



International  
Labour Office

# Trafficking in Human Beings

*New Approaches to Combating the Problem*

SPECIAL ACTION PROGRAMME  
TO COMBAT FORCED LABOUR

May 2003  
First Edition

# TRAFFICKING IN HUMAN BEINGS

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## FROM TRADE OF GOODS TO HUMAN MERCHANDISE

'Trafficking' is not a thing. It is not an event. You cannot point a finger at it or take a photograph of it. 'Trafficking' is a convenient, simple and useful label attached not to a single phenomenon but to a complex series of states and events that individually may or may not be harmful or wrong.<sup>1</sup>

The word itself is not new; when people were first referred to as 'traffickers' in the mid-sixteenth century, there was no suggestion of wrongdoing. The word had connotations of 'going back and forth' or 'exchange', and they were simply 'traders'; the two terms were roughly synonymous.

By the beginning of the seventeenth century, however, trafficking had already become differentiated from trading by the suggestion that it involved the sale of illicit or disreputable goods. It is in this form that it first appeared in the discourse of politics, law and social development, where it was adopted to denote the action of illegally moving contraband - often drugs or weapons -- across borders for profit. By the nineteenth century, this contraband also included human beings, traded as merchandise into a life of service and slavery.

When the term 'trafficking' finally came into common use in the late twentieth century to refer to the movement of human beings across borders or within a country into exploitation in labour, including the commercial sex trade, it represented an amalgamation of the different meanings given to the word over four centuries: illicit trade, movement and people being dealt with as if they were merchandise. The many attempts to define 'trafficking' in the closing years of the century invariably included these same components.

Even as understanding of the complex phenomenon of trafficking grows, however, there is still some confusion between trafficking and other forms of people movement and often, as a result of this, people who have been trafficked are treated as wrongdoers rather than victims. Recent international conventions have attempted in particular to explain the fine line between trafficking and two other principal areas of movement of people:

Migration. All over the world, and in increasing numbers, people move. From their village to the city. From the city to the countryside for seasonal employment. From their home to a neighbouring country to live or work. Across continents in search of a better life, a new beginning or just because circumstances dictate. It is estimated that, as the twenty-first century began, some 150 million people were living outside their homelands.<sup>2</sup> Some of these were refugees or had migrated permanently to

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*For working purposes the ILO, like most agencies within the UN system, now uses the definition of trafficking contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children that supplements the UN Convention against Transnational Organized Crime (2000), the so-called 'Palermo Protocol'. Although the Protocol relates to situations of cross-border trafficking only and presumes the involvement of organized crime, in practice the definition is used more broadly. It states that trafficking is: "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation". Where children (people under the age of 18) are concerned, the Protocol stipulates that "recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in the definition"*

2

*P. Taran: "Migration and labour solidarity" in Labour Education No.129, Vol.4/2002.*

another country; some were temporary migrants. Some were regular migrants; others were 'undocumented', their status not recognized by the host country.

In addition, many more people move within their own countries, sometimes short-term but also pulling up roots and relocating permanently. People may be prompted to move by the need to find work, the fear of persecution, the horrors of war or disaster, or just because they want to live somewhere else. They may make all their own arrangements for the journey, or enlist the help of others, including recruitment firms, employment agencies, state representatives such as embassies and consulates, migrant organizations or personal contacts. Migrants may be educated, skilled professionals attracted to greater opportunities, or unskilled workers escaping a life of poverty. Where they have chosen to move (internally or across borders), and the end result is a life and work free from exploitation and duress, these people are migrants and not trafficking victims. Where migration takes on elements of coercion, force or exploitation, however, then it becomes trafficking.

People smuggling. When people are smuggled across a border, then generally this is considered to have involved a 'voluntary' agreement to which the smuggled person has been a party. People smugglers operate where people who want to move cannot find a legal way to do that, or where they are not aware of the legal channels open to them or, in some cases, where there are no channels at all for legal migration.

In practice, it is not always easy to differentiate between people smuggling and trafficking, because 'voluntary' agreement may be a result of deception, or may involve an individual or family entering into debt to pay for the travel, debt that puts them at the mercy of the lender. It may result in physical confinement when the human cargo is locked into a vehicle or into a sending or reception centre. It may result in forced labour, where compliance is assured because documents have been confiscated, or by threats of disclosure to the authorities. In these cases, the 'voluntary' agreement has become a ticket to trafficking.

## COMPONENTS OF TRAFFICKING: 'RECRUITMENT, MOVEMENT AND EXPLOITATION'

While trafficking might be difficult to pin down because of its complexity, its essential components are not in dispute:

People who are trafficked enter the process when they are recruited by people or processes. They may be forced or coerced by family, friends, recruitment agents or agencies, and in extreme cases be forcibly removed by abduction. They may be duped by misinformation or lies, or pushed by need or desperation to seek out recruiters themselves (often called 'voluntary' recruitment, although free choice hardly applies). This initial stage in the process may involve the exchange of money or negotiation of a loan. Once in debt, the person who wants to move is extremely vulnerable to threats and manipulation.

By its nature, trafficking presumes movement of people away from their normal place of work and home, to another town, area, or country. This movement may involve teams of people who facilitate it: someone may provide false documents, transport will have to be arranged, there may be 'relay' people along the way who separate families, provide guidance across a border or otherwise help the process along. In some instances there are corrupt border guards, customs or law enforcement personnel who turn a blind eye to irregularities or suspicious documentation. There will be transport providers who may or may not know the nature of their cargo.

At the point of arrival, there may or may not be an organized reception process, a person or group who will meet the trafficking victims and who may well take away any documents the victims have (rendering them 'undocumented' and prey to fear of disclosure, and taking away their freedom to return or move on). Reception might include accommodation ranging from a halfway house to prison-like confinement. At this stage, too, the trafficking victim may learn of more debts to be repaid for 'services' provided.

Thus it is that the trafficking victim will be at the mercy of the traffickers and, far from being able to find work to begin to build a better future, will be forced to labour to pay off debts, as a result of fear of disclosure, violence or reprisals. This labour is likely to be performed without a contract, time off, insurance, access to health or social security services or pay, and often for long hours in the kind of work too often reserved for low-skilled migrant workers: in sweatshops, agriculture, construction work, domestic service, food processing or labour-intensive manufacturing and, of course, for women and older girls, in commercial sex. Such exploitation is at the heart of trafficking.

## HUMAN TRAFFICKING TODAY

In the first years of the twenty-first century, human trafficking has become a central issue to security and stability. The movement of people is inevitable in a globalized world; as the barriers to trade and production break down, and markets become regional and global, people also become more mobile. As imbalances between markets and labour opportunities shift, and as inequalities grow between countries, regions, and even within countries from one area to another, people understandably move to find work.

Growing numbers of migrants are educated, skilled professionals attracted to the hope of higher salaries, status and better opportunities than they can find in their countries of origin. It does not always turn out like this, and many skilled workers find themselves in low-skilled jobs. Indeed the overwhelming demand for migrant workers is for low-skilled, malleable workers ready to take on dirty and dangerous jobs. Without the protection of unions, often in vulnerable positions, such workers are easier to exploit and more docile.

In some countries and regions, at the same time, there is a pressing need for labour,

as shifts in social and economic patterns lead to a shortage of workers in some sectors and a need for more workers in others, and where advancing consumerism and globalization fuel both demand for goods and services and a move to enhance profits by producing these with the cheapest labour available.

Where the desperate need for work meets the pull of the labour market, there will be people movement. As long as this is facilitated by sensible migration policies in both 'sending' (origin) and 'receiving' (destination) countries, then orderly labour migration will take place. But where regular channels for migration are closed or too difficult to move through, then an environment will be created where trafficking thrives.

This is especially true for women, since most legal channels of migration offer opportunities in male-dominated sectors such as construction and agriculture. In most countries, too, women have poorer access to information on migration, job opportunities and recruitment channels. Many countries also operate gender-selective migration policies and regulations for admission, so that discrimination in the country of origin is reinforced by policies in the potential destination country. As a result, female would-be migrants are marginalized and more vulnerable.

In addition to putting in place sensible migration policies and mechanisms, destination countries also have a responsibility to act to ensure that the demand for cheap and malleable labour that pulls workers to move is not equivalent to exploitation.

Much attention is paid to so-called 'sending' countries, and there are insistent calls for such countries to stop people entering the trafficking trap. Yet it is clear that most of the exploitation and abuse takes place in the destination country, in the form of exploitative or forced labour, debt bondage, slavery and servitude.

Destination countries are often developed countries proud of their human rights records, confident of their legal provisions, rich in social and legal services and the means to ensure workers' rights. And yet in these countries, serious abuses of labour rights take place and the profits of trafficking are reaped. This is in part a result of a shift towards investment in informal sectors as investors look for higher capital returns. These are more likely where workers are not able to organize or demand their rights and where labour is therefore cheaper. Such sectors are often clandestine or illegal, largely invisible and difficult to reach by regular labour standards inspections and enforcement. In these sectors, irregular migrants are preferred employees because of the regime of exploitation and fear in which they labour. In these sectors, too, trafficking victims labour to pay off debts or in fear of their exploiters.

There is a need for destination countries to address the problem of demand seriously and without delay. Where labour standards are rigorously adhered to, workers are well unionized and labour laws are monitored and enforced - for all workers, indigenous or migrant -- the demand for trafficked people and services is likely to be low (although in two sectors into which women especially are trafficked - prostitution and domestic service - the closed and 'invisible' nature of the activities will be a challenge to the enforcement of human and labour rights).

The reality is that the governments of most developed countries know that they will need migrant workers to be able to maintain current growth levels. The demand is clearly illustrated in the speed with which foreign workers find employment when they relocate: on average, for example, an undocumented Mexican migrant worker to the United States will find a job within two weeks of arriving.<sup>3</sup> It is unrealistic to perpetuate the discourse of reducing migration when it is economically and therefore politically vital. It is much more realistic to work to regularize, support and monitor legal migration and move towards creating an environment in which it can function effectively and to the advantage of the migrant worker and the country in which s/he works.

The growth of organized crime - small and big - also feeds into trafficking. Where people are vulnerable because of ignorance, need, desperation, misinformation, rank in the social hierarchy - on race, gender or age grounds -- or marginalization, they are at risk of falling into the hands of those who wish to exploit them. The Deputy Director of EUROPOL<sup>4</sup> has indicated that organized criminal networks are increasingly getting involved in facilitating illegal migration because of the high returns available, currently estimated at around \$12 billion a year, with little risk of detection or conviction. In general, these networks make huge profits 'hiring out' the structures they already have in place for the movement of other forms of contraband such as drugs and stolen vehicles: transport, corrupt officials, safe houses, personnel. When the people who move through these illegal channels end up in exploitative situations, they become trafficking victims and the criminal networks become human traffickers.

Where the demand for cheap labour moves beyond the boundaries of legal migration, the trafficker and accomplices provide a link between demand and the exploited people who can satisfy it. This has long been recognized in relation to the commercial sex trade. The trafficking and exploitation of women and girls (and sometimes also boys) to countries where demand for sexual services is high, and where the malleability of vulnerable women makes it easier for exploiters to control them and profit from their labour, has been recognized for some time. Indeed trafficking is often seen as synonymous with exploitation in prostitution.

But the reality is that people - women and men, boys and girls - are trafficked into exploitation in many sectors of labour. Much less is known about trafficking for labour more broadly. The US Department of State's 2002 report on trafficking worldwide<sup>5</sup> mentions young Chinese men trafficked into Belgium to work in manual labour in restaurants and in sweatshops. Canada is listed as a destination country but also a transit point for women, men and children trafficked into the United States for exploitation in commercial sex, labour and the drug trade. They come from China, South-East Asia, Eastern Europe and Russia. Chinese and Colombian men are trafficked into France.

Children are trafficked internally and across borders in Central and South America and in West and Central Africa for exploitation in domestic service. People of all ages are trafficked across the land borders of South Asia for work in carpet and garment factories, for street hawking and begging, on construction projects and tea plantations, in

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*P. Taran and G. Moreno-Fontes Chamartin: Getting at the roots: Stopping exploitation of migrant workers by organized crime, Perspectives on Labour Migration Vol. 1E, ILO, Geneva, 2003, p.5.*

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*W. Bruggeman: Illegal immigration and trafficking in human beings seen as a security problem for Europe, statement to the ILO/STOP Conference on Trafficking, Brussels, September 2002.*

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*US Department of State: Victims of trafficking and violence Protection Act 2000: Trafficking in persons report, June 2002.*

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*There are, of course, exceptions to this. Children, for example, are trafficked into paedophile networks where they are sexually abused and, although there are often commercial transactions involved, this is clearly not equivalent to trafficking for labour. Women are trafficked for forced marriage and children of both sexes are moved for illegal adoption. Trafficking of children and young people as a source of body parts is reported but inadequately documented. Although there is no reliable data on the dimensions of trafficking for non-labour purposes, it is believed to represent a small proportion of trafficking overall.*

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*InFocus Programme on Promoting the Declaration: Information leaflet on the Declaration on Fundamental Principles and Rights at Work Geneva, 2002.*

manufacturing or brick kilns. In the Middle East and North Africa, women and girls are trafficked to work in domestic service, boys are trafficked into the region to work as camel jockeys, and Asian men are trafficked into construction and manual labour. Research into trafficking into Western Europe from Eastern Europe and the countries of Central Asia (often with a stop-over in Eastern Europe) is beginning to show how, in addition to the substantial traffic of women and girls into the sex trade, trafficked men and boys also end up in agriculture in Spain, the UK, Switzerland and France, alongside exploited workers from within the European Union.

Only recently has the broader picture of human trafficking worldwide begun to be revealed. What is becoming clear is that, all over the world, women, men and children are being trafficked into a life of exploitation and forced labour. It is little wonder that, in the past decade, the phrase 'modern slavery' has come into use to describe a fate that had been assumed to have been assigned to the pages of history.

## THE ILO AND TRAFFICKING

Since it is clear that trafficking is most often linked to exploitation in labour,<sup>6</sup> it is not surprising that the ILO has been working to combat it almost since the organization was created in 1919.

The ILO inherited its mandate from social movements of the nineteenth century, where the concept of slavery was linked to indignation about colonial situations of employment, for example on plantations. As early as 1923, the very first Director General of the ILO, Albert Thomas, appeared before the International Court of Justice to support the rights of workers exploited by their colonial masters.

Adoption of the Elimination of All Forms of Forced Labour Convention, 1930 (No.29) provided the ILO and its partners worldwide with a framework in which labour exploitation could be recognized, identified and eliminated. The Abolition of Forced Labour Convention, 1957 (No.105) reinforced this resolve. By the late 1990s, however, it had become evident that forced labour, trafficking and the challenges of globalization required a renewed commitment and immediate, targeted action.

The ILO Declaration on Fundamental Principles and Rights at Work adopted in June 1998 was drafted in the same spirit of social justice that had inspired earlier conventions and, indeed, the creation of the ILO itself. It represents 'social ground rules founded on common values to enable all those involved to claim their fair share of the wealth they have helped to generate',<sup>7</sup> and it is complemented with mechanisms for follow-up that ensure that the Declaration is translated into action.

The Declaration embodies four imperatives:

- Freedom of association and the effective recognition of the right to collective bargaining;
- The elimination of all forms of forced or compulsory labour;

- The effective abolition of child labour;
- The elimination of discrimination in respect of employment and occupation.

These are at the core, also, of action to combat and eliminate trafficking in human beings. Where those who labour enjoy freedom of association and collective bargaining, their rights as workers are protected and they are less likely to be exploited. Action against forced or compulsory labour is instrumental in breaking down the motives for trafficking and the means of profiting from it. Abolishing child labour and protecting children from exploitation tackles directly the problem of employers who see in children the most malleable and cheapest source of labour, and thwarts the traffickers who provide such labour. Eliminating discrimination strikes at the heart of the exploitation of 'others' - workers who are seen to be exploitable because they are from another country, tribe or caste, of a different colour, culture or religion, or are women whose position in family or community too often makes them subservient to those who wish to profit from their labour.

Anti-trafficking policy and action is central to the spirit of the ILO Charter, whose preamble specifically refers to the duty to protect 'the interests of workers employed in countries other than their own', and the goals of social justice, humanity and permanent peace. Given these over-arching aims, there is no one part of the ILO 'responsible' for anti-trafficking efforts but rather a complementary effort by several different parts of the organization:

Obviously the section dealing with labour migration and the rights of migrant workers (ILO-MIGRANT) is involved. The main focus of the ILO migration programme is to support countries in policy formulation relating to regular migration as a form of prevention against trafficking, and in establishing or strengthening legislation, administrative measures, structures and practices for effective management of labour migration. This might include actions such as capacity building seminars, technical cooperation, facilitating consultation and cooperation among governments and social partners. This is complemented by research and data collection on migration flows and their impact, and publications including an on-line migration database.

The ILO's gender promotion programme GENPROM, which focuses on new and emerging areas of gender concern and especially vulnerable groups of women workers, also has programmes in the area of trafficking. GENPROM works through developing the information base and practical tools for action, through awareness raising and advocacy efforts, and through direct action programmes to empower women and reduce their vulnerability.

The ILO's International Programme on the Elimination of Child Labour, IPEC, is particularly concerned with the trafficking of children. Under Article 3(a) of the ILO Worst Forms of Child Labour Convention, 1999 (No.182), the trafficking of children is considered a worst form of child labour to be abolished immediately. Like other sections of the ILO, IPEC works with governments, workers' and employers' organizations, non-governmental organizations (NGOs), international and regional bodies and other partners. Since 1996, subregional programmes to combat child trafficking in Central America, Africa, South-East Asia (Greater Mekong subregion), South Asia and most



recently South-Eastern Europe have included prevention, protection, rescue and rehabilitation initiatives as well as research, data collection, information sharing, training and advocacy.

The Department on International Labour Standards and Human Rights NORMES is responsible, under the Committee of Experts on the Application of Conventions and Recommendations, for the examination of reports supplied by Governments on the application of ratified Conventions that are relevant to the issue of trafficking. NORMES specialists draw the attention of Governments to these problems and to means of solving them from a labour standards perspective. This contributes to the fuller respect of the human and labour rights of trafficked persons.

Sections of ILO that deal with worker and employer activities (ILO-ACTRAV, ILO-ACTEMP), and with labour standards (ILO-NORMES, ILO-EGALITE) also participate in an internal working group on trafficking that aims to build on individual areas of specialization and create a comprehensive institutional response to trafficking in human beings.

All the components of trafficking are covered by the many different strands of ILO's work and have been for many years. Since the adoption of the Declaration on Fundamental Principles and Rights at Work in 1998, however, anti-trafficking efforts at ILO have a new dimension. The creation of the InFocus programme for follow-up of the Declaration (ILO-DECLARATION) and, more recently, the Special Action Programme to Combat Forced Labour (SAP-FL), have given increased impetus to ILO's efforts to combat trafficking.

The SAP-FL approaches trafficking through the exploitation component of forced labour. It aims to significantly raise global awareness of forced labour and to build integrated operational programmes that involve as many as possible of the ILO's technical capacities. Because so many victims of forced labour and trafficking are migrant workers, research and action are carried out in different geographical areas, including destination countries of trafficked people. Actions are national including, for example, technical support to law and policy reform and prevention projects in communities with at-risk people, and subregional, linking actions in both origin and destination countries.

Activities include data collection, skills training, employment services, labour inspection, micro-finance and projects implemented in collaboration with workers' and employers' organizations. In the early stages, already, a body of research is being developed to inform new programmes and projects that will target forced labour as a major component of trafficking.

Since June 2002, SAP-FL has worked with ILO-IPEC in Albania, Moldova, Romania and Ukraine to address supply factors through research on the nature and dynamics of various stages of the trafficking process, labour market conditions that provoke demand for irregular workers, recruitment mechanisms through irregular labour institutions, and the role of state authorities and civil society organizations. The programme works with at-risk groups to provide alternative forms of livelihood in their

places of origin, and addresses the role of migration management and job placement systems in countries of origin and transit.

SAP-FL has also recognized the need to complement ILO-IPEC's work to combat child trafficking in Asia, for example, by focusing on trafficking of young adults who have emerged from childhood but who are particularly vulnerable to exploitation as they seek to move enter the labour market. In February 2003, SAP-FL held a programme consultation on the protection of domestic workers against the threats of forced labour and trafficking. This focused on the lack of legislative protection, of government services, and of organization and a voice for local and migrant domestic workers. Some good practices were identified and will be built on as future technical cooperation programmes are developed.

With its unique tripartite structure, the ILO is ideally placed to build social consensus around some of the difficult issues linked to labour trafficking. This includes, for example, how to monitor the activities of contracting intermediaries in origin and destination countries; how to find the right balance between the promotion of private employment agencies in the interests of greater labour market efficiency and adequate supervision of such agencies to ensure they do not collude with criminal trafficking activities.

Drawing upon its long and diverse expertise in analysis and understanding of labour markets and mechanisms, labour migration, forced labour, child labour, gender issues, project management, partnerships and networks, the ILO has a unique role to play in combating trafficking worldwide.

## MAKING HISTORY TOMORROW

The ILO's efforts to combat forced labour and human trafficking continue apace. The Organization is at a crucial point in its anti-trafficking efforts, bringing together broad and diverse experiences from both within the ILO and from collaboration with partners, to build a comprehensive and unique platform for policy and action.

While in recent years, for example, much work has been done in the area of vulnerability reduction of at-risk people, there remains much to be done to complete the picture and address the demand for trafficked labour and the context in which the 'supply' of vulnerable people is matched with such demand.

There is a serious gap in research on the area of demand for cheap and malleable labour that constitutes a major 'pull' factor in trafficking. The ILO is uniquely placed to fill this knowledge gap, in cooperation with workers' and employers' organizations and with research institutes and individual researchers. In particular, more research is needed in countries to which trafficking victims are moved - the destination countries which are more often than not developed, industrialized countries that are rarely the focus of anti-trafficking initiatives.

SAP-FL has begun to fill this gap, with research on the forced labour outcomes of traf-

ficking for either labour or sexual exploitation in a number of countries to which people are trafficked. A first pilot study was carried out in France. This was followed up in Germany, Hungary, Turkey and Russia. In mid-2003, SAP-FL will embark on a study of forced labour and trafficking in the United States. Forced labour is widely believed to affect irregular migrants in a number of sectors in the US economy -- domestic labour, commercial sex, agriculture, sweatshop factory work and the service and food service industries - but reliable data are scarce. Through careful case research, in collaboration with relevant US Government agencies, this initiative can strengthen the application of the US 2000 law for the protection of trafficking victims.

Meticulous research of this kind is now needed on a global basis. SAP-FL has developed plans to carry out similar studies in the destination countries of West Africa and South East Asia, and to examine the complex flows that involve many countries, both rich and poor, as origin or destination countries of human trafficking.

Once there is a solid knowledge base, then targeted programmes can be designed to address many different points along the trafficking chain. The ILO's expertise in developing skills and employment opportunities as a protection and prevention measure against exploitation in general and trafficking more specifically will continue to be developed. This is an area where the ILO can and does work not only with NGOs and government partners but with employers' and with workers' organizations. Targeted awareness raising also aims to prevent people falling into the hands of traffickers, and can be carried out at many levels, from village community to shopfloor.

Understanding the context in which forced labour takes place in destination countries also provides a more solid basis for the development of effective rescue, rehabilitation and reintegration programmes. These must include working with host governments to ensure that trafficked people are identified as such, and not immediately deported as illegal migrants. The ILO will continue to work with member States to provide technical cooperation in the development of policies and frameworks that respect the rights of all workers, regardless of their status. National Plans of Action against Trafficking, which have been developed in some countries largely in response to calls to combat commercial sexual exploitation of women and children, can be further developed to address broader issues of human trafficking and forced labour. These complement the development of sensible migration policies that allow labour migration to be managed in such a way that the traffickers are, quite literally, put out of business.

As in SAP-FL work in Eastern Europe, work will continue to focus on specific mechanisms that might facilitate trafficking, such as employment and recruitment agencies, the transport sector and private migrant worker reception and accommodation services. Specific sectors identified as receivers of trafficked labour will also come under closer scrutiny. Future programmes will strengthen institutional capacities to combat trafficking in all these areas.

Over a number of years, the ILO has gained significant experience in a number of programme areas including training and capacity building, technical cooperation, support to the development of not only national but also regional policy, and advoca-

cy and research. This experience is all being harnessed in efforts to combat human trafficking.

In articulating its anti-trafficking efforts in a broad labour migration, forced labour and child labour framework, the ILO has carved out a niche for itself that both complements the work of partner agencies and avoids duplication. To global anti-trafficking work, the ILO brings the unique strengths of its tripartite structure, its working links with ministries of labour and labour-focused bodies, its standards-based framework and the supervisory mechanisms that contribute to translating commitments into effective action, and its long history of social dialogue.

The ILO will continue to look for complementarity and value-added in its work and, to do this, will cooperate and share with partners both inside and outside the United Nations family. In many regions, initiatives to capitalize on comparative advantages such as the ILO's long and intense experience in labour-related migration, labour exploitation and other elements of human trafficking, have resulted in inter-agency working groups, anti-trafficking forums and labour partner workshops and meetings.

As lessons continue to emerge from the ILO's work to combat trafficking, these will be fed into the various information-sharing mechanisms that have been set up, and provide the basis for new and more targeted actions.

At the same time, there is a continuing need to monitor anti-trafficking policies and actions to ensure that they do not restrict legitimate labour migration or close the door to employment for people who need work. The ILO has pointed to both the opportunities and the dangers of using the label 'trafficking' without full understanding of the different components that it covers.

Bringing together issues such as coerced recruitment, facilitated regular and irregular migration, forced labour, child labour and debt bondage under the label of 'trafficking in human beings' allows people and those who govern them to focus attention on gross violations of human and labour rights and to act to eliminate them. It allows resources to be mobilized. It creates an umbrella under which debate and sharing can take place. It is a rallying call for action from the international community as a body and labour and community actors at grassroots level. It has an impact even at the level of the individual, calling into question personal attitudes and actions, for example towards migrant co-workers, or the source of the food on the table.

But there is also a danger that increased attention on 'trafficking' can be used to work against the interests of migrants and the legitimate right of people to move and to seek work. Current debate on trafficking leans heavily on law enforcement, crime prevention and national security. These lead to calls for stricter border controls, sanctions on those who seek to move, and deportation for those who do so outside migration laws. There is now an urgent need for a broader perspective involving a wide range of government and non-governmental agencies. Labour, as well as Interior, ministries should take responsibility for anti-trafficking measures. Law enforcement should include labour regulatory and inspection mechanisms; workers and employers should likewise be included in policy discussions.

The focus on trafficking into prostitution, moreover, has tended to hide the much larger picture of human trafficking. It also targets prevention and protection, recovery and support efforts exclusively on this group of women and girls, neglecting the substantial numbers of boys and men who are also trafficked and the many women and girls trafficked into other labour sectors. As a result, an often unbalanced perception of what comprises human trafficking has emerged.

Re-focusing the debate on forced labour (or in the case of people under the age of 18, on child labour) and on trafficking as a function of labour market failure allows action to be taken to eliminate the exploitation that is at the core of trafficking, and to differentiate it from irregular or legal migration. While it is still necessary to dismantle the mechanisms that facilitate the 'movement' component of trafficking and to continue to build the capacity of law enforcers to interrupt this and pursue those traffickers who recruit and transport people into exploitation, it is essential to concentrate efforts on preventing and eliminating labour exploitation. This needs to be done at the supply end of the trafficking chain, by reducing people's vulnerability, and at the demand end by acting vigorously to end exploitative labour practices, whatever form they take and wherever they occur.

It is in this spirit that the ILO has positioned its anti-trafficking efforts and in which it makes a unique contribution.

## THE ILO AND TRAFFICKING: ILO CONVENTIONS

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There is no 'anti-trafficking ILO convention'. However, since the very first ILO convention was adopted in 1919, the International Labour Conference has been putting in place instruments that can be used to combat trafficking at different stages of that process.

These may relate to recruitment, (the Private Employment Agencies Convention, 1997 (No.181), for example), the non-exploitation of workers (many conventions, beginning with the Hours of Work (Industry) Convention, 1919 (No.1) and covering issues relating, for example, to freedom of association, weekly rest, holidays, night work, minimum age, insurance, non-discrimination), or movement for work (for example the Migration for Employment Convention (Revised), 1949 (No.97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143).

Convention No.143, in fact, is one of the earliest conventions to specifically use the word 'trafficking', in a provision committing ratifying member States to prosecute the 'authors of manpower trafficking...whatever the country from which they exercise their activities'. The same convention commits ratifying members to "systematically seek to determine whether there are illegally employed migrant workers on its territory and whether there depart from, pass through or arrive in its territory any movements of migrants for employment in which the migrants are subjected during their journey, on arrival or during their period of residence and employment to conditions contravening relevant international multilateral or bilateral instruments or agreements" (Article 2(1). This is clearly a targeted anti-trafficking provision.

Importantly, the convention also calls for the "organisers of illicit or clandestine movements of migrants" and 'those who employ workers who have immigrated in illegal conditions" to be targeted for sanctions, insisting that the human and labour rights of the irregular migrant or trafficking victim be protected. Article 9 additionally notes that "Nothing in this Convention shall prevent Members from giving persons who are illegally residing or working within the country the right to stay and to take up legal employment", underlining the need to protect the victim while prosecuting the perpetrator.

### THE ILO FUNDAMENTAL CONVENTIONS

The International Labour Conference, though, has identified eight conventions as fundamental to the rights of human beings at work, irrespective of the level of development of individual member States. These rights are a precondition for all the others because they provide a necessary framework for efforts to improve individual and collective conditions of work.<sup>8</sup>

The core standards embodied in the eight fundamental conventions are also vital to the ILO's work against trafficking.

Forced labour is a major component of human trafficking. Those who recruit people into the trafficking trap often set up the conditions in which forced labour can occur, by entering into loan agreements with them and thus putting them into debt bondage, by facilitating undocumented (or falsely documented) migration, so that they are vulnerable to threats of disclosure or deportation, or by giving them false information on the nature or place of work they are going to. The transporters and facilitators of movement of trafficking victims also facilitate forced labour when they provide more services against debts to be paid, plunge the victim deeper into the illegalities of undocumented migration, and even separate the victim from co-travellers including family and friends, isolating her/him and putting her/him at the mercy of those at the receiving end of this human cargo. The employers of trafficked people, and the middle-men who mediate between the employer and the trafficked worker, consolidate the likelihood of forced labour by sharing the profits of the trafficking victim's labour, managing the debt incurred and ensuring that it is either never paid off or paid off over many years, keeping the worker malleable by threats of denunciation to the authorities, by violence (including sexual violence), by threats against the worker's family or by other forms of abuse.

These are the very activities that the Forced Labour Convention, 1930 (No.29) aims to eliminate. Defining forced or compulsory labour as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily", the convention commits member States not only not to impose forced labour but also not to allow it to occur.

All ratifying Members, therefore, have a duty to deal effectively with the 'receiving' end of the trafficking process. The convention stipulates, moreover, that "the illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention that the penalties imposed by law are really adequate and are strictly enforced" (Art.25). Rigorous implementation of this article would strike hard at the demand for cheap and malleable labour that is a major root cause of trafficking.

By ratifying the Abolition of Forced Labour Convention, 1957 (No.105), member States specifically undertake to "suppress and not make use of any form of forced labour" (Art.1) in five specific situations, including forced labour "extracted as a means of mobilizing and using labour for purposes of economic development", that is in furtherance of national economic goals. This removes the excuse of economic imperative, and is particularly relevant as trafficking is tackled within the context of globalization and the push and pull of labour markets.

The two conventions that have specific application to the trafficking of children aim both to protect the rights of children not to enter child labour at all and to end the worst forms of child labour as a matter of urgency. The Minimum Age Convention, 1973 (No.138) is predicated on the importance of ensuring that children have a chance to develop fully, both physically and mentally. By calling for a minimum age for admission to employ-

ment, the convention presumes also a minimum time for schooling and vocational training. As in the UN Convention on the Rights of the Child, 1989, the right to an education is seen as fundamental to the child's future. Convention No.138 calls for the general minimum working age to be at least 15 years, while allowing 14 as a temporary exception in countries whose educational and economic development dictates this. It further states that "the minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years".

Child trafficking victims are least likely to enjoy this protection from exploitation. Moved across borders or internally into situations of child labour, they are deprived of schooling, subjected to physical and psychological abuse, denied all rights as workers and are prey to sexual harassment, abuse and exploitation in commercial sex. Implementation of Convention No.138 is a vital prerequisite to efforts to combat the trafficking of children. ILO-IPEC has been working systematically with governments and other actors in many parts of the world to tackle child labour rigorously and, as a prerequisite to this, to move towards universal birth registration for all children so that their ages can be verified. Many actions against trafficking are underpinned by national minimum age legislation.

In ratifying the Worst Forms of Child Labour Convention, 1999 (No.182), member States promise to take "immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency" (Art.1). The worst forms include all forms of slavery or practices similar to slavery, including trafficking, debt bondage and forced or compulsory labour. They also include the use, procuring or offering of a child for prostitution, or for illicit activities, as well as "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" (Art.3).

Convention No.182 is at the heart of ILO-IPEC's worldwide efforts to combat the trafficking of children. In Nepal, for example, in implementation of Convention No.182, ILO-IPEC has worked with the government in the development of a National Plan of Action against Trafficking, and more broadly on a Time-Bound Programme (TBP) to eliminate the worst forms of child labour altogether. IPEC has initiated a number of subregional anti-trafficking projects that include research and awareness raising activities, rescue and rehabilitation of trafficking victims, information sharing and capacity building for partners such as workers' and employers' organizations, NGOs and national authorities, and direct action programmes including alternative livelihood creation, formal and non-formal education as a protection measure, skills training for children and families, and community-based surveillance teams to identify and intercept traffickers. Through its technical support to governments in the development of national plans and TBPs, IPEC supports the implementation of Convention No.182 and Recommendation 190 that accompanies it.

The Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87) aims to ensure that all workers' and employers' voices are heard and taken into account. This acknowledges their right to have a say in all matters directly con-



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For more on this initiative, see: J. Kane, *Helping hands or shackled lives? Understanding child domestic service and responses to it* (Geneva, ILO-IPEC, 2003).

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See: P. Boonpala and J. Kane, *Unbearable to the human heart: child trafficking and action to eliminate it* (Geneva, ILO-IPEC, 2002).

cerning them. "Workers and employers, without distinction whatsoever," the convention states, "shall have the right to establish and...to join organizations of their own choosing without previous authorization". By providing this protection, the convention confronts the silence that is imposed on trafficking victims and those in forced labour by fear, violence and coercion. A good example of the effectiveness of free association can be found in the Philippines, where women in domestic work have improved their conditions and protected their rights, even in this informal and non-unionized sector, by forming associations. Beginning with basic information sharing on labour rights and resources, through outreach in the parks and other meeting places of domestic workers, ILO-supported NGO-led initiatives have now led to a bill before Parliament to protect the labour rights of domestic workers and to a significant change in the attitudes of employers of such workers.<sup>9</sup> Domestic work is a major destination of many female trafficking victims and an overwhelmingly unregulated sector in which forced labour, debt bondage, child labour and other violations of labour rights occur.

The Right to Organize and Collective Bargaining Convention, 1949 (No.98) underscores the right to free association and, additionally, emphasizes protection from interference for such associations and organizations, including "by each other or each other's agents or members in their establishment, functioning or administration". This is of relevance to attempts by victims of trafficking to organize themselves in a workplace - even if this is on a small scale and very informal - because it promotes non-interference by other groups of workers, or by more formal organizations, and takes account of their vulnerability (as potentially irregular migrants, non-speakers of the host language, or in other forms that marginalize them from the general workforce). The concepts of 'voluntary-ness' and 'collectivity' in this convention are of particular importance to the trafficking victim, whose trafficked state is generally characterized by lack of free choice and isolation.

Discrimination in relation to work is a major contributing factor both to vulnerability to trafficking and to labour exploitation more generally. A member of an ethnic minority, for example, who is refused legitimate work in the country of origin may seek to move to find work elsewhere, and is at risk of falling into the hands of those who wish to exploit that desire to relocate. Discrimination in relation to work can take many forms: it can affect men and women, and boys and girls of working age, and be based on sex, national extraction or social origin, race, colour, religion or political opinion. In recent years disability, HIV status and age have also been recognized as grounds on which discrimination is practised. The Equal Remuneration Convention, 1951 (No.100) focuses on the principle of equal remuneration for men and women workers for work of equal value. This is important, for example, in female-headed households, where the mother or a daughter may work to support the family. In areas where other factors contributing to trafficking are present - for example poverty, high demand, lack of access to education or appropriate training - it has been observed that older girls may well be sent away to earn money or reduce costs.<sup>10</sup>

The Discrimination (Employment and Occupation) Convention, 1958 (No.111) broadens the scope of 'discrimination' to include "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national

extraction or social origin, which has the effect of impairing equality of opportunity or treatment in employment or occupation". Equality of opportunity is regularly denied, for example, to women who wish to migrate for work 'unaccompanied' by a spouse, or to adolescents of both sexes who are not moving as part of a family. The closing of legal migration channels encourages would-be migrant workers to seek irregular channels, and increases their risk of being trafficked. The two equality conventions are therefore both of relevance and import to the creation of an environment in which trafficking can be eliminated.

## THE DECLARATION

The rights and principles embodied in the eight fundamental conventions are brought together and reinforced in the 1998 Declaration on Fundamental Principles and Rights at Work. By the closing years of the century, it had become clear, as the Declaration states, that "economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty", and that "it is urgent, in a situation of growing economic interdependence, to reaffirm the immutable nature of the fundamental principles and rights embodied in the Constitution of the Organization [the ILO] and to promote their universal application".

The Declaration is both powerful and unique. It is powerful because it extends the obligations of the eight fundamental conventions even to those member States who have not ratified them: "all Members, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:

- a) freedom of association and the effective recognition of the right to collective bargaining;
- b) the elimination of all forms of forced or compulsory labour;
- c) the effective abolition of child labour; and
- d) the elimination of discrimination in respect of employment and occupation."

And it is unique because, for the first time, it calls for "a promotional follow-up, which is meaningful and effective" to be implemented to give full effect to the Declaration and encourage the effort put in place to help members to promote the fundamental principles. This follow-up is outlined in an annex and comprises an annual review by the Governing Body of the ILO of reports requested from members that have not yet ratified the fundamental conventions; and a Global Report on each category of fundamental principle in turn (ie each principle being covered every four years). The purpose of both of these is not to replace established supervisory mechanisms but to help the ILO to identify areas where it can assist and support members as they implement the fundamental principles and rights. The Global Report, in particular, is to serve as a basis for ensuring the Organization's effectiveness and for determining priorities for the following four-year period.

Since each of the fundamental principles is relevant to efforts to combat trafficking, the Declaration that brings them all together and extends their applicability is clearly a vital anti-trafficking tool.

## OTHER ILO CONVENTIONS

Other ILO conventions that are particularly useful anti-trafficking tools include the Migration for Employment Convention (Revised), 1949 (No.97) and Recommendation No.100, that aim to regulate the conditions under which the migration of workers and their families must take place and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143), whose first part contains specific standards to counter illicit and clandestine labour trafficking which disturbs orderly migration and creates negative social and human consequences. Ratifying States undertake, for example, to systematically investigate illegal migratory movements on their territory aimed at substandard employment.

The Indigenous and Tribal People's Convention, 1989 (No.169) aims to protect the rights of indigenous and tribal people in independent countries and to guarantee respect for their integrity. In relation to trafficking, it is important because of the particular risk of indigenous and tribal people to be denied their labour rights and indeed their social, cultural and spiritual rights. Their rights are protected also in relation to recruitment, conditions of employment and access to education and training, again striking at the heart of vulnerability. The Employment Policy Convention, 1964 (No.122) outlines a framework approach to employment whose implementation would address the environment in which trafficking takes place. Ratifying States commit to "declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment" whose absence is a major factor in vulnerability to trafficking.

The ILO has been a pioneer in developing the international monitoring of treaties, and has a long experience in overseeing the application of a ratified convention. Oversight by the ILO's supervisory bodies comprises both regular supervision based on reports from countries, and ad hoc procedures through which allegations of non-observance of treaties can be referred to ILO mechanisms for consideration. These do not represent sanctions as such, but rather international pressure or encouragement that in the past have proved to be important forces for change, not only in national law and policies but in promoting practical measures.

## RECENT UN INSTRUMENTS

The ILO of course also organizes its anti-trafficking initiatives in the framework of other international instruments, in particular conventions and protocols relating to the abolition of slavery, the protection of migrants' rights, the rights of the child and, since

2000, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children that supplements the UN Convention against Transnational Organized Crime (2000), the so-called 'Palermo Protocol', which provides the most widely accepted working definition of trafficking. Although the Protocol relates to situations of cross-border trafficking only and presumes the involvement of organized crime, in practice the definition is used more broadly. It states that trafficking is: "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation". Where children (people under the age of 18) are concerned, the Protocol stipulates: "recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in the definition".

Since mid-2001, a series of International Principles and Guidelines on Human Rights and Human Trafficking, focusing on a human rights-based approach to anti-trafficking policies and actions, has been adopted by the Office of the UN High Commissioner for Human Rights and "recommended to all States, intergovernmental organizations, NGOs and individuals to assist their efforts in preventing trafficking and protecting the rights of trafficked persons". These principles and guidelines also inform the work of the ILO in relation to trafficking.



# THE FRUITS OF TRAFFICKED LABOUR

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It starts with a promising looking advert in the newspaper: a job in agriculture in the United Kingdom, with good pay and accommodation, and help with a visa and travel. To a worker in Eastern Europe whose options are limited, it sounds like a dream come true.

Where does the dream turn into a nightmare? The process begins at the recruitment office, where the worker may pay as much as \$3,000 for the job to be set up, for a visa and for travel to the UK.<sup>11</sup> This may have to be funded by selling what little valuables the worker has or by taking out a loan at a very high interest rate, a loan that ensures that the worker will be indebted to the recruitment agency for a long time.

The visa might be legally obtained, and the travel could be above board too. But it is just as likely that the visa will be false, and the travel consequently arranged to allow the worker to enter the UK illegally. Criminal agencies send workers from Russia to Greece, where they join tourists returning from the summer sun on a flight to Gatwick Airport. There are other routes, for example from the Baltic States of Latvia, Lithuania and Estonia, where the workers are brought in legally on tourist visas. Shady recruitment agencies in the Ukraine and Belarus find ways to bring in workers to the UK too, legally and illegally.

Where the entry is irregular, the journey is risky. But it is the worker who bears the risk. S/he is the one who is most likely to suffer the consequences of discovery. The fear that results is another factor increasing the worker's subservience to those organizing the travel, the documentation and the work that seemed so attractive. Dreams are not supposed to be made of fear and debt.

## GANGMASTERS GOOD AND BAD

And so the nightmare continues. On arrival the workers will be met by an agent who is there to help them find accommodation and be placed in work. Such help does not come cheap. The telephone number of a local 'gangmaster' costs \$150 and he charges another \$400 to arrange work and a place to stay.

Gangmaster operations permeate the production and food packing sectors of UK agriculture. Fruit and vegetable growing and packing businesses in the Vale of Evesham in the UK Midlands, for example, supply major supermarkets throughout the country. With a shortage of local labour, they take workers through three or four well-known gangmasters operating in and around England's second city, Birmingham. With a significant Asian population, Birmingham and satellite towns provide a ready

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*Figures on gangmaster operations in the UK Midlands are taken from a research paper prepared by Don Pollard of the Rural, Agricultural and Allied Workers Trade Group of the Transport and General Workers' Union (TGWU) in February 2001. Details of south coast operations are from a 2000 paper by Don Pollard.*

supply of workers from India, Pakistan, Bangladesh and other countries. Most of these workers are legal migrants looking for legitimate work. They are often recruited through their place of worship, be it mosque or temple, and the social protection offered through these is extended to the labour protection offered to them by the gangmasters who recruit them there and who work within the law, entering into contracts with their workers, providing insurance, sick pay and holiday benefits. Increasingly, though, unscrupulous gangmasters are seeking recruits outside this protected system, and irregular migrants increasingly figure in the work crews provided, many of them from Eastern Europe. These workers have no contracts, no benefits, are paid below the minimum wage and live in fear of being reported to the authorities.

In little more than a decade, the gangmaster system has become big business in the UK, with an estimated turnover of \$45,000,000 a year in 2001. And it is not confined to the Midlands. The south of England, along the coast from Chichester to Worthing, has a long history of providing fruit and vegetables to the tables of the UK. In recent years the horticultural sector has seen rapid expansion and consolidation, as a small number of large producers have bought up small growers as competition has edged them out of business. Just a handful of producers now provide the salads, vegetables, plants and flowers sold in the major supermarkets or in the gardening sections of large hardware and D-I-Y outlets.

For years the labour needs of the sector were met by small-scale employment agencies in the area supplying seasonal workers. Now these have largely been superseded by large-scale gangmasters, some of whom are reported to have 200 workers, fleets of buses to transport them to work, and premises in which to house them.

Some of the gangmasters operate in compliance of labour laws and standards, but such gangmasters face increasing pressure from others who are not so scrupulous. A Birmingham gangmaster who complies with labour laws reported that he received less than \$12.50 an hour for his workers, but needed \$14 if he was to cover all costs and still make a small return. And yet other gangmasters were moving in and offering workers for as little as \$10 an hour. How could they do this? By using undocumented workers who would not ask for a contract, allowances or time off, by denying legitimate workers these same rights, and by charging high fees for transport to and from the work site and for accommodation in substandard, overcrowded hostels.

## PUTTING THE SQUEEZE ON WORKERS

Such exploitation thrives in a sector where each link in the chain squeezes the next link to cut costs. The supermarkets put pressure on the producers to sell their produce at a lower price, and contracts between the growers and packing houses, and the supermarkets are verbal only. The growers therefore put pressure on those providing the workers to charge less per worker. It is the worker, inevitably, who is squeezed the hardest.

In this competitive environment where labour rights give way to the battle to maintain margins, the supply of ever-cheaper labour becomes a goal to be achieved. And trafficking workers is one way of providing not only cheap labour but cheap labour that will not suddenly ask for more. Cowed by fear of disclosure, of physical violence, of reprisals to family, and in debt to the recruitment agency, transporter and potentially placement agent, the trafficked worker is malleable and ultimately exploitable.

The truth is that there is work to be had in the UK. Each year the Home Office-administered Seasonal Agricultural Workers Scheme (SAWS) permits up to 10,000 workers to enter the UK to fill the chronic shortfall in national workers available or willing to take on arduous work in the agriculture and packing sector. Many of the workers who enter under SAWS are students who need money to pay for their education. In general the recruitment and living and working conditions of SAWS-sponsored workers are monitored, but the under-funded and under-staffed immigration services are hard pushed to cope, and workers fall through the gap between intent and reality. Recruitment may mean debt; conditions may be sub-standard. And among the workers there are invariably those who have entered illegally or whose recruitment, transfer or exploitative work conditions have put them in the category of trafficking victims.

## A EUROPE-WIDE PROBLEM

The trafficking-prone environment that exists in the UK agriculture sector is by no means limited to the UK alone. Riots in Andalucia, Spain, in 2000 revealed exploitation of overseas workers, many of them vulnerable because they had arrived undocumented from Morocco and were living in substandard accommodation with no electricity and poor food, and were working in hazardous conditions for pay below the minimum wage.

A subsequent enquiry by the European Civic Forum showed that the problem existed in other countries in Europe: in the Netherlands, a third of all illegal migrant workers - an estimated 100,000 people -- are to be found in agriculture. Switzerland, too, depends strongly on foreign workers, among whom some 150,000 to 300,000 will be in an illegal situation. Italian, Spanish, Portuguese and Yugoslav workers have traditionally made up this manpower, and most have arrived in Switzerland as part of the permitted quota. In recent years, however, the quota has been almost halved, and yet the number of workers has continued to rise, suggesting that more and more are entering illegally.

But of course an 'illegal migrant worker' is not the same as a 'trafficking victim'. Trafficking victims have been subjected to force or coercion at some point: when they were recruited, during transport, or on entry into work. But the reality is that the conditions under which agricultural labour is extracted in Europe provides an easy market for those who wish to exploit workers, and the opportunity for profit if these workers are brought in illegally.



*"The EU has referred to a 'worrying trend in industrial countries to use cheap and undeclared labour forces'... If demand for certain kinds of labour in diverse sectors of the economy is not matched by available labour supply, either nationally or regionally in Europe or through orderly migration, then there is a real risk that bottlenecks may create the preconditions for a further rise in trafficking within Europe itself."*

SAP-FL briefing paper, 2003

While the workers themselves may get a negative return on their labour, paying back a debt at such a high interest rate that there is rarely anything left from any pay received and living in constant fear and in substandard conditions, there is a profit to be made by traffickers. They will make money from the desperate worker who is seeking to move. They are likely to take a cut on services provided in arranging travel, accommodation, reception and other daily costs charged to the worker. They will take a cut of the money paid for the labour. And, if it all goes wrong and the worker is found to be in the country and working illegally, they are unlikely to be prosecuted. While the worker will generally be locked up or deported, they are most likely to go undetected because the victim will fear reprisal against himself or his family if he gives information to the authorities.

## REDUCING THE RISK OF TRAFFICKING

What, then, can be done to change this situation? The Rural, Agricultural and Allied Workers Trade Group of the Transport and General Workers' Union, which has done much to document the problem of exploited labour in the agriculture sector and the context that exists there for both forced labour and trafficking, has campaigned for a register of all recruitment agencies so that their operations can be regulated and monitored. Media pressure focusing on the role of the supermarket chains has motivated some of the big retailers to draw up codes of practice covering their suppliers. As a result of action by the Ethical Trading Initiative, a working group has been formed in the UK to explore with government the licensing and registration of suppliers of contract labour. But more is needed.

At its seventy-first session in 2000, the Committee of Experts of the ILO formulated a general observation on trafficking in persons under the Forced Labour Convention, 1930 (No.29). The Committee noted the growing awareness of trafficking in both developing and industrialized countries, but called for more reporting on both the problems and how they are being addressed. They noted in particular that the industrialized market economies, "choice destinations of trafficking" rarely reported on this issue.

When the Governing Body of the ILO decided in November 2001 to create a Special Programme of Action to Combat Forced Labour (SAP-FL) as part of actions to follow up the 1998 Declaration on Fundamental Principles and Rights at Work, there was a clear opportunity to undertake more targeted research on factors contributing to trafficking, the context in which it is facilitated, and the actors involved. The SAP-FL is also able to provide technical cooperation to governments, employers' and workers' organizations, and to initiate direct action programmes to tackle forced labour and trafficking directly.

In its first months, the SAP-FL focused particularly on trafficking in Europe, devising a strategy that draws on all the various experiences and expertise of the ILO. The strategy aims to move beyond trafficking as a forced labour and child labour issue, to look at trafficking as a function of labour market failure.

In mid-2002, SAP-FL embarked on a programme to address supply factors in South-Eastern Europe and the Ukraine by researching the nature and dynamics of trafficking at various stages of the cycle, including the forced labour outcomes of irregular cross-border movement of workers, the labour market conditions that lead to demand for irregular workers, means of recruitment of trafficked workers and the responses of state authorities and civil society. National trade unions, European regional bodies and international trade secretariats, vital partners in this work, came together in January 2003 for an ILO consultation on the forced labour outcomes of irregular migration and human trafficking in Europe.<sup>12</sup>

The meeting looked at the construction, textile and garment, and agriculture sectors and at a number of case studies. The situation in the United Kingdom was explored in detail. Research showed that one-third of the UK food industry relies on gangmasters and that gang labour has become essential for the survival of the food industry. Half of all gang workers are migrants, and some of these are undocumented or with forged documents. Some gangmasters have close links to Eastern European mafia networks. In the Netherlands, the meeting learned, some 200,000 people work in the agriculture sector and pay social contributions, but at peak times 100-150,000 more workers are hired, especially by greenhouse farmers. Most of these are undocumented migrants recruited through 'Temp' agencies that operate without a licence. Although there does not seem to be forced labour in this arrangement, abuses are common.

In France, seasonal workers can obtain a simplified work permit that allows them to stay 20 days, but many migrant workers remain in the country after this. Of the 910,000 seasonal workers, some 1 per cent are migrants, mainly from Poland and North Africa. Many of these workers are exploited, even through 'legal' systems, for example by having to pay a bribe to get their contracts renewed. A blacklist that operates for the renewal of contracts means that workers are discouraged from demanding their rights or complaining about abuses, and they are in many ways in a situation of bonded labour.

The meeting looked at the role of governments and law enforcement agencies in strictly implementing existing labour and migration laws for the protection of workers, and in tackling the root causes of trafficking and forced labour. Examples of good practice were shared, for example in the role of workers' organizations in advocating for decent working conditions and in opening their membership to undocumented migrant workers who wish to legalize their situation. Bilateral working links between unions in West and Eastern Europe were explained, for example between construction and agriculture unions in Germany and Poland, and in the protection this can give to workers moving from one country to the other. Umbrella organizations of trade unions are important facilitators of such agreements. There was a call for the ILO to organize a workshop on questions relating to the organization of pan-European mechanisms.

In addition to its unique work with labour sector partners, the ILO continues to promote ratification of relevant migrant worker conventions, and to demand protection

for undocumented migrants. Within Europe, too, SAP-FL research activities are stepping up to provide a solid knowledge base on which new actions can be built.

Preliminary results from research in Albania, Moldova, Romania and the Ukraine revealed a growing trend for increased irregular, unprotected labour outflows into sweatshops, agriculture and construction sectors in Western Europe. It identified sham travel and job placement agencies as being instrumental in initiating trafficking of people for labour exploitation, and as a link to traffickers who use them to obtain travel documentation and work permits.

On the basis of this research, the SAP-FL brought together national anti-trafficking committees in the four countries to participate in designing interventions to be submitted for funding. National labour institutions in each of the countries are being consulted, and regional actors such as the Stability Pact for South-Eastern Europe, the International Organization for Migration (IOM), the OSCE Office for Democratic Initiatives and Human Rights (ODIHR) and other United Nations agencies are being kept in the loop.

The plan is to implement a three-pronged strategy to eliminate human trafficking in these countries. This will include support to national policy, law and institutional mechanisms in the countries, in particular through labour market and statistical analysis, research and data collection, employment creation, skills training and employment policy technical support. Importantly, technical support will include review of the functioning of job placement and travel agencies. A second strand of action will include intensified capacity building of local labour actors, exchange of experience and training. Finally, a series of demonstration projects will be launched in each country, targeted to the specifically identified needs of communities. These will include income generation activities and financial services as a protection measure in at-risk communities. Lessons learned exercises and regular review of impact will ensure that the actions develop and build on growing experience.

Through cooperation with ILO-IPEC, the SAP-FL is also widening the scope of its early experience in Europe to combat trafficking in the Balkans, including Bosnia and Herzegovina, Bulgaria, FR Yugoslavia and Romania. These countries have been identified as sending areas for the trafficking of children into child labour as well as adults into forced labour.

And important new research commissioned by SAP-FL into the forced labour outcomes of trafficking and smuggling from China into Europe<sup>13</sup> is providing new insights into a hitherto ignored area of human trafficking into Europe. This has uncovered different means and mechanisms for facilitating trafficking, including the creation of legal limited companies that mask the operations of underground workshops into which clandestine workers are sent, and legal operations that then are turned over for illegal night-time operations. Systems of subcontracting are used to link legal operations with illegal, dispersed, sometimes home-based production processes. An investigation into one confectionery operation in France revealed that the owner had made almost one million Euros in 18 months through clandestine subcontracting.

The research also looked into the specific nature of Chinese trafficking networks, and how the often closed nature of Chinese migrant communities hides clandestine operations and their victims. The example is given of a UK police raid on a flat after a Chinese man had jumped from a first floor window to escape. Another four men were in the flat where they had been held for almost two years. Such dramatic examples, however, also hide the more routine labour exploitation that occurs for example in the form of young people being sent from China to work in family businesses in Western Europe.

In a region where 'trafficking' is almost invariably seen as equivalent to commercial sexual exploitation, there is clearly a much bigger picture emerging as a result of the ILO's focus on the forced labour outcomes of human trafficking.



# LINKS ACROSS THE MEKONG

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Trafficking in human beings is an issue of significant proportions in the Greater Mekong Subregion (GMS), but only in recent years has it begun to be understood within the broad framework of social and economic realities of the subregion.

For many years, trafficking in the GMS was considered largely in terms of commercial sexual exploitation of women and, more recently, of children. Media interest in stories of young girls leaving their villages to work in the go-go bars of Bangkok, and of the men who pay to go on so-called 'sex tours' to exploit them, has focused much attention on this particular aspect of a trade into which both women and children are trafficked. But, useful as it is, the too-narrow media coverage diverts attention from the large numbers of boys and men who are also trafficked into exploitative situations in the region, and the many different sectors in which trafficked people of both sexes and many different age groups are employed. These include activities as diverse as street begging and the manufacturing sector, agriculture, fisheries and domestic service.

It also underplays the importance of internal trafficking in the region. All over the GMS, people move regularly in search of work within their own country and, as a result of the recruitment, transport and labour networks that develop, are at risk of falling into the hands of traffickers.

## THE CHALLENGE OF MEASURING THE PROBLEM

There is a dearth of reliable data on the numbers of people moving around this region in search of work. And little is known of the kinds of people who move, their age groups and risk profiles. Current field work by ILO and others is creating focused insights into the trafficking situation in the GMS, but the scale of the problem is difficult to assess as trafficking is illegal, dynamic and to a large extent invisible for regular data-gathering mechanisms. Few records are kept. As a result, both official and unofficial statistics are unreliable.

Understanding of trafficking in this region is also obscured by the manifold common wisdoms that have grown over the years based on perceptions and half-truths. Even as new research casts light little by little on the realities of trafficking, the common wisdoms re-emerge and are reinforced through repetition. There remains much to be done to elucidate and document current realities relating to trafficking in the region and to then disseminate and promote such information to those who need it.

In early 2003, the ILO, through IPEC and GENPROM, launched Phase II of its subregional project to combat trafficking in children and women in the GMS, a project

known by its acronym 'TICW'. TICW Phase II was designed specifically to take into account the realities of trafficking as a function of labour movement in the GMS, and to build on lessons learned during Phase I, which operated from 2000 to 2003. TICW shares lessons and cooperates closely with the ILO subregional trafficking initiative in South Asia, particularly within what IPEC has named 'the whole life framework', an analytical and programming framework that aims to take account of the needs of a child as s/he makes the life journey from child labourer to successful adult worker.

## LABOUR MIGRATION IN THE GMS

Within the GMS (defined for the purposes of the project as comprising Thailand, Cambodia, Lao PDR, Viet Nam and Yunnan Province of China), Thailand is the principal destination by far for population movements from other countries. There are other important flows such as a flow from Viet Nam towards Cambodia and southern China, and lesser flows, mainly of skilled and semi-skilled workers, from both China and Viet Nam to Lao PDR and Cambodia.

Labour migration within the GMS has a long tradition and no single motivation. It results from a number of different factors that go beyond poverty and include uneven patterns of economic and social development, patterns of market demand for and supply of cheap labour; and traditional work-related migration reinforced by various factors including limited work opportunities in the place of origin and perceptions of a better life 'elsewhere'.

Much of the migration is internal, as people move within national borders to seek work or alternative lifestyles either permanently or temporarily (for example in seasonal employment). Internal migration tends to follow the rural to urban model but also patterns of perceived affluence (i.e. poor to less poor town as opposed to poor to wealthy town) and tourist-driven employment opportunities for example in beach resorts.

Along the Mekong border areas, though, border people move regularly and temporarily across the river for work or to visit family members living on the other side of the border. Rarely are these visits documented, and few of those crossing the border will have travel papers or temporary passes. Many of these movements follow patterns of ethnicity, as people from the same tribal groups living on different sides of the Mekong do not see national borders as an obstacle to visiting or working together.

Because of these traditions of free flow across the borders of the GMS, people movement in the region is also characterized by the use of primarily irregular channels for migration. The decision to relocate might be voluntary, based on deception, involve coercion or persuasion, be based on ignorance of the end situation or be undertaken in full cognisance of what awaits the person migrating. The relocation itself might be self-financed or purchased, accompanied or unaccompanied, assisted or not. The destination situation might be benign or exploitative (or might become exploitative or

lead to secondary exploitation), long- or short-term, hazardous or non-hazardous. So prevalent is the movement of people across the Mekong that it easily conceals the human trafficking that represents its darkest and most dangerous face.

## THE CHALLENGE OF DEMAND FOR CHEAP LABOUR

There is still much to be done in the GMS to better articulate trafficking and identify comprehensive responses to it. There are clear gaps in legislative and policy frameworks, and in implementation and analysis, in large part resulting from the fact that understanding of trafficking in the GMS and of ways to address it are still developing. While initial responses to trafficking were understandably directed to supporting victims and protecting at-risk groups (and thus building upon existing expertise and experience in more general protection and support programming), it has become increasingly evident that the challenge of preventing trafficking will not be met until the 'demand' side of the equation is also addressed.

Within the labour migration framework, 'demand' means not only the clients of the end products of exploitation (for example the purchaser of sexual services from a trafficked person) but more broadly the 'pull' factors that characterize the end situation of the trafficking victim, including for example: demand for cheap and flexible labour, often also coupled with traditional patterns and processes of labour migration; and the promotion of real and false information on opportunities for work and life improvement by people (for example returned migrants or recruiters) or processes (such as advertising or other media messages).

An example from just one of the countries in which TICW operates shows the relation between the search for work and trafficking:

## THE EXAMPLE OF LAO PDR

Lao PDR is a landlocked country bordering China and Myanmar in the north, Viet Nam in the east, Thailand in the west and Cambodia in the south. The country is divided into three regions: northern, central and southern. Mountains and plateaus cover approximately 80 per cent of the country.

In mid-2000, Lao PDR's population was 5.218 million, just over half of whom were female. Children under the age of 15 accounted for some 45 per cent of the population, resulting in a high (85 per cent) dependency rate. Official classification recognizes 47 different ethnic sub-groups.

Literacy rates in Lao PDR are low: just below 49 per cent of the adult population in 2000, with a marked difference between men and women (75 per cent for men; just below 50 per cent for women), and just 70 per cent literacy in the 15-24 year age



group. Although there have been signs of improvement, poverty levels remain high: 46 per cent overall in 2000, with a higher rate in rural areas; some 73 per cent of the population lives on less than US\$2 a day. Since 1998, a weakening domestic reform effort has aggravated the adverse effect of the regional economic crisis on the Lao PDR economy. Lao PDR ranks among the poorest countries in Asia.

Most Lao children receive some schooling but attendance is sporadic and achievement rates are low. Nearly half of those entering the primary cycle do not complete it. Large families mean that parents often make choices about which children will attend school and girls often miss out, so that their future opportunities for both education and work are severely limited. Employment figures understate the true picture of employment: in 1997, there were 2.2 million people classified as potentially 'economically active' and only 54,000 (2.4 per cent) of these were unemployed. However, of the 2.16 million employed, some 90 per cent - 1.9 million people - were self-employed or household workers. Agriculture makes up around 85 per cent of this figure, with most of the agricultural labour force self-employed or unpaid family workers. There is a serious lack work opportunities for those who graduated from school as well as those who dropped out.

Lao PDR's border with Thailand is 1,730 km long. The Mekong River flows through the country and forms the boundary between seven provinces of Lao PDR and Thailand. Travel across the border from both sides of the river has featured strongly in the history of the people living along the river: some families have relatives living on the other side of the river and they cross to visit each other; the same ethnic groups are found on both sides of the river. Migration for work also has a long history and, in addition to the movement of people from Lao PDR into Thailand, the country's geographical coincidence as a 'corridor' between Thailand and other countries of the GMS means that it is also a transit country from Viet Nam and China into Thailand.

In the half year from January to July 2000, the Immigration Police of Thailand sent back 10,000 illegal labourers to Lao PDR; most of these had been working in Bangkok and the eastern provinces of Thailand. The majority of the workers were in the 14 - 24 age bracket, and 60 per cent were women working illegally in service businesses, the entertainment sector, garment factories and as domestic help. The Thai authorities report that more than 70 per cent of illegal workers returned to their countries of origin in the GMS have been sent back more than three times already; for illegal workers returned to Lao PDR, the number of returns climbs to eight. In August 2000, the Thai authorities estimated that at least 50,00 workers from Lao PDR were working illegally in Bangkok, with another 45,000 working in agriculture and construction sites along the Thai-Lao border.

These patterns of irregular labour migration facilitate trafficking and practices that support it. These include deceptive recruitment, facilitated transport and the debt bondage and forced labour that often accompany them. Workers arriving in Thailand without papers (especially women and children) are additionally vulnerable to exploitation and to entering the trafficking paradigm.

Since 2000, TICW has been operational in three provinces of Lao PDR. Khammuane, Savannakhet and Champassak provinces all report high numbers of irregular migrant

workers in Thailand. They are western provinces bordering northeast Thailand, and are among the most populous areas with a relatively high population of ethnic minorities. The provinces are fertile Mekong lowland areas with easy border crossings. There are kinship ties between ethnic Lao in the western areas and Thai along the eastern borders of Thailand. This results in frequent border crossings and high migration rates in the three provinces.

In September 2000, the Department of Social Welfare reported that there were 45,215 illegal migrant workers from the three provinces in Thailand, of which just under half were female. The statistics were not disaggregated by age, but indications are that the majority were between 15 and 24 years of age, with more than half below 18. TICW research in the communities in these three provinces indicates that most of the villages acknowledge systematic networks of trafficking for illegal cross-border labour migration. In Khammuane Province, villagers reported that they have been given two mobile phones with a number in Thailand that they can ring for appointments and arrangements. Those wishing to work illegally will be picked up at the border and taken to a destination pre-arranged by the traffickers. In this particular instance, the network looks particularly for girls and young women for domestic work, with whom they enter into a contract. The workers are required to work for a full year before the traffickers pay them half of the earnings received directly from the employers. At the end of the contract, the traffickers return them to the border.

Other networks operate differently. One village reported that traffickers looked particularly for children, both boys and girls, and kept in touch with parents so that they had news of their children. Parents could request payment to be made directly to them. Children trafficked through this network were taken to Bangkok; the girls mostly worked in domestic service, restaurants, entertainment venues and shops; the boys mostly ended up on construction sites, working on fishing boats, or in prawn farms or orchards. There are reports that many of the young people who migrate do not return and are considered in the villages to be 'missing'.

In Songkhone District, the communities emphasized that parents rarely persuaded their children to go to Thailand but that most went there with the help of friends, although the communities also reported that they knew of traffickers working in the villages. They believed the traffickers were 'popular' among the young people because they helped them to get to Thailand. These communities also report that families who have relatives across the border will contact them and deliver their children to relatives for safe passage. It is important to remember that the ILO Worst Forms of Child Labour Convention, 1999 (No.182) considers the trafficking of all people under the age of 18 as a worst form of child labour, and that the Palermo Protocol on trafficking does not recognize the concept of 'consent' for people under the age of 18, who are deemed not able to be 'willing' to be relocated.

On the Thai side of the border, the immigration police report hundreds of illegal workers arriving from Lao PDR every day, mostly 16-24 year-olds. The police say Thai employers prefer Lao workers because their labour is cheap and there is no language problem. Men and boys are particularly in demand, for fishing, on poultry and pig

farms. Women and girls are employed mostly in garment factories or domestic work. Most of the illegal migrant workers cross at district border crossings or during Lao-Thai open market days when there are few immigration officers. They may also request a temporary three-day pass into the Thai border area but then take a bus to Bangkok, often paid for by a trafficker to whom they have paid a fee.

There is little current research on labour migration and/or trafficking within Lao PDR's borders, although most research and operational reports allude to internal rural-urban labour migration as significant and to the fact that trafficking of vulnerable groups occurs in parallel to such movement. Anecdotally, researchers point to the 'lure of city life', the tedium of subsistence farm work, perceived better earning opportunities and ignorance of the difficulties of urban living all pushing young people in particular to leave their home villages and seek opportunities elsewhere.

The work done by TICW, which feeds into the lessons and experience exchange among the various sectors of ILO working on issues related to trafficking, has been instrumental in taking understanding of trafficking in the GMS beyond the narrow confines of commercial sexual exploitation of women and children and illustrating how important it is to consider trafficking as a function of labour markets and the demand for and supply of cheap and malleable labour.

### FOLLOWING IN FATHER'S FOOTSTEPS

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Sugar cane represents 5 per cent of Bolivia's exports and is a multi-million dollar concern. But the four children of Abraham Aramayo are unlikely to see any of that hard-earned money. Along with their father and mother, they cut sugar cane for \$3 a tonne, risking snake bites, machete wounds and burns from the searing heat of the midday sun.

The Aramayo children live and work in the Santa Cruz region of Bolivia, <sup>14</sup> a day's travel from the sugar cane fields of Montero. They are part of the huge exodus of 40,000 people who, year after year, travel the 24 hours it takes to reach the cane fields for employment as seasonal workers. Abraham Aramayo joins the seasonal migrants each year in an effort to earn enough money to pay off his debt to the contractor. In general, a cane cutter borrows the monetary equivalent of 40 tonnes of sugar at the beginning of the harvest, which lasts four months. Each year he knows he will have to return twelve months later because he barely earns enough to pay off the interest on the debt.

Abraham's children have to work too and so are not in school. Without an education or training, knowing only the work of the sugar cane fields, they will almost certainly follow in their father's footsteps and raise their own families to work each season cutting cane.

#### RECRUITED INTO BONDAGE IN BOLIVIA

When they arrive in Montero, the Aramayo family moves into accommodation that they share with 60 other families. All of them work, women and men, girls and boys. Most of them will be paying off debts. Most will receive no pay or part-pay, as the money earned not only is used against the debt but is taken to pay for accommodation and meals. They work without a contract, and have only a verbal agreement with the middleman who recruited them, the *contratista* or *enganchador*. The work available for unskilled labour in Bolivia is often seasonal, and middlemen will go from village to village recruiting those who cannot find other forms of employment. Although such contractors are prohibited by law, they continue to be active as intermediaries between the demand for cheap labour and the supply provided by vulnerable people who need to earn a living.

This pattern of debt bondage, forced labour and child labour is common in many parts of Latin America. Guatemala, Mexico and Peru all have pockets of forced labour. And it is long established. As early as 1982, an already entrenched system of exploitation of Haitian workers in the sugar industry of the Dominican Republic was

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*R. Plant: Sugar and modern slavery: A tale of two countries, (London and New Jersey, Zed Books Ltd, 1987).*

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*Stopping forced labour: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, (Geneva, ILO, 2001), p.22.*

17

*The full title of the Protocol is: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the UN Convention against Transnational Organized Crime (2000).*

18

*R. Plant and C. O'Reilly: Tackling forced labour through promotional means: A new ILO initiative, Perspectives, March 2003.*

documented.<sup>15</sup> The workers were confined to the plantations for the six months of the harvest, locked in their accommodation at night, and returned to Haiti with no more than a few dollars at the end of the harvest. Such situations persist today, throughout Latin America and particularly affect indigenous people. In Peru, for example, indigenous people living along the Amazon have found to be working in logging and being 'paid' only in food and clothing.<sup>16</sup>

In situations where there is little work to be found in their own locality, people are vulnerable to promises made to them of good wages and a chance to better themselves by working elsewhere. Exploitation of vulnerability as a way of encouraging people to locate into exploitative work is one criterion listed in the Palermo Protocol's definition of trafficking,<sup>17</sup> which does not recognize the concept of 'consent' even by adult victims of trafficking if any of the means of recruitment listed in the Protocol ("the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation") are present.

More often than not, a family that has borrowed the money needed to move to where the work is, albeit temporarily, will find that the conditions are hard, the work hazardous, living conditions deplorable and that the much hoped-for wages are insufficient, if they are paid at all. It is in this kind of situation, too, that 'secondary' trafficking occurs. When vulnerability is at its most extreme, victims are at the total mercy of those controlling them, and may be moved on to areas to which they did not want to go, and forced into work they did not wish to do.

## TRADE UNION ACTION

For a number of years, trade unions in Bolivia have been trying to reduce people's vulnerability to both trafficking and forced labour by helping them to understand their rights as workers, and encouraging them to unionize to be able to claim these rights.

In the sugar cane region of Montero, workers wake each morning to an early radio programme that, among other things, advises them on their labour rights. This is an example of the kind of initiative that exists not only in Latin America but in other parts of the world. Trade unions use local media to gain access to workers even in informal sectors, where the unions may not be allowed to make direct contact with the labourers. The unions are trusted and listened to because they, too, are workers. Awareness-raising initiatives therefore have a better chance of succeeding.

Improving understanding of labour rights and of the situation of at-risk groups like the sugar cane workers in Bolivia was also the aim of a series of workshops organized jointly by the ILO Special Action Programme on the Follow-up to the Declaration (SAP-FL) and the Latin American Social Sciences Faculty (Flacso)<sup>18</sup> in Ecuador in 2002. These targeted not only workers but also government officials, other policy makers

and analysts, human rights and development organizations, researchers and worker and employer partners. Between September and November 2002, workshops were held in Bolivia, Ecuador, Guatemala and Peru. These countries were chosen because they have a high proportion of indigenous peoples among the national populations and, as in many regions of the world, indigenous people are often among the most at-risk of trafficking and labour exploitation.

The workshops considered the situation of the cane cutters in Bolivia, but also looked at problems in other parts of the region. In Ecuador, for example, it was noted that many large enterprises are under military ownership, perhaps beyond the scope of normal labour law enforcement. In Peru, there was concern about the links between extreme poverty, discrimination, growing flexibility of labour law application, and new patterns of forced labour. In Guatemala, forced labour in certain industries was noted for action. Research on all these areas is being fed into a planned ILO regional project to combat forced labour, discrimination and indigenous participation in seasonal labour markets.

Another area in which SAP-FL has been working in Latin America is the area of labour law enforcement in Brazil. Building on national commitments to 'end slave labour', SAP-FL has been supporting actions to strengthen and coordinate action by members of the Executive Group for the Abolition of Forced Labour (GERTRAF) and other key partners within and outside government at all levels.

## MOBILE LABOUR INSPECTION UNITS IN BRAZIL

Mobile inspection units, charged with detecting, releasing and rehabilitating forced labourers are also being supported in Brazil. These roving labour inspectors target the areas where problems are known to exist. Since 1996, on the basis of 'tip-offs' received on a telephone hotline, they have released some 2,000 people working in conditions akin to slavery in seasonal work camps. In addition to this direct action, the mobile inspection units also undertake awareness raising and prompt media coverage of the raids, to raise general understanding and debate on the issues.

It is clear that actions also need to be taken to prevent people from entering situations of debt bondage and hazardous work, and to reduce their vulnerability to trafficking, in the first place. This means not only tackling the development issues that put people into situations of vulnerability -- such as poverty, lack of access to education and training, lack of work opportunities or the aftermath of conflict or disaster -- but also addressing the demand for cheap labour that fuels the exploitation.

There seems to be political will to act in some parts of Latin America, where the ratification rate of the Forced Labour Conventions (Nos.29 and 105) is high but where the issue of forced labour is not prominent in public policy debate or priorities. Brazil is breaking new ground in this region. In March 2003, the incoming President, Luis Ignacio Lula da Silva, launched a new National Plan to Combat Slave Labour. This

called for more police raids on sectors where forced labour is known to occur, and for heavier fines and criminal penalties against offenders. The government has pledged to eradicate forced or 'slave' labour by the end of President Lula's term of office in 2006.

High on the list of sectors to target are mining, seasonal work in forest clearance, charcoal production and a range of agricultural activities including cane cutting, grass-seed growing, and cotton and coffee harvesting. In some of the seasonal activities, workers are transported by truck or bus sometimes hundreds or thousands of kilometres away from their homes.

Also in Brazil, there are unskilled rural workers known as the *peao-de-trecho*, who are trapped in a cycle of debt bondage and in continual transit from one exploitative labour situation to another. Isolated from their families and often completely out of touch with their homes, they live in hostels between jobs. Here they are often the target of recruiters who buy the workers' debts from the hostels and use this as leverage to get the worker to move to an agricultural estate to work in a situation of debt bondage. The *peao-de-trecho* are particularly vulnerable because, even if they are removed from an exploitative situation, they often have nowhere to go but back to the hostel, where they re-enter the debt bondage cycle.

In Brazil also entire families may be involved in charcoal production, an activity that generally takes place in remote areas where the families are entirely dependent on the employer or an intermediary for accommodation, food and transport.

In addition to government initiatives to end the cycle of debt bondage, forced and child labour, and trafficking, Brazilian trade unions have also been active in raising awareness about these issues and in creating support mechanisms for those who can be removed from exploitation.

Such initiatives need to be built on through comprehensive action targeting demand as well as supply, particularly through improved law enforcement, and taking a human rights approach to the rights of victims of exploiters and traffickers. Putting in place effective frameworks for action, including legal frameworks, national plans of action against forced labour, trafficking and child labour, and Time-Bound Programmes to eliminate child labour all together, are vital if these problems are to be tackled comprehensively and if the efforts of all possible players -- non-governmental organizations, employers' and workers' organizations, governments, civil society and international agencies like the ILO -- are to be harnessed effectively.

# SLAVE SHIPS AND SEXUAL TRAFFIC

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The headline in the newspapers was dramatic: "Slave ships in the 21st century" was a story that attracted considerable world attention in April 2001. The Nigerian-registered freighter the MV Etireno had set out from Cotonou, capital of Benin, just before Easter and was reported to have 250 children on board heading into slave labour. <sup>19</sup>

The children, according to press reports, were being sold into the labour markets of West Africa, mostly into child domestic service but also into other work on cocoa and cotton farms. Since the freighter was at sea, there was no way to verify the story. And, when the boat finally docked and its human cargo was found to comprise 139 adult passengers and just a few children accompanying them, there was speculation that the ship's captain must have thrown the 'slave' children to the sharks.

The story may have been over-dramatized but the reality is not much less chilling. Every year hundreds of West African children are trafficked into various forms of labour, sometimes to pay off family debts, sometimes because their parents genuinely believe they will have a chance to be educated by a more affluent family, sometimes because their parents cannot afford to raise them and so place them with extended family in the hope they will have a better life there.

Sometimes the children 'placed' in this way are looked after and helped to attend school. More often than not, however, they are seen as a family servant, condemned to work long hours cooking, cleaning, and looking after children and old people in the family. They may have to work in the family business too, and are often given inadequate food, poor sleeping quarters, and no or little pay. They may be beaten when they are tired and slow or unable to accomplish tasks that are too hard or heavy. In some cases girl-children may be sexually abused and in all cases they are vulnerable to sexual harassment and both physical and psychological violence. <sup>20</sup>

## A WORST FORM OF CHILD LABOUR

Under the ILO Worst Forms of Child Labour Convention, 1999 (No.182), the trafficking of children is considered a worst form of child labour. But the situation of the working children of West Africa may also be considered a worst form even if the children are not trafficked but are: under the minimum legal age for that type of work, as defined by national legislation in accordance with international standards; in work that endangers their physical, mental or moral well-being, either because of the nature of the work or because of the conditions under which it is performed; or in a situation that can be defined as slavery or bonded labour. <sup>21</sup>

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*The Economist*, 19 April 2001.

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*For more on the situation of children in domestic labour in the world, see J. Kane: Helping hands or shackled lives? Understanding child domestic service and responses to it, (Geneva, ILO-IPEC, 2003).*

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*Trafficking, slavery and bonded labour are considered "unconditional" worst forms of child labour, ie there are no mitigating factors that can be taken into account. The unconditional worst forms also include forced recruitment into armed conflict, prostitution, pornography or illegal activities such as the sale and trafficking of drugs.*



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*Helping hands or shackled lives, op.cit., p.14.*

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*A 2002 ILO-IPEC report on child domestic labour in South Africa, however, quotes a figure of 2,085.814 children under the age of 15 in child domestic labour out of 3,476,358 children surveyed in 1999. South Africa: Child domestic workers: A national report, (Geneva, ILO-IPEC, May 2002), p.28.*

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*Combating trafficking in children for labour exploitation in Central and Western Africa, synthesis report, (Geneva, ILO-IPEC, 2000).*

Of the more than 200 million children working in the world, it is impossible to know how many are exploited in domestic service. The ILO estimates that more girl-children under 16 are in domestic service than in any other category of work or child labour.<sup>22</sup> Because child domestic service takes place in a private home and is therefore 'hidden', there is no accurate breakdown of these figures.<sup>23</sup> However child domestic labour is a long-established tradition in West Africa. Children are trafficked not only internally but between Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Guinea, Ghana, Mali, Niger, Nigeria and Togo.<sup>24</sup>

Building on IPEC's work to combat the trafficking of children in West Africa, and on research undertaken by ILO's migrant workers' branch, MIGRANT, the ILO's Special Action Programme to Combat Forced Labour (SAP-FL) has developed a project to address the broader structural dimensions of human trafficking in West Africa and between West Africa and Europe.

The project covers policy analysis and inputs, specifically aiming to incorporate anti-trafficking concerns in poverty reduction processes, and to strengthen law and policy frameworks. It also includes actions to promote greater awareness among traditional and social institutions in West Africa, so that the reality of forced labour and trafficking in the region is better understood. And it includes both research and data collection on forced labour and trafficking, and capacity building and training, in particular of labour market authorities and institutions, including employers' and workers' organizations. The project focuses in the first instance on Nigeria, Ghana, Togo and Senegal (alternatively Burkina Faso).

The role of traditions such as placement of children in extended family, compulsory work in religious schools, compulsory labour exacted under traditional systems of governance and long-established notions of 'slave' and 'slave-holder' make the acceptance of the concept of forced labour and associated trafficking difficult to achieve. The SAP-FL has also therefore launched national studies in Burkina Faso, Guinea and Mali to explore the role of these practices and ways to address them. The SAP-FL has underlined the importance of exploring these historical and cultural underpinnings of forced labour practices in Africa in a sensitive and non-adversarial manner, and in working with communities to understand local perceptions. There have been some early positive experiences out of the work: in Niger, for example, the Association of Traditional Chiefs has made a public commitment to combat forced labour in that country, bringing the weight of authority to bear against such exploitation.

In West and Central Africa, ILO-IPEC's subregional project to combat trafficking in children for labour exploitation takes a multi-pronged approach in response to this problem, including prevention and protection activities focused on awareness raising in at-risk communities, the provision of alternative livelihood strategies such as income generation and skills training projects, actions designed to help children to remain in school or to receive non-formal education, and support to government initiatives to combat child labour, including through the development of national plans of action and Time-Bound Programmes to combat child labour.

While boys in Africa are sometimes trafficked to work as houseboys and on planta-

tions and in other exploitative labour, it is clearly girls who are most vulnerable to trafficking, not only into child domestic service but also into sexual exploitation.

## TRAFFICKING INTO THE SEX TRADE

The growth in the sex trade worldwide has been paralleled by demand for younger girls in prostitution. In Africa, in particular, this has been partly a result of the prevalence of HIV/AIDS and the mistaken belief that having sex with a child is not only 'cleaner' and therefore 'safer', but even that it can cure the disease.

HIV/AIDS also increases the vulnerability of children to exploitation in the commercial sex trade. In some communities, there has been an increase in the number of child-headed families with children as the sole breadwinners, responsible for looking after themselves and siblings. Often girl-children will see prostitution or domestic service as the only options to earn a living, and domestic service itself is often a door into prostitution.

Gender bias in the family's investment in children also contributes to girls' vulnerability. Parents favour the education and development of boys over that of girls, and as a result girls often do not go to school or leave early to take on responsibilities within the family. Their options are consequently much reduced and their long-term employment prospects are limited.

In 1998, ILO-IPEC launched a multi-phase project to combat the sexual exploitation of children in Ethiopia, Kenya, Tanzania and Uganda. The project works with partner NGOs, research institutes, workers' and employers' organizations and governments to prevent children from entering sexual exploitation and to remove and support those who have been victimized. This involves a range of activities, including awareness raising in vulnerable communities; capacity building and experience exchange for those working against commercial sexual exploitation and child sexual abuse; research to map and understand both the supply and demand for commercial sex services; and rehabilitation services for those who have exited such exploitation.

The priority target groups for ILO-IPEC action is children under the age of 12 and AIDS orphans although, in accordance with the definition of 'child' in both Convention No.182 and the UN Convention on the Rights of the Child (1989), all children under 18 are considered possible beneficiaries of the action.

One of the most difficult groups to target is adolescent girls, who are often forgotten in efforts to combat commercial sexual exploitation of children because they are seen to be sexually active and therefore less likely to be victims. In fact, international conventions relating to commercial sexual exploitation (including the Palermo Protocol that covers sexual exploitation that has resulted from trafficking) do not accept the notion of 'willingness' for anyone under the age of 18, even where force and coercion do not seem to have been used.

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*There is, of course, demand for children for sexual purposes by paedophile networks and individuals all over the world, but in general such demand operates outside the commercial sex sector and children are targeted in other ways, for example directly by befriending their family, or in places where children gather. Although money and gifts may be offered to gain trust or physical access to the child, this is not the same as the commercial transaction that takes place in the commercial sex trade and, indeed, the 'clients' of children exploited in commercial sex are not generally paedophiles but rather regular prostitute users whose 'preference' may or may not be for younger women/girls.*

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*The trafficking of children for purposes of sexual exploitation: South Africa, (Cape Town, Molo Songololo, 2000), pp.29-30.*

Research has shown that worldwide the exploitation of children in the commercial sex trade is an extension of the adult sex sector, and not a separate phenomenon. In general, exploited children work alongside adults in prostitution and there is no separate 'market' for children in prostitution.<sup>25</sup>

## EXPLOITATION IN THE SOUTH

Seventeen million children make up almost 45 per cent of the population of South Africa, and 61 per cent of these live in poverty. The Network against Child Labour (NACL) estimates that there are 400,000 children working in South Africa, in both the formal and informal sectors of the economy. Half of these are under 15 years of age. Some 30 - 40,000 of the girls are exploited in the commercial sex trade.

Children are trafficked into commercial sexual exploitation, in escort agencies, brothels, hotels, massage parlours, clubs, on the streets particularly around ports and along trucking routes, and sometimes based in the homes of pimps and traffickers.<sup>26</sup> In general the girls are adolescents rather than pre-pubertal children. Although the factors that contribute to commercial sexual exploitation of children in South Africa are complex -- including poverty, high unemployment and limited opportunities, high school drop-out rates, drug use, high levels of domestic violence, growing urbanization, increased demand and lack of effective safety nets - the low status of the girl and of women is a major contributing factor as, indeed, it is in other parts of the world.

The gendered nature of exploitation and trafficking is one reason why the ILO's Gender Promotion Programme, GENPROM, collaborates with other sections of the ILO to ensure that gender specificities - in demand, supply and vulnerability - relating to trafficking and exploitative labour are understood and integrated into programming. The aim is to ensure full understanding of gender-specific factors that affect the exploitation of women and men, girls and boys.

In 2003, for example, GENPROM launched an Information Guide entitled: Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers to support the activities of labour and non-governmental partners working to combat trafficking and forced labour related to migration. In a section dealing with trafficking, the Guide notes that: "Men migrate for a variety of jobs ranging from low to high skilled jobs. But female labour migration is strongly characterized by the concentration in a very limited number of female-dominated occupations, which are associated with traditional gender roles, such as domestic workers and 'entertainment' workers. While these jobs do not necessarily have to be exploitative, the circumstances of the job itself often lead to a high degree of vulnerability to abuse and exploitation, even forced labour and slavery".

In Africa as in other parts of the world, there is a clear link between migration, trafficking, exploitative labour, and gender-based sexual exploitation and abuse. Women from Eastern Europe and the former Soviet Union, for example, trafficked into South

Africa and exploited in the commercial sex trade there, generally believe that they are migrating legally for work in a variety of jobs, usually in the hospitality sector. <sup>27</sup> Usually they will know the person who prompts the relocation, and will accept his offer of help with transport and documentation.

Most of the women enter the country on a legal holiday visa and are then taken to a brothel or halfway house and told that they will have to work as a prostitute to pay off the debts incurred, or under threat of reprisals against them or their family. They may be raped and told that they are now 'spoiled' and will be rejected by their family if they attempt to return. They will often face violence and be introduced to drugs upon which they become dependent. In time they will thus become debt-bonded not only to the trafficker but also to the brothel owner who provides their accommodation and food, and to the drug supplier. They spiral deeper into bondage and exploitation.

While the debate continues worldwide on whether or not prostitution should be legalized, it is clear that the exploitation of women and girls trafficked into the commercial sex trade must end. Bringing the experience and expertise of the ILO in the fields of bonded and compulsory labour, slavery-like practices, debt bondage, labour migration and trafficking to bear on this issue is vital.

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*See The trafficking of women into the South African sex industry, (Cape Town, Molo Songololo, 2000).*



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Collection of resource and links on initiatives against trafficking in persons:

Council of Europe

<http://www.cm.coe.int>

European Commission: DG Justice and Home Affairs

[http://europa.eu.int/comm/justice\\_home](http://europa.eu.int/comm/justice_home)

European Union policy documents

<http://www.europa.eu.int/en/record/other/womtraf.htm>

Global Programme against Trafficking in Human Beings, UN Office for Drug and Crime Control Prevention, Vienna

[http://www.odccp.org/trafficking\\_human\\_beings.html](http://www.odccp.org/trafficking_human_beings.html)

ILO International Labour Office

<http://www.ilo.org>

<http://www.ilo.org/asia/child/trafficking>

<http://www.ilo.org/childlabour>

<http://www.ilo.org/declaration>

<http://www.ilo.org/genprom>

<http://webfuion.ilo.org/public/db/standards/normes>

<http://www.ilo.org/migrant>

Interpol

[www.interpol.int](http://www.interpol.int)

IOM International Organization for Migration

<http://www.iom.int>

ODIHR (Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights)

<http://www.osce.org/odihr/democratization/trafficking>

OHCHR (Office of the UN High Commissioner for Human Rights)

<http://www.unhchr.ch/women/focus-trafficking.html>

<http://www.unhchr.ch/html/menu2/7/b/mwom.htm>

OSCE (Organization for Security and Cooperation in Europe)

[www.osce.org/europe-against-trafficking](http://www.osce.org/europe-against-trafficking)

UNHCR (Office of the UN High Commissioner for Refugees)

<http://www.unhcr.ch>

United Nations Crime Commission documents on the Trafficking Protocol

[http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents/index.htm](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents/index.htm)

UNICRI (United Nations Interregional Crime Prevention Institute)

<http://www.unicri.it>

UNIFEM (United Nations Development Fund for Women)

<http://www.unifem.undp.org>

US Government

<http://www.usinfo.state.gov/topical/global/traffic>

<http://www.cio.gov/csi/monograph/women/trafficking.pdf>

<http://www.state.gov/g/tip>

World Congress against commercial sexual exploitation of children

[www.cseccongress.org](http://www.cseccongress.org)

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