

Delegation of the Republic of Armenia

12th session of the UNTOC COP Working Group on Trafficking in Persons

Statement under agenda item 2: Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked

Vienna, 29 June 2022

Madame Co-Chair,

Our congratulations to both Co-Chairs.

Trafficking in persons is a multi-dimensional phenomenon. It is a crime that deprives people of their basic rights and freedom, increases global health risks, fuels growing networks of organized crime, and is an obstacle to development.

Combating trafficking in persons is a key priority for the Government of Armenia, and we have registered tangible results, which have been materialized due to numerous reforms in close collaboration between the Government and all relevant stakeholders as well as with our international partners.

Madame Co-Chair,

Today, we would like to focus our intervention on a specific aspect of trafficking, which we have encountered fairly recently. I refer to the cases

when the offenses and crimes, including violence, are committed by individuals, who may be victims of trafficking.

Unfortunately, recently we see that such situations become more and more common within the context of armed conflicts.

In particular, the recent examples show that apart from other criminal mechanisms, trafficking modalities are being also used in recruitment of foreign mercenaries and terrorist fighters.

In this context many modus operandi of recruiting and transfer of FTFs and foreign mercenaries, recently described in the mainstream international media and witness accounts, are very similar to the ones used by traffickers to recruit people for forced labor or any other exploitation.

Those are:

- abuse of the situation of vulnerability of recruits, including social and economic hardships
- provision of false identity documents
- illegal passage through international borders
- misinformation on the nature and purpose of the recruitment
- compelling to participate in the active armed combat under the threat to life or imprisonment

These correlations have been identified on the basis of witness accounts who have experienced such situations in the context of a recent armed conflict.

Vast majority of the deceived recruits who were compelled to engage in the combat were not only denied return, but also threatened with death or imprisonment.

As we can see, there are many correlations between the modus operandi of trafficking in persons and recruitment and transfer of foreign terrorist fighters and mercenaries in the context of armed conflict, and many elements employed are similar to those described in the Palermo Protocol to the Convention against Transnational Organized Crime.

However, in this context the applicability of the non-punishment principle should be thoroughly studied, bearing in mind the relative novelty of this criminal mechanism and the fact that in the end the recruits were compelled to participate in the commitment of serious crimes.

Madam Co-Chair,

- Therefore, we would like to suggest that the Working Group and the UNODC should further study the correlations and commonalities of crimes of trafficking in persons and recruitment of foreign mercenaries and terrorist fighters for their engagement in armed conflicts in order to help states to devise effective prevention and response strategies bearing in mind the complex character of those crimes.
- States Parties should pay more attention in their criminal justice systems to the instances of trafficking in persons for the purposes of their engagement in armed conflicts and areas of generalized

violence with a view to devise effective prevention and response mechanisms.

Thank you Madame Co-Chair