



## **CARIM EAST – CONSORTIUM FOR APPLIED RESEARCH ON INTERNATIONAL MIGRATION**

Co-financed by the European Union

### ***Human Trafficking in Armenia***

**Haykanush Chobanyan**

CARIM-East Explanatory Note 13/58

Socio-Political module

May, 2013



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## 1. The Evolution of anti-trafficking policies in Armenia:

The authorities of Armenia began to pay attention to trafficking in 2002, when, according to the annual report on the situation of trafficking in human beings presented by the U.S. State Department to Congress, Armenia was placed in the third group (**Tier 3**) of countries that do not fully comply with the minimum standards of the TVPA's (Trafficking Victims Protection Act of 2000) for the elimination of trafficking, and are not making significant efforts in this regard.

In fact, the organization of action against trafficking started that same year. An interdepartmental committee with the aims of studying issues related to illegal recruitment, and transportation, transfer and trafficking in human beings, and making recommendations was established in October 2002 following a decree by the Prime Minister of the RA. The committee was headed by the RA Ministry of Foreign Affairs and involved all the representatives of the relevant state bodies, experts from the staff of the RA National Assembly and the RA Government, as well as representatives of various NGOs. The committee drafted the Concept note on the organization of the action against trafficking in human beings from the RA. In 2004-2006, it also drafted a National Program, which was approved by the RA Government Decree N 58-N on January 15, 2004. This was the first document to define state policy related to the fight against trafficking in the RA. The National Program covered fields such as improvements to the legislation on trafficking in human beings, surveys on the extent of human trafficking into and out of the republic, implementation of preventive measures, implementation of programs aimed at assisting the victims of human trafficking and their protection.

In this period, the formation of anti-trafficking legislation took place on two levels: domestic, through the introduction of relevant changes to the RA Criminal Law, and international, through acceding to international agreements. Special divisions concentrated on the fight against trafficking were set in the RA Prosecutor's General Office and the RA Police.

The UN Convention against Transnational Organized Crime and its 2 optional Protocols (the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children) were ratified.

Armenia also joined the UN Convention on the Rights of the Child and its optional protocol.

Armenia signed the Council of Europe Convention on Action against Trafficking in Human Beings on March 16, 2005.

As for the domestic legislation, on August 1, 2003, a new Article 132 "On trafficking in human beings" was introduced into the RA Criminal Code, which was edited in June 2006. It defines trafficking as a category of crime in more a precise and complete manner. The term "human trafficking" replaced the term "exploitation". A new Article 132 was added, which stipulated stricter penalties for the organizers of trafficking.

According to a report compiled by the U.S. State Department on trafficking in human beings, According to report of the U.S. State Department on trafficking in human beings, Armenia was transferred into the **Tier 2** from the **Tier 3** as a result of the undertaken measures.

Institutional changes were made with a view to increasing the efficiency of the implemented activities. The status of the structure/body coordinating the activities of the fight against trafficking in human beings was accorded more importance. Previously, the Committee dealing with trafficking was not authorized to coordinate the activities of other state bodies, the decisions made by the Committee were not mandatory for the ministries, and the relatively unimportant status of the members of Committee on Trafficking prevented effective implementation of the activities. The RA Prime Minister's Decree N 861-A of 6 December, 2007 established the Council on Trafficking in Human Beings in Armenia, which was chaired by the RA Deputy Prime Minister, the Minister of Territorial Administration. Representatives of all the interested ministries and departments are members of the

Council. An interdepartmental working group was established in order to manage the organization of the on-going activities of the Council.

Despite all the activities undertaken, the RA Council on Trafficking has revealed certain gaps in the 2004-2006 National Program. In particular, the activities implemented with the aim of revealing those persons carrying out trafficking and bringing them to justice require significant improvement.

All the above-mentioned solutions, as well as other issues related to the fight against trafficking were included in 2007-2009 National Program on the struggle against trafficking in human beings and the schedule of the realization of the Program, which was approved by the RA Government Decree N1598-N of 6 December 2007.

Secondly, the 2007-2009 National Program represented the logical continuation of the previous action plan. If the first National Program was mainly aimed at the creation of a necessary legislative field and the implementation of preventive measures, while assisting victims of trafficking and implementing programs for their protection, then the second National Program was mainly aimed at strengthening state efforts, particularly in the area of prevention and related initiatives. Being based on the internationally applicable 3P approach it mainly includes three pillars – prevention, prosecution and support – and their intersections.

One of the goals of the 2<sup>nd</sup> Program was conducting research on the phenomenon, which would enable to evaluate the current situation and emerging trends in trafficking.

The RA Government Decree N1385-N of 20 November 2008 on National referral mechanisms (NRF) for victims of human trafficking ensured a coordinated approach in the activities related to the fight against trafficking. The latter stipulates 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. The main aim of the NRF is defining effective way to provide services to the victims of human trafficking, including accommodation, professional medical and psychological assistance, and counseling, while ensuring availability of education.

While implementing the 2<sup>nd</sup> Program, public awareness amongst the population in general and mainly amongst groups risk, was raised by information campaigns and other measures involving mass media. This was further aided by professionally training of the state officials dealing with the phenomenon of trafficking directly or indirectly. Direct communication with the society was also emphasized, mainly with regard to the identification of victims, coverage of the support provided to the victims, and the development of tolerant attitudes on the part of the population towards victims of trafficking. During the implementation of the 2<sup>nd</sup> Program, many cases of internal trafficking, even trafficking of children, were tried by the criminal courts in the Republic.

Nevertheless Armenia continues to be a source country for the overwhelming majority of trafficking victims. The United Arab Emirates, Turkey and the Russian Federation remain the main destination countries.

Important steps were taken towards international cooperation during this period. Particularly, a memorandum of understanding on cooperation against human trafficking was signed between the Republic of Armenia and the United Arab Emirates in December 2009. Another memorandum of understanding was signed between RA Migration Agency and the Migration Service of the Russian Federation in 2009. This memorandum aims to regulate migration issues with regard to the workforce and to protect the interests of labor migrants.

The result of the steps taken was soon obvious: if in the reports on human trafficking by the US Department of State in 2005-2008 Armenia was permanently placed in the **Tier 2 watch list**<sup>1</sup>, it was replaced to the **Tier 2**<sup>2</sup> in 2009 and has remained until 2012.

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<sup>1</sup> Countries which do not fully comply with the TVPA's minimum standards but are making significant efforts

Taking into account the problems that emerged in 2007-2009 during the implementation of the national programs on combating trafficking, the 3<sup>rd</sup> National Program of 2010-2012 and the timetable of its implementation in accordance with the implementing indicators were elaborated by the Council on trafficking of the RA, which was adopted by the RA Government decree № 1140-N in 2010. The Program attached significant importance to the prevention of trafficking. Separate attention was paid to training and to the study of relevant actors. Special training courses were organized in the framework of the Program directed to the detection, identification, referral and support of persons subjected to trafficking, as well as prevention and detection of the crime. Aside from this, an independent monitoring of implementation of the Program was carried out for the first time in the framework of the 3<sup>rd</sup> Program, the results and recommendations of which have been taken into consideration during the elaboration of the 4<sup>th</sup> Program.

The 4<sup>th</sup> National Program on combating trafficking in the RA in 2013-2015 and its timetable were elaborated by the working group attached to the Council on trafficking during 2012<sup>3</sup>. It was approved by the RA Government decree № 186-N of 28 February 2013.

The 4<sup>th</sup> National Program includes the main directions of the previous Program, but at the same time, it is more concentrated in terms of its aims. The aim of the Program is to focus state efforts to a greater degree, especially with regard to the improvement of the identification and support mechanisms for victims of trafficking by implementing the necessary legislative reforms, as well as establishing financial basis and developing the capacities of the actors operating in the field. One of the aims of the 4<sup>th</sup> Program is to conduct studies/surveys on human trafficking including a short study on working children.

## 2. A brief description of most relevant projects and their outcomes

With the aim of preventing trafficking, various programs are being implemented by both state and international organizations. The most important programs should be highlighted:

- The International Organization for Migration with the support of the US Government has implemented the “Strengthening capacities of border control detachment of the National Security Service Border Guards of Armenia” program since January 2010, which aims at refining the border management systems in Armenia and promoting the decrease of illegal migration flows through the development of capabilities of border guards and related staff members. A regular and continuous training program was elaborated in the framework of the project, which includes a topic entitled “Prevention of trafficking”.
- An amendment was introduced in 2010 in the RA Government decree № 318-N on “State-guaranteed free medical care and service” from 4 March 2004, by which persons subjected to human trafficking were involved in the list of socially insecure and separate (specific) groups of population with the right to state-guaranteed free medical care and services.
- With the support of OSCE Yerevan office, an assistance and resource center against trafficking operates within the RA Ministry of Labor and Social Affairs.
- A program entitled “State support to the victims of trafficking” has been implemented since 2010 within the framework of the state social program of the RA Ministry of Labor and Social Affairs. It is being implemented together with the AMCOR organization. Primary assistance is provided to the victims, and recovery activities are being carried out for them in

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<sup>2</sup> As Tier 2 but the number of victims is increasing or the countries do not provide evidence of increased efforts to tackle the problem or the country if making efforts to improve.

<sup>3</sup> Report on “Activities carried out against human trafficking in the Republic of Armenia” of the working group adjacent to Council on trafficking of the RA, 2013.

the framework of the program through the provision of medical, social, and psychological assistance and counsel.

- A regional trial program, entitled “School education in Armenia, Georgia and Azerbaijan directed to prevention of human trafficking” was implemented in 2009-2010 within the program of understanding signed between the RA Ministry of Education and Science and IOM. “Trafficking” (a handbook for students) and “Trafficking” (a handbook for teachers) manuals were elaborated during 2009 in the framework of the program, and they were recommended for use by the National Institute of Education of the RA MES as support manuals for public high schools.
- “Strengthening awareness on trafficking in Armenia, Georgia and Azerbaijan through education”, a trial program was started in January 2012, with the support of the International Organization for Migration. This aims at enhancing the capabilities of ministries of education against human trafficking. The program will contribute to awareness-raising amongst students and lecturers of higher educational institutions, as well as the involvement of trafficking topics in the curricula of higher educational institutions.

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