Armenia (Tier 2 Watch List)

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 made legislative amendments and regulations to strengthen the health and labor inspection body (HLIB) and provided training to law enforcement officials. Authorities increased the number of investigations and prosecutions and the Victim Identification Commission continued to function well with participants reporting good cooperation between government and civil society. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government had no convictions for the second year and has not had a forced labor conviction since 2014. The government identified eight victims, the fewest since 2012, and first responders continued to rely on victims to self-identify due to a lack of proactive identification efforts, such as standard indicators to screen vulnerable populations. Trafficking victims, like victims of other crimes, faced low access to justice, including an absence of victim-centered procedures and formal victim-witness protection measures. Therefore Armenia was downgraded to Tier 2 Watch List.

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. • Provide advanced training on trafficking investigations and prosecutions. • Establish and implement preventative measures for child labor and potential child trafficking in state childcare institutions. • Adopt a national action plan and monitor and evaluate the implementation of anti-trafficking efforts. • Train investigators, prosecutors, and judges on victim-centered approaches, including for children. • Implement legal authorities for labor inspectors to conduct regular inspections and identify victims through unannounced visits. • Increase resources for reintegration services for victims. • Establish formal procedures for repatriating trafficking victims from abroad, including measures to cover logistical costs. • 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 serious crimes, such as rape. The government investigated 11 cases (nine in 2018). Of these, eight were forced labor cases and three were sex trafficking (five cases of forced labor and one case of both sex trafficking and forced labor in 2018). The government prosecuted three defendants for forced labor and one defendant for sex trafficking (one for forced labor in 2018). Courts did not issue any convictions for sex trafficking in 2019 or 2018 and have not issued a forced labor conviction since 2014.

The Armenian police maintained an Anti-Trafficking Unit (ATU) that conducted an initial investigation and referred cases to the Investigative Committee (IC) for an in-depth investigation. Local police units continued to designate an officer as the main point of contact for trafficking within their jurisdiction. Civil society reported good cooperation with ATU and IC investigators; however, law enforcement authorities did not conduct proactive investigations and relied on victims to self-identify. The government reorganized ATU from the Organized Crime Department to the Department of Crimes against Human Beings and Property, which some experts feared may reduce ATU's time for proactive investigations, if they were called to assist in non-trafficking cases. Observers continued to report an absence of victim-centered approaches within law enforcement. Although the IC maintained 20 child-friendly interview rooms in five regional divisions, local investigators lacked the skills to properly interview victims, including children, resulting in inadmissible evidence and dropped prosecutions. Guidelines restricted interviews to four hours for adults and two hours for children, but observers reported cases in previous years where police repeatedly interrogated victims for long hours, including children up to 10 hours, increasing the risk of re-victimization. Additionally, investigations did not incorporate gender-sensitive approaches, such as the use of female medical professionals for invasive examinations on female victims. The IC or Prosecutor General's Office often dropped or reclassified cases categorized as trafficking by local police due to initial police incorrect categorization or lack of evidence. In 2019, one sex trafficking case was reclassified, four labor cases were dropped due

to lack of evidence, and one was suspended due to the failure to identify the alleged traffickers; authorities referred the other six cases for prosecution (two cases were dropped and one reclassified in 2018).

The government trained 146 police officers, 54 judges, 86 investigators, 96 prosecutors, and 540 employees from penitentiary institutions on trafficking issues. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. The government did not conduct any international investigations or extraditions in 2019. Prosecution of forced labor cases involving Russia, where Armenian investigators continued to face difficulties collaborating with law enforcement, remained limited. Similarly, the absence of diplomatic relations with Turkey continued to hinder law enforcement and victim protection efforts for cases involving Turkey.

PROTECTION

The government maintained weak protection efforts. The government identified eight victims (nine in 2018). Of these, five were subjected to forced labor and three to sex trafficking (eight were subjected to forced labor and one to both sex trafficking and forced labor in 2018); two were children in both 2019 and 2018; four were male and four female (eight were males and one female in 2018); two victims were from Tajikistan and one from Iran (four foreign victims from India in 2018). The 2014 Law on Identification and Assistance to Victims of Human Trafficking and Exploitation prescribed identification, referral, and assistance procedures for relevant actors; however, experts continued to report a lack of proactive identification efforts and a reliance on victims to self-identify. The government did not provide standard indicators, and first responders did not screen vulnerable populations for trafficking indicators, including individuals in commercial sex and foreign migrant workers. The government provided temporary shelter, emergency medical aid, 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, which consisted of representatives from the Ministry of Labor and Social Affairs (MOLSA), the Prosecutor General's office, police, and NGOs, officially recognized victims based on information collected during the "pre-identification stage." Civil society continued to report the referral procedures functioned well, and they had positive cooperation with the government.

The government allocated 19 million drams ($40,000) in both 2019 and 2018 for victim protection efforts, including operational costs for an NGO-run shelter. The government and local NGOs jointly provided legal, medical, and psychological assistance; housing; a one-time monetary compensation of 250,000 drams ($530); and access to social, educational, and employment projects. The government offered free health care but relied on NGOs to provide legal assistance, including the cost for attorneys. Three victims received health care (three in 2018), and six victims received the one-time monetary compensation (six in 2018). 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 four newly identified victims (three in 2018). 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. Authorities afforded foreign victims the same rights and services as Armenian citizens. Male victims had access to the shelter and NGOs rented apartments; no male victims required accommodation (four in 2018). 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 in accommodation and foster families for children, which resulted in some cases where authorities returned children to family members who were involved in their exploitation. GRETA and OSCE reported in 2017 cases of child labor and child abuse in state childcare institutions. The government did not provide training to social workers, compared to training 64 social workers on trafficking issues in 2018. The law designated the Ministry of Foreign Affairs (MFA) to coordinate repatriation of Armenian victims from abroad, but there was an absence of established procedures or funds to cover logistical costs; no victims required repatriation in 2019 or 2018. The law entitled foreign victims to a 30-day reflection period in which victims can 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; one foreign victim received a permit.

In previous years, observers reported authorities may have penalized some sex trafficking victims with administrative fines due to inadequate identification. According to some non-governmental 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, risking re-traumatization. The government continued to lack 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 2018. Victims were legally entitled to obtain restitution during criminal proceedings or through a separate civil suit. In previous years, judges had not issued 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 decreased prevention efforts during the year. The Anti-trafficking Ministerial Council and the Inter-Agency Working Group against Trafficking in Persons (IWGTP) did not monitor or carry out anti-trafficking efforts during the reporting period as the government reorganized, absorbed, or eliminated entities previously responsible for many of the relevant actions. The MFA transferred the mandate of coordinating the IWGTP to MOLSA. The government drafted a 2019-2021 national action plan (NAP), but did not adopt the NAP and observers reported it did not assess the impact and outcomes of the 2016-2018 NAP. The Ministry of Education, Science, Culture, and Sports funded an anti-trafficking website and hosted an annual award ceremony for journalists publishing trafficking stories. Military and law enforcement officials conducted awareness campaigns for staff and students. MOLSA also allocated 786,000 drams ($1,650) to produce a public service announcement on trafficking.

There was no mechanism for oversight and regulation of 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 with risk assessment methodologies and inspection checklists. Government agencies posted trafficking information on their websites, including information on hotlines operated by police and NGOs; the government did not report the number of 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. Some of the Armenian migrants who seek employment in Russia, the United Arab Emirates (UAE), and Turkey face forced labor, often following recruitment fraud and exorbitant recruitment fees charged by labor brokers; Armenian women and children may also be exploited in sex trafficking in the UAE and Turkey. Armenian women and children 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 nightclubs are vulnerable to sex trafficking. Traffickers may target an increasing number of Indian migrants who willingly seek employment in the informal sector and face forced labor. Men in rural areas with little education and children staying in childcare institutions remain highly vulnerable to trafficking.