

Forced Labour and Labour Trafficking in Armenia

Pilot Study

YEREVAN, 2015



Forced Labour and Labour Trafficking in Armenia: Pilot Study

Summary

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Foreword

The OSCE Office in Yerevan has been prioritizing activities aimed at fighting human trafficking in its projects for over a decade. The Office has assisted in performing different expert reviews and preparing recommendations on the development and the revision of the national policy and legislation on fighting human trafficking and mechanisms for identification and support of victims.

The state and non-governmental agencies involved in combatting human trafficking in Armenia work successfully and in close co-operation. The international and donor community also contributes to support national efforts greatly. In response to the Council on Trafficking in Persons in Armenia request and funded by the Office to Monitor and Combat Trafficking in Persons of the US Department of State (J/TIP), the OSCE Office in Yerevan conducted a pilot study for the purpose of revealing the extent to which the population and specific demographic sectors are vulnerable to trafficking for forced labour and labour trafficking in the Republic of Armenia. The findings of this study are now presented to readers. The subject of this study is labour trafficking and forced labour of both adults and children in Armenia. It is a pilot study and was conducted in the capital city of Yerevan and several *marzes* (provinces) of Armenia (Ararat, Kotayk, Lori, Shirak and Syunik).

The national team of experts (or “team”) has also studied and analysed the related national legislation and has prepared recommendations to address the existing gaps.

We hope the team has succeeded in preparing a comprehensive and valuable paper that will nurture further open discussions on the issue of human trafficking, as well as to monitoring of the activities taken at the national level and prevention of the crime. Readers’ concerns, ideas and comments on the findings presented in this report will be appreciated.

The OSCE Office in Yerevan is grateful to the Caucasus Research Resource Center-Armenia staff members *Heghine Manasyan and Anna Sarkisyan*, as well as national experts *Rouben Yeganyan, Amalya Voskanyan, Davit Tumasyan, Lusine Simonyan, Avetik Mejlumyan, Nvard Melkonyan* for conducting the survey and preparing the report. The Office would like to express its sincere gratitude to those agencies and individuals who agreed to be interviewed, thus contributing to the preparation of this study.

List of Abbreviations

AFL	Alleged Forced Labour
EC	Employment Contract (or Service Contract)
FL	Forced Labour
HH	Household
II	Indicator of Involuntariness
ILO	International Labour Organization
INL	Department of State International Narcotics and Law Enforcement Bureau
IPMP	Indicator of Penalty or Menace of Penalty
J/TIP	Department of State Office to Monitor and Combat Trafficking in Persons
MOH	Ministry of Health
OC	Oral (Employment) Contract
OSCE	Organization for Security and Co-operation in Europe
RA	Republic of Armenia
RA LC	RA Labour Code
RA NSS	RA National Statistical Service
SNCO	State Non-Commercial Organization

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Executive Summary

Given the nature of labour trafficking, it is often difficult to obtain sufficient information on the matter. Victims rarely report the authorities on their experiences and even if they do so, the authorities may sometimes fail to recognize and identify these reports as instances of trafficking. Furthermore, the formal distinction between forced labour and other types of exploitation is blurred. In order to address this phenomenon, it is important to acquaint the state institutions, non-governmental organizations (NGOs), as well as the public at large with the issue of forced labour and labour trafficking.

Forced labour, as well as child and labour trafficking touch multiple policy areas. At present, less attention is paid to these issues as compared to trafficking for sexual exploitation.

Until recently, labour trafficking has not been regarded as a significant problem in Armenia. In order to strengthen efforts aimed at improved identification of forced labour and labour trafficking cases and to develop a comprehensive multi-agency response, the OSCE Office in Yerevan, with the US State Department funding initiated this pilot study the findings of which will be discussed with relevant anti-trafficking and other interested actors.

The pilot study aimed at identifying and assessing issues related to forced labour and labour trafficking among local and foreign nationals in Yerevan city and Ararat, Kotayk, Lori, Shirak and Syunik *marzes* (provinces). A quantitative household survey was administered to spread light on the forced labour and labour trafficking phenomena in the Republic of Armenia. In particular, 300 households were surveyed through a structured questionnaire. The intent of this study was to identify baseline data on the extent to which the population and specific demographic sectors are vulnerable to trafficking for forced labour and based on this analysis to formulate recommendations to improve victim identification procedures in the country. Despite the pilot nature of the study, it reveals that members of large and financially unsustainable families are more vulnerable to becoming victims of forced labour and labour trafficking. The research uncovers that in many cases violations are observed when it comes to agreed and factual wages, absence of signed labour contracts and of formal procedures to quit the job, overtime work without due remuneration, etc. The data illustrate that

labour exploitation in Armenia can be mostly attributed to the breach of Labour Code rather than forced labour and labour trafficking.

The pilot study also aimed to reveal the extent to which children, especially those in special schools and institutions for minors without parental care in the selected regions of Armenia are prone to labour exploitation and abuse. Summarizing the data received, the report says that if in the case of adults there have been revealed demonstrations of various violations of labour legislation rather than forced labour, in the case of children, it is about violations of the children's rights, the worst forms of child labour, in some cases forced labour, which requires the need for intervention by relevant bodies with an aim to provide solutions to the problem.

**PILOT SURVEY ON THE DETECTION OF FORCED
LABOUR AND LABOUR TRAFFICKING
IN THE REPUBLIC OF ARMENIA**

1. Methodology of Data Collection and Analysis

The type of research: This research was planned and conducted as an anamnestic, empirical quantitative sampling observation for the purpose of getting initial volumetric and relative assessment of forced labour (FL) and human trafficking in the private sector of Armenia's economy. The quantitative survey was followed by qualitative observation, when target respondents were interviewed.

The coverage of the research: the quantitative research was conducted among 300 households (HH) in the city of Yerevan and in Ararat, Kotayk, Lori, Shirak and Syunik *marzes*. In-depth interviews (qualitative section of the survey) were conducted among five selected respondents.

The observation unit was the certain job/service provided by persons over 10 years of age between 2012 and 2014 for a private sector or a third party/parties in the RA, irrespective of payment or its size and forms, except for cases of sole proprietorship or family and domestic obligations. The source of information about the job taken as the unit of observation was the person (**the unit of analysis**) who had performed/was performing it.

The research questionnaire was elaborated and revised upon the testing by the project experts. It included the identification characteristics of HHs and four sections. Questions in the first and second sections examined the basic features of the observed HHs. Questions in the third section recorded demographic and socio-economic profiles of all members who were performing/had performed jobs taken as the observation unit. Questions in the fourth section, which was also the largest section, were aimed at revealing: a) common features of jobs taken as the observation unit (duration, sector, professional qualification, location of work place; b) deceptive or coercive elements in recruitment process (indicators of involuntariness and penalty or menace of penalty); c) type of a labour contract (LC) or oral contract (OC), and breaches of the right to work; d) details of remuneration of labour, its volume, nature, working hours, working at night shifts, holidays or memory days, working at weekends and working

conditions; e) accommodation, living conditions of employee in the course of employment and indicators of work under duress, indicators of involuntariness and penalty or menace of penalty; f) indicators of involuntariness and penalty or menace of penalty in case of no possibility to leave the job in accordance with legal requirements; g) cases of threats and/or violence towards the respondent or other member of his/her household in connection with the given job.

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Sampling and volume of the research: out of 300 interviews with HHs, 100 were conducted in Yerevan and 40 in each of the aforementioned *marzes* (20 in urban and 20 in rural communities).

The fieldwork was conducted from 23 November to 3 December 2014 by a trained and instructed team of interviewers. To ensure the volume of targeted interviews, 997 HHs were visited. Job data was not collected from HHs for three main reasons: not having a family member who could be considered a unit of analysis – 43.8%, inaccessibility of HHs – 31.4%, and refusal to be interviewed by HHs – 23.1%. The individual interviews, conducted among 300 HHs out of 440 units of analysis, allowed to collect information about 470 jobs performed by them between 2012 and 2014.

The collected data, upon entering and cleaning, were processed through SPSS statistical analysis software package.

2. Social and Demographic Profile of Respondents

In total, 457 out of 1,384 people of the responding HHs (almost one third) met the standards of the unit of analysis (that is performed tasks in the private sector).

The number of male respondents was greater as compared to women (in average 62.8% of respondents were men, in villages – 76.7% and in other cities – 61.2%, in Yerevan – only 52.5%). Ninety percent of respondents were of working age.

Seven individuals or 1.5% of respondents were minors (10-17 years old).¹

Although the education level of the units of analysis was rather high. A majority of respondents had at least vocational education – 70.5%, higher or post-graduate education – 24.1%. Few respondents did not have secondary education – only 5.5%. The level of education differed significantly according to types of settlements. Thus, 36.7% of respondents in Yerevan had higher or post-graduate education, whereas the figures showed 18.7% and 13.7% in cities and villages, respectively.

More than 83% of the respondents had paid jobs, and 9% were “unemployed” at the time of survey.

3. Features of Jobs of Respondents taken as the Unit of Observation

Approximately half (50.6%) of jobs taken as observation units (470) were long-term jobs (two or more years), 12.6% were for 1-2 years, 36.8% were up to 1 year. The share of jobs with the shortest duration of up to 30 days was significant in other cities and especially in villages as compared to Yerevan (8.5%, 11.9% and 1.6%, respectively). More explicit were differences between spatial distributions of jobs according to sectors of economy. Thus, the share of jobs in the industrial sector was approximately 23% in Yerevan, 41.5% in other cities and 38.6% in villages.

Nearly 53% of employment was blue-collar jobs, requiring manual labour. The share of jobs not requiring any qualification was 47% in villages (against 28.3% in average).

The majority of respondents performed jobs requiring lower qualifications than they had. This, apparently, is the result of misbalance between demand and supply in the labour market, as well as high

¹ Moving forward, we would like to mention that the right to work was violated in case of two minors and one of them was identified as an AFL victim.

unemployment rate in Armenia (it was 18.2% in June, 2015 according to the National Statistical Service report)¹.

The greater part of respondents (60%) found their jobs with the help of relatives, friends and acquaintances, and 23.4% by applying directly to employers or upon employers' offers. Approximately 5% found jobs through the internet.

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Approximately 73% of jobs were performed at workers' settlements, 11.3% – in a city/other city of the same *marz*, more than 7% – in Yerevan and only nearly 2% in a city of another *marz*. These data significantly differed according to types of settlements: in rural areas 40.7% of respondents worked in their settlements, in case of other cities – 77.5%, and in case of Yerevan – approximately 96%.

Approximately 85% of jobs taken as units of observation were found through individual recruitment. Group recruitment most often happened in villages – almost 28% as compared to 13.4% in other cities and only 5.5% in Yerevan.

4. Compliance of Observed Jobs with Requirements of the RA Labour Code

There were 734 failed cases to fulfil the requirements of the RA Labour Code (LC) among 470 observed jobs. They referred to 350 jobs or 74.5% of them.

Approximately 65% of jobs were performed with an OC or without providing the Labour Contract copy and/or the order of recruitment to employees. In this regard, the situation was comparatively better in other cities – 52.5% against 68.5% in Yerevan and 72.2% in villages. In these cases an agreement or a contract was signed by the employer and the employee.

¹ National Statistical Service of the Republic of Armenia, <http://www.armstat.am/am/?nid=126&id=08010> (accessed 15 December 2015).

In case of 29 jobs (or 6.3% of cases) the workers were compelled to perform larger volumes of labour than envisaged in Labour Contract/OC, of which adequate additional payments were paid only in 15 cases.

The duration of working day exceeded the anticipated hours in case of 17 paid jobs (3.7% of the total), of which the additional work hours were remunerated at the base rate in case of nine jobs and in the remaining eight cases there was no remuneration at all.

The legislative requirement of higher rate of payment for night hours, holidays and memory days¹ was not respected in case of 108 or 7.5% of jobs with the mentioned working time.

The provisions of Article 155 of the RA LC concerning uninterrupted weekly rest were not observed in more than 13% of the cases (62 jobs) and only in one case the remuneration for rest days was at a higher rate.

Cases of impossibility of refusing job in accordance with legal requirements were few. Employees did not have a real opportunity of exercising their right within the manner and term stipulated in law only in case of 13 or 2.8% of jobs.

One violation of the RA LC took place in 157 jobs (33.4%) and two violations in each of 77 jobs (16.4%). The number of jobs with three and more violations was 116 (24.6%), and there were 120 jobs (25.5%) without violations.

In general, 78% of responding HHs had members who had experienced violations of the RA LC.

¹ The RA Labour Code, Articles 184 and 185.

5. Indicators of Forced Labour in Observed Jobs

The team identified 119 instances of forced labour (FL) related to coercive or deceptive recruitment, work or life under duress, and impossibility of terminating the contract in accordance with legal requirements. These instances were observed in 35 jobs (7.4% of the total) among 35 employees (7.6% of the total) who worked with violations of the RA LC.¹

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5.1. Indicator of Coercive or Deceptive Recruitment (non-free)

The research revealed the following 28 instances of coercive or deceptive recruitment in the recruitment process:

- Deception about the real location of job: 1 instance;
- Deception about the potential employer/type of entity: 6 instances;
- Deception about the real volumes of the job: 6 instances;
- Deception about the size of the remuneration: 6 instances;
- Deception about the real nature of work: 4 instances;
- Deception about the real duration of a work day: 5 instances.

In another 29 jobs (6.2%) the workers were not free to accept the job or accepted the job without their free will. However, these cases do not qualify as FL cases since the factor of limitation of freedom, as mentioned by the respondents, was “lack of alternative” work.

Hence, only 28 (23.5%) of the aforementioned 119 instances are related to the phase of recruitment. All of them were connected with deceptive recruitment, whereas no cases of coercive recruitment and transfer were fixed.

¹ These are those cases of violations of the Labour Code which took place against the employee’s will (indicator of involuntariness), as well as coercive methods applied for their coercion (indicator of penalty or menace of penalty).

5.2. Indicators of Work or Life under Duress

The research revealed 77 instances of work or life under duress conditions (64.7% of the coercive cases identified). Forty-two instances were of involuntariness (II), and the remaining 35 cases related to indicator of penalty or menace of penalty (IPMP). The specified 77 instances were distributed in the following way:

Table. Distribution of Instances under the indicators of Work or Life under Duress¹

Type of coercion/compulsion	# of instances	Of which:	
		II	IPMP
Paying lower wages than envisaged	12	6	6
Performing work of excessive volume	10	5	5
Performing work of other nature	6	3	3
Working extra hours	12	6	6
Working on holidays and memory days	18	9	9
Working on weekends/holidays	4	2	2
Working in unhealthy or degrading conditions	2	1	1
Constraints of free movement/communication	6	3	3
Constraints of contacts with friends/families	7	7	-
Total	77	42	35

No coercion in terms of living conditions related to jobs was registered as there were no cases when accommodation was provided by employers.

¹ We should mention that the FL indicators for the last 2 groups shown in the table must be carefully interpreted since it is not quite clear how employers who did not provide accommodation to workers could supervise their free movement and contacts/communication beyond working hours.

5.3. Indicator of Impossibility of Terminating the Contract in Accordance with Legal Requirements

The survey documented 14 instances of impossibility of terminating the contract in accordance with legal requirements on a voluntary basis, which makes 11.7% of 119 coercion cases revealed. Thirteen were II cases and one was an IPMP case.

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The opportunity of quitting the job in accordance with legal requirements was lacking only in 13 observed jobs. The constraint to leave the job in accordance with legal requirements was exercised through different means of penalty or menace of penalty, but only one of them was revealed – confiscation of the worker’s documents. In the remaining cases, most probably, threats of having serious material losses in case of leaving the job voluntarily were used.

No cases of attempts of threat or terror, physical or sexual violence towards the worker or other members of his/her HH in relation with jobs were registered.

6. Identification of Victims of Alleged Forced Labour

The initial classification of IIs and related IPMPs in jobs taken as the observation unit was conducted according to “strong” or “medium” indicators of alleged forced labour victims (AFL).

Using the findings of classification according to the initially developed methodology,¹ those workers who could be identified as

¹ According to the methodology developed on the basis of the ILO approaches, if there is at least one indicator of *“involuntariness”* relating to the dimension of coercive or deceptive recruitment, work and life under duress and impossibility of leaving employer and at least *one indicator of penalty or menace of penalty* and at least one of the indicators is strong, the criterion is positive. Any adult worker for whom any of these criteria is present (positive), can be considered as a **victim of alleged forced labour**.

AFL victims were singled out among 35 workers with IIs and IPMPs. The latter were 19 people or 4.3% of the responding workers. There were in total 101 documented coercion cases in their respective jobs.

The dimension¹ of **work under duress** was positive for all AFL victims, and only one of them had also a positive **dimension of impossibility of leaving the employer**. The **dimension of coercive or deceptive recruitment** was negative for all of them.

Nine of AFL victims had only **one positive dimension of work under duress**, and eight victims had **two dimensions**. For one of them **the dimension of work under duress** was positive already in four areas. One AFL victim had six out of nine possible dimensions of **work under duress**.

7. Features of Victims of Alleged Forced Labour

7.1. Peculiarities of Households of AFL Victim

Households with AFL victims were larger: the average number of their members was 4.9 persons which exceeded the average number the members of interviewed HHs by 0.3 persons (according to 2011 census in Armenia, the average number of HH members was approximately 4 persons). The large number of HHs with AFL members comprised a relatively large number of underage children.

While among the HHs with members working in compliance with the RA LC, the share of HHs with lower average living standard was approximately 53%, the figure was already 64% among HHs with members working in violation with the RA LC and approximately 66.7% in case of HHs with AFL victims. It is worth mentioning that the share of “very poor” HHs with members working in compliance with the RA LC

¹ Terminology is in keeping with the International Labour Organization, in their report “Hard to see, harder to count”, Survey guidelines to estimate forced labour of adults and children, International Labour Office (ILO), 2012.

was almost 27%, the share of HHs with members working in violation with the RA LC was already 35.5%, and HHs with AFL victims was 39%.

Hence, even under conditions of a small number of HHs with AFL victims, the presumptions that members of the poorest HHs are more vulnerable in terms of FL and that FL is a serious factor of HH poverty are explicitly expressed.

7.2. Demographic Features of Alleged Forced Labour Victims

Two features were typical for the age composition of AFL victims: absence of persons 63 years and older (who are eligible for their pensions) and a significant group of 25–34 years old persons (the latter made approximately 37% as compared to 22.6–25.3% of other age groups).

The difference of their distribution according to gender was even more explicit: women were prevailing among them (58% as compared to 36.4–46.5% of other groups, specifically the ones in compliance with the LC and in violation of the LC).

The observation proved that higher educational level was an important guarantee for avoiding the RA LC violations as well as FL. Higher and post graduate education had 40.9% of those who did not violate the RA LC, 18.5% of those who violated the RA LC and 15.8% of AFL victims.

AFL victims differed from other groups also by peculiarities of employment. Thus, 63.2% of them had jobs at the time of the research almost 16% was unemployed, while the figure was 83.2% and 11.2% in the group of working in non-compliance with the RA LC and 92.2% and 4.3% in the group of persons working in compliance with the RA LC. This proves the **high vulnerability of AFL victims in labour market**.

The analysis of labour features of AFL victims showed that short-term jobs were the most risky in terms of becoming a FL victim as well as violating the RA LC. The share of those having one-month job was only

1.7% in the group working in compliance with the RA LC as compared to 8.5% of those working in violation of the RA LC and more than 26% among AFL victims. The share of those having long-term jobs in the above mentioned groups was 68.4% (working in compliance with the LC), 44.7% (working in violation of the LC), and 26.3% (AFL victims) respectively.

The small number of AFL victims does not allow this analysis to single out confidently the sectors most exposed to risks in terms of FL. However, there are some grounds to assume that RA LC violations happen more often in the spheres of construction, agriculture and trade. The share of those who violated the RA LC in the mentioned spheres notably exceeded the weighted average of those involved therein.

The research findings fixed that the probability of the RA LC violations and that of becoming a FL victim were lower among highly qualified specialists: they comprised only 10.5% of those working with violations and 5.3% of AFL victims (their share in the group working without violations was 34.2%). Unqualified blue-collar jobs, on the contrary, contained high risks in terms of violations and FL (32.9%, 31.6% and 14.5%, respectively).

It is worth mentioning that jobs in the area of residency did not help to avoid the RA LC violations and becoming an AFL victim. 69% of those working in compliance with the RA LC were in the area of their residency as compared to 69% of those working with violations and almost 79% of AFL victims.

No definite link was identified between the mode of job finding and FL. The most substantial in recruitment was the role of social networks (relative, friend, acquaintance) in all groups. They supported 52.6% of those who did not violate the RA LC, 62% of those who violated the RA LC and 63.2% of AFL victims. Those who found jobs contacting employers were 25% (did not violate the RA LC), 23% (violated the RA LC) and 16% (AFL victims).

The research findings suggest that group recruitment option contains more risks. This option was exercised for 9.4% of those working in compliance with RA LC and 16.6% of those working with violations and 21.1% of AFL victims.

Let us mention that although the availability of a Labour Contract decreases RA LC violations and the risks of FL, still it is not a full guarantee to avoid them: in 35% of the cases with violation of the RA LC and in 42% of AFL cases employees had labour contracts.

Conclusion

The research findings serve as a ground for the following most important conclusions:

First, there is no human trafficking in the private sector of Armenia's economy or even if there is, the scale is so small that it is not revealed through the limited number of observations.

Second, despite of prevalence of the RA LC violations in the private sector of the country's economy, only a few are instances when we observed indicators of forced labour showing that a worker may be qualified as a victim of alleged forced labour. It is related to a misbalance in the RA labour market (see page 4) and does not mean that it is not a disturbing phenomenon and does not require relevant reaction from the state bodies.

Third, both methodology and suitability of tools of the conducted empirical research could be efficient for a large-scale, representative study on forced labour and labour trafficking in Armenia.

**PILOT QUALITATIVE SURVEY FORCED LABOUR
AND LABOUR TRAFFICKING IN THE REPUBLIC
OF ARMENIA**

General description of the qualitative survey¹

In order to conduct this survey on the issue of forced labour and labour trafficking in human beings in the Republic of Armenia, the quantitative research was complemented with a qualitative sociological survey, to validate the methodology, the techniques and the procedures applied to the study.

With an aim of detecting and describing cases of human trafficking and forced labour, the qualitative survey through in-depth interviews with the representatives of the following groups was conducted:

- a) Respondents corresponding to alleged forced labour indicators, identified during pilot quantitative survey;
- b) Foreign citizens working in the RA, who are or have been allegedly subjected to forced labour and labour trafficking;
- c) Children involved in labour activities.²

1. During the field stage of Pilot Qualitative Survey “Forced Labour and Human Trafficking in the Republic of Armenia” (July–August, 2015) and based on the results of the quantitative analysis, 19 respondents were identified (4.3% of the respondents) as alleged victims of forced labour. To explore the issue in details and more deeply, these people were contacted for an in-depth interview, and five out of 19 agreed to share their experience for the project. Identification and attempts of interviewing foreign citizens engaged in activities corresponding to forced labour in the RA failed for the following reasons³: a) in some cases⁴, the lack of relevant official information about working foreign citizens, and

¹ The interviewers have presented a report, detailing procedural difficulties in identifying respondents and conducting interviews, as well as the reasons for refusals.

² Children, who perform works for specific employers – individuals or organizations – were selected, even in those cases when it is the child’s parent who performs paid work and the child aids in performing the employer’s order and earning additional money.

³ Explanations of the interviewer are presented.

⁴ When, for instance, a foreign citizen’s entry to the Republic of Armenia is not regulated with an entry visa and thus, their registration as an employer and relevant information record do not take place.

whenever such information was available, the responsibility to protect personal data¹ by relevant agencies² was exercised; b) the reasoning of the NGOs that provide shelter to victims not to disclose their foreign beneficiaries; c) the reasoning of the employers to conceal the fact of having foreign employees (if they are working without relevant permission or contract); d) refusals by foreign citizens engaged in alleged forced labour to take part in the survey (according to those who refused, the reasons include fear of losing the jobs, having issues with their employers, public criticism and accusations, psychological pressure).

2. The selection of children was made based on meetings and discussions with state bodies and non-governmental organizations dealing with children issues in the regions. 14 children – 2 girls and 12 boys, out of 22 children from families in 11 communities in the target regions took part in the survey. The surveys were conducted in Ararat, Gagharqunik, Lori and Shirak regions, as well as in Yerevan, upon receiving the verbal consent of the children’s parents, both for the survey and for the recording.

Results of the Pilot Qualitative Survey with adults to reveal cases of forced labour and trafficking in human beings

The in-depth interviews with adults focused on the conditions of the works performed by them, in particular, their nature, duration, remuneration amount and frequency, as well as presence of forced nature. The information provided about their labour activity (Table 1) demonstrates that all cases imply violation of various provisions of Labour Code, rather than forced labour, which comes to support the data within quantitative survey.

¹ Article 3, RA Law on the protection of personal data.

² Passport and Visa Department of the RA Police; State Migration Service of the RA Ministry of Territorial Administration; State Employment Agency of the RA Ministry of Labour and Social Issues, etc.

Table 1: General description of employment area and demographic characteristics of surveyed adults performing jobs containing elements of forced labour

Sex	Age	Settlement	Education	Employment Area
Female 1	51	Yerevan	Higher	Trade
Female 2	56	Ararat region, city	Secondary	Production
Female 3	33	Shirak region, city	Secondary-college	Trade
Female 4	55	Lori region, city	Secondary	Production
Female 5	33	Lori region, city	Higher	Production

The employment activity of two of the respondents was in the area of trade and three of them were factory workers (two in a sewing factory, one in tobacco production). The remuneration for the works performed by women was 60,000–100,000 AMD¹ per month.

All of the respondents were not informed about and were not fully aware of their job responsibilities and further complications prior to accepting the jobs.

The main challenges the respondents faced with included irregular working hours, increase in the volume of works when receiving new products or providing additional services without increasing the remuneration, non-favourable working conditions (low or high temperatures in the working place, lack of sanitary-hygienic conditions), overtime in case of not completing work during working hours, or working weekends and holidays without additional remuneration. Nevertheless, tough social-economic conditions, fear of losing their jobs and not being able to find another one, difficulty in searching for a new job, are the main reasons the respondents did not quit the jobs.

According to the respondents, had they been preliminarily informed about volumes of the work, difficulties at the workplace, their employers or the organization, they would have still voluntarily agreed to perform these jobs, due to social-economic conditions (this finding supports the results of the quantitative survey).

Yes, I would have accepted it [i.e. the job]. You have no choice but to work for money. It is hard finding a job these days. (Female, 33 years old, Lori region, production)

¹ Equivalent to 120–200 US dollar

It is worth noting that none of the cases implies recruiting employees by deceit or forcibly, since the respondents became informed about their current or previous jobs from their friends, relatives and people working in the same field or through television announcements. This finding support the data received within the quantitative study.

I learned about the job from a TV announcement. I applied for it and got admitted. (Female, 55 years old, Lori region, production)

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Concerning the **availability of a written contract or verbal agreement**, let us note that all the cases within the qualitative survey reported having a written contract regulating working relations was signed between the employer and employee. The contracts were countersigned and the respondent had a chance to get acquainted with the content of the contract beforehand. A copy of the original signed contract was provided to the employees. Only in one case the original copy of the contract was not provided to the employee who did not demand it though. It was, nonetheless, the employer's responsibility to provide it, irrespective of the employee's request. However, according to the respondent, her resignation letter and the subsequent resignation order confirm the availability of such contract. None of the 5 respondent women faced with any obstacles in terms of quitting or terminating their jobs.

The working service was based on a written contract but as always, I do not take a look at all of my contracts. I even did not collect the original. They did not provide me with it and I did not request it. This is my fault. But a resignation order must have been definitely in place because when quitting the job, I wrote an application for job termination. The contract was for sure not signed by me because I have not seen it.

(Female, 51 years old, Yerevan, trade)

They concluded labour contracts with all of us, issued orders and immediately requested to provide a Labour Book.

(Female, 55 years old, Lori region, production)

Addressing the issue of working overtime and without remuneration it should be noted that in almost all cases the respondents were not preliminarily informed about the chances of working overtime.

According to the respondents, the main problem at the workplace was the overtime work, especially during an increase in the number of order received or number of customers. As a result, the respondents had to work 1-3 hours of overtime or on Saturdays.

According to the respondents, the overtime work was not performed forcedly but voluntarily and the additional assignments were feasible by only working overtime.

No, it's not about forcing us. This is the amount of work and we should manage. Yes, there have been cases when the volume of work turned out to be more than it was preliminarily agreed, but now it is regulated. Such variations are few, once or twice per year perhaps.

(Female, 33 years old, Lori region, production)

When the order is received and it is a big one and we do not manage, we come to work on Saturdays as well. If we managed our plan for the day and delivered it, we would not have to work on Saturday. But voluminous work is not a regular thing; it is mostly at the end of the month, once or twice. Mostly it happens during the last week of the month.

(Female, 55 years old, Lori region, production)

We can assume that no extra wages or bonuses were paid to the respondents for their overtime performance that exceeded the initial volume of work agreed with the employer, or this remuneration was not clearly pre-defined or expected by the employee.

According to the respondents, their contracts did not envisage working over the weekends or holidays/commemoration days. This was regulated verbally once there was a need to work during the specified days. Tasks which were completed over the weekends or holidays were mostly compensated with other free days, upon verbal agreement between employer and employee. Only in the case of one respondent the work was completed without any additional days off.

As a rule, we do not work over the weekend or on holidays. But there have been holidays when staff decided on their own to come and work (to be able to deliver the plan), then have free days and the management has agreed.

(Female, 55 years old, Lori region, city, trade)

We all have worked on working days, holidays and commemoration days. That is, we worked all 30 days of the month, without time off.

(Female, 51 years old, Yerevan, trade)

All the respondents reported that they worked without duty shifts, and there was no need for an overnight stay at the workplace.

None of the respondents faced a problem of the ***employers confiscating any document belonging to employees***. Only in one case the employer did not return the Labour Book of employee despite numerous requests of the employee but the latter one did not inform relevant bodies about this.

I decided to quit the job although [the employer] wanted me to work in all of their pharmacies. They said they did not want to lose a staff like me. However, I said ‘No, I am leaving and will not work in general.’ I was then told that they will pay half of my salary and the other half will be paid at the end of the month. Till date, they have not returned my labour book, nor paid half of my salary.

(Female, 51 years old, Yerevan, trade)

As far as ***working conditions*** are concerned, almost all respondents had the same complaint on the working place temperature, where during hot summer or in winter days the employer forbade using air conditioners or heaters for the sake of saving electricity. Only in one case was the appropriate workplace equipment – such as face masks, special uniform, relevant air ventilation, materials, etc. – missing.

We smelled the tobacco, especially as we open the door of that chamber (and we have 12 such facilities) and the smell ‘blows’ immediately in. There is no face mask or special uniform. Our arms become covered with a rash because of this heat and smell. This is why they give us some medication which we apply on our arms. They also give us short-sleeve shirts and we wear them but we also carry with us ‘stockings’, to cover and protect our arms with these.
(Female, 56 years old, Ararat region, city, production)

Addressing the issue of the use of **force/violence**, almost all respondents mentioned that there had been no use of force or violence against them and only in one case a fine or penalty was applied against their employer after quitting the job, for not paying half of the wages and not returning the employee’s Labour Book.

I went to receive my salary at the end of the month. [My employer] said, ‘I am not paying you because you chose to work at another pharmacy.’ Actually when leaving my job I did not tell them I was going to work somewhere else because they would then possibly not pay my one month salary, considering that the other girl who was working with me, when quitting her job for the same reason, was refused her last month’s salary.
(Female, 51 years old, Yerevan, trade)

No physical or psychological violence, no other forms of forcing or demonstrations of deprivation of freedom or mobility restriction was reported by the respondents,

During the pilot quantitative survey, none of the respondents identified themselves as being involved in forced labour. Some respondents of the qualitative survey noted that they received lower wages than agreed performed additional work and were threatened with termination of their contract. However, it is worth mentioning as well that unlike the results of quantitative survey, the respondent women, when describing their working activity in detail during in-depth interviews, mentioned that they agreed to these working conditions voluntarily, stating that hard social-economic conditions and difficulties in finding a job forced them to do so.¹

¹ Let us note that in accordance with the methodology developed on the basis of the positions applied by the UN, those persons are the victims of alleged forced labour in

As to respondents' **level of awareness** about “human trafficking”, all knew the concept, only one respondent found it difficult to define it. The respondents perceived it as exploitation of people through deception or forced labour, performing works other than the employee’s job responsibility against the employee’s will. The concepts of “forced labour” and “labour exploitation” are perceived by respondents as identical with “trafficking in human beings”.

I think trafficking is buying and selling people.

(Female, 33 years old, Shirak region, city, trade)

It is when people are offered a foreign job through deception, are exploited in various forms, making them work the way ‘they want’.

(Female, 33 years old, Lori region, village, production)

Trafficking, forced labour and exploitation are when they make you do a job other than your job.

(Female, 56 years-old, Ararat region, city, production)

The respondents received information about escaping from labour exploitation mostly through working experiences, interacting with friends, exchange of experiences, Internet, TV, films and programmes about trafficking.

None of the respondents have ever applied to any structure or person for the protection of their rights, justifying this with the fear of losing their jobs and scepticism about the outcome of the complaint and its consequences.

Summarizing the results of in-depth interviews, let us note that based on the respondents’ description of the works performed by them, as well as description of working conditions, relations with management, remuneration, the cases discussed in this report **do not qualify as forced labour** since it is more appropriate to consider these cases as violations of labour legislation and labour rights.

whose case at least one index of “absence of voluntariness” is present versus the indicators of recruitment by the use of force or deceit, work under the use of force or pressure, impossibility of quitting working conditions or the employer. In all cases covered under the qualitative survey the respondents agreed to such conditions voluntarily.

Results of pilot qualitative survey to reveal cases of forced child labour and trafficking

A selection of children to be included in the qualitative survey was made based on targeted sampling, by preliminarily taking into account the main terms of the worst forms of child labour.¹ The process of contacting institutions where selected children were to be interviewed was co-ordinated with the Ministry of Education and Science and the Ministry of Labour and Social Issues. Respective psychologists and/or representative of the institutions were also involved to make sure the rights of the interviewed children are not violated. Article 17 of the RA Labour Code reads that the lowest threshold of working age in Armenia is fourteen.

Let us note that those children performing jobs for an employer – an individual or an organization – even in those cases when it is the child’s parent who performs paid work and the child helps them perform the employer’s order and earn additional money were targeted and selected.

Meetings and discussions with schools and special institutions showed that they try to play significant role in protecting children from various forms of exploitation. Education institutions, guardianship and trusteeship agencies were mostly well aware of the works performed by children and although non-consistently but often they made attempts to involve children in mandatory classes, preventing absences from school because of work.

Interviews with the selected children (Table 2) also focused on the conditions of performed works, in particular the frequency of such works, their nature, conditions, duration and presence of forcing.

¹ The term “the worst forms of child labour” includes:

- a) All forms of slavery and practices similar to slavery, such as sale and trade of children, debt bondage and serfdom, as well forced or compulsory labour, including the compulsory or forced recruitment of children to use them in armed conflicts,
- b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs, as defined in the relevant international treaties;
- d) Work, which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Table 2. General description of the demographic picture of respondent children and their working activity

Sex	Age	Settlement	Education	Area of work, nature
Male 1	11	Lori region, city	Left school from the 4 th grade	Begging, worker in a shop
Male 2	10	Yerevan	5 th grade	Trade field, sells flowers
Male 3	14	Ararat region, village	9 th grade	Agriculture, carrier, carries crops
Male 4	14	Lori region, village	9 th grade	Agriculture, tying grass bundles
Male 5	16	Gegharqunik region, city	Left school from the 9 th grade	Agriculture, harvests potatoes, ties grass, worker in construction activities
Male 6	17	Gegharqunik region, village	Graduated from school	Agriculture, participates in the harvesting of crops (harvests potatoes), shepherd
Male 7	13	Shirak region, village	8 th grade	Agriculture, cattle breeding, shepherd, works in a cattle breeding farm
Male 8	12	Shirak region, village	7 th grade	Trade, worker on a shop
Male 9	16	Gegharqunik region, village	Left school from the 8 th grade	Construction
Male 10	15	Shirak region, city	Left school from the 9 th grade	Trade field, cashier in a grocery store
Male 11	9	Shirak region, village	5 th grade	Agriculture, cattle breeding, shepherd, works in a cattle breeding farm
Male 12	15	Ararat region, village	Studies in college	Agriculture, harvest crops and carries the crop
Female 1	18	Lori region, city	Left school from the 12 th grade	Service field, club dancer
Female 2	16	Lori region, city	Left school from the 9 th grade	Service field, club dancer

Eight of the 14 children interviewed were engaged in agriculture, including two engaged in cattle breeding, (the youngest age – 9 years old, the oldest – 17 years old); three worked in the area of trade (10, 12 and 15 years old), two worked in the service industry (16 and 18 years old); and one in construction (16 years old). Nine children, particularly those in cities, had been engaged in more than one job. According to the majority of respondents, their wages were paid on daily basis, in two cases amounting to 500–1,000 AMD¹, in six cases (6), 3,000–5,000 AMD and in one case – 11,000 AMD. One child was paid 40,000 per month and two children received food or sweets for the work they did.²

The children's working hours exceeded eight hours per day for 1–2 hours only in two cases (those involved in agricultural field). In the rest of the cases the children worked for 2–5 hours.

Some cases are noteworthy in terms of the starting and finishing times. Three children started work early in the morning, between 5 and 7 a.m. (agricultural works, during harvesting period) and in two other cases, children started and ended late at night, between 9 p.m. and 3 a.m. (in the case of those working in night clubs).

According to Part 3 of Article 148 of the Labour Code of Armenia, it is not permitted to involve persons under 18 years of age in work at night and according to Part 1 of the same Article, night time is the period between 10 p.m. and 6 a.m.

All respondents have met other children of the same age doing similar jobs at their working places. This was the case with those performing agricultural works and those involved in the areas of trade and services in towns.

Studying the opinions of respondent children revealed the following peculiarities of working motivations and perceptions of their jobs. The main motivation for children to work included hard social-economic conditions of their families. Almost all children considered the reason for their employment to be the wish to help their families or promoting to the social well-being of their family. The respondents justified their work with the feeling of responsibility towards their family, especially

¹ USD 1 = AMD 480 as of December, 2015.

² One of the children working for compensation by food is 15 years-old and works in a friend's shop as a cashier, does not charge any money, although he has been offered this, takes food home and has been working since he was 14. The second one ties grass bundles on the order of employers, chops wood, has been working since 11. Sometimes they give him money, sometimes sweets. In his last work place they paid him with sweets for tying grass bundles.

towards their parents. The children demonstrated a well-defined sense of responsibility in making their investment to the family budget.

*I work in order to help my family, so that there is money at home.
(Male, 9 years old, Shirak region, cattle-breeding)*

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While children wanted to help their families, there are some differences, depending on the child's age. Children under 16 years of age perform the work to help their parents and family and mitigate the family's social problems, transferring all money received for their work to their families. Children older than 16 years of age, irrespective of their gender, in addition to helping their families have also pointed out one more reason for work: self-fulfilment and the wish to cover their expenses on their own.

Although in accordance with Article 17 of the RA Labour Code, as mentioned above, the lowest threshold of working age is 14 and this is legal only in cases when there is written consent of the parent, the adopting parent, the guardian or the trustee, in villages, especially in agriculture and cattle-breeding, most of the juniors start working from a young age, that is between 7 and 8 years old.

*I have been working since I was 6 years-old. My mother was digging up potatoes, I gathered them and filled sacks with potatoes.
(Male, 17 years old, Gegharqunik regon, agriculture)*

The children and parents perceive this as exploitation of the child or violations of their rights. This is rather interpreted as a peculiarity of rural life, an inseparable part of the child's integration into social processes and rural life. Let us note again that this is not only about cases where children support parents in their own households but this is about works performed for a third party and for remuneration.

*Q – What other works have you performed other than in the field?
A – I go to the farm together with my brother. We clean out the cow shed, give them grass.
(Male, 13 years old,¹ Shirak region, cattle-breeding)*

¹ The brother of this respondent is 9 years-old, both help their father in working activities (the father is the village's herdsman and according to the respondents, with the boys' help he takes 2-3 times more cows to the field, than he could do alone).

There is one more general observation in the villages. Children's rather heavy work is deemed as help to the parents and not as a work; and in many cases it is a parent who suggests that their children help in various works.

In the cases we surveyed, parents of the children performing agricultural works took the responsibility to perform much more work than they could do alone. This means, when taking the responsibility, they preliminarily took into consideration the possibility if involving the child.

– *My dad went to work, I went with him to help.*

(Male, 9 years old, cattle-breeding)

– *I went as an aid to my father.*

(Male, 14 years old)

The children do not deem the parents' punishment for not completing their tasks as a form of pressure or violence against them. Based on survey results it is noteworthy that parents rarely punish their children.

Q – And if you did not do proper work in the farm or field, did you get punished for that?

A – Yes. (laughs)

Q – What did they do?

A – They said why you didn't do it properly?

(Male, 13 years old, Shirak region, cattle-breeding)

According to survey results all children had a possibility to voluntarily stop working and leave the employer for whom the child's family worked.

According to the opinion of the experts, the work that children performed, can, in some cases, have a negative impact on their mental and physical health. Children and parents did not consider this to be important since such work is perceived by them as a possibility to solve several social-economic issues.

Difficult family situations (such as children without both or one parent, family with many children, child abandoned by family) were not always a factor for involving a child in force labour activities. There are some children among the respondents who are in difficult family situations but most of them are members of complete families.

Most of the children participating in the survey combined the work they do with school education, although in number of cases (five cases) the child started working by quitting high school on the child's or parent's decision, and only in one case the child could not complete mandatory school programme and quit classes from the fourth grade.

According to survey results, schools and special institutions play a significant role in protecting children from various forms of exploitation. Education institutions, guardianship and trusteeship agencies were mostly well aware of the work performed by children and although non-consistently but often they made attempts to involve children in mandatory classes, preventing absences from school because of work.

Children who study at schools or attend childcare centres allocated considerably less time for work than children who quit their school to work or were stopped from mandatory education on the decision of their parents.

Q – Don't you go to school?

A – I go [to school].

Q – And how did you manage, together with your work?

A – I go to school, return from school, do my homework and then go to work.

(Male, 10 years old, Yerevan, trade)

Children who mentioned during the survey that they had left school stated that it was not a right move to leave school in order to work. Some expressed a wish to continue their education and most of them dream to learn some trade and get involved in professional work in the future.

Although in rural areas the village municipalities are aware of the children's involvement in work activities, they do not deem the issue as problematic one. Perhaps the main reason for it is the village mayors'

low-level awareness about the working conditions of children, forced labour and the protection of children's rights, although the Heads of Community are the representatives of the first circle in protecting the children's rights.¹

In all surveyed cases both parents and children were not aware of forced labour conditions, did not have knowledge about relations and legal regulations concerning child labour.

During the survey there was no case of a contract concluded between a child employee and employer. Avoidance to conclude contracts does not come from the one side only. In some instances the child and their family also avoided official registration of the work in order not to be deprived of the state benefit amount they receive as a vulnerable family.

All children stated they spend money they earn by themselves or it is spent by their families since it helps solving social issues. Some of the children understood that employers are interested in hiring juveniles since this is more profitable.

Q: Do what do you think, who benefitted from the work you did?

A: We did. I brought money home.

Q: And, in your opinion, why would they hire children for work?

A: In my view, they can pay children less than the adults.

(Male, 16 years old, Gegharqunik region, village)

In rural areas child labour is considered a traditional and natural phenomenon, and there is no explicit differentiation between working children and other children of their age and from their environment. In towns, however, working children and their rejection by other children of the same age is more explicit. The problem of isolation becomes more acute in cases where the child performs work that is not considered as respect-worthy by society (work in the night clubs, begging, etc.).

The issue of engaging in working activities by juvenile girls is worth special attention.

Children respondents in the villages noted that the girls, as well as boys in the villages, mostly start working on average when they

¹ Addendum to the RA Government's Decision N164-Ն from February 24, 2011: "Charter of the Guardianship and Trusteeship Bodies".

are between 7 and 9 years old by helping their parents in cultivation, harvesting and cattle breeding for other families. Their work is not perceived in the perspective of child exploitation, and without the involvement of children in their work the family will not be able to earn the agreed amount from the “employer”.

The girls from city areas mostly work in the service industry, such as waitresses, dancers, and this is perceived by them and their parents as work.

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This survey includes interviews with two girls from city areas (16 and 18 years old¹), who are engaged in work that is considered shameful (dancers in night clubs). Although their work does not coincide to all indicators of forced labour (the security of the children is ensured²) and they have assessed their working conditions as normal, however, both in terms of the night hours of their work (from 8 p.m. to 3 a.m.) and the nature of their work involving interaction with customers (conflicts, arguments), the activity of these children can be defined as a work which, with its nature can harm their security or morality, i.e. be classified among the worst forms of child labour, which creates a need for the protection of these girls' rights.

It is noteworthy that the majority of the surveyed children were not familiar with the concepts of “trafficking in human beings” and “forced labour”, and those who were familiar, had a rather vague understanding about the essence of these concepts and found it difficult to explain or comment on the meaning.

¹ The respondent girl works since the age of 15 and started doing this very work at the age of 16. Before that she worked in a car service center and cafe.

² The 2 girls mentioned that their security was ensured in the clubs and the security personnel of the club take care of their security however both of them have had conflicts, even a scuffle with customers.

Summary and Conclusions

Summarizing the data received from pilot qualitative survey (in-depth interviews with adults and juveniles), it is possible to conclude that if in the case of adults the actions placed on record during working relations are demonstrations of various violations of labour legislation rather than forced labour, in the case of children, it is about violations of the children's rights, the worst forms of child labour, in some cases forced labour, which requires the need for intervention by relevant bodies with an aim to provide solutions to the problem.

- 1 All respondents included under the pilot qualitative survey, both adults and juniors, mentioned the issue of social security of the family, the wish to be helpful to the family, as the main motivation for the work they do.
- 2 All respondents have spent the money they earned on their own or for the benefit of their families.
- 3 In the case of all adults included in the survey, labour contracts have been concluded between the employer and employee, regulating their working relations. The contracts have been countersigned, employees were provided with an opportunity to become familiarized with the content of the Contracts, a copy of the signed original was provided to the employee. Whereas, in case of junior employees, there were no signed contracts between the employer and employee. The child and their families also avoid signing contracts in order not to be deprived of the right to receive family benefits.
- 4 None of the respondents faced confiscation of their documents (passport).
- 5 According to survey results, all respondents had the possibility to quit their jobs and employers voluntarily. Still, when asked whether they would prefer to go school instead of working, children said they'd prefer school, but given the family's financial situation, they had to work.
- 6 The main difficulties faced by respondents were related with irregular working hours, increase in the volume of work when receiving new products or providing additional services without increase in the salary amount, non-favourable working conditions (low or high temperature in the working place,

poor sanitary and unhygienic workplaces), overtime work in case of non-completion of the works during working hours, or working over weekends and holidays without additional remuneration.

- 7 Although the work performed, depending on the nature and conditions, could have negative impact on the mental and physical health of the respondent adults and children, this circumstance was not quite considered as something important by the respondents.
- 8 According to survey results, schools and special institutions play significant role in protecting children from various forms of exploitation. Education institutions, guardianship and trusteeship agencies were mostly well aware of the works performed by children and although non-consistently but often they made attempts to involve children in mandatory classes, preventing absences from school because of work.
- 9 If in the case of adults, the respondents received information about labour rights, the need to abstain from any forms of exploitation mainly through their work experience, interaction with friends, exchange of experiences, Internet and television, films and programmes about trafficking in human beings, in all cases the respondent children and their parents were not aware of the conditions of forced labour, did not know about relations having to do with children's rights and legal regulations.
- 10 None of the respondents has applied to any structure or state agency with his/her concerns related to the violation of their rights, reasoning this with the fear to lose job and lack of confidence in the outcome of such complaint or its consequences.
- 11 The majority of surveyed children were not familiar with the concepts of "trafficking in human beings" and "forced labour", and those who were familiar, had a rather vague understanding about the essence of these concepts and found it difficult to explain or comment on the meaning. All adults were familiar with the concept of "trafficking" and only one respondent found it difficult to define it. The respondents perceive it as exploitation of people via deceit or forced labour, performing works other than the employee's job responsibility against the employee's will. The concepts of "forced labour" and "labour exploitation"

are perceived by respondents as identical with “trafficking in human beings”.

- 12 Establishment of cooperation with state agencies and non-governmental organizations dealing with the present issue would highly contribute to enlarging possibilities for finding respondents and ensuring the effectiveness of the sample.
- 13 The use of qualitative and quantitative methods of sociological research when studying a complicated and delicate matter ensures both the credibility of the data received via different methods and the detection of groups having a potential of getting involved in risky and forced labours, as well as accumulation of data concerning them.

EXECUTIVE SUMMARY OF RESEARCH

On Possible Risks of Trafficking or Exploitation of Children at Child Care and Protection Institutions and Special General Educational Institutions of the Republic of Armenia

The Goal and Methodology of the Research

The **goal** of this qualitative research was to reveal possible cases and risks of trafficking or exploitation of children at child care and protection institutions, as well as at general educational institutions¹ of the Republic of Armenia (RA).

The institutions operating in the RA were preliminary divided into several sub-types (in conformity with the types established by different Government of Armenia decisions). The subgroups of minors in those institutions at highest risk for child trafficking or exploitation were identified based on expert judgment. At the next level of sampling the institutions deemed as the most risky were identified, again upon expert judgment.

The following institutions and organizations were covered by the research:

1. “Gavar Orphanage” state non-commercial organization (SNCO)
2. “Vanadzor Orphanage” SNCO
3. “Zatik” Yerevan Child Assistance Center (former Zatik orphanage)
4. Byureghavan Child Care and Protection Boarding School
5. No. 1 Gyumri Child Care and Protection Boarding School
6. No. 3 Gyumri Special School for Children with Mental Disorders
7. No. 13 Yerevan Special Music School
8. No. 1 Vanadzor Special School for Children with Mental Disorders
9. No. 11 Yerevan Special School for Children with Mental Disorders
10. No. 1 Republican Special Educational Complex (Vardashen)
11. “Children’s Support Foundation Center” of the Fund of Armenian Relief
12. “Our Home” NGO (provides services to former beneficiaries of orphanages)

The sampling volume within the framework of each aforementioned method was as follows:

¹ Hereinafter: the institution, except for the cases where it is necessary to specify the type of institution.

Method	Sample volume
Expert interview	<i>6 interviews</i>
In-depth interview with representatives of the institution management	<i>8 interviews with heads and 3 interviews with deputy heads of the institutions</i>
In-depth interview with the representatives of the staff of institutions	<i>Social worker – 6 Psychologist – 6 Pedagogue – 2 Social educator – 1 Lawyer – 1 Methodologist – 1</i>
Observation in the institution	<i>In all institutions included in the sampling</i>
In-depth interview with beneficiary children of the institution	<i>Total number of children: 30</i> <ul style="list-style-type: none"> • 10 years old – 2 • 11 years old – 2 • 12 years old – 4 • 13 years old – 2 • 14 years old – 6 • 15 years old – 3 • 16 years old – 2 • 17 years old – 7 <i>As well as 2 persons who are 18 years old but continue to live in the institution</i>
In-depth interview with former beneficiaries of institution	<i>5 interviews</i>
Focus group with former beneficiaries of institution	<i>Number of focus group participants: 10 All of them were female</i>

Conclusions

- Although representatives of almost all institutions under study have participated in various training courses on child trafficking, still there is a gap in terms of knowledge on child forced labour. Relevant knowledge of the staff is not sufficiently profound and often is of intuitive nature. Some representatives of the institutions consider more important learning about child exploitation, in particular forced labour, rather than trafficking.
- Some of the institutions under study do not consider the need for additional awareness and learning about the aforementioned topics to be very important. The representatives of institutions are inclined to explain this based on their opinion that this phenomenon does not exist inside their institutions. Certain fear and caution is observed among the staff: many of them share the attitude that to speak about the problem means to accept its existence in their institutions.
- The representatives of almost all institutions state that they organize seminars and have explanatory talks on the mentioned topics with children on a regular basis. However, these events have no structured or stable nature and are usually conducted upon the initiative of separate specialists (psychologist, social worker). Besides, problems of child forced labour are often narrowly interpreted by the institution staff. The problem is mainly considered from the viewpoint of proper remuneration, while the rights of children remain ignored or without due attention.
- Comments of responding children also often reflect the key issue of proper remuneration of child labour. For the significant number of children the forced labour is equated to working without payment. Children pay less attention to nature, safety and other essential conditions of the job.
- The children have heard about trafficking or exploitation in general and forced labour in particular, still, they (as well as the institution staff) have incoherent information about the issue. In some cases the use of “child trafficking” by the children sounded rather artificially. Apparently these children were either initially instructed how to answer the questions in a certain way

or they were mechanically repeating the information heard from somewhere.

- The awareness among children is as important as the availability of skills and mechanisms for using the knowledge gained. According to experts, the children at the institutions are often better informed about the topics of trafficking, forced labour and, in general, their rights as compared to their peers outside the institutions. However, they have more limited opportunities of using the knowledge. For example, a child inside the institution has no sufficient and secure means to speak up about breaching of their rights.
- The representatives of institutions stated that children sometimes use the knowledge about their rights for the purpose of exerting pressure, threatening and manipulating the staff.
- In the set of vulnerable group the experts single out children living in rural communities among the pupils of institutions. There are a lot of risks endangering health and development of children involved in cattle breeding and, in particular, in farming. A specific risk group includes children living in rural areas who are also beneficiaries of an institution. Such children are more exposed to forced labour during summer vacations or holidays when they are away from child care institutions and are under control of their families. These are low-income and socially vulnerable families that often try to use the opportunity of making their children work and earn some money.
- One of the experts mentioned a negative phenomenon such as a non-formal, tacit consent between families and the institutions. Socially vulnerable families, unable to care for the primary needs of their children, close their eyes on cases of children's rights violations in the institutions.
- Most children who have been engaged in labour activity at any time worked/work during summer holidays or weekends when they are at home, under the control of their families. Child labour cases usually took place before children became beneficiaries of institutions. The majority of described cases refer mainly to labour of children in rural areas.
- All cases of former or current labour activities of beneficiary children of the institutions are without written contracts

regulating labour relations and without individual legal acts on recruitment. The great majority of representatives of institutions, both the management and the specialists, consider the child labour to be normal and even justified due to hard economic condition of the family.

- Sometimes the risk of possible exploitation of a child by the family does not get proper attention only due to the preconceived notion that if a child is working for the family it may not be deemed as exploitation. The fact of the work done for the family is sometimes a sufficient ground for the institution staff to ignore the inadequacy between the job and age of the child.
- Interpretation of the child labour problem is often rather narrow: the only essential criteria are whether the hard work was conducted on a voluntary or involuntary basis. The representatives of institutions often pay no attention to the nature of work only due the fact that the child does it voluntarily, without any coercion.
- The staff regard different patterns of child labour either normal or do not regard them as labour (although they actually are). This may be related to the lack of awareness and at the same time to the values (what is and is not acceptable and normal). Most of the experts working for the institutions simply do not know which actions should be taken in relation to cases revealed. With regard to this problem, the following three basic groups may be singled out:
 - ✓ Ambiguity of legal regulations for detection, referral, protection of children in difficult situations (it should be mentioned that there is a national referral mechanism for trafficked persons);
 - ✓ Lack of awareness and necessary capacities (how to respond, which are their direct responsibilities, where the responsibility of their institution/expert ends and the responsibility of other body/expert starts, etc.);
 - ✓ Ethical dilemmas (which is the “right” or “moral” way to react to the problem, whether the intervention will harm the family or not, whether the institution may ensure an alternative option since children are working out of necessity, etc.).

- The issue of assuming responsibility, related to professional skills as well as values, lies at the point of intersection of lack of awareness/capacities and ethical dilemmas. Some of the institutions under study are closely working with families of children and still pay insufficient attention to the key issues of child trafficking or exploitation. The prevailing viewpoint in the majority of institutions is that the problem relates to the field of responsibility of other bodies. As a result, these problems still remain “hanging in the air”.
- In general there seems to be no information about the children (presumed victims of child labour) after they are out of the institutions. The institutions usually fail to take the initiative of carrying out on-going work with the child and the family. The response of law enforcement bodies to the detected cases has not always been consistent.
- The reaction of the institution staff to cases of detected child labour has been mainly in to reproach them and have explanatory talks with the children. Sometimes they make terms with parents that should a child skip lessons for work, they will be excluded from the special school. This approach, together with positive impact, also contains risks because when a child is excluded from school they are beyond the attention and supervision of the institution.
- Beneficiary children of institutions spoke about their participation in some routine and construction works for the institution. According to the experts, the involvement of children in different activities by the management or staff of institutions was a result of lack of awareness, rather than of intentional labour exploitation. The staff considered the labour of children within institutions important from the viewpoint of obtaining life skills. It is concerning that the involvement of children in different types of work is sometimes a result of a lack of human resources.
- Staff representatives state that children themselves regulate distribution and accomplishment of a part of responsibilities. Minors staying at the institutions told the experts about cases when older and/or “influential” children helped the staff in accomplishing their responsibilities. The staff members

“delegate” a part of their responsibilities to children for quick and effective implementation. Leaders are acting as staff “assistants” in addressing some issues. Although this approach develops children’s self-organization capabilities, it still contains risks of conflicts and tension among peers. The continuous encouragement of privileged status of some children by the staff may lead to using the status for other purposes as well.

- Although there were no reported cases of trafficking or exploitation of other children, including cases of forced labour, the probability of such risks is rather high. The staff representatives spoke about pressures imposed on other children by leaders (which have no direct connection with forced labour).
- The risk of performing some work instead of others, being exploited by the latter can also be explained by psychological differences of children. There are children who are ready to undertake the implementation of any task on a voluntary basis. Usually such children lack sufficient skills to protect their interests and the acknowledgement of their own interest by themselves is not developed.
- Obvious unequal distribution of responsibilities exists between boys and girls (in particular when on duty in canteens). The staff members consider this circumstance normal based on their perceptions about the roles of different sexes.
- The work that children do in hobby groups (e.g. carpet clubs, sewing clubs) contains potential risks given that hypothetically there might be exploitation for the purpose of gaining additional profits. However, in all institutions these risks are minimized because the children are free to choose the hobby group as well as the amount of time to spend there. The institution representatives discuss only about certain psychological risks related to children’s evaluation of result and expected price of their works. Children may develop the perception of exploitation and/or disproportional remuneration of their work connected with the fact that their work is not sold at their expected price in exhibitions or bring-and-buy sale.
- The research findings do not reveal a unified approach to working with families. Monitoring of family situation and

various visits are mainly done by personal initiatives of specialists of the institutions and as a rule have to do with the sense of moral responsibility for the fortune of the children. Lack of work with families or its insufficient volume is also a result of lack of necessary resources. A serious obstacle for working with the child's family is the circumstances in which they live.

- The institutions examined in this research lack internal mechanisms for the prevention of possible cases of child trafficking or exploitation. Internal referral mechanism for children to know who they could approach for specific issues concerning their rights is missing. Cases are usually addressed after they happen. Prevention of potential cases is considered within the context of routine common sense, rather than within certain predictable mechanisms. Daily, non-formal exchange of information is deemed as a sufficient mechanism for prevention.
- In many cases the risk of work incompatible with a child's age and labour exploitation originate in the families. The institution has to undertake the role of "protecting" the child from their family. In this regard, the representatives of institutions identify a number of risks connected with the deinstitutionalization policy exercised in recent years in the institutions. According to them, children who are returned to families and are left without proper oversight may be exposed to labour and sexual exploitation.
- The staff members said that children are more protected in the institutions. They speak about physical, psychological and social protection. On the other hand, the care provided by the institution leads to lack of independence and weaker life skills among children.
- The staff members specify many risks related not only with children's families but also the social environment. These risks are not managed or controlled by the institutions in particular in case of the special and boarding schools when children spend their holidays with families or relatives. The status of a child as a beneficiary of the institution ensures the protection of the child not only from the family but also their social environment.
- The experts have differing opinions about the protection of children in the institutions. Children's dependence of

institution staff and management, as well as the closed nature of the institution and concentration of all aspects of the child's life in one place are considered risk factors. These factors interfere with children's interests and capacities to speak about problems which matters to them. It should be mentioned that is confirmed also by the participants of focus group comprised of the former beneficiaries of orphanages.

- Many staff representatives considered the institution to be a family model and reproduce, accordingly, patterns of family behaviour. Together with positive aspects, this approach brings forward considerable dangers, one of which is, in particular, the lack of supervisory mechanisms discussed earlier. If the institution is perceived as a family and the head of institution is the father, the necessity of internal supervision is also lost. In such environment the institutional mechanisms are not demanded any longer and are rejected, the relations are regulated through non-formal norms. It was considered that moral norms are sufficient for regulation of current problems. Pupils of the institutions are protected thanks to the moral image and goodwill of employees, rather than predictable mechanisms. Moreover, external supervision is deemed as undue intervention in "the internal family life".
- One of factors causing vulnerability of beneficiary children of the institutions is the absence or imperfection of mechanisms necessary for external supervision. The main supervisory functions are reserved to the state departments, in the composition of which the child care and protection institutions are included. There is a conflict of interests: interdepartmental supervision turns into the formality to a certain extent.
- Efficiency of external supervision suffers due to non-formal transfer of information about inspections. It enables the institution to get prepared for the inspection in a proper way.
- Different types of inspections sometimes fail to reveal current problems due to lack of purposefulness and special methodology necessary for the study. A part of inspections has very general nature, reflects a broad range of problems, in the result of which no in-depth study on the possible risks is conducted. Another part of inspections has a very narrow objective

(supervision of financial flows of institutions, supervision of the quality of education, supervision of care quality, etc.). These inspections also do not aim at revealing possible risks of child forced labour.

- Representatives of the institutions express their concerns also with regard to the appropriateness of methods exercised during study or research, given age and psychological peculiarities of children. Inadequate methods of receiving information, according to them, leads to dissemination of information which is not trustworthy and not checked.
- The system of targeted (child trafficking and forced labour) inspections and monitoring is lacking. The representatives of institutions under study state that there have not been thematic inspections in their institutions.
- One of the experts, considering the importance of the role of NGOs involved in child protection issues, specified the weakening of child protection network as a fundamental problem.
- Experts considered private institutions to be more at risk in terms of supervision. Different types of observation missions do not always have access (or have difficulties in getting access permission) to such institutions and NGOs visit them less as compared to the state institutions.
- Almost all institutions included in this study have sufficient supervision over entry to and exit from the institutions. Usually certain hours are defined for children to come and go and it is mandatory to inform and get a permission of institution representatives. The observed orphanages have sufficient supervision over access of strangers through video cameras placed in the corridors of the buildings.
- Restricted leave from institution premises without control has a negative impact on children. The staff representatives notice a sense of fear among children and voluntary rejection of independent movement.
- The institutions under study have no strategy and mechanisms for using mobile phones and Internet communication by children, as well as for supervision of their content. Children and their parents usually do not use the communication means provided by the institutions. Children who have mobile phones

may use them whenever they want to (except during lessons and exercises). Since all new generation mobile phones have the possibility of Internet connection, a child with such a mobile phone has uncontrollable access to the Internet. It should be mentioned that having a mobile phone and using the Internet are not negative phenomena per se.

- Internet content is partially controlled only in computer classrooms. Nevertheless, these computers lack software packages which blocks sites containing illicit contents. Supervision is not methodical, and educators or pedagogues find out what children do, which sites they visit or who their contacts are in social networks by asking questions to them.

Recommendations

1. Training of staff and children on child trafficking or exploitation must be based on needs assessment in the institutions. The research shows that the most important topic for the staff representatives in terms of training is the issue of child forced labour.
2. The scope of responsibility and functions of agencies (as an institution) and separate specialists in prevention, detection, referral, rehabilitation and support to children in case of trafficking or exploitation should be clearly fixed.
3. A guidebook on detection of child trafficking or exploitation cases, as well as on actions and referral of the revealed cases may be very helpful for the staff.
4. It is necessary to elaborate standards which regulate the involvement of children in certain works in the institution, as well as required conditions and limitations when they are performed by children. The work assigned to children in the institutions must be relevant to peculiarities of their age and must be aimed at shaping life skills and balanced personal development.
5. It is necessary to ensure fair and transparent distribution of responsibilities between children within the institution, be careful in granting supervisory and other authority over others to children who are reputed or older (are considered leaders).

6. The availability of skills and mechanisms of using current knowledge is as important as the awareness of children. Often children at the institutions have more knowledge as compared to the level of awareness of their peers, but there are no necessary conditions for using the knowledge. Therefore, it is necessary to provide a real opportunity to children in the institutions to bring up problems that bother them and about violations of their rights. The means to be used by children to call attention to their concerns must be ensured with sufficient guarantees in terms of confidentiality and confidence.
7. It is necessary to fill the gap of thematic (child trafficking and exploitation) inspections and studies in the aforementioned institutions by the state agencies.
8. The research findings identify that it is necessary to use a methodology which takes into account the needs of children and their age, social, psychological issues. For example, the work of multi-profile expert group is important for detection of possible problems in case of trafficking or exploitation of children with mental disorders.
9. It is necessary to strengthen the capacities for initial identification of child trafficking or exploitation by custody and guardianship bodies operating in communities. It is necessary to change the passive practice of these bodies through consultancy, monitoring of actions, public supervision and other methods.
10. The research participants expressed that in addition to the custody and guardianship bodies, it is important to activate community services and to engage them in the identification and prevention of the aforementioned problems. Community services (in particular, integrated social services) may be the primary links in revealing child trafficking or exploitation.
11. Groups of active parents as additional resource for supervision of institutions may be required at community levels should be established.
12. It is important to strengthen the capacities of child care and protection and special educational institutions in terms of initial identification of trafficking or exploitation cases.

13. It is necessary to strengthen the role of the institutions' social workers in the process of initial identification of trafficking or exploitation cases. To this end, it is desirable to review job descriptions of social workers and envisage new functions. It is important to develop a professional guideline ensuring effective implementation of the functions. In addition, social workers and other specialists of institutions must be provided with all resources (transport, financial resources, legal resources, etc.) necessary for full implementation of their functions.
14. It is necessary to expand non-departmental mechanisms (to be exercised by a body outside the ministerial composition) for supervision or control over activities of the institutions. Such a mechanism may be, for example, a general supervision by the prosecutor's office.
15. An important mechanism among the external supervision tools is activation of observation mission by the Human Rights Defender. Regular supervision conducted in cooperation with the Human Rights Defender's Office and NGOs may gradually become a stable and predictable mechanism for monitoring.
16. Special attention should be paid to private institutions by developing a stable mechanism for their regular inspections and supervision.
17. It is desirable to introduce and use software packages which block illicit Internet content in the institutions. It is desirable to increase the awareness of staff about how the Internet can affect the psychology of children.
18. It is necessary to revise the pressure tactics (when pressure is made on family to prevent the child labour) used by the institution staff by giving preferences to support. It is desirable to choose the mode of maximum supervision, rather than prevention of child labour (which is practically impossible). In particular, it is necessary to support children in finding jobs which are safe and relevant to their age and watch that rights and interests of children are not violated in the course of the work activity.
19. Some members of the institutions' staff recommended the installation of video cameras in the institutions. According to them, they will increase the supervision level over the behaviour

of staff and children, as well as ensure necessary transparency of the institution activity for external observers.

20. Specialization of state inspectors of the Staff of the RA Ministry of Health (MOH) according to certain vulnerable groups (e.g. children working in streets, engaged in farm work, etc.) may have a positive impact in the fight against child trafficking, in particular in forced labour.
21. It is desirable to provide opportunities for bodies dealing with child protection issues to file applications alerting to violations of labour rights of working children with the National Healthcare Agency at the RA MOH (with the requirement of mandatory examination and public accountability about such applications).

**FORCED LABOUR AND HUMAN TRAFFICKING
FOR LABOUR IN ARMENIA: DEFINITIONS AND
LEGISLATIVE FRAMEWORK
(SUMMARY)**

Forced Labour and Human Trafficking for Labour in Armenia: Definitions and Legislative framework

The clarification of operational definitions used in this research is important in order to study the forced labour and human trafficking for forced labour.¹ Their brief list is as follows:

Illegal labour	Work performed without a labour contract or an individual legal act on recruitment.
Labour	Physical or mental activity of a person aimed at manufacturing goods or providing services. This research studies any work performed or service provided in favour of a third party, irrespective of availability of remuneration or its size and forms.
Wages	Compensation paid to a worker against the performed works stipulated in law, other legal acts or labour contract. ²
Overtime	Overtime is the duration of the work exceeding the working time set in the Labour Code. Overtime work cannot be assigned to persons under 18 years of age, to people working in productions with factors harmful and/or dangerous for health, as well as employees working under other conditions envisaged by the RA legislation and collective contracts. Pregnant women, women who are taking care of children under one year of age, may be assigned to do overtime work only with their consent. Disabled people may be assigned to overtime work provided that this is not forbidden by medical conclusion. ³ Overtime required by the employer shall not exceed 4 hours during two successive days and 180 hours per year. ⁴ For each hour of the overtime work, in addition to the hourly rate, additional payment of not less than 50% of the hourly rate shall be paid, and for each hour of the night work – not less than 30% of the hourly rate is defined for overtime and night work. ⁵

¹ Since the research methodology was developed between August and September 2014, the national legislation acting at that time served as a ground for the below mentioned definitions.

² RA Labour Code, Article 178.1.

³ Ibid, Article 144(1-4).

⁴ Ibid, Article 146(1).

⁵ Ibid, Article 184.

Child deprived of parental care	<p>A child not having reached 18 whose parents (or the only parent):</p> <ul style="list-style-type: none"> • are deceased; • are deprived of parental rights; • are recognized as incapable to or avoid to bring up their children or to protect their rights and interests; • are recognized as dead, missing or unknown in the manner prescribed by law. <p>Persons considered to belong to the number of children left without parental care are those persons whose parents (or the only parent):</p> <ul style="list-style-type: none"> • died before the child reached 18; • are deprived of parental rights; • are recognized as incapable to or who avoid to bring up their children or to protect their rights and interests; • are recognized as dead, missing or unknown in the manner prescribed by law.⁶
Child	Any person under 18, except for those cases when he/she acquires capability in the manner prescribed by law or is recognized as capable at earlier age. ⁷
Human trafficking	Recruitment, transportation, transfer, harbouring or receipt of persons for exploitation by means of violence not dangerous for life or health or the threat to use it or other forms of coercion, of abduction, of deception or of the abuse of confidence or of a position of vulnerability or of achieving the consent of a person having control over another person for the purpose of receiving or giving material or other benefit or of promising them.
Exploitation	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. ⁸

⁶ RA Law on Social Protection of Children Left without Parental Care, Article 2, adopted on 24 September 2002, last changed on 12 December 2013.

⁷ RA Law on “Rights of Children”, Article 1.

⁸ RA Criminal Code, Article 132, Part 4.

The definition of human trafficking specified in operational definitions is comprised of 3 elements: action, means and objective, which may be described in the following way:

Act	Recruitment, transportation, transfer, harbouring or receipt
Means	Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to achieve the consent of a person having control over the victim
Purpose	Exploitation

Forced labour is one of the forms of exploitation. Indicators developed by ILO were used¹ for the study of this problem, after these indicators were adapted and tailored in line with the national legislation.

Within the context of this research, **the operational definition of forced labour** of adults shall mean any work or service for which the person has not offered him or herself voluntarily (*concept of involuntariness*) and which is performed under the menace of any penalty (*concept of coercion*) applied by an employer or a third party to the worker.

The operational definition of forced labour may be divided into four main dimensions:

- 1 Recruitment through coercion or deception (not upon free will);
- 2 Work and life under duress;
- 3 Impossibility of leaving the employer in accordance with legal requirements;
- 4 Penalty or menace of penalty (coercion).

The “**coercion**” dimension, in its turn, is divided into 6 subgroups:

- a) Threat or violence (physical, sexual, psychological);
- b) Restriction of workers’ freedom of movement through isolation, confinement or surveillance;
- c) Debt bondage or debt manipulation and any accompanying threats against a worker or his/her family members;

¹ “Hard to see, harder to count”, Survey guidelines to estimate forced labour of adults and children, International Labour Office (ILO), 2012.

- d) Withholding wages or other promised benefits to retain a worker longer than agreed;
- e) Retention of passport, identity papers or other documents;
- f) Abuse of vulnerability, which may include the threat of denunciation to the authorities.

Based on the ILO Convention 29 on Forced Labour, two groups were designated:

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- (1) First group for assessing the concept of involuntariness; and**
- (2) Second group for assessing the concept of penalty or menace of penalty.**

Each group can get “1” if the respective criterion is present and “0” if it is missing.

Indicators of involuntariness are grouped in three standards:

- (1) Coercive or deceptive (non-free) recruitment;
- (2) Work and life under duress and;
- (3) Impossibility of leaving the employer.

And coercion may be exercised for all three listed criteria. Hence, the combination of “involuntariness” and “coercion” may be used for qualifying the situation as *alleged* forced labour. Forced labour indicators, within the context of this research, are divided into two levels: strong and medium.

Legislation:

The Republic of Armenia has signed and ratified the UN and Council of Europe anti-trafficking Conventions¹ and made amendments and

¹ UN Convention against Transnational Organized Crime and the Protocols Thereto from 15 November 2000 (verified on 1 July 2003), #1 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime from 15 November 2000, then the Palermo Protocol (verified on 1 July 2003), # 2 Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime from 15 November 2000 (verified on 1 July 2003), Council of Europe Convention for the Protection of Human Rights and Fundamental

additions to the Criminal Code of the RA by bringing the national legislation in line with the international standards, has approved the National Referral Procedure for Trafficked Persons, has adopted the RA Law on Identification and Support to Victims of Human Trafficking,¹ has developed and approved national anti-trafficking programs, has established a Council on Combatting Trafficking in Persons in Armenia and a working group adjunct to the Council.

Human trafficking or exploitation is punished by imprisonment of 5-14 years, and 7-15 years is envisaged in case of trafficking or exploitation of a child or a person who due to mental disorder does not recognize the significance of his/her action or is unable to manage it. It should be mentioned that in case of a child trafficking the use of the aforementioned means is not necessary for qualifying the action as trafficking.

It is worth mentioning that the Criminal Code of the RA defines only the types of exploitation but does not define the notion of exploitation or the terms of types of exploitation listed. Forced labour is regarded as a type of exploitation in the Criminal Code of the RA, whereas there may be situations when the latter is regarded as a separate phenomenon.

Everyone should enjoy the freedom to choose his/her occupation which covers the freedom to agree or disagree to do a certain type of work, to choose the profession and type of activity and to administer the labour capacities². Compulsory employment and violence against the worker is forbidden by the Constitution of the RA³, the Labour Code of the RA⁴ and other legal acts. Although forced labour is prohibited in Armenia and is regarded as a crime,⁵ the term of forced labour is not defined by the national legislation.

The right of every person to work is protected *de jure*, but there are various problems *de facto*.

Freedoms from 4 November 1950 (verified on 25 January 2001), Council of Europe Convention on Action Against Trafficking in Human Beings (verified on 16 May 2005).

¹ The RA Law on Identification and Support to Victims of Human Trafficking was adopted on December 17, 2014 and enacted on 30 June 2015.

² RA Constitution, Article 32 and RA Labour Code, Article 3(1).

³ RA Constitution, Article 32.

⁴ RA Labour Code, Article 3(2).

⁵ RA Criminal Code, Articles 132 and 132.2.

Child Labour:

Armenia joined the UN Convention on the Rights of the Child in 1992, and signed the UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2005. Pursuant to Article 2 of the UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration.

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ILO Convention #182 on “Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour”¹ requires taking immediate and effective measures to eliminate the worst forms of child labour and prevent the engagement of children in forced labour.

The Constitution of the RA prohibits children under the age of 16 to work full time.² Labour-related legal capacity of citizens, their capacity to obtain and exercise employment rights through their activities, to create employment duties and to fulfil them (labour active legal capacity) shall arise in full scale from the moment of attainment of the age of 16, except for cases provided for by the Labour Code and other laws.³

It is prohibited to use the work of a child under the age of 14, irrespective of the nature of work and other circumstances. This age limitation predetermines a certain level of a person’s physical as well as mental capacities, due to which he/she is able to understand the meaning of his/her actions and manage them; within this context the recruitment of a person under the age of 14, irrespective of the physical capacities of the person, is forced labour with the legal consequences deriving thereby.⁴ Parents, adopters, custodians and guardians also have no right to engage children in forced labour.⁵

The working age defined in the RA Labour Code is sixteen. Young persons aged 14–16 years old may work under a labour contract with

¹ It was enacted in RA since 2 January 2006.

² RA Constitution, Article 32.

³ RA Labour Code, Article 15.2.

⁴ Interpretations of the RA Constitution, (editors G.Harutyunyan, A. Vagharshyan), Yerevan, 2010, Article 32, P 399.

⁵ Ibid, Article 32, P 400.

the consent of one of the parents, adopter or guardian¹. The child has a right of privileged conditions of work. The peculiarities, privileges and conditions of recruitment of a child are stipulated by the RA Labour Code.²

Young persons aged 14–16 years old may be engaged only in temporary work which does not harm their health, safety, education and morality in the manner prescribed by the Labour Code. A temporary labour contract is signed with persons of that age.³

Foreign Citizens' Right to Work in the Republic of Armenia:

Foreign citizens' right to work in Armenia⁴ is regulated by the Law of the Republic of Armenia on Foreign Citizens⁵, the Labour Code of the RA⁶ and other legal acts. Foreign citizens in Armenia enjoy the same labour legal capacity as the RA citizens, if nothing else is envisaged by the law⁷. However, it should be mentioned that the RA Labour Code and other normative acts do not apply to the work relations between foreign employers and employees not residing permanently in the Republic of Armenia, despite the fact that employees may do the work as assigned by an employer in the Republic of Armenia⁸.

In Armenia an employer has a right to sign a labour contract or a service delivery contract with a foreign employee for a certain period of time based on the work permit granted to the foreigner by the authorized body⁹ or by the term of validity of the residence permit¹⁰. However, the RA Law on Foreign Nationals envisages a number of cases

¹ RA Labour Code, Article 17(2-4).

² RA Law on “Rights of Children”, Article 19.

³ The RA Labour Code, Article 17(2-4).

⁴ The concept of “Foreign Citizens” refers to those persons who are not RA citizens, have a citizenship of another state (foreign nationals) or have no citizenship of any state (persons without citizenship).

⁵ The RA Law on “Foreign Citizens” was adopted on 25 December 2006 and last amended on 22 June 2015.

⁶ RA Labour Code, Article 2.

⁷ RA Labour Code, Article 15.1, RA Law on Foreign Citizens, Article 22.1.

⁸ RA Labour Code, Article 7.5.

⁹ Permit of the RA authorized state administration body which allows a foreigner the right to work in the Republic of Republic, the RA Law on “Foreign Citizens”, Article 3.

¹⁰ RA Labour Code, Article 95.3, RA Law on “Foreign Citizens”, Article 22.2.

when foreigners with a special, permanent or temporary residence permit may work without a work permit¹.

As for labour and employment of foreigners, the RA authorized state administration body must provide free consultation to a foreigner about provisions of the work contract signed between him/her and the employer before the foreigner arrives to Armenia, as well as to check their factual compliance after he/she enters the country².

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Foreigners under 18 may enter the Republic of Armenia with their parents, one of the parents, other legal representative or a companion or alone if they arrive to the Republic of Armenia to visit their parents, one of the parents, other legal representative or a receiving organization.

Recommendations

1. Types of exploitation of persons should be defined and classified in the legislation, to distinguish them according to the level of risks by setting different punishments, since the difference between the minimum and maximum punishment terms is rather big, also, individual approach should be exercised when deciding the case to increase the efficiency of the punishment.
2. It is necessary to define the term “forced labour” and develop and adapt indicators of forced labour.
3. It is necessary to criminalize forced labour even when it is not connected with human trafficking, and is performed without using the means of human trafficking.
4. To elaborate procedures and indicators for trafficking victims’ identification, referral, needs assessment, distinguished according to the types of exploitation and age groups – for adults and children.
5. To clarify the term “voluntary work”.
6. To have unified statistics on victims of human trafficking.
7. To co-ordinate activities of agencies (state or private) that provide shelter to victims of human trafficking by developing

¹ RA Law on “Foreign Citizens”, Article 23.

² Ibid, Article 29.

- minimal criteria (different for children and adults), which the shelter and provided services (assistance) must comply with, and to introduce a mechanism for monitoring.
8. To elaborate and define the manner and conditions of victim protection, by specifying the peculiarities of protection of children.
 9. To organize training courses on detecting and revealing organizers of human trafficking (exploiters), as well as on evidence- related issues.
 10. To organize training courses for mass media representatives on covering the issue of human trafficking and on journalistic code of ethics.
 11. To develop procedures and checklists for health inspectors for detection of forced labour and to ensure that inspections are conducted.
 12. To develop procedures and checklists for health inspectors for detection of the worst forms of child labour.
 13. To raise awareness among parents (guardians) of children in risk groups, the staff of institutions exercising care and protection, bodies engaged in child protection, including custodian and guardianship bodies and commissions, the employees of Divisions of Family, Women and Children Issues at *marz* centres, educational institutions, the workers of integrated social services (case managers) about the worst forms of child labour. .
 14. To review the mechanisms of compensation to victims of human trafficking, to develop a system of effective and flexible compensation mechanisms by identifying the procedure and terms of compensation.
 15. To support the development of trade unions.
 16. To adopt a Government decision on ensuring the application of the provisions of the RA Law on Foreign Nationals for the purpose of recruitment of foreigners and protection of their rights to work.

Forced Labour and Labour Trafficking in Armenia

Pilot Study



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