provide legal framework for addressing the issue, several steps should be mentioned. The first one was adoption of the new Criminal Code that entered into force in August 2003 and for the first time trafficking was defined as a separate crime in Armenia. Article 132 provided punishment for the crime of trafficking as a first legislative step on the way to implement the UN Convention and its supplementing Protocols. Later, in 2006 Article 132 was modified and Article 132.1 was added to address issues of labor trafficking. In addition, there are articles in the Criminal Code of Armenia concerning similar problems 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). On November 18, 2009 by the Law of the RA on Amendments and Supplements to the Criminal Code, new provisions were introduced into Articles 132 and 132.1 toughening the punishment for those

⁵² RA Government Decision N 1140 2010 *On Establishing the RA 2010-2012 National Action Plan to Combat Human Trafficking and Timetable for Its Implementation*

⁵³ UNDP (2010) *Victims of Trafficking Assisted in Armenia : Booklet Compiling Data Gathered by Providers of Victims Assistance*

involved in human trafficking: punishment for traffickers assigned by Article 132 was strengthened from 3 to 6 years to 5 to 10 years of imprisonment.⁵⁴

After ratification of the Council of Europe Convention *On Action against Trafficking in Human Beings*, it became necessary to harmonize the Criminal Code of the RA with the provisions of the Convention. To this end under the Working Group adjacent to the Anti-Trafficking Council a new inter-agency subgroup for legal issues was formed to review legislative, sub-legislative and regulatory acts and to make corresponding recommendations. On November 18, 2009 the RA National Assembly adopted the RA Law *On introducing changes and additions in the Criminal Code of the Republic of Armenia*, which mainly established stricter penalties for the crime of trafficking.

On November 26, 2009, the RA Government adopted Resolution 1358-N *On establishing the procedure for differentiating the expenses backing the subsidies provided through a civil law contract concluded for providing social-psychological rehabilitation services to victims of trafficking within the limits of the resources allotted by the Republic of Armenia state budget for the given year*, which regulates the issues of state funding for providing services to victims of trafficking in rehabilitation centers.

In December 2009 a Memorandum of Understanding (MoU) was signed between the Republic of Armenia and United Arab Emirates on cooperation in combating trafficking in human beings.

In April 2009 MoU was signed between the Migration Agency of the RA Ministry of Territorial Administration and Migration Service of the Russian Federation which aimed at regulation labor migration issues and protecting interests of labor migrants. Together with the representatives of the RA state bodies and non-governmental organizations a template of a Memorandum of Understanding on collaboration with the NGOs involved in the anti-trafficking efforts was developed and agreed upon, which was approved by the RA Anti-Trafficking Council in its March 11, 2009 meeting.⁵⁵

The Second National Action Plan for 2007-2009 was approved by the Government Decree on December 6, 2007 and the focus of this action plan was to provide efficient anti-trafficking response in eight areas: a) Prosecution of traffickers/improvement of legislative framework;

⁵⁴ UNDP (2010) Victims of Trafficking Assisted in Armenia

⁵⁵ RA Government Decision N 1140 2010 *On Establishing the RA 2010-2012 National Action Plan to Combat Human Trafficking and Timetable for Its Implementation*

b) Prevention of trafficking; c) Protection and assistance to victims of trafficking; d) Cooperation; e) Studies and researches; f) Management and coordination; g) Monitoring and Evaluation; h) Funding and resource mobilization.⁵⁶ The second Action Plan was the logical continuation of the first one, but if the primary goal of 2004-2006 National Action Plan was to create necessary legislative field by implementation of preventive activities, assistance to victims of trafficking and implementation of programs aimed at protection of victims of trafficking, the second Action Plan mainly pursued the goal of enhancing efforts of the state particularly towards prevention and protection by creating structural, sub legislative and financial basis and increasing capacity of the actors involved in the field. It was based on 3 P's approach which is widely applied on international level: prevention, protection and prosecution. During the implementation of the 2nd Action Plan a great amount of attention was also concentrated on awareness raising actions and massive campaigns with the involvement of mass media and vulnerable groups in particular, as well as trainings were organized for state officials directly or indirectly dealing with the phenomenon of human trafficking.⁵⁷

During this period cases of internal and child trafficking were also detected. Armenia continued to be country of origin for most part of victims and in one case country of destination. The destination countries for Armenian victims continued to be United Arab Emirates, Turkey and the Russian Federation. The latter, as well as Georgia is often used as transit route.⁵⁸

Problems in the implementation of Action Plan

Despite the efforts and work carried out to combat trafficking in the framework of the 2007-2009 National Action Plan, the Anti-Trafficking Council and the Working Group identified and pointed out some aspects which need to be addressed to increase efficiency in the fight against human trafficking. First of all, initially no separate funding from the budget was intended for the implementation of the activities envisaged by the Action Plan, which created complications and postponed the implementation of anti-trafficking activities. The lack of

⁵⁶ UNDP (2010) Victims of Trafficking Assisted in Armenia

⁵⁷ RA Government Decision N 1140 2010 *On Establishing the RA 2010-2012 National Action Plan to Combat Human Trafficking and Schedule for Its Implementation*

⁵⁸ *ibid*

financing was partly conditioned by the fact that the Action Plan was adopted after development of the state medium-term expenditure plan, so the activities were mainly carried out with the assistance of NGOs and international organizations, sometimes also at the expense of other compatible activities financed by the state budget. During the implementation of the Action Plan it became clear that application of a referral mechanism was highly necessary both for improving assistance to victims and for increasing the state's supervision in shelter provision including rehabilitation centers. Another aspect in which efforts were regarded as insufficient was prosecution. In terms of prosecution there were problems related to obtaining reliable proof of the crime, as well as to the full understanding of the issue by the law enforcement bodies in the destination country and the need for a joint response.⁵⁹

Further, according to the Council and the adjacent Working Group there were obvious problems and difficulties in terms of victim assistance. The problems were connected with the format and approach of tackling the issues of victims in the media which was not in compliance with RA international commitments under the respective conventions on victims' rights. Despite the legislative improvements and efforts aimed at detection and prosecution of persons involved in the crime of trafficking, there is need for improvement both in terms of professional trainings, proper technical equipment, and review of strategies on the basis of analyses of changing trends and if necessary by ensuring victim protection.⁶⁰

Taking into consideration the problems that emerged during the implementation of 2007-2009 National Action Plan and the results of round-table discussions with NGOs and international organizations within the framework of the working group the Anti-Trafficking Council developed the 2010-2012 National Action Plan to combat trafficking and the strategies and activities aimed at effective struggle against trafficking are represented in six directions: 1) implementation of legislation and laws against trafficking in humans; 2) prevention of trafficking 3) protection and assistance to victims of trafficking, 4) cooperation 5) research, monitoring and assessment; and 6) coordination. Each of these directions involves goals and a number of strategies aimed at efficient implementation of counter-trafficking activities. The first direction involves the following goals: improvement of legislative field, joining international

⁵⁹ RA Government Decision N 1140 2010 *On Establishing the RA 2010-2012 National Action Plan to Combat Human Trafficking and Schedule for Its Implementation*

⁶⁰ *ibid*

treaties and signing of bilateral treaties and ensuring implementation of laws. As to prevention, the goals are awareness raising among the population on the danger of human trafficking, awareness raising among the officials of those state bodies that are in direct contact with the population, prevention of trafficking of minors, implementation of socio-economic programs, enhancing the role of the mass media in combating trafficking. Then in terms of victim protection and assistance the objectives set are revealing the victims of trafficking and organizing their return, providing assistance and support to victims of trafficking. As to cooperation, the objectives include both international cooperation (with international organizations, NGOs, foreign law enforcement bodies, diplomatic and consulate structures) and regional and interagency cooperation (expand cooperation with border controlling bodies, strengthen relations with transit and destination countries, improve mutual cooperation with regional subdivisions of the RA).⁶¹

During 2011 numerous activities were carried out by the Ministries of RA to combat human trafficking. Under the coordination of **Ministry of Foreign Affairs (MFA)** on March 20-23 2011 a visit of the UAE delegation to Armenia was organized within the framework of MoU On Cooperation in Combating Human Trafficking signed between the Armenia and UAE in December 2009. During that visit meetings took place with the representatives of the interested departments and practical arrangements were made. On October 17-20, 2011 under the coordination of the MFA the visit of the Expert Group of the Council of Europe on Human Trafficking was organized. The aim was to clarify the information about the implementation of the provisions of Council of Europe Convention on Combating Human Trafficking by the RA and to prepare the final report which will be announced in September-October 2012.

The Ministry of Labor and Social Affairs presented a package of recommendations to the government for making changes and additions to the law on “Social Assistance” and victims of trafficking were included in the category of vulnerable groups. Awareness raising campaigns (round-table discussions, trainings) for different target groups in Yerevan and Marzes were organized within the framework of the joint program Anti-trafficking Support and Resource Unit by the Ministry of Labor and Social Affairs and the OSCE Yerevan Office. Seminars on three topics were carried out and the number of participants on each comprised two hundred. Within

⁶¹ RA Government Decision N 1140 2010 *On Establishing the RA 2010-2012 National Action Plan to Combat Human Trafficking and Timetable for Its Implementation*

the same project an educational module on combating human trafficking was developed which was included in the training programs of “Human Rights” and “Gender Issues” for civil servants from March 2011. The Ministry in cooperation with anti-trafficking NGO United Methodist Committee on Relief (UMCOR) is implementing the project “Socio-psychological recovery to the victims of trafficking” for which 6 624,0 thousand AMD was provided from the state budget during 2011.

The Ministry of Youth and Sport Affairs in cooperation with the NGO “Audio-Visual Journalist Association” implemented broadcasting of a number of videos on TV across all the country. 9 social advertisements on the topic “No to Trafficking” were broadcasted. The total number of broadcasts was 495. The program was financed from the state budget by 7 571, 553 thousand AMD.

Migration Agency of the Ministry of Territorial Administration: The following activities were carried out according to the point 1.2.4 (continue work on regulating labor migration issues, particularly towards signing intergovernmental agreements for protecting interests of labor migrants and their families) of 2010-2012 National Action Plan: agreement *On Use of RA Labor Force on the Territory of the State of Qatar* during June 2011, draft of agreement developed with the UAE by the Migration Service, third meeting of the Russian-Armenian joint working group in June 15-16, 2011, during which the Russian side informed that they had elaborated a draft intergovernmental agreement *On Organized Recruitment of RA Citizens on Russian Territory* with the aim of work.

The Ministry of Education and Science and the International Organization for Migration’s (IOM) mission in Armenia within the framework of their cooperation launched “Consolidating awareness-raising on trafficking in persons in Armenia, Azerbaijan and Georgia through secondary school education” project in April 2011. It was financed by the Swiss government as the continuation of the “*Secondary School Education to Contribute to the Prevention of Trafficking in Persons in Armenia, Azerbaijan and Georgia*” project carried out from 2008-2011. Within these projects teachers of “Social Science” (Հասարակագիտություն) were trained on Trafficking. As a result 2000 teachers, 200 lecturers of colleges were trained.⁶²

⁶² RA Government N8, 1 March 2012 Report on the Activities implemented during 2011 in the RA to combat human trafficking

The following table represents information about the appropriations and financed expenditures envisaged by the 2010 RA state budget for combating human trafficking. They are presented according to programs and RA governmental bodies implementing these programs⁶³

Names of the expenditure programs and state governmental bodies of RA implementing them	Amount /thousand AMD	Financing as to 15.12.2010	Implementation %
Total	57433,5	38177,0	66,5
RA Ministry of Labor and Social Affairs	47233,5	37696,4	79,8
Providing the alumni of orphanages of the RA with assistance and consultation	36115,5	29011,8	80,3
Providing the alumni of orphanages of the RA with scholarship and lump sum financial assistance	4280,0	2950,0	68,9
Implementation of public awareness measures	766, 0	766,0	100,0
Social, psychological recovery services to	6072,0	4968,6	81,8

⁶³ Report *On the Activities Carried out during 2010 to combat human trafficking by the Working Group adjacent to the RA Anti-Trafficking Council*

the victims of trafficking			
Ministry of Health of the RA	2200,0	0,0	0,0
Medical assistance services to victims of trafficking	2 200	0,0	0,0
Ministry of Youth and Sport Affairs of the RA	8 000,0	480,6	6,0
Combating trafficking in the framework of youth programs	8 000,0	480,6	6,0

(source Report *On the Activities Carried out during 2010 to combat human trafficking by the Working Group adjacent to the RA Anti-Trafficking Council*)

The table below represents information about the appropriations and expenditures financed by the 2011 RA state budget for combating human trafficking. They are presented according to programs and RA governmental bodies implementing these programs:⁶⁴

Names of the expenditure programs and state governmental bodies of RA implementing them	Amount /thousand AMD	Financing as to 31.12.2011	Implementation %

⁶⁴ Decision 2012 March 1 by the RA Government 'Report on Activities carried out in the RA during 2011 to combat trafficking'

Total	89 874,2	59 224,4	65,9
Ministry of Labor and Social Affairs of the RA	66 374,2	38 352,8	57,8
Providing the alumni of orphanages of the RA with assistance and consultation	36 115,5	29 022,8	80,4
Providing the alumni of orphanages of the RA with scholarship and lump sum financial assistance	3 800, 0	1 940, 0	51,1
Implementation of public awareness measures	766, 0	766,0	100,0
Socio-psychological recovery services to the victims of trafficking	32874,3	6 624,0	25,8
Ministry of Health of the RA			
Medical assistance services to victims of trafficking	2 200	-	-
Ministry of Youth and Sport Affairs of the RA	8 000,0	7 571,6	94,6
Combating trafficking in the	8 000,0	7 571, 6	94,6

framework of youth programns			
Prosecutor’s Office of the RA	<i>13 300,0</i>	<i>13 300,0</i>	100,0
Training services	<i>13 300,0</i>	<i>13 300,0</i>	100,0

(source Decision 2012 March 1 by the RA Government ‘Report on Activities carried out in the RA during 2011 to combat trafficking’)

As mentioned by a UNDP expert, as well as by an independent expert the state funding for implementing anti-trafficking activities is not sufficient,⁶⁵ since it does not suffice for providing comprehensive assistance to victims of trafficking, which should include both medical, psychological and legal assistance currently carried out mainly through international funding. In addition, the reintegration of victims and their rehabilitation also requires commitment of substantial resources, both in terms of professionals who should work with the victims and implementation of projects that would help them to reintegrate into society. Besides, the international standards require the state to establish compensation mechanism and provide financial aid to the victims which cannot be implemented with the current state funding. There is also need for increasing efforts toward prosecution and identification of victims, since their number has decreased from 2009 (60 identified victims) to 2011 (13 victims), which means that the investigation efforts should be increased.

Comparison with Georgia

Analyses of anti-trafficking efforts by Armenia can be analyzed by drawing parallels with the neighbor country Georgia. After the collapse of the Soviet Union Georgian transit route expanded due to open door policy with Turkey and women and girls were trafficked through Georgia to Turkey and Greece as well as to other Mediterranean countries.⁶⁶ However, like Armenia Georgia is primarily a source country and, to a lesser extent, a transit and destination

⁶⁵ Interview with Marina Solakhyan. Personal interview. Yerevan, May 19, 2012

Interview with Nazeli Asryan. Personal Interview. Yerevan, June 6, 2012

⁶⁶ Hilda Grigoryan 2005 Human Trafficking in the Republic of Armenia

country for women and girls subjected to sex trafficking, and for men and women subjected to forced labor. Women and girls are subjected to sex trafficking in Turkey and Egypt, as well as in the recent years in United Arab Emirates, Greece, Russia, Germany, and Austria. Men and women are subjected to conditions of forced labor within Georgia and also in Libya, Egypt, and Turkey. However unlike Armenia Georgia is mentioned to fully comply with the minimum standards for the elimination of trafficking. In comparison with Armenia Georgia imposes more severe penalties and punishment for the crime of trafficking ranging from 7 to 20 years of imprisonment while in Armenia it is from 5 to 15 years. The Georgian government also provided victim assistance and protection. It provided two victims with one-time payments of \$650 in 2010 and continued to fully fund two government shelters and conduct numerous prevention campaigns, while in Armenia the government provided only partial funding to one NGO. The Georgian government allocated \$127,000 for two fully-funded government-run shelters for trafficking victims. Trainings and awareness raising programs were also consistently carried out by the government, ensuring that all police officers and border guards receive specialized anti-trafficking training while in Armenia the trainings for law enforcement bodies were scarce and mainly carried out with the help of international actors.⁶⁷

Measures Undertaken by International Organizations

In addition to national efforts by the government of the Republic of Armenia in the fight against trafficking, many international and domestic non-governmental actors have also played an active role in this field. There are many international and intergovernmental institutions that are involved in combating trafficking in Armenia, implementing programs to fight trafficking directly, through the state or through local NGOs. Among the key international actors in the anti-trafficking field are UNDP (United Nations Development Program), IOM (International Organization for Migration), OSCE (Organization for Security and Cooperation in Europe), US Department of State, British Council, there are also local NGOs such as the Armenian Relief Society, Armenian Red Cross Society, Hope and Help, Democracy Today, UMCOR, Caritas Armenia, People in Need. The international Community and NGOs involved in anti-trafficking

⁶⁷ United States Department of State, 2011 Trafficking in Persons Reports - Georgia

activities exchange information within the framework of the International Working Group that started its work in 2002 as an initiative of the IOM, OSCE and the UNDP.⁶⁸

The International Organization for Migration (IOM) has been actively involved in anti-trafficking activities in Armenia propagating for the inclusion of an article criminalizing human trafficking into the Criminal Code, for ratification of the UN Convention on Transnational Organized Crime and its protocols, and having contributed to the development of the National Plans of Action to Combat Human Trafficking. As has been previously mentioned IOM is the co-chair of the International Working Group on Counter-Trafficking , as well as it was an observer member of the Inter-Ministerial Counter-trafficking Commission and later of Anti-Trafficking Council. It has actively taken part in the preparation of the first two National Action Plans to combat trafficking.⁶⁹

Speaking about further activity of IOM we should mention that it implemented seven large counter-trafficking projects in Armenia ranging from research and capacity building to victim assistance and public awareness. In 2001 it was the first organization that conducted research on human trafficking. Titled “Trafficking of Women and Children from the Republic of Armenia” the research provided an assessment of the conditions contributing to trafficking in migrants giving recommendations for national policy, legislation, operational measures and further programming, as well as making an assessment of the existing policy and legislative measures for protecting victims of trafficking and punishing criminals. This research was part of the IOM project called “Trafficking in Migrants from the Republic of Armenia” that was funded by the Government of the Netherlands. The latter also funded another study conducted in 2002 that was called “Irregular Migration and Smuggling of Migrants from Armenia.”

Following the steps that it had already carried out, IOM continued its anti-trafficking activities by assisting the Armenian authorities and contributing to their efforts to combat trafficking in women and children. It reinforced prevention activities, promoted and contributed to the further criminalization of trafficking, as well as introduced measures for the reintegration of trafficked victims. The activities included

- the design and launch of a wide-ranging public outreach campaign;
- training of journalists on proper coverage of human trafficking issues;

⁶⁸ OSCE Office in Yerevan (2007) Trafficking in Human Beings in the Republic of Armenia: An Assessment of Current Responses

⁶⁹ IOM Armenia (2009) Projects: Regulating Migration

- compilation of a database on trafficking with profiles of the victims and the type of reintegration assistance provided;
- drafting of new legislation addressing human trafficking, as well as developing amendments to Government decisions on the operations of tourism, job placement; companies, and marriage agencies, review of interagency co-ordination processes and procedures;
- putting in place mechanisms for exchange of information between the competent government agencies and NGOs;
- training of NGOs in re-integration support and services to trafficked victims;
- training of Government officials to promote the application of legal provisions against trafficking, organizing networking visits in which Armenian Government officials are familiarized with counter-trafficking related operations of Turkey, the United Arab Emirates and Ukraine.

Further assistance by the IOM to the government of Armenia included specialized expertise and practical skills for law enforcement agencies and Border Guard troops that would help them to more effectively detect, investigate and prosecute traffickers. In addition, a manual called “Trafficking: Current Issues” was published to provide the consular officers with information on combating trafficking in Armenia and to advise them how to deal with the cases involving victims of trafficking.⁷⁰

As for assistance to the victims, IOM works with its partners providing direct help to the victims of trafficking. The assistance incorporates accommodation in places of safety, medical and psychosocial support, skills development and vocational training, reintegration assistance, and the options of voluntary, safe and dignified return to countries of origin, or resettlement to third countries in extreme cases. More than 125 victims of trafficking have received medical, psychological, legal support and shelters by IOM; foreign victims in Armenia have been assisted to voluntarily return to their home countries.⁷¹

IOM also played an active role in strengthening the ability of civil society to provide protection and reintegration support to the victims of trafficking together with funding from the US government. Within this initiative it strengthened the capacity of the local NGO “Hope and

⁷⁰ IOM Armenia (2009) Projects: Regulating Migration

⁷¹ IOM Armenia (2009) Projects: Regulating Migration

Help” to assist potential and actual victims. A toll-free Help Line was set up and is operated by the NGO.

As for raising public awareness in Armenia IOM took measures to strengthen the support and involvement by public in combating trafficking:

- anti-trafficking Resource Centers were established in Giumri, Goris, Vanadzor and Stepanavan to provide local population with relevant information and advice on human trafficking and ways to combat it;
- a guidebook for NGO-s “How to organize counter-trafficking activities in communities” was published;
- 10 journalists were trained;
- a series of TV shows on human trafficking (Mardavors, Manhunt) were broadcast.

In cooperation with partners IOM founded “Attorneys Against Trafficking” and 12 attorneys were trained to provide legal support and representation to victims of trafficking.

The seven large counter-trafficking projects implemented by IOM are funded by four donors: Swiss Agency for Development and Cooperation, United Nations Development Programme, Government of the United States of America, Government of the Netherlands. Among the projects we can mention regional the South Caucasus project “Consolidating awareness-raising on trafficking in persons in Armenia, Azerbaijan and Georgia through secondary school education” aimed at developing and piloting educational materials to increase the understanding of the dangers of human trafficking, the realities of irregular migration and to inform about possible prevention support mechanisms amongst secondary school students, their teachers, and parents. Another project – Combating Trafficking in Humans in Armenia: A Social Mobilization- was aimed at deepening interaction between the government and the civil society, contributing to capacity building for assistance and support to the victims of trafficking and raising awareness of the vulnerable groups and population in general on the risks of human trafficking through public dialogue in the regions of Armenia.⁷²

IOM also played an important role in “Strengthening of Comprehensive Anti-trafficking Responses in Armenia, Azerbaijan and Georgia” project implemented by International Labor

⁷² IOM Armenia (2009) Projects: Regulating Migration
United Nations in Armenia, International Organization for Migration
<http://www.un.am/en/IOM>

Organization (ILO) from May 2009 till December 2011. Other organizations which took part in this project were Organization for Security and Co-operation in Europe (OSCE) and International Centre for Migration Policy Development (ICMPD). The main project activities were the evaluation of the current National Action Plans, the creation of a system to collect and monitor trafficking-related data, the development and improvement of national referral mechanisms, awareness raising as well as training for various target groups among them prospective migrants, representatives from NGOs, employment agencies and law enforcement.⁷³

According to the evaluations of ILO the project was responsibly implemented and the strength of the project was raising awareness across many sectors as to the dimension of forced labor alongside the challenges of human trafficking. Another positive thing was that the perceptions of state and non-state actors on who should play role in prevention and protection of victims were broadened. For instance, the evaluation states that the Ministries of Labor and labor inspectors in particular, realized their roles and responsibilities in combating trafficking. Their participation in workshops along with more traditional actors such as law enforcement bodies and social service representatives created possibilities for them to be included as partners in counter-trafficking efforts. However, there were also deficiencies as mentioned in the evaluation. Although each organization acted according to its mandate and expertise contributing to the general goal, the synergy was not strongly evident. This was explained by the fact that the project had ambitious objectives and various target groups which made it complicated to implement. More depth of impact could be achieved if the project was focused on one or two of the “3 Ps” (prevention, protection or prosecution).⁷⁴

According to the same evaluation each of the three countries - Armenia, Georgia and Azerbaijan- has made significant efforts to establish sufficient legal frameworks, national action strategies, and national referral mechanisms serving as a basis to address challenges of human trafficking and forced labor. However, as it is mentioned the number of identified cases remains under 100 men, women and children per country, so there is much work to be done to make anti-trafficking and forced labor legislation and policies effective and operational throughout the South Caucasus.⁷⁵

⁷³ ILO 2011 Evaluation Summaries “Strengthening of comprehensive anti-trafficking responses in Armenia, Azerbaijan and Georgia”

⁷⁴ *ibid*

⁷⁵ *ibid*

An independent expert involved in the Working Group on trafficking in the RA also indicated to existing problems and stated that there is need for improvement in different directions.⁷⁶ For instance, she mentioned the need for enhancing the role of labor inspectors for effectively combating labor trafficking. The point is also mentioned in the recommendations of ILO evaluation, in which it suggested that labor inspectors can play important role in identification and referral of victims of trafficking. They can raise awareness of employers about bad practices leading to forced labor (e.g. holding identity documents to ensure compliance with labor contracts). The expert also mentioned the need for applying international best practices (e.g. case of Brazil – labor inspectors), as well as the importance of enhancing the role of regional NGOs for effective fight against trafficking in the region (the South Caucasus), and increasing the number of NGOs in the marzes within the country. Further problems and relevant suggestions involves the improvement of assistance to victims of trafficking by the state, commitment of more resources both human and financial for fighting trafficking, implementing projects that address poverty as one of the root cause (e.g. agricultural projects). She also mentioned the need for conducting evaluation of the carried out activities.⁷⁷

UNDP is another key player in anti-trafficking field in the Republic of Armenia. In 2004 UNDP in cooperation with the government of Armenia launched the first phase of a project called “Anti-Trafficking Programme: Capacity Building Support and Victims Assistance” that was implemented in partnership with UMCOR (United Methodist Committee on Relief) and IOM and came to an end in 2006. The governments of Norway and the Netherlands have provided \$650,000 for implementation of the program. The goal of the project was, on the one hand, to promote development of a national framework so that it could deal with the problem of human trafficking at policy and institutional levels, and on the other hand, the project aimed at providing direct assistance to victims of trafficking. So it comprised 3 components: a) capacity building framework for institutional strengthening and policy elaboration; b) awareness raising and c) victim assistance. In September 2006 the second phase of this project was launched again with 3-year term which involved 3 components. The aim of the project in the second term involved: a) capacity development of national duty-bearers in preventing human trafficking; b)

⁷⁶ Interview with Nazeli Asryan, independent expert. Personal interview, Yerevan, June 6, 2012

⁷⁷ Interview with Nazeli Asryan, independent expert, Personal Interview, Yerevan, June 6, 2012

capacity development of the law enforcement and the judiciary in their role as duty bearers to investigate, prosecute and make final judgments on human trafficking cases and c) strengthening local capacity to uphold the rights of victims as claim holders and, hence, protect and support their reintegration into society through victims assistance.⁷⁸

Other activities by the UNDP to combat trafficking in Armenia include the assessment of victims' assistance through shelter in October 2008 that was done within its Anti-Trafficking project. The aim of the assistance was to give recommendation for improving assistance through shelters in Armenia, as well as to help the government establish a sustainable strategy on victims' assistance. During the assessment process the international experts together with the team carrying out the project met with the Armenian government officials from the agencies dealing with human trafficking, with representatives from international organizations involved in the issue and with NGOs that provided assistance to the victims of trafficking through shelters. As a result the prepared report made recommendations on providing a full range of assistance according to international standards and on achieving the goal of nationalization of victims' assistance provision.⁷⁹

Further measure taken by the UN in the anti-trafficking field in Armenia was the creation of UN Theme Group on Anti-Trafficking that aimed at providing a platform for stakeholders dealing with the issue of human trafficking. In 2006 it was transformed into Working Group (WG) that has already been mentioned in the paper. So the purpose of the WG is to provide conditions for cooperation and coordination with regard to the issue and hence to strengthen national response to anti-trafficking. The aim is to share information on current and planned activities, exchange ideas, identify and address challenges, as well as build capacity and take collective and joint actions to address the issue. The WG coordinates its activities with the Inter-Ministerial Commission on Anti-Trafficking and serves as a tool expressing the will of participants to foster cooperative approach to issues of common concern.⁸⁰

OSCE is another key international organization that addresses trafficking and migration in Armenia. OSCE office in Yerevan helps the Government of Armenia in the fight against trafficking. The activities of OSCE Yerevan office are targeted at assisting state and non-

⁷⁸ UNDP 2010 Victims of Trafficking Assisted in Armenia

⁷⁹ UNDP 2010 Victims of Trafficking Assisted in Armenia

⁸⁰ *ibid*

governmental actors to develop the anti-trafficking policy which is victim-oriented and at applying the recommendations in reality. The anti-trafficking activities by OSCE office have two directions: first of all, to increase capacity of actors within national referral mechanism (NRM) and, second, to improve anti-trafficking training curricula of Armenia for law enforcement bodies.

The Office co-ordinates its activities with the Anti-Trafficking Inter-Agency Working Group and is in co-operation with state, non-governmental, and international players to support the implementation of Anti-Trafficking National Action Plans of Armenia. In cooperation with Ministry of Labor and Social Issues the OSCE Yerevan office established Anti-Trafficking Support and Resource Unit in November 4, 2008 and the aim of the Project was to establish an effective operational mechanism for victim protection through improved state-NGO cooperation and a victim-oriented strategy. The duration was 34 months and it was financed by the Governments of Sweden, France, Germany, US and Italy.⁸¹

As a part of its anti-trafficking activities OSCE has supported activities that contribute to the establishment of the NRM in Armenia and developed a manual on establishment of NRM, a co-operative framework through which state actors fulfill their obligations to protect and promote the human rights of trafficked persons and co-ordinate their efforts in a strategic partnership with civil society. In addition, the OSCE Yerevan office in partnership with European and international stakeholders assisted in developing a manual which prepares trainers to educate governmental officials, police officers and interested individuals on combating trafficking and exploitation. It was done on the basis of international experience and best practices of law enforcement training schools and academies. Due to ILO-OSCE initiative, training on anti-trafficking is a permanent component of Armenia's law enforcement curriculum.⁸²

As a serious crime and gross violation of human rights trafficking in human beings is also being dealt within the framework of another key institution which is the European Union. Combating against human trafficking or so called 'modern day slavery' has become a priority for the EU the policy of which on combating human trafficking is provided by the Commission communication on *"Fighting trafficking in human beings – an integrated approach and*

⁸¹ Antitrafficking.am

⁸² OSCE Yerevan Office, Anti-Trafficking and migration
<http://www.osce.org/yerevan/43700>

proposals for an action plan" and the EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings adopted by the Council. Both of these documents involve multifaceted approach which extends beyond law-enforcement strategies to include a whole range of prevention and victim assistance measures. A human-rights based approach is at the core of the EU policy for combating trafficking which places human rights of victims at the center and takes into consideration additional challenges for vulnerable groups such as women and children, discriminated individuals like members of minorities and indigenous groups.⁸³

Within the framework of Armenia-EU cooperation trafficking against organized crime, human trafficking, drugs and money laundering comprises one of the most important objectives and actions that the EU aims to fulfill in the RA. EU-Armenia Action Plan adopted on November 14, 2006 for the period of five years providing a comprehensive and ambitious framework for joint work with Armenia in all key areas of reform also states the importance of fighting against human trafficking in the Republic of Armenia. For this purpose it is vital to implement the National Action Plan for the Prevention of Trafficking in Persons, to enhance cooperation with relevant international organizations (OSCE, UN), promote exchange of information between Armenia and EU member states, improve and increase cooperation between relevant law enforcement bodies (police, border guards, customs and judiciary) at regional level and to develop mechanisms for protection, assistance and rehabilitation of victims.⁸⁴

Armenia was included in the regional projects implemented by the funding of European Commission. These were already mentioned ‘Strengthening of Comprehensive Anti-trafficking Responses in Armenia, Azerbaijan and Georgia’ from May 2009 to December 2011 and Development of Comprehensive Anti-trafficking Responses in Armenia, Azerbaijan and Georgia from December 2006 to December 2008. These financial programs are important tools for developing partnerships and policies in both in the Member States and with the third countries. Speaking about the EU’s projects in Armenia related to trafficking it should be mentioned that the EU makes effort to regulate and improve management of labor migration which is connected with trafficking since migrants are target groups for traffickers. Such a project is ‘Strengthening Evidence-Based Management of Labour Migration in Armenia’ (Dec.

⁸³ Council of the European Union Annual Report on Human Rights 2008

⁸⁴ EU – Armenia Action Plan

2010- Dec. 2013) the purpose of which is to enhance management of the labor migration flows from Armenia to EU countries. It is planned to carry out the project through the followed interconnected activities: policy advice, institutional capacity building, training, awareness raising. The EU also implements projects aimed at child protection and promotion, reducing violence against children.⁸⁵ According to EU representative in Armenia Onno Simons since 2009 the EU granted 400,000 Euros to increase awareness on children trafficking and creation of system to prevent this crime. The target group involved children from orphanages, schools, teachers and pupils of care center, as well as law enforcement bodies, social service employees and street children devoid of parental care.⁸⁶ In addition, the EU implements projects aimed at reducing poverty, social inequalities and gender discrimination considered to be among root causes of human trafficking.

The Role of NGOs

There are also a number of NGOs in Armenia operating in anti-trafficking field and carrying out various activities. The first Armenian organization that worked with the provision of support to victims of trafficking (VoTs) and achieved some tangible results such as creating temporary shelter and toll-free telephone service was the NGO Hope and Help (H&H). From 2003 to 2005 H&H within the framework of IOM's "Capacity Building of a National NGO Providing Support and Counseling in Favor of Victims of Trafficking" program with funding from the INL (Bureau for International Narcotics and Law Enforcement Affairs) of the U.S. Embassy implemented a project aimed at providing support services to VoTs. From September 2005 to December 2006 H&H resumed its assistance to victims of trafficking within the framework of IOM's "Combating Trafficking in Humans in Armenia Social Mobilization Project." It provided victims with shelter (safe heaven), medical, legal, psychological assistance and increased awareness on the problem of trafficking. Anti-Trafficking Resource Centers were created in 3 cities – Vanadzor, Gyumri and Goris. In 2007 with the funding of INL, US Embassy H&H implemented new project "Formation of a system for efficient protection of VoTs" which again aimed at providing the victims with shelter, medical, legal, psychological assistance as well as raising

⁸⁵ Delegation of the European Union to Armenia "Projects"

http://eeas.europa.eu/delegations/armenia/projects/list_of_projects/projects_en.htm

⁸⁶ News.am 'EU granted €400,000 to fight child trafficking in Armenia'

<http://news.am/eng/news/67907.html#>

public awareness on the issue of trafficking. The third phase of the project was carried out from 2009-2010.⁸⁷

As to the qualification of the staff the employees of the NGOs have periodically participated in various conferences and trainings acquiring skills of communicating with the VoTs. Some of the specific trainings that the staff members have taken part in were "Trafficking in Women, Men and Children" (May 29-30, 2003 Tashkent), "Support Service for Victims of Trafficking" (organized by OSCE, 2003) training for Hot line operators (organized by IOM Georgia 25-27 November, 2004), "International Training Seminar for Hot Line operators on the problem of Trafficking in Human Beings in countries of origin, transit and destination" (organized by the IOM Mission in Ukraine in partnership with OSCE), "Regional Crime Prevention Forum for NGOs from Central and Eastern Europe on current problems and activities concerning prevention of human trafficking, urban crime, and corruption". The trainings were attended by those staff members directly who work with VoTs (social worker, psychologist, and lawyer).⁸⁸

Among the projects implemented by the H&H we can also mention the 2007-2009 "NGO and Governmental Cooperation across the South Caucasus to Develop a Joint Response to Trafficking in Women and Children" funded by the European Commission (EC) which aimed at raising qualification of the staff of law enforcement structures, establishing a regional referral mechanism, raising society awareness with regard to trafficking. And the most recent activity toward combating trafficking by the H&H was "Support to actions aimed at prevention harm to children affected by armed conflicts and at fighting against child trafficking and rehabilitating victims" carried out from 2009-2011 and funded by EC. It mobilized and empowered a system of prevention of child trafficking in Armenia through awareness raising, capacity building and networking.⁸⁹

The anti-trafficking efforts by the H&H involve provision of safe haven(shelter) for VoTs for short period of time, as well as medical and humanitarian assistance, psychological consulting, reintegration mainly through professional trainings and in rare cases providing the victims with jobs. Further, the NGO cooperates with law enforcement agencies during investigation of cases but the framework of cooperation is not codified by law or by agreements.

⁸⁷ UNDP 2010 Victims of Trafficking Assisted in Armenia

⁸⁸ UNDP 2010 Victims of Trafficking Assisted in Armenia

⁸⁹ Hope&Help, Prevention of Trafficking, Support for Victims of Trafficking and Social Rehabilitation
<http://hopehelp.am/projects.html>

The H&H also cooperates with other regional NGOs within the framework of the Regional NGOs Network, in areas of information exchange and return of VoTs. It gets funding from international organizations.⁹⁰

Another non-governmental organization that implements anti-trafficking program in Armenia is United Methodists Committee on Relief (UMCOR) which established its offices in Armenia in 1994. In the beginning it provided health clinics and institutions with pharmaceuticals and later on gradually transformed from relief to more development activities. The mission of this NGO is to contribute to the socio-economic development and poverty elimination in Armenia and to assist Armenia in transition to a healthy and wealthy society. For that purpose UMCOR implements programs and among the current ones is combating trafficking. In 2004 UMCOR and UNDP in cooperation with Armenian Government and local NGO “Democracy Today” launched a two-year program to protect and restore the human rights of the victims, through the provision of complex assistance to victims. The methodology is aimed at establishing a basis for cooperative framework in Armenia – a referral mechanism – in which all actors acknowledge their roles and responsibilities, respect partners and cooperate for building a comprehensive system of combating trafficking and of protecting victims. For that purpose UMCOR signed a Memorandum of Understanding with RA Ministry of Labor and Social Affairs, Ministry of Health and State Department of Migration and Refugees, established partnership between the Consular department of Ministry of Foreign Affairs, Visa agency, National Security Service, Ministry of Justice, Police and International organizations (OSCE and IOM) and is working on development of victim referral mechanism to UMCOR shelter.⁹¹

Thus within its anti-trafficking project the UMCOR-Armenia is implementing activities such as capacity building, awareness raising and victims assistance. In terms of capacity building it has organized trainings for social workers, employment agencies and medical personnel, as well as prepared special manuals for the other professionals in this field. Two-day training sessions organized in cooperation with Health Ministry called “The Role of the Medical Personnel in Fight against Trafficking in Humans” aimed at enhancing the capacity of health personnel to provide appropriate medical services to the victims of trafficking. The training was attended by 31 representatives from the Health Ministry, the regional Health department, as well

⁹⁰ UNDP 2010 Victims of Trafficking Assisted in Armenia

⁹¹ UMCOR – Armenia, Capacity Building Support and Victims Assistance
<http://umcor.am/traffick.htm>

as international organizations (UNFPA and OSCE) and Armenian Diaspora. Another training was organized with the Department of National Security Service entitled “The Role of the Border Guards in the Fight Against Trafficking in Humans” with the aim of raising capacity of border guards in identifying potential victims and raising their awareness on human trafficking. From the four workshops three were organized for border guards of "Zvartnots" airport (72 participants) and one at Bagratashen check-point for 7 Armenian and 7 Georgian border guards.⁹²

In terms of awareness raising UMCOR carried out such activities as publication of information materials, posters, Public Service Announcements on local TV and the organization of seminars and information campaigns. For instance, the activities of UMCOR targeted at increasing awareness on the issue were to provide inserts to border guards to put them into the passports of people, inserts to ARMAVIA Company to distribute during the registration of flights to Turkey, UAE, Greece and Russia—all destination countries for Armenian trafficking victims. In addition, the NGO provided information materials to all central and regional social and employment agencies. UMCOR also prepared the Armenian versions of four UNODC video clips with anti-trafficking content and since October 2004 has broadcast them on the national TV channel (H1), as well as "Kentron" and "Erkir Media" TV channels. In collaboration with MoH and Shoghakat TV and working with the sub-contractor Democracy Today NGO, UMCOR prepared three 20-minute films about its Anti-trafficking program activities in Armenia.⁹³

Victims assistance by UMCOR is carried out through operation of a hot line and counseling center, as well as by reintegration of victims into society through legal, medical, psychological, employment and other types of counseling provided in the Rehabilitation and Assistance Center (shelter) which was established in 2004. The victims stay in the shelter depending on their psychological and physical recovery and the time necessary to create a base for their reintegration into society. As to the hotline service it started operating on 21st of July 2004 and the operators provide psychological, medical and legal consultations. According to the UNDP data compiled from October 2003 to December 2009 the UMCOR hotline received 887 calls during its operation in this period. Of them, 56% were women and 44% were men. The majority

⁹² UMCOR – Armenia, Capacity Building Support and Victims Assistance, <http://umcor.am/traffick.htm>

⁹³ UMCOR – Armenia, Capacity Building Support and Victims Assistance, <http://umcor.am/traffick.htm>

(55%) of callers was 30 to 50 years old, 23% were 16 to 29 years old and 21% were 51 and older.⁹⁴

As have been mentioned earlier the local NGO “Democracy Today” DT is in partnership with UMCOR-Armenia to combat trafficking. DT is closely cooperating with the UMCOR staff on the hot line and shelter. Referral of victims to receive UMCOR assistance is carried out through DT by the law enforcement agencies, social and medical departments, local NGOs, consular department of MFA or the hotline. In addition, DT worked on victim identification and in 2004 on implementation of the joint program with UMCOR for assisting VoTs it developed a victim identification questionnaire: victims were identified through outreach work of interviewers and through cooperation with the Police and Security Service, as well as through hotline service of UMCOR. The identification is based only on victim’s consent and on identification form and then type of assistance to be provided is determined.⁹⁵

In the framework of awareness building, a wide information campaign for representatives of local state agencies has been conducted, covering the major towns of all marzes in Armenia and local communities of Yerevan. During the seminars films have been shown and anti-trafficking materials (books, booklets and passport inserts) were disseminated.

In the framework of reintegration, staff of "Democracy Today" has contacted the families and communities of victims to make their return process easier, has collaborated with local authorities, State and NGO sectors representatives to solve problems of their employment and provision of humanitarian aid. After rehabilitation is completed the staff continues to work with VoTs with the aim of reintegrating them into society. Through funding of UMCOR –Emergency Service Office (ESO) vocational skills training has been provided to the victims (computer skills, hairdressing, culinary, etc.) their living expenses have been covered until they were able to earn their own. The courses were monitored to ensure course quality and attendance of participants.⁹⁶ (see Annex)

With the aim of capacity building DT has organized three roundtables with representatives of NGOs rendering humanitarian, psychological and legal assistance. The staff of the DT has held monthly meetings with the staff of UMCOR hot-line service to share and update necessary

⁹⁴ UNDP 2010 Victims of Trafficking Assisted in Armenia

⁹⁵ UNDP 2010 Victims of Trafficking Assisted in Armenia

⁹⁶ ibid

information. DT staff has participated in UMCOR trainings. DT representatives have also participated in UN Anti-trafficking Theme-group activities.⁹⁷

Besides the mentioned NGOs which have been cooperating with the UN and have implemented various activities within the framework of their anti-trafficking projects, we should also mention Caritas-Armenia. It is a benevolent NGO founded in 1995 in Gyumri, member of Caritas Internationalis and carries out development and social activities in four regions of Armenia: Sirak, Gegharkunik, Lori and Yerevan city. Armenian Caritas is also a member of COATNET (Christian Organizations Against Trafficking in Women) and works in close collaboration with the governmental Anti-Trafficking Commission. Caritas addresses the issue of trafficking within the framework Prevention of Illegal Migration and Trafficking project that was launched in 2003. It was a three year program funded by the Italian government aimed at introducing the issue of trafficking and the problems surrounding it to students in the 9th and 10th grades.⁹⁸

The aim of trafficking project by Caritas is to prevent trafficking through raising public awareness and educating people on illegal migration and trafficking. Since the beginning of the project 209 schools from 6 regions (Yerevan, Shirak, Lori, Gegharkunik, Kotayk, Armavir) have been involved in it. More than 82,000 students have received information on the following issues; trafficking and illegal migration, how to avoid it, the situation in the country and in the world, legal ways of migration, and international standards on migration. The project is preventive one and the main goal is to inform students of higher grades of secondary schools about the dangers of becoming victims of trafficking. The first phase of the program involved the research and development of programs concerning the process of migration, the current legislation of recipient countries, and the exploitation and trafficking of human beings. At a later stage the newly trained teachers held workshops on illegal migration and human trafficking in their schools that were mainly attended by high grade students.⁹⁹

⁹⁷ Democracy Today, Anti-trafficking, <http://www.democracytoday.am/index.cfm?objectid=B54DBA54-3FF3-352C-2111C94594EFE2B5>

UNDP 2010 Victims of Trafficking Assisted in Armenia

⁹⁸ Armenian Caritas, Prevention of Illegal Migration and Trafficking
<http://www.caritasarm.am/en/about-us/our-history>

⁹⁹ <http://www.caritasarm.am/en/projects/migration-a-integration/trafficking>

Among the NGOs that have undertaken some measures to combat trafficking is the Armenian branch of Czech organization “People in Need” which is dealing with child trafficking. During 2011 it has undertaken measures within the framework of the program called “Creation of coordinated and strengthened system of child trafficking prevention in the RA through effective awareness raising and establishment of adequate networks.”¹⁰⁰ Activities were carried out in three directions, i.e. educating, awareness raising and assistance. In cooperation with the Ministry of Education and Science training courses were organized for 162 teachers from 9 marzes of Armenia. Then it implemented monitoring program using essays as a tool to find out the effectiveness of the trainings. The titles of the essays were “How I understand the phenomenon of trafficking,” “Can I become a victim of trafficking,” “Is Armenia ready to fully combat the phenomenon of trafficking.” Together with another NGO (Armenian Help Union) and in cooperation with local TV channels programmes containing awareness raising elements in them were broadcast. Seminars were also organized for employees of the municipality and of Yerevan’s community trusteeship commissions. Some measures in the direction of awareness raising are informing the journalist about the activities aimed at child trafficking prevention, producing a brochure for the journalists “How to write about child trafficking,” development of the www.stopchildtrafficking.am website. In cooperation with Armenian Association of the UN it implements 2009-2012 program “Strengthening control on migration flows in Armenia.” In addition, within the 2011 program framework short films were shot and broadcast on TV channels of marzes (Shirak, Gegharkuniq, Kotayk, Lori) in Armenia. Efforts were also directed at the vagrant, beggar children the total number of whom was 39 (18 in Yerevan and 21 in Gyumri). One case of child trafficking was detected by the Police in the framework of the implemented program “Child Trafficking in Armenia: public awareness raising.”¹⁰¹

¹⁰⁰ Decision N8 2012 March 1 by the RA Government ‘Report on Activities carried out in the RA during 2011 to combat trafficking’

¹⁰¹ Decision N8 2012 March 1 by the RA Government ‘Report on Activities carried out in the RA during 2011 to combat trafficking’

Analyses and Assessment of Anti-trafficking Activities in Armenia

Based on the previous section on counter-trafficking activities and measures by the state, international organizations and NGOs the following part incorporates analyses of the situation and current responses concerning human trafficking in the Republic of Armenia.

It should be mentioned that despite the numerous positive measures developed and carried out by state, non-state actors and international organizations there are still serious problems and gaps deterring Armenia from complying with the minimum standards. In trying to analyze the situation and identify the existing problems and gaps in the anti-trafficking field we should apply the so called “three P’s” - prevention, protection and prosecution – approach to see how far Armenia has reached in terms of each element in combating trafficking.

In order to analyze and assess the anti-trafficking measures in the RA we can refer to one of the significant international instruments - The Recommended Principles and Guidelines on Human Rights and Human Trafficking contained in the Report of the UN High Commissioner for Human Rights (UNHCHR) to the Economic and Social Council of May 2002- which provides standards and guidance for effective fight against trafficking. The principles are organized around four main points: 1.the primacy of human rights; 2.preventing trafficking; 3. protection and assistance; 4. Criminalization, punishment and redress. In these principles and guidelines the responsibility of states in each stage was clearly stated

The primacy of human rights

1. The human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims.
2. States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons.
3. Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers.

Preventing trafficking

4. Strategies aimed at preventing trafficking shall address demand as a root cause of trafficking.
5. States and intergovernmental organizations shall ensure that their interventions address the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination.
6. States shall exercise due diligence in identifying and eradicating public sector involvement or complicity in trafficking. All public officials suspected of being implicated in trafficking shall be investigated, tried and, if convicted, appropriately punished.

Protection and assistance

7. Trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons.

8. States shall ensure that trafficked persons are protected from further exploitation and harm and have access to adequate physical and psychological care. Such protection and care shall not be made conditional upon the capacity or willingness of the trafficked person to cooperate in legal proceedings.

9. Legal and other assistance shall be provided to trafficked persons for the duration of any criminal, civil or other actions against suspected traffickers. States shall provide protection and temporary residence permits to victims and witnesses during legal proceedings.

10. Children who are victims of trafficking shall be identified as such. Their best interests shall be considered paramount at all times. Child victims of trafficking shall be provided with appropriate assistance and protection. Full account shall be taken of their special vulnerabilities, rights and needs.

11. Safe (and, to the extent possible, voluntary) return shall be guaranteed to trafficked persons by both the receiving State and the State of origin. Trafficked persons shall be offered legal alternatives to repatriation in cases where it is reasonable to conclude that such repatriation would pose a serious risk to their safety and/or to the safety of their families.

Criminalization, punishment and redress

12. States shall adopt appropriate legislative and other measures necessary to establish, as criminal offences, trafficking, its component acts and related conduct.

13. States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-State actors.
14. States shall ensure that trafficking, its component acts and related offences constitute extraditable offences under national law and extradition treaties. States shall cooperate to ensure that the appropriate extradition procedures are followed in accordance with international law.
15. Effective and proportionate sanctions shall be applied to individuals and legal persons found guilty of trafficking or of its component or related offences.
16. States shall, in appropriate cases, freeze and confiscate the assets of individuals and legal persons involved in trafficking. To the extent possible, confiscated assets shall be used to support and compensate victims of trafficking.
17. States shall ensure that trafficked persons are given access to effective and appropriate legal remedies.¹⁰²

Now turning to the analyses, let us first of all discuss prevention. So one of the most important tools of prevention is awareness raising. The Armenian Government has increased its efforts in the recent years implementing various anti-trafficking activities in cooperation with international organizations and NGOs. In 2010 the government provided funding for two trafficking awareness television programs and cooperated with NGOs and international organizations to educate students and teachers across the country about the dangers of trafficking.¹⁰³ The role of UMCOR and IOM, as well as some NGOs was significant in prevention and awareness raising activities though preparing TV programs, clips, announcements, newsletters and posters, passport inserts and operation of hot-lines. Due to IOM, Resource Centers were established in Giumri, Goris, Vanadzor and Stepanavan to provide the population with the information about trafficking. The Ministry of Education incorporated anti-trafficking awareness materials developed and produced by NGOs and international organizations into the school curriculum for thousands of students.

However, even if there were sufficient efforts in terms of awareness raising, effective prevention as stated in the Principles and Guidelines by the UNHCHR requires that States and intergovernmental organizations shall ensure that their interventions address the factors

¹⁰² Recommended Principles and Guidelines on Human Rights and Human Trafficking by United Nations High Commissioner for Human Rights (E/2002/68).

¹⁰³ US Department of State 2011 Trafficking in Persons Report 2011 - Armenia

increasing vulnerability to trafficking, including inequality, poverty and all forms of discrimination, as well as it requires eradicating public sector involvement and corruption related to trafficking.¹⁰⁴ Meanwhile, the economic situation in Armenia is recovering slowly since the collapse of the Soviet Union, and lack of job opportunities still remains an issue to a great extent leading to huge migration flows. Lack of equal opportunities and discrimination also force people to leave the country in hope for a better future in the host countries, while because of their vulnerability they often fall prey to traffickers who recruit them by false promises of jobs in other countries. The logical way of addressing the root causes is improving the economic situation, addressing poverty and creating a vital social security system thus reducing the motives for emigration and risks of falling victim to traffickers.¹⁰⁵ The importance of first and foremost addressing the root causes of trafficking for prevention is also stressed in an article “When will governments get serious about addressing the root causes of human trafficking and forced labor?” by Ann Jordan. In her article she cites the former US Ambassador to Armenia John M. Evans “Far from being the pursuit of violent smuggling rings who kidnap women and sell them into slavery, trafficking in Armenia is largely a result of the poor economy...and has mostly to do with opportunistic pimps taking advantage of women who are already willing to prostitute themselves... many prostitutes work simply to get food on the table, and that they believe they will be paid better in Turkey or the UAE. The Armenian government cannot improve a bad economy with stricter laws and harsher sentencing. While both are needed here, Armenia has to offer these women an alternative to turning tricks if it is to eradicate trafficking.”¹⁰⁶

The necessity of addressing the root causes of trafficking was also mentioned by the OSCE expert, National Programme Officer Ovsanna Babayan during an interview. According to her among the main problems in terms of prevention remains not adequate response to the root causes of trafficking, particularly, she mentioned corruption which is a huge problem and bad social-economic conditions that become the main factors contributing human trafficking.¹⁰⁷ The OSCE expert also mentioned the necessity for increased measures directed at effective control of

¹⁰⁴ Recommended Principles and Guidelines on Human Rights and Human Trafficking by United Nations High Commissioner for Human Rights (E/2002/68)

¹⁰⁵ Marina Solakhyan 2007 “Trafficking of Women: Promoting International Human Rights Norms Through Prevention, Protection, and Prosecution (Three “P’s”) in Armenia

¹⁰⁶ Ann Jordan 2011 “When will governments get serious about addressing the root causes of human trafficking and forced labor?”

¹⁰⁷ Interview with Ovsanna Babayan. Personal interview. Yerevan, May 31, 2012

labor migration and reduction of labor trafficking. If until recently the main focus in Armenia was on sex trafficking, in the recent years the issue of the labor trafficking has also become disturbing and requires adequate response and measures which according to her is lacking. At the heart of these measures should be the efforts to eliminate root causes which mainly imply creation of economic alternatives and employment.¹⁰⁸ Another important aspect emphasized by the IOM expert was lack of licensing and control of the type of agencies and business operations that may serve as a cover for trafficking like employment agencies, marriage bureau, travel agencies, hotels, etc. ¹⁰⁹This point is also included in the Guidelines of the UNHCHR as a part of ensuring adequate legal framework on trafficking.

In terms of protection of victims according to the TIP 2011 report Armenia has made modest progress in its efforts to identify and provide protection to the victims of trafficking. The government provided partial funding to an NGO run shelter in 2010, and from 2011 the Ministry of Labor and Social Affairs and UMCOR are implementing program “Social Psychological Assistance to the Victims of Trafficking” with the state funding of 6 624,0 thousand AMD. In February 2011, the government added victims of trafficking to the list of vulnerable persons eligible for extra employment assistance. The government officially identified 19 new sex trafficking victims in 2010 and referred 12 of them to NGOs for assistance, and 13 victims in 2011 out of them referred 4 to assistance, compared with 60 victims of trafficking identified and 22 referred to NGOs in 2009. The protection and assistance activities to victims are thus carried out by NGOs (UMCOR and Hope&Help) mainly with international funding and to a small extent by the state budget, so there is need of enhancing the role of the state with regards to providing social assistance to victims.

During an interview a UNDP expert, anti-trafficking project manager Marina Solakhyan stressed the necessity for enhancing the role of the state in protection of victims. Although the Ministry of Social Affairs and UMCOR have signed an agreement and each of them provides some part of funding for protection and assistance to victims, according to her, it is obviously not sufficient. The same point was also emphasized by an IOM representative according to whom there is lack of state funding in terms of shelter assistance, since the state provides only partial

¹⁰⁸ Interview with Ovsanna Babayan. Personal interview. Yerevan, May 31, 2012

¹⁰⁹ Interview with IOM Project Coordinator. Personal Interview, Yerevan, May 17, 2012

funding which it is mainly spent on renting, while the rest amount of money is collected through in international funding.

An important part of protection also comprises provision of legal and other assistance to the victims, as well as their rehabilitation and social integration to prevent re-trafficking. So, in Armenia as the UNDP data indicate psychological, legal and medical assistance was provided to the referred victims by the NGOs and some reintegration activities were carried out for them.¹¹⁰ (see Annex) However, as Mrs. Solakhyan mentioned the protection and assistance to victims should be continuous, on regular basis and long-term which again requires resources and substantial funding. The expert from OSCE Ovsanna Babayan also indicated the need for enhancing efforts in victim protection, particularly she mentioned that the Ministry of Labor and Social Affairs has to play an important role in this respect.

With regards the attitude toward the victims, the TIP report indicates that although NGOs reports improved attitudes toward victims by judges, they also report that the rights of child witnesses were not always protected during trial and police did not consistently alert NGOs when victims were identified. By law the government exempted trafficking victims from criminal prosecution for any unlawful acts they may have committed as a direct result of being trafficked – this is also in compliance with the Principles and Guidelines by UNHCHR. The report also indicates that the government allowed victims to stay in the country through temporary residency permits and obtain temporary employment. However, the lack of appropriate protection for victims who provide testimony continued to be an issue of concern; this may have hampered Armenia's prosecution efforts.¹¹¹

Another problem in the RA in terms of victim protection is connected with media coverage. In the Guidelines by UNHCHR it is mentioned that there should be no public disclosure of the identity of victim and his/her privacy should be respected and protected. Yet, as Mrs. Solakhyan indicated, in the RA there are problems with the media coverage and the professionalism of journalists related to trafficking which results in violation of the victims rights and may seriously harm their security.

And last but not least, a major problem in terms of victim protection and assistance in Armenia is connected with the safe return of victims by both receiving State and State of origin.

¹¹⁰ Victims of Trafficking Assisted in Armenia: Booklet Compiling Data Gathered by Providers of Victims Assistance Yerevan 2010

¹¹¹ US Department of State. Trafficking in Persons Report 2011 on Armenia

As the expert from IOM indicated Armenia encounters difficulties in this regard since one of the key destinations for Armenian victims is Turkey while in the absence of diplomatic relations the return of victims become a complicated process (mainly through Georgia as she mentioned).¹¹²

As to the prosecution Armenia demonstrated some progress in the law enforcement activities as well. The Articles (132 and 132.1) of the Criminal Code prohibit both sex trafficking and labor trafficking and the penalties for the crime of trafficking range from 5 to 15 years. Amendments were made to the Criminal code to strengthen anti-trafficking statutes. The amendments introduced in March 2011 increased the amount of time a trafficking offender must serve before being eligible for an early release, introduced a separate article specifically prohibiting trafficking of children and persons with mental disabilities, and introduced new punitive sanctions against traffickers that deprive them of the right of employment in certain occupations or practice certain activities for up to three years. The 2011 TIP report also indicates that the Armenian government in cooperation with international organizations (OSCE), NGOs and foreign governments provided anti-trafficking trainings to hundreds of government officials including police, border guards, and members of the judicial system. An Armenian court convicted and sentenced to nine years' imprisonment a former deputy principal of a state-run special needs school who, in 2008, forced two students to beg.¹¹³ In terms of punishment and prosecution of trafficking effective measures also include freezing and confiscating the assets of individuals and legal persons involved in trafficking. It is further indicated that these assets should be used to support and compensate the victims. While in Armenia it still remains a gap as indicated by the OSCE expert who mentioned that victims of trafficking should be provided with compensation, i.e. mechanism should be created through which victims of trafficking would get compensation as Georgia has done.

With regards to the cooperation between the state and the international organizations and NGOs all the interviews indicate to a very good level of cooperation and coordination between the actors within the framework of the Working Group adjacent to Anti-Trafficking Council. The National program Officer from OSCE mentioned about the well organized and targeted meetings. The UNDP expert also expressed her contentment with the coordination between the

¹¹² Interview with IOM Project Coordinator. Personal Interview, Yerevan, May 17, 2012

¹¹³ US Department of State, Trafficking In Persons Report 2011 on Armenia

actors within that framework. It was also mentioned that the opinion and suggestions of the organizations are respected and always taken into consideration by the head of the Working Group, Deputy Prime Minister, the Minister of Territorial Administration of the RA. As to the cooperation among the international organizations and the NGOs the IOM expert mentioned that the cooperation and coordination is really important for effective work and for avoiding duplication of work bringing as an example the textbooks that were provided to NGOs (Caritas, People in Need) carrying out awareness raising programs by the IOM.

Conclusion

Thus, to shortly sum up what has already been said and proceed with the recommendations it is worth mentioning one more time that trafficking in human beings is one of the most complex, changing and dynamic phenomenon being practiced across borders as well as within countries. It is a multidimensional problem with the interplay of political, economic, social and cultural factors. Trafficking in human beings is a phenomenon of very complicated and global nature, hence it requires cooperative and well coordinated approach at all levels – international, regional and national.

The research on the trafficking in human beings in the Republic of Armenia done for the purpose of this policy paper has shown that since recognition of the problem by the Armenian state authorities in the year of 2002 the country has advanced in terms of fighting against human trafficking. The issue was recognized as a serious problem and a number of initiatives have been undertaken to seriously address it. These initiatives and measures have been generated both by the state authorities often with the support and assistance of international and foreign actors and by these international organizations or NGOs themselves carrying out work in anti-trafficking field in Armenia. Numerous efforts have been made for raising public awareness on the issue, as well as for establishing institutional framework within the issue could be tackled. Efforts have been made both in terms of improving the legislative field and work of law enforcement bodies as well as in terms of providing victims of trafficking with assistance. However, as has been found out there are still a number of shortcomings and gaps already mentioned in the previous section. These are problems connected with prevention of trafficking through addressing root causes, the issue of labor migration, identification of victims and investigation of trafficking cases, as well as protection of victims and their reintegration into society. Based on the identified problems and gaps the following section will proceed with recommendations on how to combat trafficking in human beings more effectively in the Republic of Armenia. (Jasinski 2006)

Recommendations

Based on the research and study on the situation concerning human trafficking in Armenia, anti-trafficking measures taken by the government, the international organizations and the NGO sector and based on the analyses and problems identified, some recommendations could be suggested for more effective, targeted and improved anti-trafficking policies to be implemented by the RA in cooperation of all the parties concerned and involved in the field.

Prevention:

Although various awareness raising activities have been carried out, Armenia should continue to inform public and raise its awareness on both sex trafficking and labor trafficking. The activities should be both targeted at the vulnerable groups (women, migrants, socially vulnerable people) and society in general. The government needs to continue its cooperation with the international community and the NGOs to implement awareness raising activities, as well as to establish working cooperation and collaboration with the Governments of destination or transit countries and with the relevant actors in those countries. Some of the measures of prevention can be:

- For raising awareness among the public present information about human trafficking, its cruel nature, risks of being exposed to exploitation and humiliation in the country of destination, risk of HIV/AIDS and STD associated with the work in sex industry, as well as provide information about where a person can apply in the country of destination providing them with contacts of Armenian Embassies and Consulates if there are any in the countries of destination.
- Organize more training workshops and seminars for the government officials who deal with identification and travel documents, including border guards, employees of embassies and consulates, of passport departments. As well as programs should be organized for law enforcement officials.
- Train media on both presenting the issue of human trafficking and on their work with the victims of trafficking. Training, seminars can be prepared for this purpose since it is a serious issue of concern in Armenia

- Conduct research on the issue of human trafficking in Armenia based on current and accurate information, experience and analyses, interviews and data of both qualitative and quantitative type

Since the utmost importance of addressing the root causes for the prevention for trafficking has been emphasized many times in the paper some recommendation would be

- Create employment especially for women and the young to reduce the extent of trafficking in women from Armenia. Programs and training should be developed aimed at women empowerment and their advancement creating opportunities for them to enter job market in the country rather than seek opportunities abroad. The government should also support the NGOs and other actors who work in this sphere.
- Establish effective control over illegal migration and pay increased attention to the issue of labor migration.
- Provide potential migrants with information about the labor market, availability of the jobs, legal and social systems in the country of destination. In other words to minimize their risks of becoming victims of trafficking. (For example, in Latvia, NGOs gave adolescents a checklist of actions to protect themselves against false job promises abroad, included checking whether a job agency or opportunity was legitimate, seeking an employment contract and leaving a copy with relatives or friends¹¹⁴.)
- Establishing administrative controls and issuing licenses to agencies dealing with employment, tourism, marriage bureaus or hotels which are often used by traffickers to recruit people.

Prosecution

Although the Armenian Government has undertaken measures in terms of prosecution there are gaps and shortcomings in this aspect either. To combat trafficking more effectively in terms of prosecution Armenia should:

- Enhance efforts in identification of forced labor cases and its victims, investigate and prosecute labor trafficking offenses, as the number of identified cases has decreased in the recent years and there are few labor trafficking cases identified

¹¹⁴ UNODC 2008 An Introduction to Human Trafficking Vulnerability, Impact and Action

- Cooperate with NGOs that can assist law enforcement bodies with victim identification process
- Provide for functioning mechanism of witness protection including non-disclosure of the identity
- investigate and prosecute government officials suspected of trafficking-related activities and convict and punish them
- Ensure that the majority of convicted trafficking offenders serve time in prison
- Adding confiscation of assets as a supplementing sanction to a trafficking offense and use the confiscated assets for compensation to victims

Protection

As to the protection and assistance to victims there are significant shortcomings and problems that the government in cooperation with the international actors and NGOs should try to solve by providing more protection and assistance to the victims of trafficking. Some of the recommended measures are:

- ensure that the victims are provided with legally mandated assistance (medical, legal, primary needs, and shelter) at all stages of the victim-assistance process
- to continue cooperation and funding to the NGOs engaged in victim assisting activities (shelter assistance, medical, legal or psychological assistance)
- increase the number of victims referred to NGO service providers for assistance
- protect victims who consent to serve as witnesses in prosecutions
- assist and support the victims through reintegration activities which would help them to regain control over their lives and reintegrate into society
- organize safe repatriation of victims which is very problematic in the absence of diplomatic relations with Turkey

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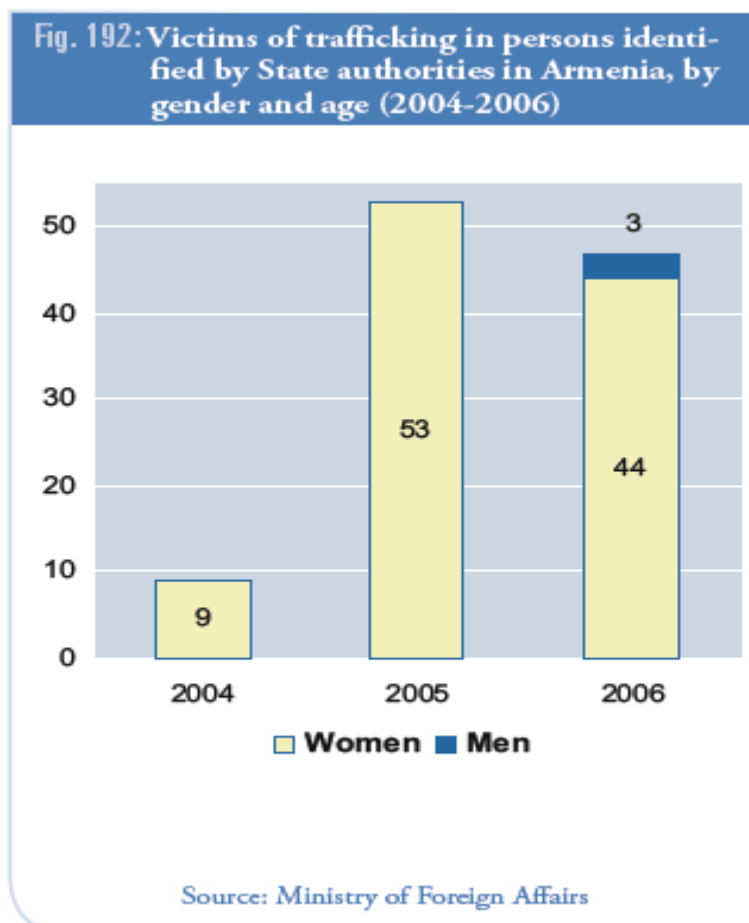
Interview with IOM Project Coordinator. Personal Interview, Yerevan, May 17, 2012

Interview with Ovsanna Babayan, OSCE National Programme Officer. Personal interview. Yerevan, May 31, 2012

Interview with Marina Solakhyan, UNDO Project Manager. Tape recording. Yerevan, May 19, 2012

ANNEXES

Data on the number of trafficking victims from 2004-2006 and from 2008-2011



Victims of trafficking in persons identified by State authorities in Armenia				
year	2008	2009	2010	2011 first term
Number of victims	34 (32 female, 2 male; 3 minors)	60 (44 female, 3 male, 5 minors) cases of 8 persons were quashed	19 (all female)	8 (7 female, 1 male; 2 minors)

(source: Reports of the RA Police, <http://police.am/am/trafficking/2011-04-06-20-17-50>)

Number of victims according to source and destination countries during 2008		
Number of victims	Source country	Destination country
8	Armenia	Turkey
10	Armenia	UAE
13	Russia	Armenia
3	Armenia	Armenia

Number of victims according to the type of exploitation and source and destination countries during 2009			
Number of victims	Source country	Destination country	
3	Armenia	UAE	Sexual exploitation
11	Russia	Armenia	Other forms of sexual exploitation
11	Armenia	Turkey	Sexual exploitation
1	Armenia	UAE	Sexual exploitation
5	Armenia	Armenia	begging
5	Armenia	UAE	Sexual exploitation
8	Armenia	Russia	Labor

			trafficking
1	Armenia	Armenia	Sexual exploitation

Number of victims according to the type of exploitation and source and destination countries during 2010			
Number of victims	Source country	Destination country	
9	Armenia	Armenia	Sexual exploitation
1	Armenia	Turkey, Armenia	Sexual exploitation
1	Russia	Turkey	Sexual exploitation
8	Armenia	UAE	Sexual exploitation

Number of victims according to the type of exploitation and source and destination countries during first term of 2011			
N/victims	Source country	Destination country	
8	Armenia	Armenia, Russia, UAE	Sexual exploitation, begging, labor trafficking

(source: Reports of the RA Police, <http://police.am/am/trafficking/2011-04-06-20-17-50>)

Data on trafficking victims by UMCOR/DT and Hope&Help for the period of March 2007 – December 2009¹¹⁵

Number of VoTs agreed to receive assistance			
Name of Organization	Through shelter	Without sheltering	Total
H&H ⁸	54	36	90
UMCOR	58 ⁹	17 ¹⁰	75
Total	112	53	165
%	68%	32%	100%

8 Data from H&H relates only to the sheltered VoTs

9 Four victims stayed in the shelter with their children.

10 Up to 80% of victims after sheltering continue to get assistance through drop-in center.

¹¹⁵ UNDP Yerevan 2010 Victims of Trafficking Assisted in Armenia. Booklet Compiling Data Gathered by Providers of Victims Assistance

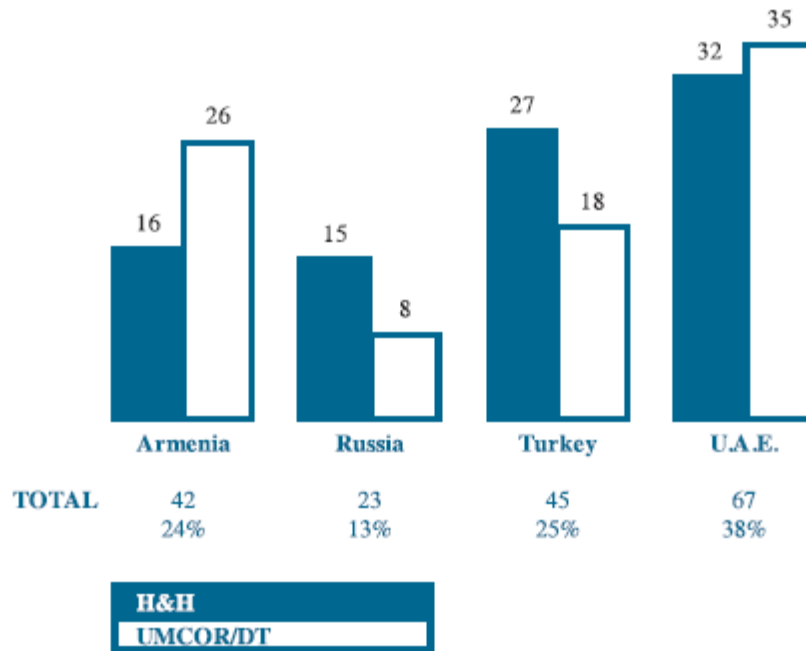
Provided psychological assistance	H&H	UMCOR/DT
Received psychological assistance/consultation	73	65
Short-term psycho correction	39	16
Continuously psycho correction	17	36
Psycho correction in group	16	36
Needed but did not accept	20	10

Provided legal assistance			
Type of legal assistance	H&H	UMCOR/DT	TOTAL
Assistance during court cases	30 persons (6 cases)	20 persons (8 cases)	50 persons (14 cases)
Receiving a new passport	4 persons	5 persons	9 persons
Assistance in military registration in military registration and enlistment office	0	1 person	1 person
Preparation of disability papers	0	3 persons	3 persons
Preparation of the necessary documents for social allowance	15 persons	5 persons	20 persons

Reintegration activities				
Type of activity	H&H		UMCOR	
	Male	Female	Male	Female
Vocational skills trainings	4	32 persons	1	29 persons
Currently have a job	1	10 persons	-	12 persons
Assistance in receiving social/employment allowance		2 person	4	10 cases
Family reunion	2 cases			

Destination countries for VoTs assisted in Armenia

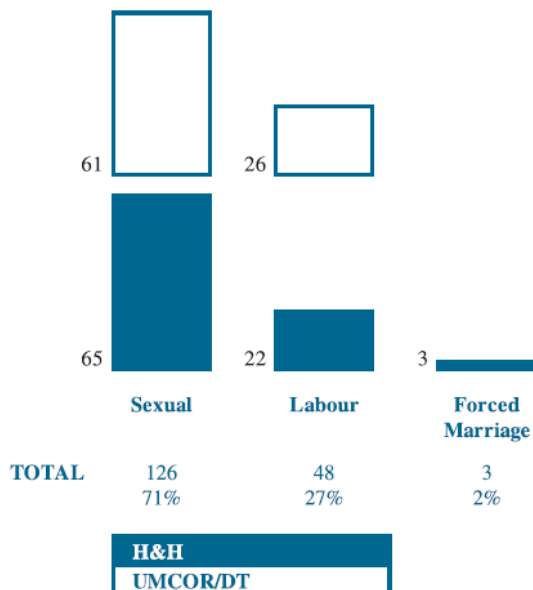
For 76% of the identified VoTs Armenia was a country of origin and for 24% (among them citizens of Ukraine, Uzbekistan and Canada) Armenia was a country of transit or destination. For Armenian citizens the main destination countries are United Arab Emirates, Turkey and Russian Federation.



*of them 7 people were victims of internal trafficking

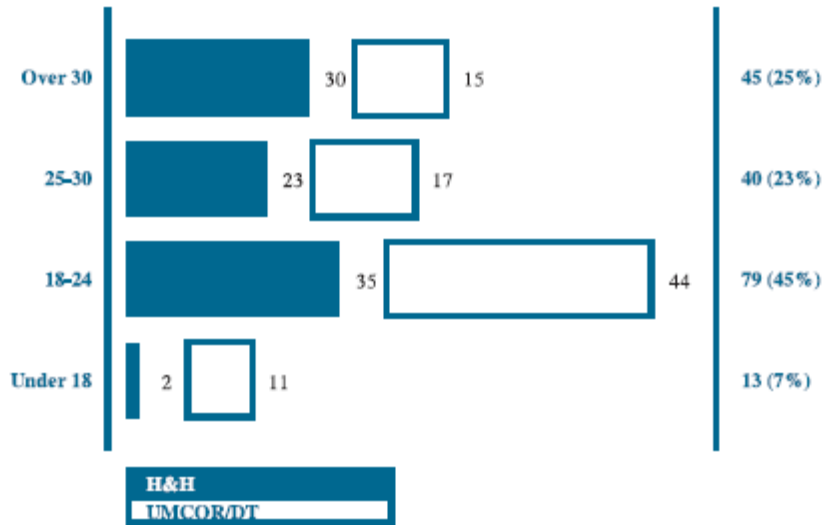
Type of exploitation

According to the type of exploitation 71% of victims were subjected to sexual exploitation, 27% were trafficked for labor exploitation. 2% of girls were subjected to forced marriage.



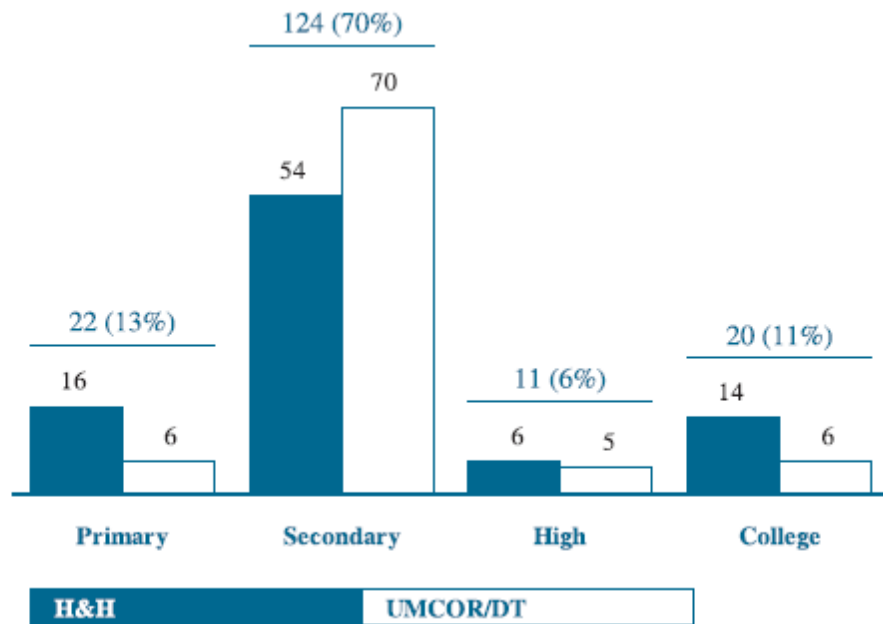
Victims' Age

The majority of victims are within the range of 18-24 years old, 25% are of 25-30 age. The youngest VoT was 16 and was trafficked to Armenia

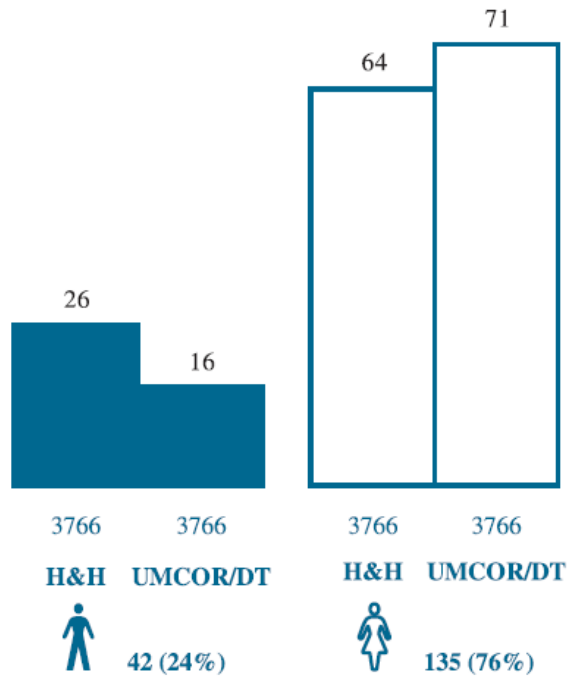


Victims' level of education

In general the identified VoTs do not have university education. The majority have only secondary education. Some of the victims have college degree. One of the women 21 years old was illiterate (finished only first grade).



Victims' gender



Interview Questionnaire

1) How would you evaluate the current situation concerning trafficking in the Republic of Armenia?

2) Since the year of 2002 the Armenian Government has been undertaking anti-trafficking measures, including criminalization of trafficking, ratification of the UN Convention on Transnational Organized Crime and its Protocols, establishment of Inter-Ministerial Commission and Anti-trafficking Council, development of National Action Plans and National Referral Mechanism. However, in 2011 State Report the US State Department ranked Armenia in the category of Tier 2 : countries that do not fully comply with the minimum standards for the elimination of trafficking and but are making significant efforts to do so.

According to you how far the Government of Armenia has reached in combating trafficking?(in terms of Prevention, Protection and Assistance, Prosecution and Punishment). What are the gaps and shortcomings in anti-trafficking policy?

3) How would you evaluate the cooperation of the Government with international actors and NGOs involved in the issue?

4) As to the role of international actors how efficient the UN has been in combating trafficking? As far as I know the latest project by UNDP “Anti-trafficking Programme: Capacity Building Support and Victims Assistance” was implemented from 2006-2009. How do you assess the effectiveness of the program? Are there any future plans? **(question to UNDP representative)**

5) The key international actors as UNDP, IOM, OSCE and some others have been taking steps to address the issue of trafficking in Armenia through various projects and activities? What is the level of cooperation and coordination between them? How would you evaluate the cooperation in terms of efficiency?

6) What do you think how effective the NGOs have been in carrying out anti-trafficking activities?

7) According to you what are the key problems in combating trafficking in Armenia? How the UN and other international actors should address the problem and what measures the state should undertake towards combating trafficking?