



# **FORCED LABOUR, CHILD LABOUR AND HUMAN TRAFFICKING IN EUROPE: AN ILO PERSPECTIVE**

Technical paper for the EU/IOM STOP “European Conference on Preventing and Combating Trafficking in Human Beings”, 18-20 September 2002, Brussels, Belgium

**Special Action Programme to Combat Forced Labour (SAP-FL)**

**and**

**International Programme on the Elimination of Child Labour (IPEC)**

**INTERNATIONAL LABOUR OFFICE**

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## A. THE ISSUES AND CHALLENGES

### Introduction

This paper aims to set out the particular contribution of the International Labour Organisation, in the global campaign against trafficking in persons. It is clear that the ILO has a major role to play, both as a normative organization which has adopted key Conventions against both forced labour and child labour, including its recent and widely ratified 1998 Convention against the Worst Forms of Child Labour; and as an agency with very widespread experience in research and technical cooperation. The ILO has been well equipped to address the multiple challenges involved by the trafficking cycle in origin, transit and also destination countries.

In the places and communities of origin, where the victims first fall prey to the trafficking agents, it has implemented some comprehensive programmes to prevent trafficking. In recent years particular emphasis has been given to programmes to prevent trafficking in children in developing regions of Africa, Asia and Latin America. The intervention framework of the programmes developed by the ILO's International Programme for the Elimination of Child Labour (IPEC) has been built around data collection and analysis on trafficking of children into the worst forms of child labour and direct support programmes. The ILO and other international experience on child trafficking has been extensively reviewed in a recent publication<sup>1</sup>

Based on the ILO's earlier interventions and knowledge on child trafficking – through projects instigated under the umbrella of its significant IPEC programme – our organization is also now coming to grips with the structural dimensions of human trafficking across the globe, affecting women and children but also considerable numbers of men, and very much linked to the issues of irregular migration. A year ago, in June 2001, the ILO issued a global report on contemporary problems of forced labour<sup>2</sup>. This highlighted the explosion of trafficking in Europe since the break up of the former Soviet Union, depicting the problem as the “underside of globalization”. The report stressed that persons can be trafficked for other purposes that may involve forced labour, in addition to sexual exploitation. An example was the coercion involving agricultural migrant workers, that has been detected in many continents. As the report observed in this connection, “The massive growth of the shadow economy, and of the vast numbers of vulnerable persons who fall victim to it, represent a monumental challenge for the ILO's social partners....” Following the publication of this report, in November 2001 the ILO Governing Body decided to create the new Special Action Programme to Combat Forced Labour (SAP-FL) to spearhead ILO activities against forced labour and trafficking.

Until quite recently, the main concern of public opinion has been with trafficking for sexual exploitation. Certainly, this has dominated media reporting. And in Europe, it is the appalling treatment of the young women and even children from Albania, Moldova and the Ukraine for example, forced into prostitution in countries of Central and Western Europe, that has received most of the attention in meetings of this kind. However there seems to be a growing realization that trafficking for labour exploitation, though little documented or understood at present, should at least in Europe move higher up the policy agenda. This aspect

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<sup>1</sup> *Unbearable to the Human Heart: Child Trafficking and Action to Eliminate it*, ILO/IPEC, May 2002.

<sup>2</sup> *Stopping Forced Labour*, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Office, Geneva, 2001.

of trafficking is strongly emphasized in the European Commission's 2001 strategy paper on the subject, which refers specifically to "labour exploitation in conditions akin to slavery"<sup>3</sup>. More recently, the EC's July 2002 Council Framework Decision on the subject refers to offences for the purposes of labour exploitation or sexual exploitation.<sup>4</sup>

The most recent report by the US Department of State makes similar observations, pointing to cases of trafficking of men, women and children for forced labour in agriculture, domestic service, construction work and sweatshops<sup>5</sup>.

A focus on trafficking for labour exploitation is of obvious relevance for Europe, where the challenges are considerable. There have been longstanding concerns to curb irregular labour migration, and it is for this reason that human trafficking and smuggling have been perceived in large part as security concerns. Yet at the same time, if migratory flows are to become more orderly, it is essential that demand as well as supply-side issues be better understood. Trafficking also needs to be addressed from a labour market perspective, to understand the workings of informal as well as formal labour market institutions. To what extent do trafficked persons make use of regular employment and job placement agencies, in searching for employment opportunities overseas? What are the linkages between the more formal and licensed labour institutions, and the irregular services likely to be linked to the criminal and trafficking syndicates? Moreover, labour institutions and authorities can play a key role in prevention and monitoring. So can the employers' and workers' organizations, as the ILO's principal social partners.

Yet while there is growing international acceptance of the need to combat the two main forms of trafficking, for the purposes of sexual and labour exploitation respectively, very little headway has been made with regard to the latter. Even with regard to sexual exploitation, in view of the hidden nature of the phenomenon, it has proved notoriously difficult to obtain reliable data. Efforts are at least being made. Initial attempts are being made to estimate the number of victims by country and region. Special police and other units are beginning to investigate, and new laws are being adopted to provide special protection for the victims.

With regard to trafficking for labour exploitation, a huge amount remains to be done before one can even begin to think of effective remedies. Despite the new international guidelines and directives, there appears to be little understanding of the concept in practice. What sets trafficking for labour exploitation apart from smuggling? In which economic sectors are abuses of this kind likely to be found? How can labour inspection services best monitor the phenomenon, together with other law enforcement agencies? What tend to be the linkages between employment and job placement agencies, and trafficking intermediaries? How can migration for employment be managed more effectively, in order to eradicate the risk of this form of trafficking?

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<sup>3</sup> *Trafficking in Women: a Comprehensive European Strategy*, The European Commission, Justice and Home Affairs, March 2001.

<sup>4</sup> Official Journal of the European Communities L 203/1, Council Framework Decision of 19 July 2002 on combating trafficking in human beings.

<sup>5</sup> *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report 2002*, US Department of State, Under Secretary for Global Affairs, Office to Monitor and Combat Trafficking in Persons.

## **The roots of labour trafficking**

Trafficking, as we have seen, has been addressed primarily as a security concern in the destination countries. This has been particularly the case in the wealthier industrialized countries, many of which have adopted restrictive immigration laws and policies over the past decade. Moreover, many developing countries now appear to be following suit. However, such restrictive measures appear often to have been adopted with little or no consideration of domestic labour demand and supply factors. In some regions, tighter border controls and restrictions on freedom of movement have cut across traditional routes and patterns of labour and trade migration.

In this context – as observed in the ILO's *Stopping Forced Labour* – the recent rise in labour trafficking may be attributed in large part to the imbalances between labour supply and the availability of legal work in a place where the jobseeker is legally entitled to reside. Labour trafficking occurs in a range of different circumstances, such as when the employment itself is illegal, when the conditions of work are worse than those prescribed by law, when the worker seeks to reach a country where there are barriers to legal migration, or where the worker is below the minimum age of employment. And finally, trafficking exists, because irregular migration channels can provide immense profits for the clandestine trafficking agents who arrange travel, obtain documents, cross borders, and sometimes also find jobs for the trafficked persons in destination countries.

In the final analysis, the deep-seated roots of trafficking may lie in poverty and a weakening social fabric in sender countries, or in a pattern of discrimination against vulnerable groups including women and ethnic minorities. But the labour market dimensions cannot be overlooked. A focus on supply factors alone, without looking at the complex issues of demand in the destination countries, will always prove inadequate. It is for this reason that the ILO's own programmes have a strong emphasis on social and economic analysis, examining patterns of labour market functioning including job supply and demand in all countries involved in the trafficking cycle. To address trafficking from a perspective of labour market failure, as well as societal failure and human rights abuse, can have operational value. It facilitates the development of strategic and integrated programmes, combining poverty reduction and community mobilization in places of origin, with economic analysis, and law enforcement including the strengthening of labour institutions and the supervision of labour standards in both origin and destination countries.

## **Trafficking, smuggling, forced labour and irregular migration: the nexus and the distinctions**

*Prima facie*, the distinction between trafficking and smuggling should be clear enough. The key elements of a trafficking relationship are the threat or use of force or other forms of coercion, abduction, fraud, deception or abuse of power. Smuggling implies a degree of consent between the transporting agent and the smuggled individual. Trafficking implies an absence of such consent, during at least some stage of the trafficking cycle. These are the basic distinctions in the two separate Palermo protocols.

In practice however, it can be difficult to establish the degree of coercion. In the case of women trafficked for sexual exploitation, the evidence is now becoming stronger. Debates may continue, as to the extent to which young women enter into the sex trade on a voluntary

basis. But the existence of coercion and violence, physical restriction and debt-bondage, particularly in places of transit and destination, has in many cases been widely documented. Modern “sex slavery” is an unfortunate reality, and Western societies and governments are being shamed into addressing the problems.

In the case of trafficked children, the situation is unambiguous. Article 3 of the Palermo Protocol on Trafficking makes it quite explicit that the issue of consent is irrelevant. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons”, whether or not force, coercion and deception are involved.

In the case of labour exploitation of migrant workers, the issues are more complex. Available evidence suggests that many irregular migrant workers, imported into a destination country through networks of clandestine intermediaries, are subjected to forced labour conditions. This can be sweatshop labour, through physical restrictions on freedom of movement. There have been well documented cases of systematic contraband and sale of agricultural migrant workers, such as the trafficking of Haitians for sale in the Dominican sugar industry. In most cases however the coercion is likely to be less overt and more subtle, involving induced indebtedness, confiscation of papers, late payment of wages, and the ever-present threat of denunciation to the authorities followed by deportation.

Moreover, while the conditions of work may be defined *technically* as constituting forced labour by reference to international standards on the subject, there can be cases where the exploited workers still endure these conditions on a largely voluntary basis. Crudely put, an immigrant worker may prefer bonded labour conditions in a wealthier destination country to an impoverished freedom back home. This appears to be the case of clandestine Chinese workers in France, who work long hours in heavily indebted circumstances for a number of years, in order to repay the advances they have received in their places of origin. Despite the appalling conditions, the exploited Chinese workers may see the light at the end of the tunnel. They may know that this is a finite period of suffering, a sacrifice that parents are willing to make for their children.

There can be no justification for such conditions of work. Any form of labour exploitation involving forced labour and debt bondage is morally unacceptable, and a clear infringement of national and international labour standards. However, for the reasons given above, there is a serious risk that such conditions will survive and increase, unless there is firmer political will by both governments and civil society groups in the main destination countries to come to grips with these problems. The current restrictive state policies on migration, at variance with market realities, are partly to blame for the rising numbers of persons willing to take the risk of being trafficked. The wage differentials can be so great that the probable returns to the risks involved can become an attractive proposition.

### **Trafficking for labour exploitation. How much do we know?**

Concerning the extent of trafficking for labour exploitation, either in Europe or elsewhere, there is very little hard data available. In part this can be because – unlike trafficking for the purposes of sexual exploitation - this has not caught the spotlight. There are very few NGOs involved, labour unions have not given priority to the issue, and there appears to be very little

political will to probe into the recruitment and employment conditions of irregular migrant workers. Furthermore, there is no reliable data on child trafficking.

Moreover, there seems to be considerable uncertainty as to whether or not trafficking (whether for purposes of sexual or labour exploitation) affects significant numbers of men, as well as women and children. Some recent reports have given much attention to the trafficking of male victims, even observing that adult males are the *primary* victims of trafficking in certain regions. An example is the study carried out by the International Organization for Migration (IOM) on migrant trafficking in Europe, drawing on case studies from Hungary, Poland and Ukraine<sup>6</sup>. And yet the criteria used in studies of this kind appear to be very diverse, potentially blurring the distinctions between trafficking, smuggling, and other forms of irregular migration.

Basically, despite the best efforts of the drafters of the Palermo Trafficking and Smuggling Protocols to draw clear distinctions between the categories of trafficked persons and smuggled migrants, in many practical cases these distinctions are far from apparent. In principle, we have seen, what sets trafficking apart from smuggling is the element of force, coercion and deception at some stage of the process, rather than the voluntary nature of the transaction for smuggled males. In practice, however, the distinctions can become blurred on the ground. The point is strongly emphasized in a recent report by UNICEF, the Office of the UN High Commissioner on Human Rights and OSCE/ODIHR on trafficking in South-Eastern Europe<sup>7</sup>. Even without considering the situation of males, this points to considerable movement and overlap between the two categories in the case of women and children. Data collection across countries may not rely on a uniform concept or definition of trafficking. It may embrace such issues as the number or situation of illegal female migrants, the number of girls deported to their country of origin, the number of women and girls assisted in returning to their country of origin, and the number of smuggled women trying to cross a border without valid documents.

Recent ILO research has addressed the gender dimensions of trafficking from Moldova<sup>8</sup>. A survey of 136 female trafficked victims returning to an IOM shelter in Chisinau revealed a picture somewhat similar to that in other countries of Southeastern Europe. The female victims were mainly uneducated persons in their early to late twenties, the vast majority of whom had migrated in search of work, though claiming not to have anticipated sex-related activities. They had expected to find work in domestic service, child or adult care, or as waitresses. Yet this study also reviewed the experiences of men. Interviewees told of young rural and urban men being transported to employers in countries including Germany,

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<sup>6</sup> Migrant Trafficking and Human Smuggling in Europe, IOM, Geneva, 2000. This finds for example that over 80 per cent of migrants trafficked into the Ukraine were male, most of them in the 20-40 age group. In Poland, the proportion of males was even higher, at over 90 per cent, with over 60 per cent of these in their twenties. Those from Belarus, Russia and the Ukraine were older, and those from the Islamic states younger. In Hungary, the majority of such migrants were found to be male. However, the IOM study observed that the data by country are not exactly comparable, as in Hungary for example they related to illegal border crossings rather than “specifically to trafficked migrants”.

<sup>7</sup> Trafficking in Human Beings in Southeastern Europe, UNICEF, UNOHCHR, OSCE/ODIHR, June 2002.

<sup>8</sup> Shivaun Scanlan, “Report on Trafficking from Moldova: Irregular labour markets and restrictive migration policies in Western Europe”, ILO, forthcoming, 2002.

Greece and Italy, particularly in construction work. They were obliged to repay their travel debts, and upon completion of their assigned work were threatened with deportation and dismissed without payment. Cases were identified, where these migrant workers had been sold to employers. In such cases men had been deliberately placed in forced labour situations, and were coerced into buying freedom from their employer. When they were known to have fled such situations, many were pursued for debt repayment.

It is the labour market dimensions of trafficking of persons, including forced and bonded labour situations, that now require more attention as a structural concern. Understandably, the degree of violence and coercion exercised by traffickers against vulnerable women and children is particularly repugnant. It is no exaggeration to refer to this kind of abuse as modern slavery, and as a crime that must be eradicated as a matter of urgency by identifying and punishing all those responsible throughout the trafficking cycle. This is why – as will be seen further below – the ILO has given particular attention to the problems of child trafficking around the world, and has built up a series of programmes to prevent it through education and other initiatives.

But coming to grips with the broader dimensions of trafficking, for labour exploitation, will now require a particularly strong effort. Despite the consensus that this is a real and perhaps growing problem, often linked to the curbs against migration, there is no real understanding as to what are the elements of a *trafficked situation* in sectors such as agriculture, construction and services. The latest report on trafficking by the US Department of State certainly refers to a large number of such cases in different countries and regions, but without entering into great detail. In Belgium for example, Chinese victims are often young men destined for manual labour in restaurants and sweatshops. Canada is seen as a destination and transit point to the USA for women, children and men trafficked for purposes of sexual exploitation, labour and the drug trade. The victims originate primarily in China, Southeast Asia, Eastern Europe and Russia. France is seen as a destination country mainly for trafficked women, though there are also reports of Chinese and Colombian men trafficked into bonded or forced labour. Hungary is listed mainly as a transit country for trafficking victims, and to a lesser extent as a source and destination country. Men trafficked for forced labour through Hungary to European countries come from Afghanistan, Bangladesh, Iraq and Pakistan.

The above information is of a very general nature. There have apparently been limited case studies, which examine in any detail the modalities of labour trafficking and the systems of recruitment and intermediation

## **B. THE ILO RESPONSE**

### **International labour standards and trafficking: the ILO's normative framework and supervisory mechanisms**

One of the ILO's major strengths is its role as a standard-setting organization, together with its supervisory mechanisms for the application of these standards. Since its inception in 1919, the ILO has adopted over 180 Conventions (which have force of domestic law, once a Member States ratifies an individual Convention), and a similar number of non-binding Recommendations. Some of these instruments are of direct relevance to the fight against

trafficking. Others can usefully be harnessed, to provide guidance for preventive measures and law enforcement against trafficking.

A benchmark Convention, one of the most widely ratified of all ILO instruments, is its Forced Labour Convention, No. 29 of 1930. This provides a basic definition of forced labour, which is still applicable to such present-day international instruments as the Palermo protocols against smuggling and trafficking. Under the ILO's Convention No, 29, the term *forced or compulsory labour* shall mean "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 requires the suppression of the use of forced or compulsory labour in all its forms within the shortest possible time. A quarter of a century later – at a time when there had been growing use of forced labour for political purposes – the ILO adopted an additional instrument on the subject. Its Abolition of Forced Labour Convention, (No. 105 of 1957), calls for the suppression of forced labour as a means of political coercion, labour discipline, or racial, social, national or religious discrimination; as a method of mobilizing and using labour for purposes of economic development; and as punishment for having participated in strikes. Convention No. 105 has also been ratified by the vast majority of ILO Member States.

The ILO adopted its first major instrument against child labour in 1973, its Minimum Age Convention, No. 138. With the growing international movement against child labour, a recent milestone was the adoption of its Worst Forms of Child Labour Convention, No. 182, in 1999. This instrument makes specific reference to trafficking. The *worst forms of child labour* are defined inter alia as "all forms of slavery or practices similar to slavery, such as the sale and trafficking in children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for armed conflict". Convention No. 182 has already had an immense impact, with a speed of ratification unparalleled in the ILO's history. By early September 2002, 129 ratifications had already been registered.

The ILO has an elaborate supervisory machinery for the application of its Conventions and Recommendations. These include a regular reporting system by Member States, supervised by an independent Committee of Experts: a tripartite Conference Committee on the same subject, which meets at the ILO's annual Conference: and special procedures for representations and complaints. In recent years there has been a growing tendency of the Committee of Experts to refer to trafficking in persons (sometimes, in particular the trafficking of women and children) in its comments under Convention No. 29. At its 71<sup>st</sup> Session in 2000 for example, the Committee formulated a general observation on *Trafficking in persons* under the Forced Labour Convention, No. 29. It noted the growing awareness of present-day trafficking in persons, which affects "developing countries, countries in transition and industrialized market economy countries, as countries of origin of destination of victims, or both". The Committee observed, moreover, "While the magnitude of the problem is thus generally recognized, it has found little reflection so far in government reports under the Forced Labour Convention, in particular as regards industrialized market economy countries, which are choice destinations of the trafficking in persons. Reasons for this may be found, in part, in the efficiency with which organized crime shields its activities from interference by the authorities, *inter alia*, through intimidation of the victims; but part of the reason may also lie in the fact that the victims are all too often likely to be perceived by the authorities as illegal aliens rather than as victims of organized crime".

The Committee noted that the penal legislation of countries having ratified Convention No. 29 provides in some cases for specific sanction aimed at the trafficking in persons. However, the persistence of trafficking in persons tends to show that in actual practice the enforcement of the legislation is “often jeopardized by difficulties which remain to be analyzed”. The Committee thus formulated this general observation intended to elicit information from all States bound by the Forced Labour Convention on measures taken or contemplated to ensure that, in practice, those responsible for the trafficking in persons could and would indeed be strictly punished, and that the trafficking in persons was really suppressed.

This kind of regular supervision, under Conventions Nos.29 and 182 can provide useful guidance for Member States. Furthermore, recommendations by an independent Committee of Experts can also provide the basis for specific programmes of technical assistance, either by the ILO or its partners in the UN system. The important thing is that information of this kind be widely circulated beyond the ILO’s normal social partners, and be made available to other governmental and non-governmental actors involved in the fight against human trafficking.

Moreover, it is not only the ILO Conventions that make specific reference to forced or child labour and trafficking that are of potential value for the fight against trafficking. There are countless other Conventions of much relevance, including those concerned with labour inspection and administration, private employment agencies, migrant workers, employment and social policy, payment of wages, discrimination in employment, freedom of association, vocational training, among other issues. A major incentive for the trafficking in labour is the lack of application and enforcement of such labour standards in countries of origin and also sometimes destination. Tolerance of restrictions on freedom of movement, long working hours, poor or non-existent health and safety protection and non-payment of wages are among the factors that contribute to an expanded market for trafficked migrants who have no choice but to work in conditions that are unacceptable for those persons engaged in legal employment. Worse still is the absence of labour inspection and worksite monitoring – particularly in such marginal sectors as agriculture and construction, domestic service, and the sex and entertainment sector – that can help identify whether workers may be in situations of forced and compulsory labour.

### **Combating child trafficking: the ILO’s International Programme for the Elimination of Child Labour (IPEC)**

The trafficking of children constitutes a particularly egregious form of human rights abuse. In parts of the world, including Africa and Asia, children are known to comprise a significant proportion of the victims of trafficking. In West and Central Africa for example, the number of reports of children being trafficked across borders has steadily increased. Moreover, the ILO’s own research to date suggests that most of this has been for the purposes of labour exploitation. Although some cases of trafficking in children for commercial sexual exploitation have been reported, these have been far outweighed by the numbers reportedly trafficked across borders for other forms of work. Recruitment for domestic work appears to have been the most significant factor, though other types of labour exploitation have included work in agricultural plantations, small trade, begging and soliciting.

In Europe, there is very little documentation concerning the basic facts of child trafficking. The recent report by UNICEF and others on trafficking in Southeastern Europe<sup>9</sup> summarizes the present state of knowledge. In this part of Europe, trafficking of children falls into two main categories. First, trafficking of teenage girls for sexual exploitation; and second, trafficking of young boys and girls under the age of thirteen for begging. There has been no evidence so far of a special market for the sexual services of young children, or of such abuses of trafficking for organs. There have also been cases of trafficking of children for illegal adoption, widely reported for example in Moldova. As regards numbers, available evidence suggests that persons under eighteen may comprise between 10-30% of sex workers, though the IOM figures for returned persons suggest a proportion of some 10-15 per cent. In Albania however, the proportion of children among trafficked persons appears to be particularly high. Trafficking of Albanian children, both girls and boys, is reported to be mainly for forced labour including begging, drug dealing and small economic activities such as car washing. In destination countries children work on the streets, and are engaged in similar activities.

In recent years the ILO has given particular attention to the serious problem of child trafficking. The activities of its International Programme for the Elimination of Child Labour (IPEC) commenced in Asia in the mid 1990s. Following the World Congress against Commercial Sexual Exploitation in Children, held in Stockholm in 1996, IPEC expanded its activities to combat trafficking in children worldwide. Its programmes now cover some 30 countries in Africa, Asia and Latin America. It has recently given attention also to Central and Eastern Europe, in the first stage developing a methodology to assess the nature and dynamics of child trafficking in several Balkan countries and the Ukraine. This methodology is based on an adaptation of the ILO/UNICEF Rapid Assessment Manual on the worst forms of child labour to the specific situation of trafficked children. The aim of the country assessments is to come up with effective prevention and rehabilitation strategies to reduce the vulnerability of children at risk and meet the needs of those who have been trafficked.

IPEC's prevention framework has been built around four major components: data collection and analysis, policy development and direct support including educational opportunities, community mobilization, and outreach.

Its data collection and analysis has included mapping not only of the problems of trafficking *per se* and the victims, but also of responses by government and judicial agencies, and of the resources made available by different donors, governments and non-governmental agencies. IPEC has had some success in the use of its rapid assessment methodology, developed together with UNICEF, which relies on small but reliable samples of (i) children at risk; and victims or recovering victims of trafficking for sexual or labour exploitation (ii) traffickers and exploiters, and (iii) workers and other interested parties who have first-hand knowledge of the situation in the chosen research site.

As regards policy development, a key feature of the IPEC approach has been the use of the Time-Bound Programme (TBP), as a tool for implementing the provisions of the ILO standards on eliminating the worst forms of child labour. In brief, the TBPs involve a set of integrated policies and programmes to prevent and eliminate the worst forms of child labour within a defined time-frame. The TBPs aim to address the root causes of child labour, linking actions against it to national development efforts, with a particular emphasis on economic and

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<sup>9</sup> *Trafficking in Human Beings in Southeastern Europe*, UNICEF, UNOHCHR, OSCE/ODIHR, June 2002.

social policies to combat poverty and to promote universal basic education and social mobilization. At the national level, all TBPs support the creation of an enabling policy environment, addressing such issues as employment creation and health policies within the framework of overall poverty reduction programmes. At the secondary level, they comprise also a series of targeted direct interventions aimed at highly vulnerable groups of children, families and communities. Some participating countries have also designed action frameworks at the local level. In Chiang Rai province of Thailand, for example, the plan emphasizes surveillance networks to monitor children in hazardous work and those at risk. It includes direct actions such as scholarship programmes to keep children at school, skills training in a wide range of employment sectors, job training for border communities, non-formal education, community-based income generation schemes,, job placement schemes, and labour inspection services.

Direct action can take many different forms, adapted to the national context. A constant challenge for the IPEC programme has been overcoming the fact that young people especially are attracted to work in sectors where they can earn more than in agricultural, light industry or other similar work near their homes. The indications that many children, as well as young women, are prepared to endure what they see as short-term exploitation and even abuse if this means that they can earn significant sums of money. They are unaware of the severity of the hardship, the long-term repercussions, and the likelihood that the remuneration will be below their expectations. It is for this reason that skills training and income-generation projects must aim to equip children with marketable skills linked wherever possible to their aspirations. This means undertaking surveys in the home and neighbouring communities, identifying changing demands for skills and labour , and providing appropriate skills while at the same time improving the general educational level where possible. In the Mekong countries of Asia, IPEC has supported community-level prevention programmes that combine all of these features. Moreover, community-based organizations and groups have been mobilized and strengthened, to participate actively in the planning and implementation of these programmes.

Such community mobilization is essential for the effective prevention of trafficking. Asian examples can once again be useful. In the Philippines for example, the organization of society into community-level structures of governance known as *barangays* has allowed for effective community mobilization on behalf of children. Some *barangays* have active community councils for the protection of children. These have implemented a range of effective schemes, including: micro-level planning; neighbourhood watch teams that monitor child abuse and intervene in accordance with the gravity of the situation; multi-sectoral task forces that respond in emergency cases; and telephone hotlines for people to report instances of trafficking and exploitation. IPEC has supported a number of such programmes in the Philippines, in which *barangays* and NGOs have cooperated through a wide range of activities.

### **The Special Action Programme to Combat Forced Labour (SAP-FL)**

The Special Action Programme to Combat Forced Labour (SAP-FL) was created by the ILO Governing Body in November 2001, following the publication a few months before of the Director General's global report on Stopping *Forced Labour*. As noted, this report had alerted ILO constituents to the gravity of human trafficking as a contemporary form of forced labour, also depicting this as the "underside of globalization". As the report observed furthermore, forced labour as such has not really caught the world's attention despite the

need, and despite the fact that it is a truly global problem from which few countries are exempt. As it argued, “The nature of modern forced labour calls for a truly global programme of awareness-building, backed by meticulous research and development of appropriate statistical methods to identify the problems and their dimensions. Targeted and high-profile technical cooperation programmes in specific regions could: address the structural roots of forced labour; strengthen the occupational organizations that challenge it; conduct broad campaigns against it; and establish and reinforce the labour administration and criminal justice institutions needed to back up policy interventions with punishment of the perpetrators”<sup>10</sup>

The new programme became operational in February this year. It has a mandate to give more comprehensiveness, visibility and coherence to the ILO’s activities to combat forced labour including trafficking, working in close collaboration with other regional or global bodies active in this field. It aims essentially to address the problems through technical cooperation, and is the first time in the ILO’s long history that a programme has been created to combat forced labour through promotional means. Moreover, it is an integral component of the ILO Declaration on Fundamental Principles and Rights at Work. Under this instrument, adopted in 1998, every ILO Member State agrees as a condition of its membership to safeguard and promote certain principles and rights at work, including the abolition of forced labour<sup>11</sup>.

During its first months, the SAP-FL has given much attention to human trafficking, with an initial focus on Europe. An initial challenge has been to devise and put in place a coherent strategy, which draws on all the ILO’s particular expertise. The strategy identifies the ways in which, beyond its evident forced labour and child labour dimensions, trafficking can also be addressed from the perspective of labour market failure, and future programmes can focus on the strengthening of different labour market institutions as well as on preventive measures at the place of origin. The strategy has identified Europe as an initial priority for programme activities for several reasons. First, because there are signs of growing interest from the European Union and European governments in addressing trafficking for both labour and sexual exploitation; and because the debates on trafficking in human beings have recently taken on a higher profile, fuelled by the growth of irregular and clandestine migration in the aftermath of the break-up of the Soviet Union and the Balkans conflict. Second, because the ILO’s experience with labour market analysis can be of particular use at the present time, when the imbalances between growing demand for cheap labour and the migration bottlenecks are potentially creating the preconditions for trafficked forced labour. Third because, with its unique tripartite structure, the ILO is well equipped to build social consensus around some of the difficult policy issues linked to labour trafficking. Examples are how to monitor the activities of contracting intermediaries in both origin and destination countries, with the involvement of the ILO’s social partners; or how to find the appropriate balance between the promotion of private employment agencies in the interests of greater labour market efficiency; and adequate supervision of such agencies to ensure that they do not collude with criminal and trafficking activities.

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<sup>10</sup> *Stopping Forced Labour*, ILO, 2001, Pages 93-4.

<sup>11</sup> The Declaration covers four sets of principles and rights covered by key ILO Conventions, namely: 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: and the elimination of discrimination in respect of employment and occupation.

Following intensive discussions with other agencies including the European Union and the Stability Pact for Southeastern Europe, SAP-FL has now embarked on more specific operational programmes. It recently embarked on a programme to address supply factors in several countries of South-Eastern Europe, and also Ukraine. As of June 2002, a research and advocacy initiative was commenced in close collaboration with the IPEC initiative in the same region, covering Albania, Moldova, Romania and Ukraine. The research aims to provide a better understanding of the nature and dynamics of trafficking at various stages of the cycle, including the forced labour outcomes of the irregular cross-border movement of workers. The research is also examining the labour market conditions that precipitate the demand for irregular workers, the means by which trafficked persons are recruited through irregular labour institutions, and the manner in which state authorities and civil society organizations intermediate in this process.

All of this has prepared the ground for a more comprehensive programme, covering origin as well as destination countries in Central and Southeastern Europe. A comprehensive project has now been prepared, aiming to contribute to the eradication of trafficking and forced labour, particularly of women and children, from four major countries of origin in the Balkans and Eastern Europe (Albania, Romania, Ukraine and Moldova) into two significant destination countries (Russia<sup>12</sup> and Turkey<sup>13</sup>). During almost three years of project implementation, some of the root causes of trafficking in countries of origin will be addressed by way of a diverse programme of *prevention measures*. These will include the selection of 'clusters' of groups at risk of trafficking for inclusion in vocational/skills training and income generation projects, with links to loans, as a means of providing alternative livelihoods in countries of origin. The functioning of *job placement* or travel agents will be scrutinised, in the light of research findings, to expose the cover they may provide for traffickers. Systems of regulated professional placement agencies will be implemented in their place and the capacity of labour inspectorates to supervise their operations and tackle irregular practices strengthened. The *demand* for cheap/exploitative labour, as another root cause of trafficking, will also be analysed in the case of Russia and Turkey and situated in the context of labour market failures. An examination of the labour supply and demand in both countries of origin and destination will provide the starting point for negotiations to improve existing legal channels of migration, as a means of combating trafficking into Russia and Turkey. Finally, a selection of measures will be taken to enhance the *identification and protection* of victims of trafficking in Russia, Turkey and Western Europe. A broad range of partners within government and civil society, including the ILO social partners, will be mobilised, trained and assisted in the identification and protection of victims of trafficking into all areas of exploitative labour.

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<sup>12</sup> It is recognised that Russia is also an origin country in terms of trafficking. For the purposes of this project, only its role as destination country will be considered. However some of the interventions would be expected to reduce the trafficking from the country also, in particular implementation and regularisation of a system of job placement agencies.

<sup>13</sup> Reports suggest that Russia is a destination country for many Moldovan and Ukrainian trafficked victims and that Turkey is a destination country for the nationals of all the origin countries considered for this project. (See IOM reports). However it should be noted that these are possibly not the most important destination countries for victims of trafficking. Current research suggests that the Former Yugoslavia and Western Europe receive the most victims from these countries of origin. ILO intends, however, that the successful elements of this project might be replicated in the future in other countries of destination with significant trafficking and forced labour issues.

## **International Migration Programme (MIGRANT)**

The ILO's International Migration Programme has been involved in both policy work at the international level, and in country-specific and regional research programmes. It has undertaken research on irregular migration and trafficking of migrants in several countries, including the Czech Republic, Hungary, Lithuania and the Russian Federation. A recent report has been prepared on trafficking in Moldova, as part of investigations into irregular labour markets and restrictive migration policies in Western Europe. The research has also aimed to detect which policies or practices in Western Europe have fed into the growth of trafficking in Europe.

A pilot project has also been undertaken, to reduce the risk of HIV infection and to prevent trafficking in women and children migrant workers for sexual exploitation in Kaliningrad, Russia.

A research kit on female migrant workers is currently being prepared. This aims to enhance efforts of governments, employers' and workers' organizations and other civil society groups to improve the situation of female migrants; and to protect them against discrimination, exploitation and abuse, including trafficking. It will comprise a number of booklets covering different stages in the migration process.

The ILO has placed the issue of migrant workers on the agenda of the 2004 session of its International Labour Conference. A major report is now being prepared on the issue, covering labour migration in a globalizing world, the conditions and treatment of migrant workers, the impact and consequences of migration, and the impact of international standards on conditions of migrants.

### **C. CONCLUSIONS AND RECOMMENDATIONS**

To combat the growth of trafficking in Europe will require major political will by governments and civil society groups. The ILO's major strengths, and its particular contribution to the global efforts to combat trafficking, lie in its tripartite structure, and in its capacity to combine normative activities and the supervision of labour standards with its practical programmes in the areas of prevention and law enforcement.

For the ILO to make its contribution with maximum effectiveness, several things are necessary.

First, building on the Council of Europe policy framework decision and other policy instruments, the international community must realise the seriousness of trafficking for labour as well as sexual exploitation. Because this is a largely hidden area, difficult to research in all parts of Europe, resources must be made available to detect this. The ILO, consistent with its mandate and expertise, has already made a start in this area. It should expect to take a lead in the future, and provide guidance for other national and international actors. An expanded series of studies needs to be undertaken, in all parts of Europe.

Second, it is important to understand the vital importance of labour institutions in action against trafficking. Most of the emphasis has so far been on security concerns, with

justice and immigration authorities the most involved, and with an emphasis on deportation and repatriation as measures against trafficking. There must be greater cooperation between these agents of law enforcement, and labour authorities including labour inspection services and labour tribunals. Measures against trafficking must also include greater attention to contracting and recruitment systems in origin, transit and destination countries. Weakly regulated employment and job placement agencies have often been part of the problem, as agents of trafficking abuse. Improved supervision and regulation of such agencies is recommended, to ensure that they become part of the solution through improved management of migration.

Third, it is important that approaches and programmes against trafficking should not be too rigidly compartmentalized. Law enforcement and victim protection, for example, cannot be seen in isolation from preventive approaches. Adequate prevention will require targeted programmes in the communities and regions from where most of the trafficked victims originate. It will certainly require the kind of employment and skills programmes that the ILO and like-minded agencies have been implementing in different parts of the world. But ensuring that labour institutions carry out their proper function, and are adequately supervised, is an essential aspect of prevention. The weakening of these institutions, with governments turning a blind eye to the growth of the shadow economy and unlicensed recruiting agents, has certainly been one factor behind the growth of trafficking. Renewed attention to these issues can be an effective means of combating it. Labour, police, immigration and judicial authorities need to work in far closer collaboration.

Specifically, the following recommendations are made for follow-up to this conference.

1. A meeting should be held over the next year, focusing specifically on trafficking for labour exploitation. The ILO is prepared to host such a meeting.
2. Governments need to give immediate priority to more systematic data collection and analysis on human trafficking, disaggregated by age and gender. The ILO is ready to provide policy advice and technical support on this subject.
3. A programme should be developed in origin, transit and destination countries, aiming to enhance cooperation between labour authorities and other agencies of law enforcement.
4. In all countries, national plans of action against trafficking should give due attention to the role of labour institutions, both as agencies of job placement, and as agencies for supervising conditions of recruitment and employment.
5. Similarly, national plans of action should identify the role that can be played by employers' and workers' organizations, together with other civil society groups, in comprehensive action programmes against trafficking.
6. Finally, national action plans, policies and programmes should give particular attention to child trafficking.

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