

AMERICAN UNIVERSITY OF ARMENIA

LABOR MIGRATION: ANALYSIS OF TRAFFICKING RISKS

AN INTERNSHIP POLICY PAPER SUBMITTED TO  
THE FACULTY OF THE GRADUATE SCHOOL OF  
POLITICAL SCIENCE AND INTERNATIONAL AFFAIRS  
FOR PARTIAL FULFILLMENT OF THE DEGREE OF  
MASTER OF ARTS

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YEREVAN, ARMENIA

2011

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June 2011

## ACKNOWLEDGEMENTS

*I would like to express my sincere gratitude to my Faculty Advisor Mr. Vigen Sargsyan, for the continuous guidance and support, which eased the way through this project. I would also like to express my deep gratitude and great appreciation to the Dean of the Political Science and International Affairs Department Dr. Luciq H. Danielian for the enormous support and encouragement throughout this process. At last, I would like to thank all members of the faculty for the precious knowledge and skills that I have obtained during these two years.*

## ABSTRACT

Globalization has contributed to freer movement of people, goods and services across international borders, with an obvious trend of migration from poorer to wealthier countries. Unregulated migration processes worldwide, resulted in the growth of trafficking in human beings. Trafficking in humans is referred to as a modern form of slavery, as it is a denial of every fundamental human right and freedom. Trafficking in humans is the third largest and fastest growing criminal industry in the world, victimizing millions of people and profiting from 5-7 billion dollars a year. Unregulated migration processes can contribute to trafficking and increase the vulnerability of migrants to become victims of trafficking. Thus, effective measures towards regulating migration processes are needed worldwide.

In Armenia human trafficking has become a growing phenomenon and it increases rapidly. Armenia is considered to be a source country for men, women and girls subjected to trafficking. Decrease in economic well-being, unregulated borders, corrupt government officials, job opportunity disparities between men and women in Armenia highly contribute to the development of trafficking.

Since 2002, the Republic of Armenia undertook some steps to address the problem of human trafficking. Although many institutions deal with the issues of migration and trafficking in Armenia, there are significant shortcomings in their functions and responsibilities.

The purpose of this study is to evaluate the state policies on migration and trafficking. The study concentrates on the impacts of migration, the governmental policy towards regulating labor migration, as well as addresses the efforts of the government of the Republic of Armenia in eliminating trafficking in human beings. After considering the analyzed data and findings, the paper comes up with practical and implementable recommendations.

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## **Introduction**

Emigration of Armenians, due to social, political and economic conditions has always been and is still a phenomenon of massive scale. The underlying reasons affecting the increasing migration flow throughout the history vary.

The modern Armenian diaspora started to emerge in the second half of the 19<sup>th</sup> century. This migration wave mainly from the Ottoman Empire to the United States and the countries of Middle East reached its peak during 1915-1920 Armenian Genocide. The main diaspora centers in Europe, Middle East, Northern and Southern America were formed during this period (IOM 2008).

The next wave of migration was shaped in the late 1970s and 1980s, due to the systemic crisis of the Soviet economy. Another underlying reason in the migration flow during this period was the signing of Helsinki Agreements in the 1970s. The liberalization of migration policy in the Soviet Union and opening up to the rest of the world caused a new wave of migration, and highly contributed to the intensity of the process (IOM 2008).

In the late 1980s the process of migration in Armenia reached its peak. Three key factors can be identified as underlying causes of the emergence of migration process in the abovementioned period; the devastating earthquake of 1988, the collapse of the Soviet Union in 1991, and the Nagorno-Karabakh conflict of 1988-1994.

After the Spitak earthquake, from 1988-1989 about 200,000 people emigrated from Armenia. The fall of the Soviet empire and the Nagorno-Karabakh conflict, intensified migration flow during this period. In 1989-1990, about 170,000 ethnic Azerbaijani populations living in Armenia left the country, while about 360,000 ethnic Armenians came to Armenia from Azerbaijan. In a short period of time, the majority of these ethnic Armenians migrated mostly to the Russian Federation and the United States.

The collapse of the Communist power brought drastic decrease in economic well-being, which led to high rates of unemployment. The economic hardship and the inability to sustain the families resulted in growing rates of emigration during this period. Most of them take any opportunity of finding employment abroad, thus becoming a vulnerable group for exploitation and abuse. While abroad, they are often exposed to physical and moral abuse, humiliation, as well as unpaid hard work. In other words, they become victims of trafficking. Thus, economic hardship, the resulting need to look for work abroad, and continuing gender inequality in Armenia are considered to be the main root causes of trafficking from Armenia (OSCE 2007).

The last two decades may be characterized by labor migration flows. It is estimated that in the 1990s over 800,000 citizens left Armenia (IOM 2008). This migration flow, which became massive in a short period of time, of course, had its negative impact, causing further political, social and economic destabilization of the country.

Since 1990s the economic and social conditions of the country improved considerably, which in turn brought to the relative stabilization and coordination of the migration processes in Armenia. The permanent emigration fell significantly in comparison to 1990s; however, the number of temporary labor migrants continues to remain high.

As it was already mentioned, the reasons rooted behind the decision to migrate throughout the history included natural disasters, conflicts, as well as economic conditions. All of these factors led to the growth of irregular migration and trafficking of human beings, which constitute major challenges to the protection of human and labor rights. Thus, unregulated migration processes can contribute to trafficking and increase the vulnerability of the migrants in the risk group to become victims of trafficking. Dealing effectively with these issues requires careful analysis of current realities and development trends, based on a deep

and thorough understanding of the situation with migration management at large, and labor migration in particular.

This research will concentrate on the impacts of migration, the governmental policy towards regulating labor migration, as well as will address the efforts of the government of RA in eliminating trafficking in human beings. The purpose of this study is to reveal the shortcomings of the policies on regulating labor migration and eliminating trafficking.

For the purpose of this study “labor migrants” are defined as persons who left Armenia with a purpose to find employment abroad, irrespectively whether they found employment or not.

Three following research questions will be answered:

RQ1: What is the role of RA government in regulating labor migration?

RQ2: What necessary measures should be taken by the RA government to secure labor migrants' rights abroad?

RQ3: What type of policies help to prevent labor migrants from becoming victims of trafficking?

## **Background Information and Statistics on Human Trafficking**

Globalization has contributed to freer movement of people, goods and services across international borders, which resulted in disguising clandestine operations such as human trafficking. Trafficking in humans is the fastest growing form of transnational organized crime, with very high profits and very low risks. Increase in the numbers of victims of trafficking rests on the fact that many countries do not have adequate laws against that crime.



The crime of trafficking infringes in such basic rights as the right to liberty and security, the right to freedom from torture, violence, cruel or degrading treatment, the right to a home and a family, the right to education and employment, the right to health care of a person. In other words, it is a denial of every fundamental human right and freedom provided for by the basic international texts (DAW 2002). Unregulated migration processes can contribute to trafficking and increase the vulnerability of the migrants in the risk group to become victims of trafficking. Thus, effective measures towards regulating migration processes are needed worldwide. As trafficking is referred to as a modern form of slavery, in the 21<sup>st</sup> it is an unbearable phenomenon.

The collapse of the Soviet Union had its positive and negative consequences for Armenia. One of the negative consequences was that the socio-economic changes that followed brought drastic decrease in economic well-being, which led to high rates of unemployment (AIPRG 2005).

Human trafficking is considered to be the third largest and fastest growing criminal industry in the world, victimizing millions of people and profiting from 5-7 billion dollars a year. In Armenia human trafficking has become a growing phenomenon and it increases rapidly. Although there are no factual numbers, local NGOs suggest that for the past 5 years 3,000-5,000 men, women and young girls were sent to the neighboring countries for sex and forced labor exploitation. It is estimated by the U.S. government and non-government experts that over 700,000 to 4 million men, women and young girls are trafficked globally each year into the sex industry and forced labor exploitation. In search of an employment to support their families, men fall into the hands of the traffickers where they perform hard labor for over 18 hours a day, making less than \$1 a day. In many cases their wages are not paid for months (AIPRG 2005). Thus, economic hardship, the resulting need to look for work abroad,

and continuing gender inequality in Armenia are considered to be the main root causes of trafficking from Armenia (OSCE 2007).

According to the U.S. State Department Trafficking in Persons Report 2010, Armenia is considered to be a source country for women subjected to trafficking in persons, specifically forced prostitution, a source and destination country for women in forced labor, and a source country for men in forced labor. The main destination countries for Armenian women and girls, where they are subjected to sex trafficking are United Arab Emirates (UAE) and Turkey. Armenian men are subjected to forced labor in Russia, while Armenian women are subjected to forced labor in Turkey (USDS 2010).

### **Major Factors Contributing to Human Trafficking**

One of the major contributing factors of human trafficking is the process of globalization. The globalization of the world economy has increased the movement of people across borders both legally and illegally, with an obvious trend of migration especially from poorer to wealthier countries. Freer movement of people, goods, services and money has significantly contributed to the expansion and increase of the international organized crime (Ribando 2007).

The hardship and decrease in economic well-being after the collapse of the Soviet Union hugely contributed to human trafficking. The lack of opportunity and search for better living conditions abroad made men, women and young girls more vulnerable to traffickers' exploitation. The weakening of law enforcement in post-communist countries, including Armenia, gave rise to the criminal organizations which established themselves in the lucrative business of trafficking (Ribando 2007).

The increasing restrictions on legal immigration to many destination countries – including the United States and Western Europe, has caused many migrants to turn to alien smugglers and even human traffickers (Ribando 2007).

Added to these factors, other factors contributing to trafficking are unregulated borders, corrupt government officials and limited capacity or commitment by immigration and law enforcement officers to control borders (UNODC 2008).

Another contributing factor of human trafficking is gender inequality and devaluation of women. Continuing gender inequality and subordination of women as reflected in job opportunity disparities between men and women in Armenia contribute to the development of human trafficking. All the above mentioned conditions largely contribute to the growth of prostitution, thus, creating favorable conditions for the growth and development of trafficking (IOM 2001).

Finally, many governments and law-enforcement bodies downplay and ignore the scope and seriousness of trafficking. Many countries do not have specific laws addressing the issue of human trafficking, which makes easier the job of traffickers (Ribando 2007).

### **The Main International Instruments in the Fight against Trafficking in Human Beings**

The major step forward in the fight against human trafficking was the UN Convention against Transnational Organized Crime. In December 2000, representatives of 148 states gathered in Palermo, Italy to attend a high-level conference. Of the 148 countries present at the conference, 121 signed the UN Convention against Transnational Organized Crime. Over 80 countries signed one of its supplementary protocols – the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially in Women and Children (AIPRG 2005). The Convention was signed by the Republic of Armenia on November 15, 2001 and was ratified on July 1, 2003. With the signing of the Convention and the Protocol, international

community demonstrated the political will to answer a global challenge with a global response. State parties to the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially in Women and Children shall provide assistance and protection to the victims of trafficking, establish comprehensive policies and programs targeted at preventing trafficking, as well as provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking. It can be argued that the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially in Women and Children highly contribute to the prevention of trafficking (UNODC 2004).

Another international instrument which contributed to the fight against trafficking is the Council of Europe Convention on Action against Trafficking in Human Beings. The Convention was signed by the Republic of Armenia on May 16, 2005 and was ratified on April 14, 2008. The purposes of the Convention are to prevent trafficking in human beings, to protect the human rights of the victims, to ensure effective investigation and prosecution, and to promote international cooperation on action against trafficking. The State parties to the Convention shall establish or strengthen national coordination between the various bodies responsible for preventing trafficking, use effective means to form policies and projects based on the priority of human rights, strengthen border controls, provide its competent authorities with trained and qualified persons in preventing trafficking and identifying victims of trafficking, protecting the private life and identity of victims.

## **Government Institutions Responsible for Migration Policy Formation and Implementation**

- ✓ One of the main agencies dealing with migrations issues is the Migration Agency (MA) placed under the Ministry of Territorial Administration. MA is responsible for the design and implementation of projects that focus on migration management and refugee issues. The functions of MA include counting passenger flows and keeping track of remittances sent to Armenia ([www.dmr.am](http://www.dmr.am)).
- ✓ The Department of Labor and Employment of the Ministry of Labor and Social Issues (MLSI) is a government institution dealing with issues related to labor migration. The Ministry organizes trainings for persons willing to work abroad and sends them to the countries where high demand for workers exists (IOM, 2008).
- ✓ The Border Guards of the National Security Service (NSS) of the Republic of Armenia are in charge of border control and management ([www.sns.am](http://www.sns.am)).
- ✓ The Consular Department of the Ministry of Foreign Affairs, with its Passport, Legal, Visa and Migration Divisions, is dealing with issuing passports and visas and is responsible for protecting the interests of the citizens of the Republic of Armenia abroad ([www.mfa.am](http://www.mfa.am)).
- ✓ Passport and Visas Department (OVIR) deals with issuing visas at the borders, visa extension, registration of foreigners on the territory of the Republic of Armenia, issuance of exit permits for Armenian citizens and operates the passport database of the citizens of the Republic of Armenia (IOM 2008).
- ✓ The National Statistical Service of the Republic of Armenia collects, processes, summarizes, and publishes statistical data, including migration related data. It organizes statistical surveys, develops and improves statistical methodologies,

coordinates data collection and dissemination according to international standards and classifications ([www.armstat.am](http://www.armstat.am)).

- ✓ In October 2002 the Inter-agency Commission (IAC) for Anti-Trafficking Issues was established by the Armenian government. The aim of the Commission is to study the issues and make suggestions regarding illegal transfer and trafficking in humans from the Republic of Armenia. The following agencies are represented in this body: Prime Minister's Office, Prosecutor General's Office, Ministry of Foreign Affairs, Ministry of Labor and Social Issues, Ministry of Health, Ministry of Justice, National Security Service, Police, Migration Agency (Ministry of Territorial Administration), National Assembly, and Red Cross. However, in December 2007 the Council on Trafficking Issues was established upgrading the Inter-agency Commission on Combating Trafficking in the Republic of Armenia to a higher level. It is chaired by the Vice-Prime Minister, the Minister of Territorial Administration, and includes Ministers and heads of the respective Government Agencies as its members. It was decided to preserve the Interagency Commission as a Working Group under the Council on Trafficking Issues, for ensuring the effective functioning of the work of the Council (IOM 2008).

The abovementioned institutions are the key actors in the field of migration and trafficking in the Republic of Armenia.

### **The Efforts of the RA Government to Combat Human Trafficking**

Until 2002, steps to address the issue of human trafficking in Armenia were not taken, as it was determined by the Armenian government that there was no trafficking in Armenia. However, the situation changed after the US Department of State's Trafficking in Persons

Report 2002. The government of the Republic of Armenia undertook some measures regarding human trafficking.

In 2000, the United States enacted the Trafficking Victims Protection Act (TVPA), and the United Nations adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol. Since then, the world has made great progress in terms of combating and preventing trafficking in human beings. The Palermo Protocol focused the attention of the global community on combating human trafficking. For the first time, an international instrument called for the criminalization of all acts of trafficking – including forced labor, slavery, and slavery-like practices. The Protocol called for the governmental response regarding the issue of trafficking, which should incorporate the "3P" paradigm: **prevention**, criminal **prosecution**, and victim **protection**. Prosecuting traffickers is not enough, providing assistance and support to the survivors and working to ensure that other people are not victimized, are the essential calls of the Protocol (USDS 2010).

The U.S. Department of State Trafficking in Persons annual report places countries in 3 different tiers, depending on the country's compliance in the fight against trafficking with the standards set forth by the Trafficking Victims Protection Act (TVPA).

Tier 1: Countries whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards

Tier 2: Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards

Tier 2 Watch List: Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards, AND: a) the absolute number of victims of severe forms of

trafficking is very significant or is significantly increasing; b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or, c) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

Tier 3: Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so (USDS 2010).

US State Department "Trafficking in Persons Report 2002" placed Armenia in Tier 3. As it was stated in the report, the Government of Armenia did not fully comply with minimum standards for the elimination of trafficking and was not making significant efforts to do so (USDS 2002). After the report the government of RA took some steps to address the issue of human trafficking in Armenia.

In October 2002 the Inter-agency Commission (IAC) for Anti-Trafficking Issues was established by the Armenian government, as a step forward to address the problem of trafficking. The aim of the Commission was to study the issues and make suggestions regarding illegal transfer and trafficking in humans from the Republic of Armenia.

However, the most important policy frameworks to address the issue of human trafficking in Armenia are the National Action Plan to Combat Trafficking and the National Referral Mechanism. The National Action Plan lists tasks and activities aimed at prevention, protection and prosecution. However, these both documents have their shortcomings in the sense of practicality and implementability.

The government of RA makes significant efforts to reduce trafficking. In January 2010 the government of the Republic of Armenia enacted legislation which increased the minimum penalty for convicted trafficking offenders to five years' imprisonment, allowed for the confiscation of assets from convicted trafficking offenders and exempted trafficking



victims from criminal prosecution for crimes committed as a direct result of being trafficked. Armenia prohibits trafficking in human beings for both forced labor and commercial sexual exploitation Articles 132 and 132.1 of the RA penal code which, as amended in January 2010, prescribe penalties of at least five and up to fifteen years' of imprisonment for both forced labor and commercial sexual exploitation. As a result of government's anti-trafficking partnerships with outside parties, approximately 447 government officials received training from anti-trafficking NGOs and international organizations. In 2009 government issued a decree that ensures victims are provided access to free state-provided medical services. In 2009 RA government did not provide any funding for victim assistance, while in March 2010 it enacted changes to the national referral mechanism increasing government funded assistance and shelter for the victims of trafficking. In the same year it allocated 15,000 USD to an NGO-run shelter facility rent. In 2009 law enforcement officials identified 60 victims and referred 22 of them to NGOs for assistance, compared with 34 victims identified and 20 referred for further assistance in 2008 (USDS 2010).

The government of the Republic of Armenia demonstrates significant anti-trafficking prevention efforts. In 2009, Migration Agency allocated \$8,000 for the publication and allocation of brochures describing legal procedures for Armenians seeking to work abroad. These materials were distributed to employment and social resource centers, as well as to migrant travelers at the Zvartnots airport. The government also allocated approximately \$20,000 for an awareness raising campaign entitled "Campaigns Among Youth to Increase Awareness on the Threat of Trafficking." The campaign targeted mainly at adolescents, included a video conference discussion about the dangers of trafficking that was aired on Armenia public television. The campaign also included additional regional workshops to train youth leaders and raise their awareness about the dangers of trafficking. However, it was only in 2009 that the government of Armenia initiated such an awareness raising campaign. Since

then, no campaigns targeted at raising awareness of the public about the threats of trafficking were held. It should be an ongoing process, rather than a one-time activity.

However, there are considerable shortcomings in the RA policies on migration. Various aspects of migration are governed by separate laws and government decisions. Often, these laws tend to leave significant discretion to the implementing authorities. One of the most salient migration issues in the Republic of Armenia is legal regulation of labor migration. There is no comprehensive legislative package on labor migration. The Labor Code and the Law on Employment include some references to migration. The Concept of the Law on Overseas Employment is also aimed at regulating labor migration from Armenia. However, the substantive and clear division of responsibilities between various institutions dealing with migration issues remains unclear (Kabeleova, Mazmanyanyan, Yeremyan 2007).

## **The Successful Experiences of Austria and Canada in the Field of Trafficking**

- **Austria**

Austria is a destination and transit country for women, men, and children subjected to trafficking, specifically forced prostitution and forced labor. The government of Austria undertakes appropriate measures to effectively address the issue of human trafficking in the country. US State Department "Trafficking in Persons Report 2010" placed Austria in Tier 1, thus, the government of Austria fully complies with the minimum standards for the elimination of trafficking.

The government of Austria identified and referred an increasing number of victims for assistance. The police show increasingly a victim-centered approach to law-enforcement efforts. Aiming to prevent domestic servitude the government amended its regulations in 2009. All foreign domestic workers are required to appear in person at the Ministry of

Foreign Affairs to receive information on how to get help if they become victims of forced labor. After the amendment, the government hosted a UN event to notify all the foreign embassies in Austria about this new requirement (USDS 2010). As we can see the government of Austria undertakes significant steps in preventing forced labor, at the same time offering protection to the citizens of foreign countries residing in Austria as labor migrants.

The government of Austria effectively cooperates with the local NGOs in ensuring trafficking victims adequate recovery time, thus becoming more effective witnesses. It also funds the country's only specialized anti-trafficking NGO, which provides female victims with shelter and assistance in Vienna. In 2009, the Austrian government provided \$828,000 to this NGO, compared with 542,700 in 2008. Fifty-nine victims received shelter from government funded-NGO, besides that all victims received social and legal counseling in their native language, German language-classes, computer courses and medical assistance. In April 2009 Austrian government passed the Residence and Settlement Act. The Act lists victims of trafficking as a special category, with a right for temporary resident status. The government encouraged victims to assist with investigations and prosecutions of traffickers. Shortly afterwards, an NGO reported a high rate of victims who willingly participated on their cases. In 2009, the government began training labor inspectors to increase identification of forced labor trafficking (USDS 2010). NGOs and the government closely cooperate with each other, which leads to the most effective outcomes. NGOs always have limited financial resources, thus funding an NGO increases the scope of its activities and ensures the achievement of desired outcomes. The government pays appropriate attention on identification, as well as demonstrates significant efforts in protection of victims.

Austria continues its efforts in the prevention of trafficking through public awareness raising campaigns. There are several TV programs about the threats of trafficking. Austria

hosted international conferences aimed at raising awareness about trafficking. The government published and distributed information brochures for use by police and NGOs, especially in "red light districts." Leaflets, offering support to victims were also published and distributed to trafficking NGOs. The Interior Ministry of Austria published and distributed a folder, with an aim to increase law enforcement's awareness about human trafficking and to improve victim identification (USDS 2010).

The government of Austria has initiated policies targeted at prevention of trafficking in human beings and protection of victims of trafficking. Austria can be considered to have a positive experience in the fight against trafficking. Having appropriate, practical and implementable policy frameworks, Austria is effectively combating and preventing trafficking in human beings.

- **Canada**

Canada is a source, transit, and destination country for men, women, and children subjected to forced prostitution and forced labor. Most labor victims enter Canada legally but then are subjected to forced labor in agriculture and processing plants, or as domestic servants. According to the Trafficking in Persons Report 2010, the Government of Canada fully complies with the minimum standards for the elimination of trafficking. In comparison to the previous years the Canadian government increased prosecutions of human trafficking crimes and made strong victim protection and prevention efforts (USDS 2010).

The Canadian Criminal Code prohibits most forms of human trafficking, prescribing a penalty of up to 14 years' imprisonment. The Criminal Code additionally prohibits a defendant from receiving a financial or material benefit from trafficking, prescribing up to 10 years' imprisonment. It is prohibited by the Criminal Code to withhold or destroy a victim's identification or travel documents. This crime is punishable by up to five years imprisonment. Additionally Canada's Immigration and Refugee Protection Act prohibits transnational

human trafficking, prescribing a maximum penalty of life imprisonment and a \$1 million fine (USDS 2010).

As provinces in Canada have primary responsibility for enforcing labor standards, therefore have primary responsibility in combating forced labor. Employment Protection for Foreign Nationals Act enacted in Ontario in 2009 provides employment protection for temporary foreign workers in the domestic service sector.

The Government of Canada shows strong anti-trafficking prevention efforts. It conducts widespread awareness-raising activities (reaching approximately 5,500 government officials and 4,500 members of civil society). In addition to distributing anti-trafficking materials to law enforcement officials, the government conducts specialized trainings for law enforcement, immigration, and consular officials to identify trafficking victims. Awareness-raising campaigns include six regional human trafficking awareness coordinators across the country, which facilitate these initiatives. The Canadian immigration agency provides pamphlets and information to temporary foreign workers. The purpose of the pamphlet is to inform them about their rights and let them know where to seek assistance if they are victimized. In its prevention efforts the government cooperates with NGOs, international organizations, and foreign governments. Canadian government also funds anti-trafficking initiatives around the world through the Canadian International Development Agency and the Department of Foreign Affairs (USDS 2010).

Canada complies with the minimum standards in its fight against trafficking; therefore it is placed in Tier 1 of the U.S. Department of State Annual Report 2010. The government of Canada makes significant efforts in the framework of "3P" paradigm: **prevention**, criminal **prosecution**, and victim **protection**.

Austria and Canada are examples of countries which initiated implementable and practical policies to address the issue of trafficking and achieved desired outcomes. Drawing

on the experience of these two countries we can conclude that "good" policies can contribute to a significant reduction of the risk for labor migrants to become victims of trafficking. Thus, firstly it is essential to have well-defined and practical policies, and secondly it is important to ensure the proper implementation of those policies.

## **The Failures of Dominican Republic and Iran in the Field of Human Trafficking**

- **Dominican Republic**

The Dominican Republic is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, especially forced prostitution and forced labor.

The government of the Dominican Republic makes moderate efforts in identifying and protecting trafficking victims, therefore the results are limited. There is no formal mechanism to guide officials in identifying victims among vulnerable groups and referring them to NGOs. Additionally few victims choose to assist with the investigation and prosecution of their traffickers, which talks about the limited government efforts in victim protection. One NGO reported that migrants who were subjected to forced labor rarely go to authorities due to their fears of Dominican officials' cooperation with human traffickers. Another NGO reported that the victims, who were willing to assist with investigation, saw no progress in four years. All the mentioned facts talk about widespread corruption of officials (USDS 2010).

No progress has been made by the government of the Dominican Republic to prevent human trafficking. Public awareness campaigns were not held at the national level. A national interagency anti-trafficking commission chaired by the Ministry of Foreign Affairs

facilitated interagency cooperation and oversaw implementation of a national action plan, which was hampered by lack of participation of the prosecution service (USDS 2010).

As we can see the government of the Dominican Republic makes almost no efforts in prevention, crime prosecution and victim protection. Therefore, it is placed in Tier 3 of the Trafficking in Persons Annual Report, as a country whose government does not fully comply with the minimum standards and is not making significant efforts to do so.

- **Iran**

Iran is a source, transit, and destination country for men, women, and children subjected to forced prostitution and forced labor. In Iran victims primarily work in the construction and agricultural sectors. The majority of women from Azerbaijan and Tajikistan who travel to Iran to find employment, become victims of forced prostitution. Criminal organizations play a significant role in human trafficking to and from Iran, particularly across the borders with Afghanistan and Pakistan. There are nearly one million Afghan refugees and labor migrants living in Iran, who are vulnerable to be victimized (USDS 2010).

The Government of Iran does not share information on its anti-trafficking efforts with the international community, which is a huge impediment for the collection of information on the country's human trafficking issue.

Serious shortcomings in the Iranian laws and policies can be observed. Iranian laws include punishment of victims and legal obstacles to punishing offenders. Additionally, the Iranian government internationally objected the principle that victims of trafficking should not be punished for crimes committed as a result of being trafficked (USDS 2010). Although there is a law, which prohibits trafficking in persons, however, it remains unenforced. The Constitution and Labor Code of Iran both prohibit forced labor and debt bondage. However, the penalties for those crimes are in form of a fine and up to one year's imprisonment, which is an insufficient penalty to prevent the crimes. Additionally, there is a law in Iran, which

permits temporary marriage for a fixed term, after which the marriage is terminated. The cases of Iranian women being subjected to forced prostitution through fixed-term marriages to men from Pakistan and Gulf states is very high. Taking into account the fact that in Iran the testimony of two women is equal to that of one man, and most importantly women who are victims of sexual exploitation are vulnerable to be executed for adultery (defined as "sexual relations outside of marriage"), the possibility of obtaining justice for female victims of trafficking is very low. Additionally, it is reported that human traffickers have very close links to some authorities and security agencies (USDS 2010).

The Government of Iran makes no efforts to improve its protection of trafficking victims. Most importantly, Iranian officials do not differentiate between victims of trafficking and undocumented migrants. The major shortcoming of Iranian policy on trafficking is that government punishes victims for acts committed as a direct result of being trafficked. Instead of prosecuting trafficking offenders, the government punishes victims for unlawful acts because of being trafficked. Most importantly, public awareness-raising campaigns and similar efforts were not made by the government to prevent trafficking (USDS 2010). Prevention of trafficking, prosecution of offenders and protection of victims are not priorities in the country.

The Government of Iran does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so, thus it is placed in Tier 3. Drawing on the publicly available information from NGOs, international organizations and the media, the following conclusions can be made: trafficking within, to and from Iran is extensive, and there is no adequate response by officials in prosecuting offenders, protecting victims and preventing trafficking (USDS 2010).

Lack of proper attention, not implementable and enforceable policies, as well as high rates of corruption among officials create favorable conditions for the rise of trafficking.



## **Methodology**

This study is based on primary and secondary data analysis. Primary data was collected through face-to-face, in-depth, semi-structural interviews with the head of Hope and Help NGO and with the head of an international organization-UMCOR. Both institutions deal with migration and trafficking issues in the Republic of Armenia. Employees of two governmental institutions were also interviewed – two employees (they were randomly chosen by the Personnel Manager) from the Border Guards of the Zvartnots International Airport and one expert from the Migration Agency of the Ministry of Territorial Administration. A questionnaire with open-ended questions was formed. Two separate questionnaires were formed: one for the NGO and the international organization, and one for both governmental institutions.

Secondary data analysis is based on the review of a number of international and domestic law documents concerning issues of human trafficking and labor migration. Several surveys conducted by the OSCE office in Yerevan, jointly with the Advanced Social Technologies (AST) NGO, the United States Department of State Trafficking in Persons Annual Reports, UN Convention Against Transnational Organized Crime and one of its supplementary protocols – the Protocol to Prevent, Suppress, Punish Trafficking in Persons, especially in Women and Children, The Council of Europe Convention on Action Against Trafficking in Human Beings, as well as different studies conducted by the International Organization for Migration (IOM) have also been referred to and analyzed.

## **Findings**

The findings of the survey for the period 2002-2005 suggest that the main reasons behind the decision to migrate were economic ones, mainly connected with employment problems in Armenia. The research showed that the absolute number of labor emigrants over the three years under study had been 116,000 – 147,000 people or 3.6-4.6% of Armenia's de jure population. In Shirak and Lori the highest rates of household involvement in labor migration were observed, where accordingly each third and each fifth household was involved in labor migration. The findings of the survey suggest that the migration rate in rural locations is almost twice as high as in urban ones, having Russia (87.6%) as the most popular country of destination for labor migrants (OSCE 2006). The findings of another survey for the period 2002-2008 are nearly the same. Labor migration continues to attract people from regional towns and villages, while least affecting Yerevan. In the mentioned period labor migrants dominated the external migration flow. It was estimated that the total number of people involved in external migration processes over the six years under study was about  $230,000 \pm 15,000$ , of which  $175,000 \pm 13,000$  were labor migrants (OSCE 2008).

The rates of labor migration are considerably high in rural areas, which leads to an assumption that they are less aware of the threats of trafficking and more vulnerable to become victims of labor trafficking. Thus, awareness raising campaigns by the government and NGOs, especially in urban areas and remote regions should be held.

NGOs dealing with migration issues in Armenia are very active and have a number of international partnerships, which makes the process more effective. NGOs cooperate with a vast majority of their counterparts in different countries: Russia, Georgia, Ukraine, Estonia, United Arab Emirates (Dubai), Turkey, Azerbaijan. These connections and partnerships are very flexible and effective, as when there is a need to refer to the partners abroad NGO representatives in Armenia get quick and reliable response on the issue. The cooperation with

other organizations in different countries is very effective, because it is more reliable to get information about something from an institution based within the country. This cooperation is reciprocal. Besides partnerships abroad, NGOs in Armenia cooperate with most of the governmental institutions responsible for the issues related to human trafficking: Police, National Security Service, Ministry of Foreign Affairs, Migration Agency, Ministry of Labor and Social Issues, Prosecutor General's Office. As requested, the mentioned agencies provide their support. Hence, there is some form of cooperation between the government sector and local NGOs, which is one step forward in addressing, jointly with NGOs and international organizations, the issue of human trafficking in Armenia.

Human trafficking and irregular migration are two closely interrelated phenomena. Trafficking is a direct consequence of illegal and irregular migration. Illegal migrants find themselves in a very vulnerable situation abroad, as they cannot be legally protected due to their illegal entrance or stay. In the overwhelming majority of cases labor migrants travel to the country of destination without any employment contracts or prior agreements with employers. Hence, bringing forth favorable conditions for traffickers and becoming a vulnerable group, later on victims of trafficking. According to several studies, approximately 12% of all labor migrants only have any concrete preliminary agreement regarding the nature of the work, the remuneration, and the housing conditions before leaving the country.

The results of the survey conducted for the period 2002-2005 suggest that only 11.5% of labor migrants had a written agreement (employment contract) with their employers in the country of destination. In the overwhelming majority of cases (72.3%) relations with employers were based on oral communications, while 11.9% of labor migrants stated that their labor relations were not regulated by any agreement (not even oral agreement). So the parties did not assume any liabilities towards each other (OSCE 2006).

Legal entry or stay in the country ensures the protection of migrants' rights. On the one hand, the legalization procedures are complicated and migrants choose to avoid them. On the other hand, it is in employers' interests to have illegal employees, as it is more profitable (tax avoidance, not paying wages or paying very little). Thus, labor migrants are becoming victims of forced labor exploitation. In the overwhelming majority of cases labor migrants do not have any formal agreements with their employers abroad, hence, they leave Armenia without any understanding of what they are going to do and what kind of conditions awaits them in the destination country. Limited or no knowledge about the job abroad puts labor migrants in a vulnerable position and at risk to become victims of forced labor. It can be concluded that nearly all labor migrants are exposed to become victims of trafficking in the destination country. Hence, the government of the Republic of Armenia should undertake measures at least to raise the awareness of labor migrants about the possible threats of trafficking.

Analyzing the Charters of the Migration Agency of the Ministry of Territorial Administration (MTA) and the Ministry of Labor and Social Issues (MLSI), a considerable overlap in the functions and responsibilities of the mentioned institutions can be observed.

According to the MTA Charter, it is the designated body to implement the RA policy on migration, labor migration, refugees' and returnees' matters. The Migration Agency of the MTA is according to its Charter responsible for the development and implementation of the government programs on re-emigration of the population emigrated from the RA. At the same time, there is no Migration Policy Department or a similar policy-making body at the MTA, thus leaving it unclear which department or entity of the MTA is responsible for developing and implementing state policies.

MLSI according to its Charter should develop and implement state regulation on labor, develop and implement employment policy for the population and develop respective policy

on the internal and external flow of labor force. The Law on Employment and Social Protection in Case of Unemployment reiterates the MLSI's responsibility for the regulation of overseas employment.

Taking into account these overlaps in the functions and responsibilities of different institutions dealing with migration, it can be concluded that the substantive division of responsibilities between agencies remains unclear. Several actors implement power over various migration issues, which can lead to infighting and ineffectiveness.

## **Conclusions and Recommendations**

The reasons rooted behind the decision to migrate throughout the history included natural disasters, conflicts, as well as economic conditions. All these factors highly contributed to the growth of irregular migration and trafficking. Trafficking in humans is the fastest growing form of transnational organized crime, with very high profits and very low risks. Increase in the numbers of victims of trafficking rests on the fact that many countries do not have adequate laws against that crime.

Trafficking of human beings constitutes major challenges to the protection of human and labor rights. The crime of trafficking infringes in such basic rights as the right to liberty and security, the right to freedom from torture, violence, cruel or degrading treatment, the right to a home and a family, the right to education and employment, the right to health care of a person. In other words, it is a denial of every fundamental human right and freedom provided for by the basic international texts. Thus, dealing effectively with these issues requires careful analysis of current realities and development trends, based on a deep and thorough understanding of the situation with migration management at large, and labor migration in particular.

The government of the Republic of Armenia has made and is still making significant efforts to address this global issue. However, it lacks well-defined policies and institutions dealing with migration regulation and combating trafficking.

The end goal of this study is to give practical and implementable recommendations to every step discussed in the paper.

- ✓ Within the police of the Republic of Armenia a special trafficking unit should be established for investigating trafficking cases. The officers of this special unit should have skills in identifying and working with the victims of trafficking. Frequent trainings for officers should be organized, where they will be able to further improve their skills and stay up-to-date on the issue.
- ✓ Migration Policy Department or a similar policy-making body should be established in the Ministry of Territorial Administration (MTA). The body should be responsible for migration policy formation and implementation.
- ✓ Anti-Trafficking Department should be established in the Ministry of Territorial Administration. The Department should regulate all the issues related to trafficking: victim identification, assistance and protection, anti-trafficking policy formation and regulation, trainings for law enforcement officials.
- ✓ The Migration Ministry jointly with the Ministry of Labor and Social Issues should form an inter-ministerial body, the main function of which should be administering the signing of employment contracts for labor migrants. Mandatory employment contracts should be put in force. Labor migrants should not be allowed to cross the border without a contract. This will highly contribute to the prevention and considerable reduction of labor trafficking cases.

- ✓ Ongoing trainings for police, border officials, labor inspectors, and health officials should be organized in identifying and assisting victims of forced prostitution and forced labor.
- ✓ A central database on trafficking cases should be created. This will help to have all the information regarding trafficking cases in the Republic of Armenia.
- ✓ The government of RA should closely cooperate with the NGOs active in the field of trafficking and migration. The network created by NGO-Government cooperation should ensure exchange of information about traffickers, transport of victims, their rescue, and other issues. NGOs should also be integrated in the counseling of victims, providing trauma care and help in questioning of victims. Cooperation with NGOs in terms of medical and psychological assistance, legal counseling, training, education, and reintegration of victims will make the efforts of helping the victims more effective and concentrated.
- ✓ Awareness raising campaigns should be organized, to make the public aware of the possible threats of trafficking. Advertisements targeted at raising awareness on public TV channels, radio, newspapers, and magazines should be organized. Migrants at border controls should be notified about the possible threats awaiting them abroad, which will prevent labor migrants' from becoming victims of trafficking. This awareness raising campaigns should be an ongoing process, rather than one-time activity. The implementation of the abovementioned procedures will lead to the effective prevention of trafficking in human beings.
- ✓ To warn the citizens of the Republic of Armenia traveling abroad about the threats of being victimized, every new Armenian passport issued should be accompanied by a copy of the booklet informing them about trafficking.

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## Appendix A: Questionnaire of Interviews

### UMCOR-Hope and Help

1. Do you cooperate with other NGOs abroad related to human trafficking issues?
2. If yes, how often you use your connections to obtain some information? And how effective is it? If no, would you like to cooperate with other organizations abroad?
3. Does RA government provide any kind of support?
4. Do you see any relation between labor migration and trafficking?
5. Do you have any recommendations or is there something that can help you to work more effectively?
6. What can be done to reduce the number of victims of labor trafficking?

## Appendix B: Questionnaire of Interviews

Migration Agency - Border Guards Service of the Zvartnotz Airport

1. Do you see any relation between labor migration and trafficking?
2. What are effective measures to prevent labor migrants from becoming victims of trafficking?
3. How can government reduce the number of victims of labor trafficking?
4. What can be done to effectively prevent human trafficking?