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## ILO ACTION AGAINST TRAFFICKING IN HUMAN BEINGS

## CONTENT

<b>1</b>	<b>Introduction: The labour dimensions of human trafficking</b>	<b>1</b>
<b>2</b>	<b>Data collection</b>	<b>3</b>
<b>3</b>	<b>Research and analysis</b>	<b>5</b>
<b>4</b>	<b>ILO Conventions and national laws against human trafficking</b>	<b>7</b>
<b>5</b>	<b>Enforcement of laws and regulations</b>	<b>11</b>
<b>6</b>	<b>National and regional strategies</b>	<b>13</b>
<b>7</b>	<b>Regulation and monitoring of the recruitment process</b>	<b>15</b>
<b>8</b>	<b>Making migration safe</b>	<b>17</b>
<b>9</b>	<b>Empowerment through employment, education and vocational training</b>	<b>21</b>
<b>10</b>	<b>Business against human trafficking</b>	<b>23</b>
<b>11</b>	<b>Trade union action against human trafficking</b>	<b>25</b>
<b>12</b>	<b>Working with financial institutions</b>	<b>27</b>
<b>13</b>	<b>Gender mainstreaming in anti-trafficking programmes</b>	<b>29</b>
<b>14</b>	<b>HIV/AIDS and trafficking</b>	<b>31</b>
<b>15</b>	<b>Advocacy and global partnerships</b>	<b>33</b>

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## 1 Introduction: The labour dimensions of human trafficking



All over the world, and in increasing numbers, people move. From their village to the city. From the city to the neighbouring country. Across continents in search of a better life, a new beginning or just because circumstances dictate. While many of them succeed, despite hardships, in finding new employment, some are coerced into work they have not chosen voluntarily. They have been deceived about the nature of their work or conditions of their employment contract, they work under threat, are subjected to violence, confined to their workplace or

do not receive the wage that was promised to them. They are victims of forced labour, and they have been trafficked into a situation from which they find it difficult to escape.

Women, men and children are trafficked into a wide range of economic sectors and for different purposes. The trafficking of women and girls (and sometimes also boys) to countries where demand for sexual services is high has long been recognized as a serious problem. Only recently, more attention has been paid to the trafficking and exploitation of persons in mainstream economic sectors. Trafficking in persons has become a truly global enterprise. It can involve legal as well as illegal activities. It is fuelled by criminal networks or individuals seeking to exploit loopholes of national migration and labour market regimes. Traffickers respond to the bottleneck of cheap and easily disposable labour in many countries around the world. This is especially the case in industries that are labour intensive and that rely on temporary work, such as agriculture, domestic work or construction. Traffickers take advantage of the huge supply of cheap labour, the ignorance of migrant workers and the many constraints they have to face.

According to ILO estimates there are at least 2.4 million trafficked persons at any given point in time. Yet there are only a few thousand convictions of traffickers every year. Most of the victims are not identified and consequently never receive justice for the damage inflicted upon them. Despite growing awareness and more effective law enforcement responses trafficking remains a low-risk criminal enterprise with high returns. The ILO estimates that annual profits generated from trafficking in human beings are as high as 32 billion USD.

The ILO has addressed trafficking in human beings early on in its history. While initial activities were closely associated with the struggle against the “white slave trade” and the League of Nations, it quickly received broader attention through the 1930 Convention against Forced Labour. The definition of forced labour contained in that Convention is still relevant today. The

ILO's struggle against trafficking was furthermore reinforced by the adoption of two Migrant Worker's Conventions and the Worst Forms of Child Labour Convention.

In its many projects and advocacy activities, the ILO addresses trafficking from a labour market perspective. It thereby seeks to eliminate the root causes, such as poverty, lack of employment and inefficient labour migration systems. ILO led responses involve labour market institutions, such as public employment services, labour inspectors and labour ministries. Moreover, as a tripartite organisation, the ILO consults and involves workers' and employers' organisations in its work. It is also a partner to international organisations, such as UNDP, IOM and UNICEF. This paper serves to outline ILO's major areas of intervention, some lessons learned and further references.

## 2 Data collection

The ILO has developed the first-ever global estimate on the numbers of persons who are held in forced labour, with a breakdown of those who have been trafficked into labour as well as commercial sexual exploitation. Out of 12.3 million forced labour victims worldwide, around 2.4 million were trafficked. The figures present a conservative estimate of actual victims at any given point in time, estimated over a period of ten years.

Earlier ILO estimates on child labour indicate that as many as 1.2 million victims of trafficking are minors (under 18). It is often assumed that people are mainly trafficked for the purpose of commercial sexual exploitation. ILO estimates indicate, however, that 32% of all victims were trafficked into labour exploitation, while 43% were trafficked for sexual exploitation and 25% for a mixture of both. Women and girls make up the overwhelming majority of those trafficked for the purpose of sexual exploitation (98%). International migrant workers represent a large number of identified trafficking victims for labour exploitation and for forced labour purposes. The table below presents a regional breakdown of the estimated number of trafficked victims:

**Table 1: Regional distribution of trafficked forced labourers**

	Number of people in forced labour as a result of trafficking
Asia & Pacific	1'360'000
Industrial Countries	270'000
Latin America & Caribbean	250'000
Middle-East and North Africa	230'000
Transition Countries	200'000
Sub-Saharan Africa	130'000
<b>World</b>	<b>2'440'000</b>

The next challenge, following the publication of the 2005 Global Report is to generate reliable national statistics on forced labour and trafficking. This is important because the numbers of prosecuted trafficking cases and identified victims remain low while country estimates contain high margins of error. This makes it difficult to develop policies and to measure progress over time. The ILO is currently assisting a number of pilot countries in the development of national trafficking statistics, working closely with National Bureaus of Statistics. It relies on already existing tools, such as National Labour Force Surveys in order to keep costs low. During the implementation of national data collection programmes, special attention is paid to the development of national indicators on forced labour and human trafficking.

#### Further references:

*ILO Working Paper No. 30: Directions for national and international data collection on forced labour, by Michaëlle de Cock, 2007*

*ILO Working Paper No. 29: Methodologies for global and national estimation of human trafficking victims: current and future approaches, by Bruce Kutnick, Patrick Belser & Gergana Danailova-Trainor, 2007*

*ILO Minimum Estimate of Forced Labour in the World, by Patrick Belser, Michaëlle de Cock & Farhad Mehran, 2005*

### 3 Research and analysis

Since the 1990s, the ILO has carried out a wide range of research activities all over the world to better understand supply and demand factors of human trafficking, the process of trafficking as well as the vulnerability of persons to trafficking. ILO research studies include country assessments to inform policy development as well as thematic research on various aspects of trafficking, such as labour market failures, recruitment mechanisms and profits that are generated through this illegal business.

The ILO adds value through its research as it has broadened the knowledge about other forms of trafficking that are not related to the sex industry. Country assessments, focusing particularly on the main destination countries of migrant workers, have uncovered trafficking for forced labour in a wide range of economic sectors, including agriculture, construction, domestic service and restaurants. These largely qualitative assessments have also provided insights into the underlying mechanisms of trafficking, such as the demand for cheap and disposable labour, the global trend towards unregulated employment relationships, and increased international mobility of labour while legal migration remains highly restricted in most countries.

Research results indicate a causal relationship between the poverty of the source country, as well as the individual economic situation of a migrant, and vulnerability to trafficking. Potential migrants with limited access to information about legal migration and little or no money to cover migration-related costs are more at risk of trafficking than others. Qualitative studies also showed that impunity of employers exploiting irregular migrants perpetuates trafficking. Based on the 2005 global estimate of human trafficking, the ILO has calculated that traffickers and unscrupulous employers earn at least 32 billion US\$ annually from the illicit movement and exploitation of migrant workers.

#### **Research on the exploitation of Chinese migrants in Europe**

There are opposing opinions on the exploitative mechanisms of Chinese migration to Europe and the extent to which they could be described as trafficking. In 2003, the ILO initiated research on Chinese migrants in France, which was followed by similar studies carried out in Italy and the United Kingdom. The research brought to light highly complex relationships between migrants, family members, smugglers and employers. A key element rendering Chinese migrants vulnerable to exploitation is the high debt they incurred prior to their departure. The moral pressure of debt repayment makes it very difficult for Chinese migrant workers to escape from abusive employers.



## Research on the demand side of trafficking

Talking about demand situates trafficking as a problem at the point of destination. Using the language of demand is an important way of holding destination countries accountable for their role in trafficking rather than allowing them simply to put pressure on countries of origin. In the Mekong sub region, the ILO carried out research on the demand underpinning the trafficking of children and women. The research presents an analysis of “demand” as a background for research, discussion and direct action at the destination side of the trafficking issue. In the context of labour exploitation, demand can include employers’ requirements for cheap and vulnerable labour, requirements for household and subsistence labour or consumer demand for cheap goods and/or services - or any combination of these factors. The study focused on four labour sectors: fisheries and fish processing, manufacturing (small to medium-sized firms), domestic work and agriculture in Thailand. Work in these sectors is considered dirty, difficult and dangerous. The economic boom in Thailand has provided many Thais with more employment options and they no longer need to work in these lower-paying or less desirable sectors. This contributes to the demand for migrant labour.

The study offers preliminary recommendations on labour and migration policy and practice in Thailand to address the destination factors that make work sites vulnerable to trafficked and forced labour. It recommends that the Government amend provisions of the Labour Protection Act that exclude certain categories of workers (for example, workers in agriculture, domestic work, fisheries and small or informal companies) from labour protection, and recognize the right for such workers to be treated equally and to enjoy the same labour rights as other workers. It suggests that employers publicly state the need for migrant workers in the long-term as well as short-term and lobby the Government for a long-term migration management plan rather than short-term registrations of undocumented workers. Trade unions are advised to adopt a policy on migrant workers respecting their rights to labour protection equal to that afforded to Thai workers.

### Further references:

*ILO Working Paper No. 53: Globalization and the illicit market for human trafficking: an empirical analysis of supply and demand*, by Gergana Danailova-Trainor and Patrick Belser, 2006

*ILO Working Paper No. 57: Forced labour and trafficking in Europe: How people are trapped in, live through and come out*, by Beate Andrees, 2007

*ILO: The Mekong Challenge. Human Trafficking: Redefining Demand Destination factors in the trafficking of children and young women in the Mekong sub-region*, by Elaine Pearson, 2005

## 4 ILO Conventions and national laws against human trafficking

Trafficking violates the most basic rights of any person – the freedom from coercion at work, the freedom to set up associations and bargain collectively, and the freedom from discrimination at work. Trafficking of children has been defined by the ILO as one of the worst forms of child labour, which seriously harms the development of the child. These four core principles are enshrined in the ILO Declaration on Fundamental Principles and Rights at Work that was adopted by ILO members in 1998. The Declaration is based on eight core Conventions, two of which are most closely related to the Palermo Protocol (No. 29 on Forced Labour and No. 182 on the Worst Forms of Child Labour). They are also among the most widely ratified Conventions of the ILO. However, the principles have to be respected and promoted by all member States even if they have not ratified the respective conventions.

The States which ratify Convention No. 29 undertake “to suppress the use of forced labour or compulsory labour in all its forms within the shortest possible period” (Art.1, para. 1, of the Convention). The term “forced or compulsory labour” is defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Art. 2, para. 1, of the Convention). The States Parties to the Convention must ensure that “the illegal exaction of forced or compulsory labour shall be punishable as a penal offence” and “that the penalties imposed by law are really adequate and are strictly enforced” (Art. 25 of the Convention). Convention No. 182 requires that each ratifying State take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

The 1998 Declaration recognizes that it is the obligation of the ILO to assist its Members in the ratification of the above-mentioned fundamental Conventions by offering technical cooperation. Under the aegis of the Follow-up to the Declaration, many Member States have benefited from ILO’s technical assistance and accelerated the process of ratifying Conventions related to fundamental rights. For example, in 2007 ILO provided assistance to China in establishing an inter-ministerial Task Force in promoting the ratification of ILO Forced Labour Conventions and in carrying out a nation-wide information campaign against forced labour and trafficking.

The issue of trafficking is closely related to undocumented entry or stay in foreign countries. ILO’s Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) provide a normative framework for the protection of likely and actual victims of trafficking. With regard to measures to prevent misleading information on employment abroad, C. 97 states that ratifying States undertake to maintain an adequate and free service to assist migrants for employment, and in particular to provide them with accurate information. Ratifying States will also take all the appropriate steps against misleading propaganda relating to emigration and immigration. Convention No. 143 is primarily aimed against the organised movement of migrant workers by labour traffickers. Ratifying States shall take measures to detect, eliminate and apply

sanctions for clandestine movement of migrants in abusive conditions and illegal employment of migrant workers, on the one hand, and on the other, provide a minimum level of protection to workers in an irregular situation.

Considering the growing role of private employment agencies in the recruitment and placement of migrant workers, and recalling the need to protect migrant workers against fraudulent and abusive practices, including trafficking, the Private Employment Agencies Convention

(No. 181) offers guidance for designing a legal framework to address trafficking of human beings. States that ratify the Convention shall adopt appropriate measures to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies. These measures include laws or regulations which provide for penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses.

While most States condemn forced labour and the worst forms of child labour, national laws often lag behind international commitments. Following the adoption of the Palermo Protocol, States enacted new anti-trafficking laws or sought to bring their laws in line with international standards. In many countries, however, legislation does not yet cover all forms of trafficking, e.g. labour trafficking as compared to sex trafficking, or excludes certain groups of people as potential victims. Furthermore, while many States have now criminalized human trafficking, they are more reluctant to improve the legal status of likely and actual victims. Only a few countries allow identified victims to seek permanent resident status in the country of destination.

The ILO advocates coherence between criminal, immigration and labour law in order to better protect victims and to offer them compensation for the wrong they have suffered. Labour law is particularly relevant to enable trafficked persons to seek compensation through employment tribunals or other dispute settlement mechanisms independent from criminal proceedings. For example, if States have a clear national policy on the employment relationship, this goes some way towards rooting out ambiguous situations where vulnerable persons' rights are not respected. The ILO Employment Relationship Recommendation, 2006 (No. 198) – recognizing that many different vulnerabilities exist – gives guidance on determining whether such a relationship exists and protecting workers in the context of transnational movement.



For those countries that have ratified ILO's relevant fundamental Conventions, their effective application is principally assured by the supervisory mechanism. The efforts made by Member States to combat trafficking should be elaborated in the reports to be examined by the independent Committee of Experts for the Application of the Conventions and Recommendations. On several occasions, ILO supervisory bodies have expressed increased concern about the illegal use of forced labour, including debt bondage of migrant workers in agricultural and non-agricultural sectors, and trafficking of men and women migrant workers in agriculture, the sex industry and domestic service. In 2001, the Committee of Experts on the Application of Conventions and Recommendations adopted a general observation concerning trafficking under Convention No. 29, requesting all governments to include in their reports under the Convention information on measures taken or contemplated to prevent, suppress and punish trafficking in persons for the purpose of exploitation. The Committee has been examining information on aspects of law and practice, including provisions of national law aimed at the punishment of forced labour and trafficking, measures taken to ensure effective law enforcement, measures designed to strengthen investigations and prosecutions, and cooperation with social partners.

### **Harmonization of anti-trafficking legislation in Europe**

In July 2002, the EU issued the Council Framework Decision on combating trafficking in human beings that required Member States to bring their national laws into line with the Palermo Protocol. Some members turned to the ILO to seek advice on the definition of forced labour. With financial assistance from the European Commission and the British Department for Work and Pensions, the ILO together with the International Centre for Migration Policy Development (ICMPD) initiated a project in 2004 to support legislative reform processes in the wider European region as well as to train law enforcement officials on the identification of victims trafficked for forced labour exploitation.

## Ratification of ILO Forced Labour Conventions by Viet Nam

For the past three years technical assistance has been provided to the Government of Viet Nam, preparing the ground for ratification of the two Forced Labour Conventions. With ILO assistance, an Inter-Ministerial Working Group on Forced Labour (TITAF) was set up in 2003, with 21 members including diverse Ministries and employers' and workers' organizations, to examine the scope and extent of forced labour in Viet Nam. In cooperation with the ILO, the TITAF group has carried out surveys in nine different areas in which forced labour is likely to occur, and prepared an extensive report summarising the views of the State on forced labour. The TITAF group evaluated the legislative system on forced labour (covering issues including public works, labour in enterprises, migrant workers and trafficking), compared national law with the two ILO Conventions, and developed a road map towards ratification.

The TITAF process has so far been credited with success in mobilizing a wide range of government departments and organizations under the lead of the Ministry of Labour, Invalids and Social Affairs (MOLISA). The process has helped to clarify what forced labour means in the national context. It is now widely accepted at the technical level that the elimination of forced labour is not only a fundamental ILO principle but also one that is relevant to Viet Nam, particularly in its transition to a labour market that functions on the basis of free choice of employment and incentive.

In 2007, Viet Nam ratified the ILO Convention No. 29 and training seminars were conducted for labour inspectors and policemen, trade unionists and employer representatives in cooperation with ILO.

### Further references:

*ILO: Human Trafficking for Forced Labour Exploitation: Guidance for Legislation and Law Enforcement, Geneva, 2005*

<http://www.ilo.org/ilolex/english/docs/declworld.htm>  
*Status of Ratifications of the Fundamental Human Rights Conventions by Country*

*ILO: Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A) [subsequently referred to as CEACR Report], International Labour Conference, 89th Session, Geneva, 2001, p. 119*

*ILO: General Survey concerning the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105); Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B), International Labour Conference, 96th Session, Geneva, 2007*

## 5 Enforcement of laws and regulations



Impunity is a major root cause of human trafficking. In order to end impunity of those reaping high profits from trafficking, strict enforcement of laws and regulations is required. The ILO Forced Labour Convention calls for “penalties imposed by law that are really adequate and strictly enforced” (Art. 25). The gap between the number of estimated and identified victims still remains puzzlingly high. It can be explained, in part, by the many obstacles that still hamper effective law enforcement.

First, laws and administrative regulations may leave enforcement authorities with uncertainty as to where to draw the line between trafficking, smuggling, sub-standard working conditions and forced or illegal child labour. There has to be a clear political mandate assigned to different enforcement authorities, e.g. through the establishment of specialized police or labour inspection units. Second, law enforcement authorities are often inadequately equipped and trained to identify and prosecute forced labour. If police or labour inspectors seriously lack resources and recognition, they may become part of the problem through corruption rather than part of the solution.

Furthermore, since trafficking involves the movement of people and is usually hidden from public view, special identification techniques are required. Law enforcement authorities, e.g. police, border guards, labour inspectors, immigration authorities, often lack cooperation agreements among themselves as well as with other actors that could come into contact with possible victims. Finally and perhaps most importantly, law enforcement has to blend with effective victim protection and rehabilitation programmes, applying a gender-sensitive approach in trafficking investigations. In most cases, law enforcement authorities will depend on the cooperation of the victim in order to prosecute the perpetrators. If victims have little to gain but a lot to lose (such as deportation) then they will be very reluctant to come forward and denounce their exploiters.

The ILO has developed a series of training materials for labour inspectors on the detection of child labour and forced labourers, and organizes trainings for labour inspectors based on these tools.

## Child labour and forced labour monitoring systems

The ILO has collected a rich experience on the identification and prosecution of child labour and forced labour. Even though not trafficking per se, there are often close linkages and the lessons learned can be applied to it. Child Labour Monitoring involves the identification, referral, protection and prevention of child labourers through the development of a coordinated multi-sector monitoring and referral process that aims to cover all children living in a given geographical area. Its principal activities include regularly repeated direct observation to identify child labourers and determine the risks to which they are exposed; referral of these children to services; verification that they have been removed; and tracking them afterwards to ensure that they have satisfactory alternatives.

Local vigilance committees or private auditing systems can help to identify potential victims of trafficking and bonded labour. Community-based committees monitoring child labour, forced and bonded labour are typically composed of community leaders, teachers, health promoters, and representatives from the families concerned. They carry out monitoring visits to workplaces. These visits are conducted on a regular basis and often in conjunction with official visits by labour inspectors. The ILO is working with those vigilance committees in a number of countries, for example India, Pakistan and Nigeria.

### Further references:

*ILO: Combating child labour: A handbook for labour inspectors, 2002*

*ILO: Conception d'un Système d'Observation et de Suivi de la Traite des Enfants (forthcoming)*

*ILO: DIALOGUE Working Paper No. 15: Les fonctions assurées par des inspecteurs du travail dans le système d'administration du travail en Afrique francophone subsaharienne, 2007*

*ILO: A handbook on forced labour and human trafficking for labour inspectors (forthcoming)*

## 6 National and regional strategies



Following the adoption of new laws, many countries have opted for the development of national policies that address trafficking at three levels: prevention, prosecution and protection as well as rehabilitation of victims. Some National Action Plans (NAP) still focus exclusively on women and children but there is an increasing trend also to address labour trafficking, which tends to affect men as well as women and children. Another trend relates to the strategy of NAPs. While most of the earlier NAPs emphasized prosecution and the role of law

enforcement authorities, more recently adopted plans have a broader vision on prevention and demand reduction that includes improvement of migration management as an important tool. Hence, migration departments and labour market institutions, such as labour ministries, labour inspectors, national employment services, and vocational training schools, have a key role to play in the implementation of such preventive measures.

In 2005, under the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work, the ILO Governing Body adopted a Global Action Plan against Forced Labour. It calls inter alia for greater participation of workers' and employers' organizations in national coordination councils against forced labour and trafficking. Based on its specific mandate and expertise, the ILO has also been involved in the consultations on regional action plans, such as the European plan on best practices, standards and procedures to prevent and combat trafficking in human beings that was adopted by the European Council in 2005.

Despite growing recognition that human trafficking needs to be tackled through a holistic approach, anti-trafficking strategies still remain isolated from other national policies, for example policies on employment and vocational training, gender discrimination or poverty reduction and migration management. Decent Work Country Programmes (DWCP) have now been signed or are in the process of being signed by ILO member States. These programmes address four dimensions – rights, employment, social protection and social dialogue. Linking national anti-trafficking strategies to DWCP will ensure policy coherence and stronger emphasis on the prevention of trafficking, which is a key objective of the ILO.



## **National and regional action plans in West Africa**

The ILO's work in 12 countries of Central and West Africa has resulted in significant strengthening of national laws and policies against human trafficking. It has also promoted increased inter-State cooperation to curb trafficking in children. In 2000, 15 member States of ECOWAS adopted a Common Platform of Action to fight trafficking in West Africa. While most national action plans focus on trafficking of children, other countries, like Nigeria, have opted for a more comprehensive approach. The draft Action Plan in Nigeria addresses all forms of trafficking from the perspective of prevention, prosecution and protection. It also seeks policy coherence with the millennium development goals.

Further references:

*ILO Plan of Action against Forced Labour (Governing Body), 2005*

## 7 Regulation and monitoring of the recruitment process



“Well paid restaurant job for a good looking girl” – This kind of job offer is often at the beginning of a trafficking experience. Recruitment is a key element of trafficking, and illegal recruiters are often the first to take their cut from uninformed migrants. They place their ads in local newspapers, pose as a “friend” or operate under the guise of a travel agency. What they have in common is their informal or illegal status. Some may be small profiteers; others are part of a larger network. Throughout history, labour providers had to struggle with their negative

image despite the important role they play in matching supply and demand of labour. Over time, this led to more state intervention, which is now being reversed by the forces that underpin the global integration of labour markets. Globalisation has triggered increased cross-border labour exchanges, most of which are carried out by private agents.

The ILO recognizes the positive role Private Employment Agencies (PrEA) play in national and global labour markets. However, it also calls for strict regulations and the promotion of recruitment practices that do not threaten workers’ rights. The ILO Convention on Private Employment Agencies (No 181) provides a clear definition of PrEA (Art. 1), however, many countries have not yet enacted appropriate legislation to make the distinction between legitimate and illegitimate recruiters clear. Apart from this, monitoring and enforcement mechanisms are often weak due to the lack of resources and political will to tackle abuses in the recruitment industry.

Since the adoption of C. 181, the ILO has provided technical assistance to member States aimed at better laws, the establishment of private business associations, as well as cooperation between public employment services and private employment agencies. It works closely with the International Confederation of Private Employment Agencies (CIETT), which promotes ILO principles through its code of conduct. Specific training activities are carried out to focus on trafficking and recruitment. They involve labour inspectors, police, representatives of the ministry of labour and national migration authorities, trade unions and representatives of the industry itself.

## **Promoting ethical recruitment practices in the Middle East**

Private Employment Agencies in Ethiopia operate exclusively from Addis Ababa and cater to a demand for female domestic workers and male drivers in countries of the Middle East. The ILO has assisted the Government in drafting adequate legislation to regulate the activities of these agencies, based on Convention 181, which Ethiopia has ratified. A major bone of contention between the Government and Private Employment Agencies is the charging of fees to job seekers that should only be allowed under exceptional circumstances and after consulting with the social partners.

Further references:

*ILO: Trafficking for forced labour:*

*How to monitor the recruitment of migrant workers, Geneva, 2006*

*ILO: Guide to Private Employment Agencies:*

*Regulation, Monitoring and Enforcement, Geneva, 2007*

## 8 Making migration safe

Trafficked persons are among the most vulnerable migrant workers. They are generally poorer, have a lower socio-economic status, are less informed about their rights and existing legal opportunities for employment abroad, and often suffer gender, ethnic or racial discrimination in their place or country of origin.

Immigration restrictions in many situations have inhibited regular labour migration to meet measurable labour demands. Given these demands, employers and migrants are willing to pay increasingly higher prices to meet each other in an internationalized labour market. Increased migration control and restrictions contribute to making trafficking and smuggling of migrant labour very profitable for criminal intermediaries.

Market pressures are reflected in demand and push factors for migration. In agriculture, food processing, construction, domestic help, labour-intensive manufacturing, home health care, and other sectors that often involve dirty, dangerous and degrading jobs, the demand for cheap, low-skilled labour acts as pull factor. The increasing 'crisis of security' as a side effect of globalization contributes to increasing pressure for emigration. Push factors in countries of origin include decline of traditional industry, loss of agricultural competitiveness, elimination of jobs and subsidies by structural adjustment.

ILO research has shown that access to financial capital in order to pay for the journey as well as access to reliable information can make a big difference in the way people migrate. Improving migration management in order to make migration safe through legal channels is therefore an integral part of ILO projects that aim at the reduction of trafficking in human beings.

The ILO assists member States to develop more effective labour migration policies. The ILO's approach to migration is anchored in the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). In 2005, a tripartite Meeting of Experts resulted in the adoption of the Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration. In the broader context of commitment to promoting decent work for all, the Multilateral Framework aims to foster cooperation and consultation among and between the tripartite constituents of the ILO to assist them in implementing more effective policies on labour migration, including on rights, employment and protection of migrant workers. The Multilateral Framework calls for the protection of migrant workers from forced labour, including debt bondage and trafficking, particularly migrant workers in an irregular situation or other groups of migrant workers who are vulnerable to such conditions.



## Better migration management in South-eastern Europe

In Europe, Albania, Moldova and Ukraine have been identified as major source countries of trafficked persons. The ILO started a project in these three countries in 2004 with a special focus on migration policies. In the context of this project, the ILO has contributed to the adoption of stronger laws on migration, increased capacity of national migration institutions and increased cooperation through bilateral agreement between source and destination countries.

In Moldova for example a National Referral System to protect and assist trafficking victims has been developed and linked to vocational training and micro credit services. A comprehensive National Action Plan to Prevent and Combat Trafficking has been drafted with the support of ICMPD, and the project has set up and facilitated meetings of an expert group on labour migration.

The ILO provides assistance and guidance to the Ministry of Labour, State Migration Authority and National Employment Service in the formulation of a gender-balanced migration policy and the strengthening of migration management capacity aimed at reducing trafficking of young women through:

1. Advice on the development of an enforceable system for the licensing of job recruitment agencies and the regular monitoring of their activities;
2. Promoting the creation of a single labour market information system about work opportunities, both at home and abroad;
3. Promoting the establishment of job placement centres around the country and cooperation between private sector employers and State employment services;
4. Promoting targeted gender-sensitive employment and training programmes contributing to the reduction and prevention of trafficking in women and providing reintegration options to those already trafficked.

## Promoting safe migration within and from China

Chinese migrants seeking employment abroad often incur high debts that make them vulnerable to exploitation and abuse. According to statistics published by All-China Federation of Trade Unions, the number of Chinese migrating internally in search of work, often under highly precarious circumstances, exceeds 120 million. An integrated ILO project, focusing on child and forced labour in the context of human trafficking, seeks to reduce vulnerabilities of migrant workers and to build the capacity of state authorities to fight trafficking.

An ILO capacity building project addresses the role of law enforcement in anti-trafficking activities both at the national level and in north-eastern and south-eastern provinces which are a source of illegal emigration. The project includes detailed research on the exploitative or forced labour conditions that Chinese immigrants are subjected to in destination countries including France, Italy and the UK. A series of “Country Guides for Overseas Employment” and other informative materials have been developed and are used in an information campaign in three high-risk provinces that aim to provide sufficient information on migration and working regulations to potential migrants, encourage legal migration, and prevent the risks of trafficking involved in illegal migration. Another EU funded project started in 2007, in cooperation with IOM. It focuses on strengthening the Government’s capacity to regulate and monitor recruitment agencies, promoting ethical recruitment practices and addressing the demand side of trafficking among the business community in European countries.

### Further references:

*ILO: ILO Multilateral Framework on Labour Migration: Non-binding Principles and Guidelines for a rights-based approach to labour migration, 2005*

*OSCE/IOM/ILO: Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination, 2006*



## 9 Empowerment through employment, education and vocational training

A major root cause of human trafficking is the lack of decent work, especially in the source countries of trafficked victims. However, at the destination of their journey, the skills of migrant workers are also devalued and employment is largely informal. Moreover, many trafficked victims are at risk of being re-trafficked after their identification and return, as they cannot find work. The promotion of gainful employment, skills training and education is therefore a central pillar of the ILO strategy against human trafficking.

Employment based measures against trafficking have to be linked to wider development goals, such as upgrading of vocational training systems, promotion of micro-credit institutions or land reform in rural areas. These measures are very costly and go well beyond targeted anti-trafficking interventions. Prevention of trafficking and reintegration of victims, however, can only succeed in an economic environment conducive to employment creation. It is therefore important to involve labour market institutions, both at the political level and during the implementation phase of anti-trafficking activities.

In concrete terms, ILO collaborates with public employment services in several countries to provide identified victims of trafficking with vocational training or advice concerning their reintegration into the labour market. It also works together with micro-credit institutions to support sustainable livelihoods.

### Community development in Tajikistan

A newly launched joint ILO-UNDP project in Tajikistan aims to target trafficking at its root – the poverty of men and women in rural areas. Research has shown that many men leave Tajikistan in search of work abroad while the women stay behind with little or no income. Many migrants are at risk of being deceived and exploited in neighbouring countries, and some of them never return home, as they were unable to earn sufficient money. The project aims at empowering migrant workers to leave Tajikistan better prepared with the support of local communities and trade union branches. It also supports women who became single heads of households to generate income.

Further references:

*ILO: Rehabilitation of the victims of child trafficking: A multi-disciplinary approach, 2006*





## 10 Business against human trafficking

After the adoption of the Action Plan against Forced Labour in 2005, the ILO has invited employers worldwide to join a global alliance against forced labour and trafficking. It has also initiated a range of awareness raising and capacity building activities in collaboration with national employers' organisations. Industries that rely on cheap and low-skilled migrant labour, and involve dangerous jobs or complex sub-contracting chains are most at risk of being affected by trafficking. Abusive or poorly monitored contract labour arrangements between source and destination countries can aggravate the problem. Agriculture, food processing, construction, textile and garment enterprises, logging, mining, entertainment, tourism, hotels and restaurants are the industries where trafficking cases have been detected more frequently.

Some companies have already taken steps either through their corporate social responsibility activities or as a member of the UN Global Compact. The "Athens principles" adopted in early 2006 provide initial guidance as to what business leaders can do to prevent and eradicate human trafficking, focusing mainly on sexual exploitation. These include active engagement of employers in national councils and action plans against trafficking, support for the reintegration of victims, awareness raising and advocacy, and cooperation with local and international partners. The ILO now proposes measures that help employers manage the risk of forced labour and labour trafficking in their supply chains and business operations. Guidance tools are being developed, targeted at the needs of different industries and different business actors. A set of 10 Principles for Business Leaders, developed by the Special Action Programme to Combat Forced Labour, identifies specific ways in which employers can both prevent forced labour in their own enterprise and cooperate with broader efforts against forced labour and trafficking.

There are several ILO instruments that are directly linked to the involvement of business in counter-trafficking programmes. ILO's Tripartite Declaration on Multinational Enterprises and Social Policy was adopted thirty years ago and contains useful guidelines. At the 2007 International Labour Conference, governments, employers and workers adopted an agreement on the promotion of sustainable enterprises, which is about strengthening the institutions and governance systems that nurture them.

Further references:

*ILO: Employers' handbook on child labour: A guide for taking action, 2001*

*ILO: Employers' handbook on forced labour and trafficking (forthcoming)*

*ILO/ILC: Conclusions concerning the promotion of sustainable enterprises, Geneva, 2007*

## **Working with employers in China**

Chinese Enterprises' Confederation (CEC) represents more than 500,000 enterprises, entrepreneurs and business groups operating in China. Aiming to help its members to establish harmonised labour relations with employees, CEC started to cooperate with the ILO in 2006 to raise Chinese employers' awareness about the risks of forced labour and trafficking, and to promote self-regulation and law-abiding practices.

Several training seminars were conducted in Beijing and Zhejiang respectively for senior managers and legal advisers from both public and private Chinese companies and recruitment agencies, trade associations, and other business organizations in various economic sectors, including construction, textiles, manufacturing, and transportation. The ILO has helped Chinese companies to define compliance benchmarks for forced labour and trafficking, to develop the principles of "DOs" and "DON'Ts" for daily management activities in business, and to include the freedom from forced labour in their codes of conduct.

The activities have been recognised by Chinese enterprises as useful in helping them to increase competitiveness in the global market while fully respecting fundamental labour standards. CEC therefore suggests a multi-faceted approach to ensure companies understand the importance of the issue and take action to ensure their own companies are not complicit in any forced labour practices. Following a survey on assessment of members' needs for training, the CEC is collaborating with the ILO to develop a training manual for Chinese employers, with a special focus on employers engaged in subcontracting systems, recruitment agencies, small and medium sized enterprises in EPZs, and suppliers to multinationals. The training manual will serve as the principal material for a national training programme in the context of a long-term training strategy.

## **Prevention of child trafficking in the tourism industry**

The ILO cooperates with the World Tourism Organisation to protect children from harm and abuse related to tourism, including child trafficking. Codes of conducts based on the concept of "child safe tourism" have been drafted on the basis of an ECPAT/WTO initiative. The ILO supported implementation of the code together with other stakeholders in Brazil, Cambodia, the Dominican Republic, Kenya, Mexico and Tanzania. The ILO is now a member of the Executive Committee of the Task Force for the Protection of Children in Tourism, which is a tripartite structure with a good representation of the industry as well as trade unions. Furthermore, the ILO has conducted training in the Philippines to help the National Union of Workers in hotels, restaurants and allied industries, to counter the problem of child trafficking.

## 11 Trade union action against human trafficking



Organizing migrant workers that are at risk of trafficking can radically reduce their vulnerability. Trade unions, however, have to overcome several challenges to reach out to these workers. Migrant workers are often temporary, work in the informal sector and may have an irregular status. They may also be perceived as a threat to national workers who make up the core membership of trade unions. And very often, the workers themselves hesitate to engage with or seek help from trade unions. Trade unions therefore need a proactive strategy as well as agreements

of cooperation with their partners in other countries.

The international trade union movement can pride itself on a long history of defending migrant workers' rights, also in the informal economy. In recent years, it has taken effective action against child labour from which many lessons can be learned. What more can trade unions do? They can develop campaigns against human trafficking and abusive contract labour systems, use the established tripartite bodies and procedures to place ratification and implementation of ILO's core Conventions at the top of the political agenda, put pressure on employers and employment agencies to respect the law, help identify potential victims of trafficking, raise the awareness of migrant workers to better understand their rights, provide legal and other forms of assistance to migrant workers, and network with other trade unions or NGOs in countries of origin and destination.

### Organizing migrant workers in Israel

In Israel, about 300,000 foreign workers from Eastern Europe, China and the Philippines have been recruited over recent years to replace Palestinian workers. They are employed in the construction industry, in agriculture and as domestic helpers. Some of them have been subjected to debt bondage and other forms of coercion. The ILO has supported the International Institute Histadrut, the Tel Aviv Workers Council Histadrut, and the Israel General Labour Federation to jointly organise a training programme for Chinese migrant workers in October and November 2004. As a result, these workers have been able to organise themselves with the support of Histadrut. In 2006, the Government also adopted more rigorous anti-trafficking legislation.

## Working with international trade unions

In December 2007, the International Trade Union Confederation (ITUC) General Council endorsed a plan of action including 11 key areas for future trade union activities against forced labour and trafficking as an essential step in the establishment of a Global Trade Union Alliance against Forced Labour and Trafficking. The ITUC General Council instructed the General Secretary to promote networking and campaign activities by affiliates, regional organisations, and Global Union Federations through training and the development of advocacy materials.

Further references:

*[http://www.ituc-csi.org/IMG/pdf/No\\_03\\_-\\_Forced\\_Labour\\_and\\_Trafficking.pdf](http://www.ituc-csi.org/IMG/pdf/No_03_-_Forced_Labour_and_Trafficking.pdf)  
International Trade Union Confederation (ITUC):  
Towards a Global Trade Union Alliance against Forced Labour and Trafficking*

*<http://www.ituc-csi.org/spip.php?rubrique156>  
ITUC “Forced Labour and Trafficking” webpage*

## 12 Working with financial institutions

As human trafficking is increasingly being recognized as a global concern, international development banks have started to address the issue through their programmes and internal guidelines. In 2006, the International Finance Corporation (IFC), the private sector arm of the World Bank Group, adopted new environmental and social standards that inter alia refer to core labour standards as well as health and safety regulations at work. Furthermore, the IFC Social Responsibility Programme provides guidance on labour and human rights to clients in emerging markets, in particular in high-risk sectors such as agro-forestry, manufacturing and mining.

A growing number of private banks are signing up to the Equator Principles, a benchmark for the financial industry to manage environmental and social risks in project financing. By 2007, more than 50 institutions from 19 different countries had already adopted the principles. Similar to the IFC standards, the “four freedoms” of labour, in particular the freedom from forced and child labour, are at the core of social benchmarks.

Regional development banks are also revising their standards and procurement guidelines. Discussions are ongoing within the European Bank for Reconstruction and Development (EBRD) to strengthen their provisions on social standards. In 2001, the Asian Development Bank (ADB) undertook regional technical assistance in India, Bangladesh and Nepal with the objective to increase the ADB’s understanding of how its existing programmes can strengthen anti-trafficking efforts as well as contribute to capacity building. The ILO seeks to support these initiatives and provides guidance on the interpretation of relevant Conventions.

### **EBRD and ILO project in the Russian Federation**

In 2004, the ILO published a report on forced labour and irregular migration in the Russian Federation that contained cases of serious human and labour rights violations in the Russian construction industry. Following consultations between the EBRD, a major investor of infrastructure, extraction and housing projects in the region, both organisations developed a joint project in cooperation with the Russian Council of Employers’ Organisations (KSORR). The project seeks to assess the awareness of employers in the construction industry about the exploitation of migrant workers as well as to stimulate self-regulation without undermining the primary responsibility of state authorities.

## **Better work project**

In 2006, the ILO and IFC launched a new programme that aims at improving labour standards and enterprise performance in global supply chains. An Enterprise Assessment Tool is now being developed to assess enterprises for indicators of non-compliance with core international labour standards, including forced and child labour, as well as other aspects of working conditions. The tool will be tested in three pilot countries, Viet Nam, Jordan and Lesotho, focusing initially on the textile and garment industry.

Further references:

*<http://www.betterwork.org/>*

*ADB: Combating Trafficking of Women and Children in South Asia, 2003*

## 13 Gender mainstreaming in anti-trafficking programmes

Designing anti-trafficking programmes requires gender mainstreaming in the reverse sense. Initially, international instruments and programmes focused primarily on women and children, however, there is growing consensus that human trafficking can affect men as well. The superficial distinction between women who are trafficked and men who are smuggled (and thus excluded as victims) does not hold in reality. The ILO, through its research and advocacy, has highlighted these conceptual gaps by focusing on labour trafficking into sectors that traditionally involve male migrant workers.

Nonetheless, current evidence suggests that women and children make up the majority of victims and tend to be more vulnerable to abusive practices than men. Shrinking formal employment opportunities and restricted migration policies have affected women disproportionately. Women also tend to have less reliable social networks and income before they decide to migrate. They therefore tend to find employment in less regulated or “gendered” sectors, such as domestic and care work or entertainment. Some governments while aiming at the protection of women migrant workers have imposed emigration restrictions that infringe their right to free movement.

Anti-trafficking interventions have to strike a careful balance between addressing the special vulnerabilities of women while at the same time recognizing their voluntary decisions. Furthermore, they have to be designed in a way that also reaches out to men who may have different needs from women and children.

### Organizing domestic workers

In Indonesia and the Philippines, the ILO supports organisations of domestic workers, many of them migrating to other Asian countries or to the Middle East, where they are at risk of exploitation. An ILO project starting in 2004 sought to link NGOs with trade unions, to improve the services delivered to domestic workers, to raise their awareness about rights and improve their pre-migration vocational training. In Indonesia alone, the project reaches approximately 200,000 persons across seven large communities

Further references:

*ILO: Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers, An Information Guide, 2003*

*ILO: Promotion of Gender Equality Guide in Action against Child Labour and Trafficking, 2003*





## 14 HIV/AIDS and trafficking



Persons who move under risky and exploitative circumstances are at risk of HIV/AIDS. At the same time, members of communities or families affected by HIV/AIDS are under increased pressure to earn a living and may thus end up in a trafficking situation. The ILO advocates that anti-trafficking measures should not adversely affect the rights of persons living with HIV/AIDS nor should HIV/AIDS responses adversely affect the rights of victims of human trafficking; in particular, they should take into account the specific needs of the victims. The ILO policy on

HIV/AIDS is set out in the ILO Code of Practice on HIV/AIDS and the World of Work.

An inter-agency initiative has been set up to develop a policy and implementation strategy for a global response to HIV/AIDS and human trafficking, in which the ILO is a key player. This initiative is involved in finalizing the Overarching Principles on HIV/AIDS and Trafficking, which place human rights at the centre of the effort to address human trafficking, and address HIV/AIDS in the context of trafficking. The principles aim to ensure that interventions in the area of trafficking do not promote stigma and discrimination nor entail more repressive border controls. Nor should HIV status be the basis to deny a trafficked person access to visas, local integration or citizenship in destination countries as such solutions are in the best interest of all parties.

The world of work (both formal and informal) has strong links to the community and institutional structures, for example, unions, labour inspectors, collectives or cooperatives, that could also help with 'early warning' to identify and assist potential trafficking victims. A comprehensive rights-based approach would be an important way forward to address in a coherent manner the often overlapping push factors associated with forced labour, migration, sex work, HIV/AIDS and trafficking.

## **Linking anti-trafficking measures and anti-HIV/AIDS prevention in Georgia**

The ILO is currently undertaking a study on workplace perceptions, knowledge and attitudes vis-à-vis HIV/AIDS in Georgia. This new initiative will be linked to an ongoing ILO anti-trafficking project to reach different vulnerable populations with more effective HIV/AIDS interventions. Trafficking victims and potential trafficked persons are a vulnerable segment of the population. Synergies will be created to utilise the research expertise already available from the mapping of human trafficking to reach out to vulnerable groups with relevant HIV/AIDS interventions. These interventions are linked to rehabilitation, training and (re)integration into the regular labour market for trafficked victims in order to reduce the likelihood that they will be exposed to the risk of re-trafficking or working conditions associated with the risk of HIV. Further, a joint approach to strengthen policies and regulations for protecting the rights of trafficked workers should be adopted to address trafficking and HIV/AIDS. This could be promoted by ensuring that adequate attention is given to working conditions, especially for migrants, to the protection of the right to non-discriminatory treatment and freedom of association as well as the protection of other fundamental rights.

Further references:

*ILO: Code of practice on HIV/AIDS and the world of work, Geneva, 2001*

## 15 Advocacy and global partnerships

When the ILO published its second Global Report on Forced Labour in 2005, it attracted unprecedented media attention to its work against human trafficking. Since then, media reports on trafficking and labour issues have significantly increased worldwide and the ILO continues to work closely with international as well as national media organisations. Much can be learned from the ILO's campaign against child labour that started in the early 1990s. It has helped put the elimination of child labour high on international agendas in much the same way as is now happening with forced labour and human trafficking.

The ILO works closely with other organisations in its effort to raise the profile of trafficking as well as to make it a priority concern for policy makers and civil society. It has recently joined the UN Global Initiative to Fight Trafficking (UN.GIFT), which aims at producing a turning point in the way trafficking has been seen and addressed in the past. In particular, it facilitates better cooperation between UN and other agencies that share the same vision and concerns. Within the UN.GIFT initiative and beyond, the ILO continues to advocate a holistic approach to trafficking that combines law enforcement with labour market interventions. The ILO also works with a range of civil society organisations, such as Anti-Slavery International, Save the Children and La Strada to name a few.

### **Making history: The Mekong Youth Forum on Human Trafficking**

Children's participation in the field of child trafficking has been a critical area of concern. The ILO together with Save the Children, UK, launched the Voices of Children initiative in early 2004. Voices of Children advocates on behalf of vulnerable children to ensure that their voices, views, and suggestions are considered in the formulation and implementation policy relating to child trafficking. The first major activity for Voices of Children was a series of national and provincial children's forums organized in Cambodia, China, Thailand and the Lao People's Democratic Republic in August and September 2004. The children who participated in these forums shared their views and knowledge on human trafficking and made suggestions to ministers and government officials who were also present.

Further references:

*<http://www.mekongyouthforum.com>*

*ILO IPEC: Combating trafficking in children for labour exploitation.*

*A resource kit for policy makers and practitioners (forthcoming)*

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