

Vietnamese children trafficked into the UK to cultivate drugs

By Terence Shamuyarira, NSPCC CTAIL

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Tran Van Ho¹ is a sixteen-year-old Vietnamese boy who lived with his grandmother in Viet Nam. His uncle's friend offered to take him to the United Kingdom where he could get a better life and send his grandmother money. 'Uncle Ho', as Tran knew him, took him across Russia and Europe then facilitated his entry into the UK, hidden in a lorry.

When Tran arrived in the UK he called a telephone number Uncle Ho had given him. He was collected by a car and taken to a house where he was locked in and told to irrigate and tend cannabis plants. Tran had to sleep on a quilt under the stairs. He was beaten, threatened with death and told that he needed to work to repay USD 11,000 for his freedom. He stayed in this place for a year and was then relocated to two similar cannabis farms in the UK. Tran managed to run away from the last farm where he was held and sought assistance at a police station where he was immediately arrested for the cultivation of cannabis as a police investigation linked his fingerprints to the three farms.

The National Society for the Prevention of Cruelty to Children (NSPCC) is inspired by a belief that they can make a difference for all children

Partly due to the involvement of the NSPCC Child Trafficking Advice and Information Line (CTAIL) and the acceptance by police and the Crown Prosecution Service (CPS) that he was coerced, Tran was discharged and placed into local authority foster care with support.

Size of the problem in the UK

According to the UK Association of Chief of Police Officers findings, 6,866 commercial cannabis factories were discovered in 2009/10 financial year, compared to 3,032 in 2008/09.

The NSPCC CTAIL works with front line staff who come across children who may have been trafficked into the UK. Since its foundation CTAIL has worked with 82 cases of Vietnamese children who have been trafficked into the UK. All of the children are aged between 13 and



Photo: NSPCC CTAIL Young People's Advisory Group

17 years old and 35 per cent of them are female. Of these cases, 44 children have been confirmed as being trafficked for the cultivation of cannabis.

CTAIL is staffed by social workers who operate from a child protection perspective, highlighting that child trafficking is a form of child abuse and encouraging frontline staff to adopt multi-agency child protection responses to trafficked children.

Trafficking Route

Vietnamese children are usually transported through Russia into the EU. Agents are then able to bring them into the UK by smuggling them in lorries and vans. It is apparent that there is a number of lorry and delivery van drivers who deliberately collaborate with the traffickers, driving the children across the border and 'dropping them off' along UK motorways or at petrol stations. The 'agents' collect the children and take them to houses where they are taught to be 'gardeners' — watering cannabis plants and regulating temperature.

Some children are unaware that cannabis cultivation is illegal and are attracted by the promise of money to pay back the debt they supposedly owe to traffickers or to send remittances to their families in Viet Nam.

¹ Not the real name.

EDITORIAL

Dear Reader,

IOM is pleased to share with you the 10th issue of the *Global Eye on Human Trafficking*! In honour of International Labour Day, this issue of the *Global Eye* places a special emphasis on the complex topic of labour trafficking. As one of our authors asks, is there a line between trafficking for the purposes of forced labour and labour exploitation?

We start to explore these questions with a cover story that describes the exploitation of Vietnamese children in the cannabis industry in the UK. The article illustrates how young people are trapped in an exploitive labour context because of their age and legal status, but also by virtue of their employment in an illegal industry. The evolving practices of police and service providers in the UK in grappling with the difficult issues raised by this form of exploitation may be of particular interest.

We also examine the exploitation of child labour in the cotton industry in Central Asia. As a practice that has persisted since the days of the Soviet Union, this article explores some of motivating factors behind the exploitation of child labour, as well as the different approaches that have been taken by governments in the region to discourage it.

Reliable trafficking data is notoriously difficult to procure, and so we are pleased to be able to share a recent study by the European Institute for Crime Prevention and Control (HEUNI). The study analyses trafficking for labour exploitation in Finland, Poland and Estonia, and pilots a methodology to facilitate the collection and sharing of data on trafficking for labour exploitation among the relevant stakeholders.

Slowly but surely, we are seeing that an increasing number of countries are developing specific national legislation to combat trafficking in persons. To support this trend, we profile the process which resulted in the enactment of Kenya's anti-trafficking law in 2010, and examine some of its key features to protect trafficked persons and punish trafficers.

The conviction of those who traffick people into forced labour and labour exploitation environments remains a rare occurrence in Europe, as in other parts of the world. In our interview with Monique de Vries and Rick Schuurman, both public prosecutors in the Netherlands, we discuss the challenges they faced in prosecuting the first case to be formally recognized as a case of trafficking for labour exploitation in that country.

We hope you enjoy reading.

Sincerely,

Jonathan Martens Senior Specialist International Organization for Migration (IOM)



Photo: NSPCC CTAIL Young People's Advisory Group

One boy was told that he would be paid £4,000 after three months in a cannabis farm. Cannabis farms are sometimes part of larger criminal networks which may include nail salons and brothels. As a result children in cannabis farms tend to have worked in other work environments and are moved around the country.

Responses

The UK Border Agency (UKBA) introduced the National Referral Mechanism (NRM) for Victims of Trafficking (VoTs) which aims to identify children and adults who have been trafficked into the UK, with a view of providing appropriate support and ensuring that traffickers are brought to justice. Police officers, social workers and staff at the NSPCC CTAIL are classified as 'first responders' and will refer child VoTs to the UKBA and United Kingdom Human Trafficking Centre (UKHTC) who will make the decision on whether a person has been trafficked or not.

At first, Vietnamese children found in cannabis farms arrested and placed in Youth Offending Institutes (YOI) across the country. However some organizations were concerned by this approach and suggested that they should be treated as victims of organized crime instead. In response, the Association of Chief Police Officers of England, Wales and Northern Ireland and the Child Exploitation and Online Protection (CEOP) centre acknowledged that a lack of awareness amongst UK police on the need to protect children and adopt multiagency child protection measures had resulted in a high number of trafficked children being convicted for their work on cannabis farms.

It was recommended that children found on cannabis farms should not be prosecuted. A number of police forces have since adopted these guidelines as a code of best practise. This has had significant impact on how children found in cannabis farms are now treated.

The NSPCC notes that due to the guidance now offered to the police, it is now more advantageous for the child when his/her case is referred as potential VoT, prior to the child being charged for cannabis production. However, when cases are referred as a potential VoT when a child is already situated in a YOI, it may become very complicated and challenging to identify a child as VoT and to effect the charges against the child being dropped. Police officials are encouraged to consider all possible evidence to decide whether it is in the public interest to prosecute.

When trafficked children are rescued from cannabis farms, they may be placed in foster care. Sometimes they still carry debt bondage and maintain phone and internet communication with their traffickers. In other cases, traffickers know members of the child's family and must use this to maintain a hold of its victims. Forced with these pressures some children are put under pressure to leave the places of safety and return to the traffickers.

CTAIL works closely with social workers and foster carers to ensure that children are monitored and that they cut the ties with the agents who have exploited them.

For more information please see: www.nspcc.org.uk/ctail

Convicting a case of trafficking for labour exploitation

in the Netherlands Interview by Susanne Schultz

Monique de Vries and Rick Schuurman, public prosecutors in the Dutch District 's-Hertogenbosch, have been involved in the prosecution of the first case on trafficking for labour exploitation in the Netherlands. While Rick Schuurman was the head of the criminal investigation at 's-Hertogenbosch, Monique de Vries was head of the investigation at the Court of Appeal 's-Hertogenbosch.

Could you give a short, overall description of the case, listing the major facts and background?

Monique de Vries: In 2006, a claim was made by the governmental labour inspectors who detected that Chinese workers in a restaurant did not have a permit to work in the Netherlands. Consequently, a police raid was organized that confirmed the suspicion. Moreover, it was believed that the workers might have been the protagonists of a case of human trafficking. Public prosecutor in 's-Hertogenbosch started a criminal investigation, interviewing the Chinese restaurant workers who were working on an illegal basis in the Netherlands. The Chinese migrant workers reported on the considerably poor working conditions they had suffered from. The suspects were the people running the restaurant and contracting migrants to work. In principle, the migrants contracted worked voluntarily. This made the Court in first instance assume that there was no issue of exploitation since the workers had agreed to it.

Rick Schuurman: On that basis, the Court dismissed the case. I did not want to leave it there and I appealed at the Court of Appeal also in 's-Hertogenbosch. The Court of Appeal dismissed the case in 2008 for the same reasons. We decided to ask the judgement of the Dutch Supreme Court in The Hague. The Supreme Court started another more judicial investigation revising all relevant and available regulation, and the legal framework related to counter trafficking. The Supreme Court ruled in 2009 that the verdict of the Court and the Court of Appeal was wrong. The Court of Appeal was ordered to review the case in 2010. This review was lead by Monique de Vries. The Court of Appeal in 's-Hertogenbosch gave a final judgement in October 2010. From this careful revision it became apparent that the consent of a migrant worker is irrelevant and should not deter the state from pursuing a case of trafficking. This meant that the Chinese workers were suspected to be victims of human trafficking working under exploitative conditions, despite being there voluntarily.

Monique de Vries: All illegal Chinese workers were somehow trapped in between their countries of origins and The Netherlands. In fact they had huge debts in their countries of origin and, at the same time, they were completely dependent on the Chinese community in The Netherlands. However, they were still making more money under these conditions than they would have made in China.

The Supreme Court judged the exploitative working and living conditions of the Chinese workers according to the Dutch labour standards. It convicted the woman who was running the restaurant of Human Trafficking. One of the main chiefs was given the same sentence. The second chief was acquitted because he was not actually involved in hiring the Chinese migrant workers.

The woman in charge of the restaurant was in the end sentenced 240 hours of community service as well as 5 months in prison on probation, while the chief was convicted to 5 months in prison and 5 months on probation.

Rick Schuurman: After the end of the criminal case, some of the Chinese migrants may have applied for citizenship and work permits, others may have returned.

Where there any specific challenges in the case? And if so, how were they solved?

Monique de Vries: The whole case was a challenge, due to its specific nature and the fact that it was the first of its kind. This challenge was created by the principle of nonunderstanding of the issue of consent in the context of human trafficking. A great effort was needed to push the case through in court.

We discovered that the migrants had been contracted through an illegal Chinese restaurant. An international investigation was considered, but it would have been too large an investigation to be pursued.

Were there any reactions from the press or from the public present in court?

Rick Schuuman: The case attracted the attention of the press. E.g. there was the KRO (National Network for Radio and Television) that followed the whole case and its progress by distributing news on the national radio. Moreover local newspapers picked up the case and also several legal journals reported on the

Has there been any similar case focusing on human trafficking for forced labour since?

Monique de Vries: The case was the first of its kind. Until then, the focus had clearly been on trafficking cases for sexual exploitation. However, since this case, several cases on trafficking for labour exploitation have been pursued. One case was detected in an Indonesian restaurant, and there has been evidence of migrants from Eastern European countries working on farms under exploitative conditions.

Rick Schuuman: Overall it is very unlikely that a large number of cases on trafficking on labour exploitation have been found since then, because the final ruling of the Supreme Court only dates back to September 2009.

Monique de Vries: There have been multiple cases where labour inspectors were given fines (between 8.000 and 16.000 EUR) to employers who have not respected national labour standards. These cases are directly covered by the Ministry of Social Affairs that has set specific standards for labour conditions. It is only in a very few number of cases, that a criminal investigation is started. To that end, a case needs to be related to a concrete criminal offence such as trafficking in human beings. Otherwise, cases are met with administrative fines and relate to a labour investigation.

Did this case have any consequences in terms of legal development, employment policies and/or public opinion in the Netherlands?

Monique de Vries: In the juridical way of thinking the issue of trafficking for labour exploitation was a grey area before. Thus the case has set new standards. In Amsterdam, labour inspectors are also observing in clubs, but do primarily use administrative fines for exploitative employers not sticking to official labour standards. The criminal law is not always used: it depends on the case. Its application is, however, required, when it comes to illegal offences which are more serious, like, in this case, human trafficking. The final verdict of the case of the Chinese workers does, in fact, clarify the law in that regard. It thereby broadens the juridical and criminal instruments and understanding.

Rick Schuuman: The case has had an impact on persons working with the law. The Supreme Court has really set a new standard that the issue of consent is not relevant for being a case of human trafficking.

Given this example, would you have suggestions or advice about prosecuting human trafficking for forced labour that could be considered in other countries despite the fact that each country has different legislations and procedures in place?

Monique de Vries: The advice is to read what the treaty and the international rules really means! Moreover, to carefully investigate and learn about the background of the persons involved in the case. \Box

One Child exploited is One Child too many – Youth turning the tables on the global sex trade in children

By Cheryl Perera, founder of OneChild

Seven months have gone by since the Austrian chef blew cigarette smoke at me as he detailed how he groomed the street boys for sexual exploitation. But I was prepared: I had been briefed by the Cambodian branch of "Action pour les Enfants", who had helped me to get the interview with him at the Prey Sor prison.

I knew that the victims of the 65 years-old chef had been two 14 year-old boys. Moreover, I knew that the chef had lured the boys into his home with the promise of paying them five dollars per sexual encounter. But what I didn't know was the rationale behind his actions: the boys' sexual services in exchange for the money and shelter that he provided.

Arriving in Southeast Asia a month before and determined to investigate the goings-on in one of the major 'child sex capitals' of the region, I would never have guessed that I would walk through the deserted Cambodian village of Svay Pak. I felt as if I had been thrown back to a time when it was famous for trading in very young Vietnamese girls. I would have never guessed that I would conduct surveillance on a suspected German national at the grounds of the Royal Palace as he 'frolicked' with young boys; and speak with a grown-up survivor of child prostitution who spends her life in a psychiatric hospital as a result of the trauma that she endured.

Then again, I had been in a similar situation before—although on that occasion, it was the eve of a risky undercover operation where I actually would be in the spotlight. It had just been a few months before that I was researching for a project in my 'Civics' class and I stumbled upon a description of the phenomenon of child prostitution in the notorious red-light district of Patpong, Thailand. I was sixteen years old at that time and as these children were my age and even younger, my entire worldview was turned on its head. I could not see myself as a bystander to such a crime. I felt implicated and began to read through books and speak with children's rights organizations to obtain more facts. But it wasn't enough. I felt the urge to meet my peers in Asia and learn how a teenager like myself could contribute to a solution to the phenomenon on child trafficking. Soon after discovering this reality, I managed to convince my parents and my high school principal to allow me to take a 3.5-month leave from school to travel on a 'whirlwind' investigation on child exploitation, particularly on child sex trade, in Sri Lanka.

Upon arrival in Sri Lanka, I was seeking an opportunity to gain a better understanding of the inner workings of the child sex industry

in the country. I quickly made contact with the National Child Protection Authority who asked me to participate in an undercover STING operation to track down a suspected child sex offender. The potential child sex offender was a 40 year-old married man, with two children, employed in a high post in a multinational firm. The man had posted his desires on a child pornographic site and in the undercover operation and I was supposed to be the decoy: a 15 year-old child pretending to

meet the potential child sex offender to fulfill his sexual desires. Prior to the operation, I was trained by the police, practiced a false accent, learned how to handle spy technology, and was ready to negotiate my price. Yet despite this preparation, it was extremely challenging to spend an hour with that man and remain calm as he graphically detailed what he was expecting from me. Nevertheless, after one hour the police had enough evidence to apprehend him. I will never be able to understand the trauma endured by child survivors of sex trafficking, prostitution, and pornography, but on that day, I was able to get a slight impression of their suffering.

After that experience, I made a silent promise to do everything in my power to make a difference in the lives of children, to every child who shared their stories of exploitation and made recommendations for action. Motivated to keep this promise, I returned to Canada eager to take action in my own backyard, particularly, on the role that Canadians play in perpetuating the phenomenon of child sex tourism (CST). I quickly mobilized my friends - some were as young as 13 years-old - and formed my 'dream team' of teenagers who designed a unique youth-driven campaign to lobby our national airline, Air Canada, to screen a video to warn against the legal, social, and humanitarian consequences of engaging in this crime. Our campaign included a petition to Air Canada which garnered thousands of signatures from young people under 25. Moreover, we added a home-made video to our petition. One month after our meeting with Air Canada, we were delighted to hear that our video would be shown on both domestic and international flights with a viewership of over 22 million passengers to date. In the meantime, the initiative has even been identified as best practice by the UN World Tourism Organization's "Task Force to Protect Children from Sexual Exploitation in Travel and Tourism".

Shortly after this success, our 'dream team' became the founding members of



OneChild - a movement of children and youth taking action against child sex slavery through public education, advocacy, and child survivor support (prevention, rescue, rehabilitation and reintegration). To date, the young people of OneChild have raised USD 185,000 through car washes, bake sales and fashion show fundraisers to construct two rehabilitation centres for child survivors of sex trafficking and tourism in the Philippines. From schools to UN agencies, we have traveled through numerous countries telling the stories of exploited children and inspiring more than 30,000 individuals to join our cause. We have collaborated with two Canadian children's rights organizations to expand our campaign and to mobilize Canadian airports, travel agencies, other airlines and consulates to disseminate awareness-raising material on

And the actions that OneChild take continues. Many young people have said they are inspired by our work. They return to their communities to raise awareness and sorely-needed funds to support our projects that provide relief to child survivors in Cambodia, Thailand, and Brazil. Join us and become part of this youth movement turning the tables on the child sex trade:

- Visit us at www.onechild.ca and get educated about the commercial sexual exploitation of children.
- Speak Out! Write an article in your school newspaper, give a speech (we'll help you draft it!), or start a petition to your government and ask them what they are doing to combat child sex trafficking.
- Support OneChild by holding your own fundraiser or sign up for our 4-step awareness and fundraising campaign, Break the Chains. □

For more information please contact us at info@onechild.ca

The demand for sex trafficking in Japan By Shihoko Fujiwara, Polaris Project Japan

Japan has a long history of human trafficking. Since the 1970s, Japanese grassroots NGOs have helped and assisted trafficked women coming from other Asian countries. It was only in 2001, however, that the Japanese government began keeping record of the number of persons involved in cases related to human trafficking in Japan. After the U.S. State Department placed Japan on a Tier 2 "Watch List" in its annual Trafficking in Persons (TIP) Report in 2004, the Japanese government launched a National Action Plan to Combat Human Trafficking in 2005.

Polaris Project Japan was launched by committed Japanese volunteers in 2004 as a satellite office of the U.S.-based Polaris Project. The mission of the organization is to have a world without slavery. This project has been developed on the basis of the extensive previous experience of operating a hotline for trafficking related cases and providing client services to train thousands of police, immigration officers and social service providers. The hotline receives about 400 calls and handles approximately 35 to 40 human trafficking-related cases every year. Most of these cases concern the exploitation of Japanese and non-Japanese women and children in the sex industry.

Understanding Demand

Selling people through commercial sexual exploitation exists mainly because of an overwhelming demand for forced commercial sex. In fact, there is more demand from individuals who choose to buy sex than realistically can be met by individuals who choose to sell sex. At this stage, human traffickers step in to meet this disproportionate demand by forcing women and children into the commercial sex trade.

When we rescued "Cecilia", a prostituted woman, she was weak and emaciated from not taking medicine essential to treat her chronic disease. Despite her illness, she had had to work a full schedule, serving two to three customers a day.

Another case was "Miki", a 13-year-old Japanese girl who was, during two months, forced to have sex in exchange of money. Her traffickers used "matchmaking" websites to find men who were willing to spend money for her services. During these two months, she was obliged to have sex with more than 60 men. some of whom she explained, were the same age as her grandfather. None of these men took any action to help the girl, even though she was clearly a minor who had been caught in the net of sex traffickers. This case is shocking, but, as an anti-trafficking organization, we can learn something about the mentality of those

individuals who create the demand for human trafficking.

A Sophisticated and Massive Sex Industry

One of the unique characteristics of the Japanese sex industry is that it is widely tolerated and can be found in any city in the country. Some businesses are easily recognizable, while others advertise only on the Internet. They stretched from cheap "pink salon" bars where some sex services can be bought for as little as USD 30, to "soaplands", another term for high end brothels. There are dozens of different types of prostitution in Japan. According to the National Police Agency, in 2010 there were about 15,000 registered escort service businesses in the country. Of course, this number does not take into account those businesses operating illegally.

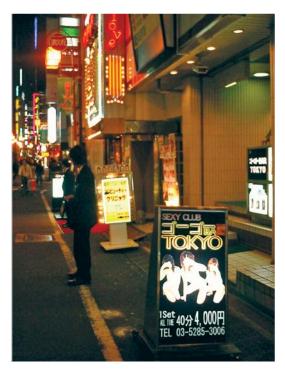
In the past, it had become common practice for sex traffickers to abuse a type of visa, known as an 'entertainment visa.

to enable young women, in particular Filipinas, to come and work in Japan. In 2003, more than 80,000 of these visas were issued to Filipino women. Although this visa is designated for jobs such as singer or dancer, many of these women were employed in bars and some of them were forced into prostitution. Most of the Filipino victims Polaris Project Japan has assisted came to Japan on an entertainment visa. Recently, however, immigration policies have become stricter, and the number of entertainment visas issued to Filipino women has decreased significantly. But sex traffickers always find a way to profit: Since then, many of the trafficked women Polaris Project Japan has assisted have come to Japan on student, spouse, or tourist visas.

The Commercial Sexual Exploitation of **Children and Recent Actions to Combat It**

In this context, the commercial sexual exploitation of children is a major problem in Japan, where more than 5,000 cases of child prostitution and child pornography are reported every year. Although the victims are mostly Japanese children, these numbers also include children who are trafficked from overseas to work in the sex industry.

Polaris Project Japan clearly condemns the exploitation of children: This crime must be stopped. Recently, the national government and several prefectures have started initiatives to protect children from commercial sexual exploitation: The government of Japan issued a Plan for the Elimination of Child Pornography committing Japan to implement a national campaign to tackle this crime and enforce



stricter regulation to any parties involved in child pornography. Some prefectural governments are taking more progressive steps to expand the definition of pornography and also convict the possession of pornographic material as illegal. While Polaris Project Japan is excited to see these changes, it is also apparent to us that Japan has a long way to go toward eradicating sex trafficking: To that end, proactive measures need to be taken to better regulate the sex industry and the demand for commercial sex.

Future Steps for Japan

Policies surrounding prostitution are a sensitive topic, but one thing that can be adjusted is to take stricter measures against illegal sex businesses that traffic people. There are still too many loopholes, such as the entertainment visas and false marriage, which allow exploitation in this industry to happen. Victims of sex trafficking are made more vulnerable by their illegal status and by the nature of their work. In fact, it is very difficult to report human abuses in the sex industry because of the stigma that people face being trafficked for sexual exploitation. Raising the awareness of the general public is key to increasing crackdowns on cases of trafficking. Educating young people about human trafficking may make them reconsider the acts of buying and selling sex that are well established in society. Polaris Project Japan will continue to work with NGOs, governments, and IOM Japan's human trafficking team to eradicate this crime in the country.

For more information, please visit: www.PolarisProject.jp.

Trafficking for forced labour in Finland, Poland and Estonia

By Natalia Ollus & Anniina Jokinen, HEUNI



HEUNI (The European Institute for Crime Prevention and Control, affiliated with the United Nations) has recently published a new three-country study about human trafficking for forced labour in Finland, Poland and Estonia.

The main outcome of the study is that the level of awareness of trafficking for forced labour is generally low in the three countries researched, and that situations of exploitation are difficult for authorities and other actors to recognize. While Finland is a destination country for trafficking for forced labour, Estonia is mainly a country of origin, and Poland is both a country of destination and origin. Both Finland and Poland are destination countries for victims of human trafficking coming mainly from Asian countries, Eastern European, or Balkan countries as well as other EU Member States. Given the current high unemployment rate and the decrease of the average income in Estonia, the risk of being trafficked for forced labour and labour exploitation for Estonian nationals who seek employment abroad has increased.

The research uncovers situations of exploitation in agriculture, shipping, construction, restaurant and the service sector, as well as in commerce, seasonal jobs and domestic work. Migrant workers suffer from various forms and degrees of exploitation. In the most serious cases, the exploitation amounts to trafficking for forced labour. Workers are very often paid low salaries and sometimes they may even receive no salary at all. Often they find themselves under constant supervision and dependant on their employer. Long hour working shifts during 6 or 7 days a week can be quite common. The affected persons may have signed work contracts in languages they do not understand. Moreover, the freedom of movement may be restricted with passports and money retained. This keep victims isolated and unaware of their rights and the

unacceptable terms of employment in the country of destination. Perpetrators are often Estonian, Finnish, or Polish nationals, but the study's findings show that both in Poland and Finland, a significant share of the identified perpetrators were of the same nationality as the victims themselves.

According to the research, the problems regarding the identification of victims and cases of human trafficking, as well as the provisions of victim assistance are similar in all three countries studied. It is rare for victims of trafficking for forced labour and/or labour exploitation to contact local and/or national authorities on their own. Often the persons affected do not identify themselves as victims of trafficking and may be afraid of the authorities. They may also be afraid of having to leave the country and losing their job should they complain about their situation to anyone. The three-country study confirms that the phenomenon of trafficking for forced labour is particularly hidden. It can thus be concluded that the cases that come to the attention of the authorities represent merely the tip of the iceberg.

In Poland, where court judgements on trafficking for forced labour do exist, the research suggests that there are still major problems in raising the awareness of the authorities and of the general public towards the phenomenon. In fact, only very serious and obvious cases are identified as trafficking for forced labour, while cases with more subtle forms of exploitation are not necessarily identified. As such, affected victims may have problems getting the help they need.

There are no courts judgements on trafficking for forced labour in Finland, yet instead, such cases are often dealt with as extortionate work discrimination or other work-related offences. Insufficient awareness on trafficking for forced labour and/or labour exploitation among relevant local and national authorities and actors, as well as stereotypical thinking of trafficking for forced labour existing only in terms of extreme slavery, hinder the identification of trafficking victims.

In Estonia, no specific criminal prohibition of trafficking in persons exists. The research suggests that the level of awareness of trafficking for forced labour is very low not only among the relevant authorities, but also among the general public. It seems that relevant cases never reach court or they are dealt with as fraud cases.

The study concludes that in all three countries studied, practitioners need to be better educated on the elements that constitute trafficking for forced labour and/or labour exploitation to improve the identification of potential victims. Victims also need assistance and help to overcome their ordeal and to be

able to partake in criminal proceedings, if required. Therefore, specific low-threshold services targeted to the victims are needed in all three countries. For instance, Finland has a National Rapporteur on Human Trafficking. According to the research, it would useful to establish such independent offices in Estonia and Poland as well. In addition, more significant resources, including capacity building and funding, for authorities, NGOs as well as other relevant actors are needed to combat human trafficking in general, but especially for forms of forced labour and labour exploitation in all three countries.

One specific outcome of the research project is a pilot methodology for collecting information on trafficking for forced labour. Since the phenomenon of human trafficking often remains hidden and data is scarce, the researchers involved in the study developed a pilot methodology which utilises a variety of potential data sources. The methodology relies mostly on qualitative data and is particularly suitable in situations where only limited information on trafficking for forced labour exists. The pilot methodology consists of three parts: a comprehensive table listing possible data/information sources; a suggested research methodology, and; an analytical framework focusing on the concrete elements of trafficking for forced labour. While the methodology does not provide a template for data collection, it provides a suggestion as to how to study trafficking for forced labour and labour exploitation in different settings. It therefore provides an important addition to the discussion on the measurement of the phenomenon of trafficking in human beings.

The research report is the first one of this extent in Finland, Estonia and Poland. Overall it covers the years 2004–2010. The research was carried out with the support of the Programme "Prevention of and Fight against Crime" of the Directorate-General Justice, Freedom and Security of the European Commission.

Report: Trafficking for Forced Labour and Labour Exploitation in Finland, Poland and Estonia. Anniina Jokinen, Natalia Ollus and Kauko Aromaa (eds.). HEUNI Reports 68. Helsinki: HEUNI. 2011.

Country report Finland: Work on Any Terms: Trafficking for Forced Labour and Exploitation of Migrant Workers in Finland by Anniina Jokinen, Natalia Ollus and Minna Viuhko.

Country report Poland: Trafficking for Forced Labour in Poland by Zbigniew Lasocik and Łukasz Wieczorek.

Country report Estonia: Trafficking for Forced Labour and Labour Exploitation in Estonia by Maris Kask and Anna Markina. □

The report can be downloaded at: www.heuni.fi

Cotton production and use of child labour in Central Asia

By IOM Central Asia

Despite ratification of the relevant international conventions and protocols, adoption of national laws forbidding child labour in cotton harvest, and assurances from the governments to completely eradicate child labour in the region, the practice of exploiting child labour – including forced labour – persists in Central Asia.

Cotton is cultivated in all Central Asian countries, and almost everywhere cotton is picked manually. Although officially prohibited in all Central Asian countries, the use of child labour in the cotton harvest has been and still is a common practice since the Soviet era.

During Soviet times, the five republics of Central Asia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan were the main suppliers of cotton for the whole Soviet Union. In order to meet the Soviet demand for cotton and fulfill production quotas which were developed by Moscow, the governments of the Central Asian republics used child labour to harvest cotton when faced with severe technical and financial resources.

Twenty years have passed since the collapse of the Soviet Union. Countries of Central Asia are sovereign states and carry out independent economic, social, foreign and domestic policies. However, the exploitation of children in cotton harvesting persists in all Central Asian countries though the practice varies broadly.

Kazakhstan and Kyrgyzstan no longer have a centralized policy to exploit children in cotton harvesting. These countries have more liberal economic and rural policies than other Central Asian countries. Markets are not tightly controlled by governments and farmers engaged in the business of cotton production have resources to pay decent wages to adult workers.

While in Turkmenistan the government officially prohibits the use of child labour, information about the 'real' situation of child labour practices in the country is lacking in the public media. Nevertheless, the President in Turkmenistan has introduced liberal policies such as permitting farmers to sell surpluses of cotton at the stock exchange. If farmers would do so, they would get more money and would be able to pay adult cotton workers for harvesting cotton. Now there is a hope that such a policy can lead to the creation of an environment to reduce the use of child labor in the cotton fields of Turkmenistan.

In 2010, International Organization for Migration (IOM) in Tajikistan, with the authorization of the Inter-Ministerial Commission on Combating Trafficking in Persons under the Government of the Republic of Tajikistan, implemented the project, "Assessment of the Exploitation of Children and Students in the Cotton Fields of Tajikistan".



During the course of this project, 15 local NGOs conducted independent monitoring visits in the 25 cotton growing areas of the country. The information gathered from these visits was later complemented with selective interviews of school children, students, parents, teachers and directors from local schools, as well as staff from the district departments of education. A handful of reports indicated that a small number of children had participated in the annual cotton harvest. A female student in the secondary school in the Farkhor district (Khalton Province) explained during the open discussions that on 6th October 2010 only six students were attending school. The other students voluntarily went to the cotton field early in the morning, when they heard that the landlords were offering 0,50 Somoni (about USD 0.11) for 1 kg of picked cotton. Another female student said that she was also picking cotton for three days in a row. She explained that she had to pay 21 Somoni (about USD 4.71) to rent her school books.

The efforts taken by the Tajik government prevent large-scale exploitation of schoolchildren and students had a mark of initial success. They were also the result of the initiative of the country's President to Parliament in 2009 discouraging this practice, as well as the instruction to relevant ministries and government agencies in 2010 to intervene in the recruitment of children in agricultural works as part of the national Law "On Education". Another reason for the observed decrease in the use of children in the cotton fields was the global increase in raw cotton prices, which made it more favorable for adult farmers to pick the cotton themselves in order to send the yield to the market faster.

In Uzbekistan, the situation is different. As a result of the boycott of Uzbekistan's cotton by the world retail garment companies, such as Tesco, Walmart, Levi Strauss, Gap, Marks and Spencer, H&M, and others¹, in 2008 Uzbekistan ratified the ILO 138 Minimum Age for

Admission to Employment Convention and the UN 182 Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. In addition, forced child labour was forbidden by the provisions of the Administrative Code and Criminal Code of Uzbekistan, and the National Program on Prevention of Forced Child Labor has been established.²

According to Human Rights Watch's "World Report-2011: Uzbekistan," the situation of forced child labour in cotton harvest, often referring to children as young as 10 years-old, does not seem to be improving.3 In an interview to Inter Press Service the UNICEF Representative in Uzbekistan, Mr. Jean-Paul Delmotte stated: "UNICEF and other groups claim children were still being forced to pick cotton in 2010".4 The website of the NGO Uzbek-German Forum for Human Rights reports on the practice of child forced labour in the Uzbekistan cotton harvesting of 2010. It states that children were taken from primary and secondary schools to cotton fields to work for two months in autumn instead of going to classes. Despite the fact that accommodation and meals were provided, conditions of work were quite difficult.5

Forced child labour in the cotton fields of the Central Asian countries remains a shameful practice, which is not only harmful for the physical and mental health of the children, but also clearly violates their rights as children and human beings. Some progress has been made, but more needs to be done.

Online available at http://www.uznews.net/news_single. php?lng=uz/&sub=&cid=2&nid=7547

Online available at http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=87 7&chapter=13&query=Uzbekistan%40ref&highlight=&querytype=bool

³ Online available at http://www.hrw.org/en/world-report-2011/uzbekistan

Online available at http://ipsnews.net/news.asp?idnews=54511
 Online available at http://uzbekgermanforum.org/2011/02/01/a-chronicle-of-forced-child-labour-issue-3/

Different forms of exploitative labour -how to draw the line?

By Julie Platou Kvammen, National Police Directorate (Norway)

In our globalized world, there is an unprecedented flow of services and labour into every continent and nearly every country. IOM estimates that the number of international migrants worldwide has increased from 150 million in 2000 to 214 million today. Migrants are among those least protected groups that are particularly vulnerable to exploitation and other harms. Hence, they risk falling prey to human traffickers or end up in other exploitative labour conditions.

There is large diversity of exploitative labour situations. The lack of a clear defining line between exploitative labour conditions or "social dumping" on one hand, and more aggravated exploitation in forms of "forced labour" and "human trafficking for forced labour" on the other, is in itself a challenge.

Defining forced labour, human trafficking for forced labour and social dumping

The concepts of social dumping, forced labour and human trafficking for forced labour are terms often confused or contextually misunderstood.

What is forced labour? The internationally recognised definition of forced labour is found in ILO Convention no. 29 (1930). In essence, persons are in forced labour situations if they enter work or service against their freedom of choice and cannot leave it without penalty or the threat of penalty. According to ILO, the penalty does not have to be physical punishment; it can also take other forms such as psychological punishment or the loss of rights or privileges.

What is human trafficking? The Trafficking in Persons Protocol supplementing the UN Convention against transnational organised crime (2000) was the first international legal instrument to define and criminalize the act of human trafficking. In essence, human trafficking is the process of bringing a person into a situation involving a series of actions with the final purpose of exploiting that person.² UNODC's Global report on human trafficking (2008) reflects that sexual exploitation is the most commonly identified form of trafficking (79%) followed by forced labour (18%).³

What is social dumping? There is no international definition of social dumping, however it is a term used to describe labour situations characterised by breaches of health, environmental and safety regulations, including regulations related to working hours and unacceptably low wages (depending on the context). Social dumping is often referred to in the context of unequal labour markets whereby working conditions of migrant workers differ from those of national workers.



Despite possible grey areas, social dumping will not usually entail coercion or deprivation of liberty.

Why is it important to distinguish these concepts?

Forced labour and human trafficking are two interlinked, yet distinct crimes. Human trafficking is related to a variety of different exploitative forms, among others forced labour. Important to note, is however, that not all forms of forced labour are a result of human trafficking. Forced labour can be criminalized as a stand-alone offence or in the context of anti-human trafficking legislation. Moreover, in several countries social dumping is criminalised as a stand alone-offence in the penal code or regulated in labour laws.

Along the line of exploitation, social dumping represents the "lesser" and more subtle form of exploitation, while forced labour and human trafficking for forced labour represent the more aggravated exploitation. However, there is no clear point marking the beginning and end of an 'exploitation scale' and the case law related to this matter has been limited to date. Likewise, the absence of a clear definition of "exploitation" makes it difficult to know where to draw up the marking points.

The result is that it is difficult to identify what form of exploitation a person may be a victim of. Due to the grey areas between the concepts, potential trafficked victims may risk that they are not identified as such, hence could fall outside the scope of existing support mechanisms. Another consequence may be that others whose labour rights have been violated risk being ignored on the ground that they do not "qualify" as victims of trafficking or forced labour, alternatively. A case in Norway from 2009 reflects one possible outcome of the lack of drawing up these lines: a group of 15 Ukrainians were employed by one municipality in Norway as health personnel working in the health sector. The working conditions were

considered as exploitative and they were identified by the labour union as potential victims of human trafficking. However the immigration authorities did not recognise this as a case of human trafficking, but rather as one of social dumping. As a result, the persons were not identified as potential victims of trafficking by the authorities and they were hence denied the full range of rights and assistance offered to potential victims; yet at the same time the persons were assisted and returned to their home country.

During the last decade, combating human trafficking has received increased attention by governments. However, the identification of trafficked victims is still a challenge due to a relatively little understanding of the concept in all its facets. It is thus important to enhance the knowledge of stakeholders by focusing on the different forms that the crime involves and on how to distinguish trafficking for forced labour from other forms of exploitative labour.

A substantial number of court cases is needed to help distributing different types of exploitative labour situations. In the absence of elaborate case law, efforts should be made to provide guidance to authorities, criminal justice actors and victim service providers in the concrete determination of each case. This could reduce the risk of inappropriate responses, whereby victims, migrants and other vulnerable groups are denied their rights and access to corresponding support and protection measures.

Forced labour, human trafficking for forced labour and social dumping are concepts that encompass the exploitation of vulnerable persons. Whether a person is recognised as a victim of trafficking, forced labour or subjected to social dumping, irrespective of what set of legal framework is applicable, the essential point is that her/his rights have been violated (albeit to different degrees). In practice, it may be difficult to make these different concepts operational. However, at the moment, they are the only ways to legally identify the forms of exploitation and to prosecute them as criminal cases. It is thus important to draw up the fine lines between the different forms of exploitation for the benefit of the affected persons and to effectively protect their rights. 🗖

* the views expressed herein are those of the author and do not necessarily reflect the views of the National Police Directorate.

Online available at http://www.ilo.org/ilolex/cgi-lex/ convde.pl?C029

Online available at http://www.unodc.org/unodc/en/ treaties/CTOC/index.html

³ Online available at http://www.unodc.org/unodc/en/humantrafficking/global-report-on-trafficking-in-persons.html

IOM's response to trafficking: An evaluation by Norad

Since 1997, the International Organization for Migration (IOM) has worked to counter the trafficking in persons through the implementation of almost 800 projects in approximately 100 countries to date. In the course of this effort, one of IOM's most supportive donors has been the Norwegian Ministry of Foreign Affairs and the Norwegian Agency for Development Cooperation (Norad). In 2010, Norad commissioned an substantial external evaluation of IOM's efforts, relying on a review of IOM project documents, analyses of case studies, field visits to a selected number of IOM country missions that had implemented Norwegian government-funded projects, and an on-line survey of IOM staff, as well as partner organizations and a broader group of stakeholders.

Among the findings and recommendations, the report encourages IOM to increase its current efforts to expand victim support

services to vulnerable migrants who may or may not meet the definition of a 'victim of trafficking'. It notes "...rather than emphasizing the provision of assistance once a migrant has been identified as falling into a specific legal or administrative category, such as victim of trafficking, [IOM] has encouraged a more flexible approach that prioritizes 'needs-first' assistance." In the view of IOM, in addition to being more equitable, such an approach reduces the pressure to decide prematurely whether an individual is a victim of trafficking, and allows for a process of direct assistance provision during which trafficking indicators are more likely to be revealed.

The report also supports the ongoing discussion within IOM about the effectiveness of information campaigns as a means of preventing trafficking. Such campaigns generally maintain, as

their point of departure, the assumption that the target group is unaware of the dangers of human trafficking. There is little evidence to support this assumption, however, and more information campaigns would benefit from baseline assessments of the awareness levels of the target group prior to roll-out, as well as impact assessments to determine effectiveness once a campaign has run its course.

IOM is looking closely at these and other recommendations contained in the evaluation report with a view to further evolving its response to trafficking in persons. □

The entire evaluation can be retrieved at: http://www.iom.int/jahia/webdav/shared/ shared/mainsite/activities/ct/Evaluation-IOM-CT.pdf

The Kenyan National Assembly enacts the Counter Trafficking in Persons Act 2010 By Alice Kiman, IOM Nairobi

In July 2010, Kenya has for the first time enacted specific legislation to address human trafficking. Prior to that, a draft bill was presented to the Parliament of Kenya in January 2009 as a private members initiative supported by Honourable Millie Odhiambo. The genesis of the draft was the increased and unexplained disappearance of children in the country and a scandal relating to a pastor who claimed to deliver 'miracle babies' a few years back1. At the time, Millie Odhiambo was working for an NGO advocating for the rights of the child, namely The CRADLE-The Children Foundation. Millie Odhiambo presented an initial draft of the legislation to the Kenyan Attorney General (AG) in 2005.

The AG was very enthusiastic about such legislation and followed up immediately by supporting a legal drafter from the chamber to lend his technical expertise to make the law more comprehensive.

IOM acknowledges the support of the Royal Norwegian Embassy in Kenya who provided funding towards this process within the framework of the Counter Trafficking Project in Kenya. Through a legal consultant, IOM provided financial and technical support to ensure the draft was consistent with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The final draft was a collaborative effort of a legal subcommittee comprised of the IOM, the United Nations Office on Drugs and Crime (UNODC), the Federation of Women Lawyers in Kenya (FIDA-K), The CRADLE-The Children



Foundation, the Law Reform Commission, and the Children's Department in Kenya.

The draft developed by the legal subcommittee was presented to the Parliament of Kenva in January 2009. Throughout the process, the legislative initiative received enormous support from parliamentarians who made valuable contributions during various debates on the issue. Thus, parliamentarians recommended terms of 30 years imprisonment for the offence of human trafficking, and acts done to promote and facilitate human trafficking up to 15 years. In addition, fines were enhanced from Kshs 15 million (USD 180,000) to Kshs 30 million (about USD 357,000), whereas repeat offenders were made liable to life imprisonment. The Act, derived from the Palermo Protocol and adapted to the local Kenyan context includes a section on victim assistance. This is a relatively new approach since - to date - the area has seldom been addressed within the Kenyan criminal justice system. On that basis, the Act creates a Victim Assistance Fund, and exempts victims from criminal liability for actions committed as a result of their trafficking experience. The Act also allows foreign victims of human trafficking to legally work for gain in Kenya, and provides for restitution. Additionally in the event that it is not possible for a victim to return to their country of origin, the responsible Minister may allow a victim to remain in Kenya.

IOM looks forward to the formation of the Advisory Committee, an inter-ministerial body created under the Act and responsible for formulating a comprehensive and integrated programme to prevent and suppress trafficking in persons, enhance protection for victims of trafficking and promote prosecution.

¹ This is in reference to a Kenyan pastor based in the UK who claimed to have special powers to give infertile couples miracle babies. The miracle babies were linked to the disappearance of new born babies at a local hospital in Nairobi and the pastor is wanted in Kenya to answer related charges.

PUBLICATIONS & EVENTS

Beneath the surface. Methodological issues in research and data collection with assisted trafficking victims, by Rebecca Surtees and Sarah Craggs, 2010



Recent vears have seen increased attention to research and data collection on the issue of human trafficking. Many early trafficking studies sought to understand the nature and scope of human trafficking. More recently,

trafficking studies have considered a wide range of topics including methodological and ethical issues when conducting research and data collection. Nevertheless, there is some debate about the current quality and integrity of research and data collection in the trafficking field. This NEXUS Institute and IOM authored paper draws upon one particular approach - the IOM human trafficking database which

collects data from assisted trafficking victims - as a means by which to discuss current data collection and research efforts and, equally, as a lens to draw some lessons and suggestions for future research and data collection initiatives.

The report examines some of the issues faced when undertaking research with assisted trafficking victims – for example, data quality and comparability, relationships and boundaries between service provision and research, representatively in trafficking research and assumptions, biases and agendas in trafficking research and data collection. It is hoped that by making explicit some of the strengths and also limitations of data collections with assisted victims, and more specifically what can be learned from the example of the IOM database, that research drawn from these data can be read and understood in this context, including what this information does (and does not) tell us about trafficking (and trafficking victims). This lines up with discussions which are increasingly taking place in the anti-trafficking community about the need for greater attention to and exploration of the methodological and ethical issues in the context of the research done and findings presented. Better understanding the limitations of trafficking research and data helps in a better understanding of the issue which, in turn, supports informed decisionmaking, policies and programming. This, in turn, is critical in ensuring that anti-trafficking interventions meet the needs of trafficked persons. The project is jointly implemented by IOM and NEXUS Institute and generously supported by the United States Department of State (Office to Monitor and Combat Trafficking in Persons)'

NEXUS Institute:

http://www.nexusinstitute.net/

Available online at:

http://publications.iom.int/bookstore/free/ beneath_the_surface.pdf

'Trafficking for Begging: Old Game, New Name', by Iveta Cherneva, 2011



The publication focuses on the industry of exploiting persons as beggars and revealing it as a form of human trafficking. Apart from the legal and social discussion, the study looks into psychological theories as to why people give money to beggars and

concludes with recommendations in form of public campaign messages to break this cycle.

Available online at: http://www.amazon.com/ Trafficking-Begging-Game-Name-ebook/dp/ B004J4X1AE

Virtual Knowledge Centre to End Violence against Women & Girls: UN WOMEN



This knowledge hub is a 'one stop' service online resource that offers leading tools and evidence on what works to address violence against women and girls, e.g. addressing trafficking in women and girls It provides recommendations, policy programme evaluations and assessments, from practitioners' experiences from around the world. This initiative of UN Women combines contributions of expert organizations, individuals, governments, United Nations sister agencies, and a wide range of relevant actors.

Available online at: http://www.endvawnow.org/

Responses to Human Trafficking in Bangladesh, India, Nepal and Sri Lanka, UNODC 2011



The United Nations Office on Drugs and Crime, Regional Office for South Asia, (UNODC ROSA) and the UN Women, South Asia signed a Memorandum of Understanding and they committed to strengthen the existing cooperation

in dealing with the organized crime of human trafficking in the South Asian countries of Bangladesh, Bhutan, India, Nepal, Maledives and Sri Lanka. Facing the need to identify gaps in national legal frameworks for adequately respond to human trafficking, this report looks at the law and policy, especially in the context of the Protocol, supplementing work already available in different studies.

Available online at: http://www.ungift.org/ doc/knowledgehub/resource-centre/UNODC UNGIFT Responses to Human Trafficking in_Bangladesh_India_Nepal_and_Sri_Lanka. pdf

'Exploitative Labour Relations and Legal Consciousness of Irregular Migrant Workers in the Netherlands', by Tamara Butter and Marleen Verhagen, 2011

The study looks into the problem of migrants as potential victims of trafficking in the Netherlands. It presents a theoretical framework on international and national law, jurisprudence and literature on migration and trafficking themes. Moreover, it offers an insight on the migrants prospective regarding labour rights through primary interviews with irregular migrants previously working in the Netherlands and migrants held as aliens in detention centres. The research findings

underline that, on the one hand, institutional reforms at the (sub-)state level as well as individual understanding and willingness to enforce labour rights are necessary conditions in order to combat exploitative labour relations through a rights-based approach. On the other hand, the study shows that it remains doubtful whether irregular migrants would be willing to enforce their own labour rights.

Available online at: http://www.jur.uva.nl/ market regulation/news.cfm/6A9E7985-5BD2-4F53-A976C7B964FB5E32

EVENTS

10th Biennial conference of Caribbean and **International Social Work Educators**



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