



**The Strategy on Labour Migration,
Combating Human Trafficking and Forced labour
of Confederation of Trade Unions of Armenia
(2009-2012)**

The presented strategy is directed to organize the activities of the Confederation of Trade Unions of Armenia (CTUA) on labor migration, combating forced labour and trafficking, which includes the following parts:

Introduction

1. Legislative field of the Republic of Armenia in the Sphere of Migration and Trafficking
2. The role of Trade Unions in Combating Irregal labour migration and THB
3. Activities for organizing labour migrants
4. Activities on prevention of THB
5. Support and protection of THB victims
6. Co-operation
7. Survey

Introduction

Labour migration

Labour migration, transportation of people in purpose of employment, became one of the agenda items for many origin, transit and destination countries. The Governments of the States in two opposite sides of migration flows from time to time improve their abilities to rule the labour force flows providing interests of society, migrants and government. Every 35th of the world population is a migrant by United Nation Organization (UNO) data. As practice shows the increasing tendency of international migration and absolute number of migrants will continue during future decades. By International Organization for Migration (IOM) predictabilities three main promoting factors of international labour migration will be:

- Changing demographic situation and requirements of the labour market in countries with high profits,

- Low wages and financial crisis which are specific to less developed countries,
- International network based on family, culture and history.

Labour market needs specialized labour force as well as non specialized.

In case of global industry in developed countries labour migration became one of the main factors to resist the calls of development, labor market and productivity. Today migration is a tool to correct specialized, age-specific and spherical structure of intergovernmental and sub-regional labour markets. It allows to response to developments, condition changes of market, quickly changing requests for staffs and skills which occur because of industrial modification. Migrants maintain their skills, work, knowledge and attempts for progress of the destination countries.

According to UN data during the last years the number of people leaving their origin country for abroad has doubled from 1960's 75 million it reached to 191 million in 2005. About the half of these 191 million are women. According to International Labour Organization (ILO) the number of migrants is more than 86 million in the world. (*Source- "Handbook on developing productive policy in the sphere of labour migration in the countries of origin and destination", OSCE, IOM, ILO, 2006*)

Globalization gives large opportunities to labor migrants. In case of Armenia, proceeding the traditional migratory experience, during last years migration from Armenia changed into labour migration. Though Armenian economic growth, service industries and industry are not able to provide many unemployed with employment yet.

By the results of Advanced Social Technologies NGO (an independent centre for applied social research) 2007 survey which was conducted in the framework of OSCE Yerevan Office labour migration project, in 2005-2006 3,4% household members who were included in the main selection of the survey were involved in labour migration process. This data allows to count the absolute number of migrants 96 000-122 000 or 3,0-3,8% of Armenia's de jure population (margin of error is 0,4%). During the period of 2005 January – 2006 December the majority of migrants (51,6%) made two or three labour travels (40,1% and 11,5% appropriate). According to the results 54 000-74 000 migrants left Armenia in 2005 and 60 000-81 000 migrants left Armenia in 2006. Therewith, approximately 70% of migrants returned to Armenia in 2006 and negative net of labour migration was 29 000-35 000. (*Hereinafter, all extrapolations are based on 2001 census figures of de jure population in Armenia*).

With promotion of OSCE Yerevan Office Advanced Social Technologies NGO conducted the third survey on migration situation in Armenia. According to this survey the total number of people involved in external migration processes in the period of 2002-2007 at

230 000± 15 000, or 9,7%±0.6% of the Armenia's de jure population (ages 16 and above). (The survey was conducted in March 2008 and included 2 500 households. In-depth interviews were conducted with a total of 106 returnees).

In the period of January 2002-December 2007, approximately 20% of Armenian households were involved in labour migration. The actual labour migration rate, i.e. the percentage of population involved in labor migration in 2002-2007, stood at 7,4%± 0,6%. The absolute number of labor migrants was between 162 000 and 189 000. Labour migration flow was dominated by rural population of Armenia (44%). 23% of the labour migrants were living in Yerevan and one third in other urban areas. Labour migration rates were found to be the highest in Shirak, Gegharkunik, Aragatsotn, Vayots Dzor and Tavush marzes. The survey confirmed that in the period of 2002-2007 the overwhelming majority of the migrants (81%) have returned to Armenia at least once. Armenia predominately witnessed temporary rather than permanent return. In the period of 2002-2007 the annual negative net emigration has been insignificant.

Annual turnover of migrants and net migration as mentioned survey results.

Year	Departures	Returns	Net migration
Before 2002.	85 000	N/A	N/A
2002	40 000	37 000	(3 000)
2003	49 000	50 000	1 000
2004	59 000	62 000	3 000
2005	66 000	66 000	0
2006	77 000	70 000	(7 000)
2007	85 000	85 000	0
Total	461 000	370 000	(91 000)

This data is well in line with the annual passenger turnover statistics published by the Migration Agency of the Ministry of Territorial Administration of Armenia (Source: www.backtoarmenia.com).

Forced Labour and Trafficking

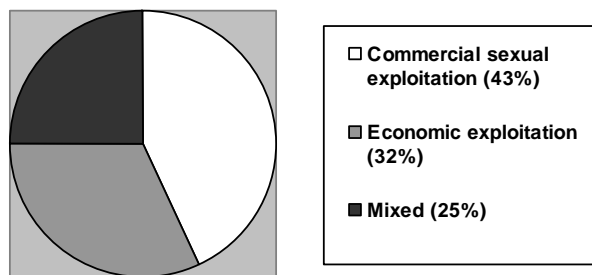
Today both in developed and developing countries “forced labour” is used very often, yet the very concept of labour, as set out in the ILO standards on the subject, is still not well understood. Sometimes the term associates mainly with the forced labour practices of totalitarian regimes, at the other hand it associates with “modern slavery”.

In the Forced Labour Convention 1930 (No. 29) (Armenia ratified on October 25, 2004, came into force on December 17, 2005) the ILO defines forced labour for the purposes of international law as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”(Article 2 (1)).

The other fundamental ILO instrument, the Abolition of Forced Labour Convention 1957 (No. 105) (Armenia ratified on October 25, 2004, came into force on December 17, 2005), specifies that forced labour can never be used for the purpose of economic development or as a means of political education, discrimination, labour discipline, or punishment for having participated in strikes (Article 1).

About 20% of all forced labour and about one-quarter of the forced labour exacted by private agents is an outcome of trafficking. As shown in the figure 1, most people are trafficked into forced labour for commercial sexual exploitation but many are trafficked for economic exploitation too.

Figure 1. Trafficked force labour by form



The ILO surveys estimate that women and girls are the majority in both sexual and economic exploitation in the world.

Figure 2. Forced economic exploitation by sex

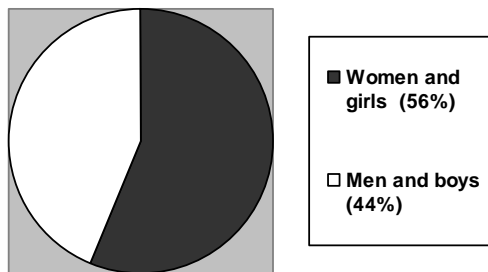
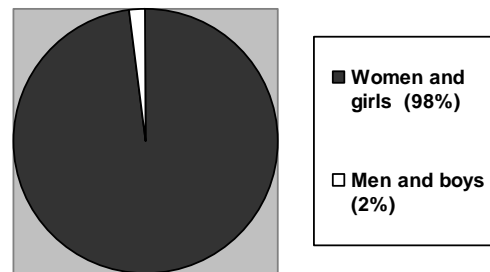


Figure 3. Forced commercial sexual exploitation by sex



Money sent by abroad working migrants is the only source for many families in their home country to supply their daily needs. High salaries abroad attract many workers in the conditions of high level of unemployment, low salaries and absence of decent work in their home countries. The lack of being informed from reliable sources about labour conditions abroad, shortage of possibilities of legal migration promote vulnerability of migrant workers.

Many of them do forced work, and very often they become victims of trafficking. Trafficking organizers promise people profitable work abroad which does not either exist or is far from reality. Unfair employers extort high incomes exploiting illegal migrants who are not aware of their rights or are afraid to disclose their exploiters. Numerous mechanisms of keeping bondage and exploiting of migrant workers are known: hiding of documents identifying a person, frightening of being deported in case of illegal situation, debt bondage, violence, limit of freedom of movement.

Today about 2,5 mln people are trafficking victims in the whole world according to ILO data. (*"A Global Alliance Against Forced Labour"*, Geneva 2005).

According to Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, 2000 trafficking has the following definition: "The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

1. Legislative Field of the Republic of Armenia in the Sphere of Migration and Trafficking

Different issues of migration are regulated by separate laws and Government resolutions in Armenia. Nevertheless, there is no comprehensive legal document, regulating migration and labour migration. Migration Agency of the Ministry of Territorial Administration of the Republic of Armenia (RA) is the State Body engaged in the control of migration and, in general, migration issues. The State Concept Paper regulating migration was adopted in 2004 which also covers human trafficking preventing issues. "The Law on Foreigners" came into force in February, 2007.

According to Article 32 of the Constitution of Republic of Armenia every person has freedom in choosing job. Forced labour is not allowed. Concerning the social assistance of victims of trafficking "The Law on Social Assistance" of RA was adopted in 2005 and came into force in January 2006. "The Law on Social Protection in Case of Employment and Unemployment of Population" as well as new Labour Code include provisions about forced

labour. In the framework of combating labour exploitation it needs to mention that there are articles included in Labour Code which suppress violence against workers, involving in job children till 14 years old, also there are articles which provide state control concerning the employer. It is put a new provision about illegal employment concerning job without labour contract or illegally signed contract.

Trafficking as a phenomena has attracted the attention of Armenian authorities since 2002 meanwhile the USA State Department in the annual report on the situation of human trafficking ranked Armenia among the 3rd category countries which did not pay attention to the phenomena and didn't take appropriate preventive measures.

According to the Resolution No. 591-A, adopted on the 14th of October, 2002, by the Prime Minister of RA, the Interagency Committee was established, the aim of which was to study and to represent proposals on the issues concerned to illegal transportation and trafficking of human beings for exploitation from the Republic of Armenia.

In March, 2003 Armenia ratified "Protocol to prevent, suppress and punish trafficking in persons, especially Women and Children", "Protocol against smuggling of migrants by land, sea and air supplementing the United Nations Convention against transnational organized crimes". Republic of Armenia ratified some more ILO Conventions concerning the rights and protection of labour migrants (No. 97, 143, 29, 105, 111).

Concept note and national plan on combating human exploitation (trafficking) developed by Committee of human exploitation issues of Republic of Armenia was adopted by the Resolution of the Government of RA n° 58-N, on January 15, 2004. National plan included activities such as developing legislative field on human exploitation (trafficking) issues, surveys on exploitation inside and out of the Republic, implementation of preventive actions, implementation of projects directed to support and protection of THB victims.

With the aim of increasing efficiency of the conducted works on December 6, 2007 by the Resolution No. 861-A of Prime Minister of the RA was formulated a Committee on trafficking issues and the Resolution of October 14, 2002 lost its force.

National plan on combating human exploitation (trafficking) during 2007-2009 in Armenia was adopted by the Resolution of Government of RA on December 6, 2007, n° 1598-N.

There is no separate law on human trafficking or other kinds of trafficking in Armenia. In the new Criminal Code of the Republic of Armenia, adopted on April 18, 2003, article No. 132 gives the definition of "selling people" and punishment for it. Besides the mentioned article the Criminal Code has articles which are not just for trafficking or its kinds, but they can prevent it and fill up the gaps of the legislation.

It is worth to notice that, though in the Constitution and Labour Code of the Republic of Armenia “forced labour” is not allowed, there is not given the definition or concept of it, and sometimes the work doesn’t characterized as forced or compulsory even if it includes the elements of forced labour.

2. The role of Trade Unions in Combating Irregular Migration and Trafficking in Human Beings

Though world experience shows that one of the most effective ways of prevention of migrant workers’ exploitation is to implement their right of joining trade unions, Confederation of Trade Unions of Armenia hasn’t dealt with problems of migrants and their labour exploitation therefore. Trade union rights include the rights of freedom of association and collective bargaining which are recognized in all international documents on basic fundamental rights. The ILO considers the rights of freedom and collective bargaining as a vital principle and due to this it must be protected by all countries.

Organizing of migrants is one of the main tasks of trade unions, as those are among the vulnerable groups of employed society. Labour migrants most often are employed in dangerous works, which the local workers refuse to implement especially in construction sphere. Most of the people dead from accidents in workplace or professional diseases are labour migrants who very often find themselves without any support in destination country. Irregular migration can be a platform for forced labour and trafficking as traffickers enjoy the vulnerability of migrant workers and exploit them very easily. The victims are being exploited in spheres such as agriculture, construction, service sector, but most of all they become victims of sexual exploitation. This is the reason that both potential migrants and all citizens must have information about the general conditions of employment, life and possible problems in the intended country of destination and also ways of solving these problems before accepting suggestion for leaving. In some countries (Spain, Morocco, Mauritania, Philippines, Senegal and etc. (source: ACTRAV, March, 2006)) the role of trade unions in process of protecting migrants is very important: they organize language trainings, establish information centers for migrants, give migrant workers an opportunity to participate in trade union work, communicate with their home country preventing their exploitation and big opportunity of becoming THB victims.

Concerning labour migration and human trafficking Republic of Armenia is a country of origin in general, and activities of disclosing the victims abroad always implemented by the

Diplomatic representations of the RA, NGOs. Main information about trafficking is received by the non governmental organizations, and sometimes just from previous victims.

Among migrant workers there are trade union members also, who leave Republic of Armenia with the expectation of higher salary. Confederation of Trade Unions of Armenia has a purpose of conducting preventive, supporting and protecting activities which will help the society and trade unionists to be informed and escape possible dangers.

With a glance of relevance of the problem, increasing number of migrant workers Confederation of Trade Unions of Armenia with technical and finance support of International Labour Organization and European Union developed the strategy on labour migration, combating forced labour and trafficking of CTUA.

3. Activities for organizing labour migrants

- 3.1 Involving members from CTUA permanent committees create a working group on labour migration issues.
- 3.2 Organize a seminar on labour migration, trafficking and forced labour to increase awareness of the members of CTUA working group on labour migration issues.
- 3.3 With active involvement of TUs and territorial TUs in marzes create local free information services for labour migrants.
- 3.4 Develop and disseminate information materials for labour migrants on possible dangers, difficulties, about visas for foreign countries, attitude, legal labour activities, legislation on emigration of the countries of destination.
- 3.5 Create CTUA contact telephone number and i-net connection for migrants from Republic of Armenia working abroad and returned migrants who suffered from exploitation.
- 3.6 Organize occasional workshops, seminars with involvement of permanent committees of Youth and Gender equality issues of CTUA for trade union members to raise their awareness on labour migration.

4. Activities on prevention of Trafficking

- 4.1 Organize seminars, meetings in Yerevan and in marzes on trafficking especially with vulnerable groups (women, youth, potential labour migrants).
- 4.2 Develop and disseminate information materials on trafficking and forced labour.
- 4.3 Organize meetings and discussions with Youth and Gender equality committees to raise their awareness on the subject.

- 4.4 Continue organizing trainings on prevention and combating trafficking for TU active.
- 4.5 Organize seminars in 5 marzes of RA on trafficking (According to OSCE survey labour migration rates were found to be the highest in Shirak, Gegharkunik, Aragatsotn, Vayots Dzor and Tavush).
- 4.6 Provide mass media with information about the CTUA activities on combating THB.

5. Support and Protection of THB Victims

- 5.1 Organize free (legal) advise for returned migrant workers who have suffered from exploitation and THB victims, help them with document existing problems in the legal department of CTUA.
- 5.2 Develop productive mechanisms for supporting the victims in cooperation with NGOs concerning with protection of THB victims.
- 5.3 Provide with initial help to exploited migrants and victims and organize their referral activities.

6.Co-operation

- 1.1 Cooperate with Trade Unions of the destination countries with the aim of protection of labour rights and interests of Armenian migrant workers.
- 1.2 Negotiate with TUs of destination countries to make situation analysis on labour migration and human trafficking.
- 1.3 Co-operate with other actors/stakeholders involved in legal assistance to THB victims, NGOs concerning with protection and support of THB victims.
- 1.4 Cooperate with Armenian Republican Union of Employers in promoting competitive ability and professional alignment of youth.

7. Survey

- 5.1 Analyse the problems occurred during the work of CTUA working group on labour migration.
- 5.2 Implement survey on sizes and characteristics of trade union members' labour exploitations.
- 5.3 Study international trade union experience in labour migration and trafficking.

Expecting results

1. Awareness on labour migration, trafficking and forced labour will raise among the population especially among the vulnerable groups and possibility of becoming victims will decrease.
2. Direct relations between trade union and worker will be strengthen.
3. Trade unions will pay special attention to prevention of irregular labour migration, trafficking and forced labour.
4. Special attention will be paid on prevention of labour trafficking issues, permanent support will be provided to potential migrants for being informed about their rights and escape of becoming THB victims.
5. Co-operation will be established with foreign trade unions.
6. Applications of potential migrants will increase which will help them to be ready before making decision to leave.
7. The possibility of becoming THB victims will decrease.
8. The role and meaning of social dialogue will be signified also in this sphere.
9. The role of trade unions will increase among population.