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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 with the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Armenia remained on Tier 2. These efforts included developing screening indicators, in cooperation with an NGO, to help identify victims in migration flows and establishing standardized indicators for the Victim Identification Commission (VIC) to officially assess and identify victims. The government added a definition of forced labor in the Labor Code, amended procedures to allow all governmental organizations and NGOs to refer victims to the VIC, and issued a decree that provided minimum standards for victim assistance. Anti-trafficking coordinating bodies met consistently and drafted and adopted the 2023-2025 NAP. However, the government did not meet the minimum standards in several key areas. The government investigated and prosecuted fewer suspects and identified fewer victims. Judges issued probation for convicted traffickers, which did not serve to deter the crime or adequately reflect the nature of the offense, and first responders did not consistently screen vulnerable populations for trafficking indicators. Experts reported new changes in the criminal procedural code reduced the ability of police to conduct proactive investigations, and victims continued to face little access to justice, including an absence of victim-centered procedures and formal victim-witness assistance measures. While the government standardized many victim protection efforts, it did not consult the VIC, resulting in indicators and minimum standards that were not always applicable to trafficking victims.

PRIORITIZED RECOMMENDATIONS:

- Vigorously investigate, prosecute, and convict traffickers under Articles 188 and 189.
- Seek adequate penalties for convicted traffickers, which should involve significant prison terms.
- Increase proactive identification efforts, including implementing SOPs for screening trafficking victims and training officials on screening for trafficking among individuals in commercial sex, migrants, refugees, and other at-risk populations.
- Seek and implement recommendations from civil society, NGOs, and members of the VIC on decrees standardizing victim protection.
- Provide advanced training to investigators and prosecutors on trafficking investigations and prosecutions, including evidence collection and victim-centered interview techniques.
- Increase access to justice during court proceedings, such as establishing victim-centered policies to reduce re-traumatization, strengthen confidentiality, and provide victim-witness assistance.
- Increase resources for reintegration services for victims.
- Implement legal authorities for labor inspectors to conduct regular inspections, including non-legal employers, and identify victims through unannounced visits.
- License, regulate, and educate local employment agencies and agents so they can help prevent the labor trafficking of Armenians abroad.
- Establish and implement preventative measures for labor violations and potential forced labor in the military and child labor and potential child trafficking in state childcare institutions.
- Train prosecutors and judges on restitution in criminal cases, establish procedures to seize assets from traffickers, and create effective methods to allocate restitution in a timely manner.

PROSECUTION

The government maintained law enforcement efforts. Articles 188 and 189 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of five to eight years' imprisonment for crimes involving adult victims and seven to ten years' imprisonment for crimes involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government adopted an amendment to the Labor Code in October 2022, which included a definition of forced labor. The government investigated eight cases, a decrease compared with 15 cases in 2021; four for sex trafficking and four for labor trafficking. The government continued to investigate six cases from previous years. The government prosecuted four defendants, compared with eight defendants in 2021; two for sex trafficking and two for labor trafficking. The government continued to prosecute six defendants from previous years. Courts convicted two labor traffickers, compared with one sex trafficker and one labor trafficker in 2021. Judges initially sentenced one trafficker to seven years' imprisonment and the other to five years' imprisonment but later changed the sentences to five years' probation and two years' probation, respectively, which did not serve to deter the crime or adequately reflect the nature of the offense. The government reported convicting a human resources officer and the head of a government psychiatric institution that opened an unregistered store in the psychiatric hospital and coerced a patient to work in the store from 2002 to 2018.

The Armenian Police (AP) maintained an Anti-Trafficking Unit; however, the new criminal procedural code, which came into force in July 2022, required AP to only transfer findings and reports to the Investigative Committee (IC), which was responsible for starting an official investigation. Experts reported the procedural changes would likely result in less proactive investigations as the IC was traditionally not a front-line agency that interacted with potential victims. Investigators in the IC's General Department of Investigation of Particularly Important Cases investigated trafficking cases, and the Office of the Prosecutor General's (OPG) Department of Combating Crimes Against the Person maintained one specialized prosecutor. Local police units designated an officer as the main point of contact for trafficking within their jurisdiction, but officers also investigated other crimes, such as domestic violence and sex crimes. Observers continued to report an absence of victim-centered approaches in law enforcement procedures. Guidelines restricted interviews to four hours for adults, and 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. However, observers continued to report investigations did not incorporate gender-sensitive approaches, such as the use of female medical professionals for examinations with female victims. OPG concluded a working group to review all trafficking cases from 2018 to 2019 to identify any legal or procedural issues. However, the IC or the OPG continued to drop or reclassify trafficking cases referred by local police because of a lack of evidence. The Police Academy and Justice Academy maintained classes on trafficking for police, prosecutors, and investigators, and the government, with financial and technical assistance from international organizations and donors, provided additional training for prosecutors, police, migration officers, and municipality staff on various anti-trafficking issues. The Ministry of Defense trained military police officers on anti-trafficking issues. The government conducted international trainings with authorities from Austria, Georgia, and Russia.

PROTECTION

The government maintained protection efforts. The government identified six victims, a decrease compared with 32 victims in 2021, however, similar to nine in 2020, and eight in 2019. Of these, four were sex trafficking victims and two were labor trafficking victims, which included four women, one man, and one boy. All victims were Armenians. The 2014 Law on Identification and Assistance to Victims of Human Trafficking and Exploitation prescribed identification, referral, and assistance procedures for relevant actors. Police reported inspecting businesses involved in

commercial sex, using checklists to screen individuals in commercial sex, and training officers on trafficking indicators; the government did not report the number of inspections, nor did it identify any victims through these efforts. The government, in cooperation with an NGO, developed screening indicators for the State Migration Service (SMS) to help identify victims in migration flows. In 2021, the government developed screening indicators for social workers and adopted procedures to identify child victims among children not enrolled in school. Experts continued to report officials did not proactively identify victims and instead relied on victims to self-identify. Observers continued to note first responders did not consistently screen vulnerable populations for trafficking indicators, particularly individuals in commercial sex and foreign migrant workers. The criminal procedural changes decreased police's involvement in investigations, which likely exacerbated the lack of efforts to proactively identify victims. The government, in cooperation with an NGO, trained health and labor inspectors, social workers, and staff from SMS on victim identification.

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 VIC, which consists of representatives from the Ministry of Labor and Social Affairs (MOLSA), OPG, police, and NGOs, officially recognized victims based on information collected during the "pre-identification stage;" the VIC met three times. In 2021, NGOs reported one case involving 15 victims they assessed did not fully meet the definition of trafficking, while government representatives on the VIC reported it met the definition and overruled their assessment. The case involved an alleged perpetrator that threatened to hurt family members of individuals detained or missing in the 2020 hostilities over Nagorno-Karabakh, unless the victims sent nude photos and videos. A judge convicted the offender under the trafficking article, but the case was under review by an appeals court. The government issued a circular with standardized indicators in October 2022 for the VIC to assess potential victims. Experts reported establishing standardized indicators was a positive step, but VIC civil society members were not consulted in the process, which resulted in some unrealistic indicators. The government also amended procedures to allow all governmental organizations and NGOs to refer potential victims to the VIC. Civil society reported the referral procedures functioned well in 2022, and they had positive cooperation with the government.

The government allocated approximately 28 million drams (\$70,000) for victim protection efforts, including operation costs for an NGO-run shelter, a decrease compared with 40 million drams (\$100,000) in 2021. The government issued a decree that provided minimum standards for victim assistance but did not solicit input from civil society on many of the standards. Experts reported the standards were reasonable, but some were not always applicable to trafficking victims. For example, minimum standards required a mandatory medical evaluation for victims upon arrival at the shelter, but some victims would not be ready to undergo such examinations. The government and local NGOs jointly provided legal, medical, and psycho-social support; housing; a one-time monetary compensation of 250,000 drams (\$625); and access to social, educational, and employment projects. The government allowed legal guardians of child victims to also 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 six victims, including free health care for three victims and provided the one-time monetary compensation for two victims. 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. In addition, the NGO-run shelter provided male victims with separate rooms or rented apartments, but there were no male victims in need of shelter in 2022 and 2021. The government provided assistance in job placement and vocational training classes for victims, but civil society continued to provide the bulk of reintegration and long-term support services without government funding. In addition, the government did not include trafficking victims in the list of vulnerable people eligible for state housing. The NGO-run shelter and childcare institutions had the capacity to accommodate child victims. The government allocated funds for repatriation in 2020 for the first time, although no victims required repatriation in 2022 and 2021. 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; no foreign victim required a permit in 2022 and 2021.

Due to a lack of consistent identification procedures, 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 have lacked information and training to inform victims of their rights to protection or assistance. Victims hesitated to assist in prosecutions because of a lack of confidentiality in public testimonies, creating a fear of retaliation from traffickers and stigmatization from their families and communities. Authorities did not fully protect victims' rights during court proceedings, and victims, including children, appeared in front of the traffickers in court, which may have caused re-traumatization. The government continued to lack a formal victim-witness assistance program. The Criminal Procedure Code and a 2016 decree mandated some victim-witness assistance measures, but none were used in 2022 and 2021. Prosecutors did not request restitution in criminal proceedings and recommended victims file civil suits for compensation; one victim filed a civil suit for compensation. 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; the Ministerial Council met once (did not meet in 2021) and IWGTP held six meetings (two in 2021). The government drafted and adopted the 2023-2025 NAP and allocated 37 million drams (\$92,500) for its implementation, compared with 40 million drams (\$100,000) in 2021. However, observers reported many of the goals and projects in the NAP depended on funding from donors and international organizations, which the government did not secure. The government allocated 450,000 drams (\$1,130) for prevention efforts and organized awareness campaigns targeting the public, students, and youth. The government funded an anti-trafficking website and hosted an annual awards ceremony for journalists publishing trafficking stories. MOLSA solicited feedback from trafficking survivors and victims on assistance measures to amend the 2014 law on victim assistance. The government did not regulate or monitor labor recruitment agencies. In 2020, the Health and Labor Inspection Body conducted labor inspections – the first inspections since 2015 – but did not have jurisdiction to conduct inspections of “non-legal” employers, such as small farms or illegal businesses. MOLSA maintained a 24-hour hotline for social services, including trafficking victim services, and the government funded an NGO-run hotline for trafficking and sexual abuse; the MOLSA hotline received 10 trafficking-related calls, and the NGO-run hotline received 54 trafficking-related 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 Armenian migrants who seek employment in Russia often through recruitment fraud and recruitment fee-related debt bondage by labor brokers. Armenian women may also be exploited in sex trafficking in the United Arab Emirates and Türkiye. 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. 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 state childcare institutions remain highly vulnerable to labor trafficking. Reports document some commanding

staff and military service members subject new conscripts, including those who identify as LGBTQI+, to degrading treatment and labor exploitation.