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2021 Trafficking in Persons Report: Armenia

ARMENIA: Tier 2

The Government of Armenia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Armenia was upgraded to Tier 2. These efforts included investigating more suspects, convicting a sex trafficker, and identifying more victims. The government developed a manual for local police on monitoring businesses for trafficking and engaging vulnerable communities and adopted a law that restricted interviews for children to 90 minutes in the presence of a psychologist. The Prosecutor General’s Office (PGO) created a working group to review all trafficking cases from 2018-2019 to identify legal or procedural issues and law enforcement added trafficking curriculum to train the new patrol police. The government significantly increased resources to the NGO-run shelter, developed screening indicators for social workers, and strengthened procedures to identify child victims. The government allocated funds to repatriate victims for the first time, and it adopted the 2020-2022 national action plan (NAP) and allocated resources to its implementation. The Health and Labor Inspection Body (HLIB) conducted labor inspections for the first time since 2015. However, the government did not meet the minimum standards in several key areas. The government has not convicted a labor trafficker since 2014. PGO continued to drop or reclassify trafficking cases referred by local police due to a lack of evidence. First responders did not have standard indicators to screen vulnerable populations and continued to rely on victims to self-identify. Law enforcement officers in some remote areas lacked information and training to inform victims of their rights and victims continued to face low access to justice, including an absence of victim-centered procedures and formal victim-witness protection measures. HLIB did not have jurisdiction to conduct inspections of “non-legal” employers such as small farms or illegal businesses.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Articles 132 and 132-2. • Increase proactive identification efforts, such as developing standard operating procedures for screening trafficking victims and training officials on screening for trafficking among individuals in commercial sex, migrants, refugees, and other at-risk populations. • Implement legal authorities for labor inspectors to conduct regular inspections, including non-legal employers, and identify victims through unannounced visits. • Provide advanced training to investigators and prosecutors on trafficking investigations and prosecutions, including evidence collection and victim-centered interview techniques. • Establish and implement preventative measures for child labor and potential child trafficking in state childcare institutions. • Increase access to justice during court proceedings, such as establishing victim-centered policies to reduce re-traumatization, strengthen confidentiality, and provide victim-witness protection. • Increase resources for reintegration services for victims. • Establish formal procedures for repatriating trafficking victims from abroad. • License, regulate, and educate local employment agencies and agents so they can help prevent the forced labor of Armenians abroad.

PROSECUTION

The government maintained law enforcement efforts. Articles 132 and 132-2 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of five to eight years’ imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those for other serious crimes, such as rape. The government investigated 16 cases (11 in 2019); 13 were forced labor cases and three sex trafficking cases (eight forced labor cases and three sex trafficking cases in 2019). The government prosecuted two defendants for forced labor (three defendants for forced labor and one for sex trafficking in 2019). The government continued to prosecute three defendants from previous years. Courts convicted one sex trafficker and sentenced the trafficker to ten years’ imprisonment (no convictions in 2019). The government has not issued a forced labor conviction since 2014. The government reported an ongoing investigation of a human resource officer and the head of a psychiatric institution that opened an unregistered store in the psychiatric hospital and coerced a patient to work in the store from 2002 to 2018. Due to the pandemic, the government reported delays in court proceedings, including delays due to hospitalizations of victims, and witnesses unable to attend proceedings. Prosecutors and investigators working on trafficking cases and witnesses in trafficking prosecutions enlisted or volunteered to serve in military units fighting in and around Nagorno-Karabakh, which further delayed court proceedings.

The Armenian Police (AP) maintained an Anti-Trafficking Unit (ATU) that conducted initial investigations and referred cases to the Investigative Committee (IC) for in-depth investigation. Local police units designated an officer as the main point of contact for trafficking within their jurisdiction. The government developed a manual for local police on monitoring risky businesses and interviewing vulnerable communities; however, law enforcement did not proactively pursue investigations and relied on victims to self-identify. In January 2020, the government reorganized ATU from the Organized Crime Department to the Department of Crimes against Human Beings and Property, which some experts feared might result in the ATU being called to assist in non-trafficking cases. Observers continued to report an absence of victim-centered approaches within law enforcement procedures, and local investigators in some remote areas lacked the skills to properly interview victims, resulting in inadmissible evidence and dropped prosecutions. Guidelines restricted interviews to four hours for adults; the government adopted a law, which took effect in January 2021, that restricted interviews for children to 90 minutes in the presence of a psychologist. In previous years, observers reported police repeatedly interrogated victims for long hours, including children for up to 10 hours, increasing the risk of re-traumatization. Additionally, investigations did not incorporate gender-sensitive approaches, such as the use of female medical professionals for forensic examinations of female victims. While the IC or PGO continued to drop or reclassify trafficking cases referred by local police due to a lack of evidence, PGO created a working group to review all trafficking cases from 2018-2019 to identify any legal or procedural issues, but no results were published during the reporting period. Authorities dropped seven forced labor cases and one sex trafficking case due to a lack of evidence and reclassified one sex trafficking case to “involving a person in prostitution,” compared with reclassifying one sex trafficking case and dropping four forced labor cases in 2019.

The Police Academy and Justice Academy maintained classes on trafficking for police, judges, prosecutors, and investigators. ATU trained officers designated as trafficking points of contact in local police units and added a trafficking component to the curriculum for new patrol officers. The government did not conduct any international investigations or extraditions in 2019 or 2020. Prosecution of forced labor cases involving Russia remained limited, as Armenian investigators continued to face difficulties collaborating with Russian law enforcement. Similarly, the absence of diplomatic relations with Turkey continued to hinder law enforcement and victim protection efforts for cases involving Turkey.

PROTECTION

The government modestly increased protection efforts. The government identified nine victims (eight in 2019). Of these, nine were victims of forced labor, including five victims of forced begging; five were children; three were female and six male; and one was a foreign victim from Iran. The 2014 Law on Identification and Assistance to Victims of Human Trafficking and Exploitation prescribed identification, referral, and assistance procedures for relevant actors. The government developed screening indicators for social workers and adopted procedures to identify child victims among children not enrolled in school; however, experts continued to report that officials did not proactively identify victims and instead relied on victims to self-identify. Observers continued to report that first responders did not consistently screen vulnerable populations for trafficking indicators, particularly individuals in commercial sex and foreign migrant workers. The government provided temporary shelter, emergency medical services, and psychological aid to potential trafficking victims during the “pre-identification stage,” a stage where the government collected information on a potential victim within a maximum of 10 days. The Victim Identification Commission (VIC), which consists of representatives from the Ministry of Labor and Social Affairs (MOLSA), PGO, police, and NGOs, officially recognized victims based on information collected during the “pre-identification stage;” the VIC officially recognized five victims in 2020 and five additional victims from January to March 2021 (eight in 2019). Civil society continued to report the referral procedures functioned well, and they had positive cooperation with the government.

The government allocated 40.2 million drams (\$78,060) for victim protection efforts, including operational costs for an NGO-run shelter, an increase compared with 19 million drams (\$36,890) in 2019. The government and local NGOs jointly provided legal, medical, and psycho-social support; housing; a one-time monetary compensation of 250,000 drams (\$490); and access to social, educational, and employment projects. One victim received free health care (three in 2019), and one victim received the one-time monetary compensation (six in 2019). In 2019, the government amended the law to allow legal guardians of child victims to receive the one-time monetary compensation. The government maintained a cooperation agreement and partially funded one specialized NGO-run shelter to provide services to victims; the NGO-run shelter assisted 10 identified victims during the reporting period (four in 2019). The NGO-run shelter required adult victims to notify staff when they left shelters unescorted, but victims were free to leave if they no longer wanted assistance. Additionally, the NGO-run shelter provided male victims with separate rooms or rented apartments; one male victim received accommodation (none in 2019). The government provided vocational training classes to victims, but civil society continued to provide the bulk of reintegration and long-term support services without government funding. Additionally, the government did not include trafficking victims in the list of vulnerable people eligible for state housing. The NGO-run shelter and childcare institutions accommodated child victims, but experts reported a shortage of accommodation and foster families for children, which resulted in some cases where authorities returned children to family members who were involved in their exploitation. In previous years, the government did not have established procedures or funds to cover logistical costs for the repatriation of victims. For the first time the government allocated funds for repatriation in 2020, although no victims required repatriation in 2019 or 2020. The government provided foreign victims the same services as Armenian victims. The law entitled foreign victims to a 30-day reflection period in which victims

could recover before deciding whether to cooperate with law enforcement. The law also entitled foreign victims to receive a permanent residence permit, but applications required evidence of employment; no foreign victim received a permit in 2020 (one in 2019).

There were no reports the government penalized victims for crimes their traffickers compelled them to commit; however, due to a lack of consistent identification procedures for trafficking indicators, authorities may have detained and deported individuals in commercial sex and foreign migrant workers who were unidentified victims. According to experts, law enforcement officers in some remote areas may lack information and training to inform victims of their rights to protection or assistance. Victims hesitated to assist in prosecutions due to a lack of confidentiality in public testimonies creating a fear of retaliation from traffickers and stigmatization from their family and community. Authorities did not fully protect victims’ rights during court proceedings and victims, including children, appeared in front of their traffickers in court, which may have caused re-traumatization. The government lacked a formal victim-witness protection program. The Criminal Procedure Code and a 2016 decree mandated some victim-witness protection measures, but none were used in 2019 and 2020. Judges did not issue restitution during criminal proceedings and victims did not file civil suits for compensation in 2019 or 2020. In previous years, judges did not issue damages in civil suits, asserting that victims did not substantiate the financial damages they had suffered. The law allowed investigators to place defendants’ property in custody to fund potential civil claims, but this rarely occurred in practice.

PREVENTION

The government increased prevention efforts. The Anti-trafficking Ministerial Council and the Inter-Agency Working Group against Trafficking in Persons (IWGTP) monitored and carried out anti-trafficking efforts during the reporting period; the Ministerial Council met once (none in 2019) and IWGTP met once (none in 2019). During the previous reporting period, the government failed to pass the 2019-2021 NAP; however, the Ministerial Council and IWGTP updated the NAP, and the government adopted the 2020-2022 NAP and allocated 78.9 million drams (\$153,200) in 2020 for its implementation. The government did not conduct any new research on trafficking in 2020 (none in 2019). The government produced one radio and two television shows and funded a public service announcement on trafficking. Additionally, the Ministry of Education, Science, Culture, and Sports funded an anti-trafficking website and hosted an annual award ceremony for journalists publishing trafficking stories. The government did not regulate or monitor labor recruitment agencies. The Ministry of Health formed the Health Inspection Body (HIB) in 2017, but its mandate was limited to workplace health and safety inspections, and it did not have authority to conduct unannounced inspections. However, the government passed legislative amendments in December 2019 to reform the HIB as the HLIB with a strengthened authority and mandate, including the authority to conduct labor inspections. In 2020, HLIB conducted labor inspections for the first time since 2015 but did not have jurisdiction to conduct inspections of “non-legal” employers such as small farms or illegal businesses. AP and MOLSA both maintained a 24-hour hotline for trafficking, and the Ombudsman operated a 24-hour hotline for human rights-related issues, including trafficking; the government did not report the number of calls, potential victims identified, or investigations resulting from calls. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Armenia, as well as victims from Armenia abroad. Traffickers exploit some of the Armenian migrants who seek employment in Russia, the United Arab Emirates (UAE), and Turkey in forced labor, often through recruitment fraud and exorbitant recruitment fees charged by labor brokers. Armenian women may also be exploited in sex trafficking in the UAE and Turkey. Armenian women may be exploited in sex and labor trafficking and forced begging within the country. Some children work in agriculture, construction, and service provision within the country, where they are vulnerable to labor trafficking. Ukrainian, Belarusian, and Russian women working as dancers in Armenian nightclubs are vulnerable to sex trafficking. Traffickers may target Iranian and Indian migrants who willingly seek employment in the informal sector for exploitation in forced labor. Men in rural areas with little education and children staying in childcare institutions remain highly vulnerable to labor and sex trafficking.

ecoi.net summary:

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