

**ALLIANCE AGAINST TRAFFICKING IN PERSONS****Preventing Trafficking in Human Beings for Labour Exploitation:  
Decent Work and Social Justice**

Vienna, Hofburg, Neuer Saal  
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**Concept Note*****Background and objectives***

The OSCE Ministerial Council Decision No. 3/06 tasks the Special Representative: (i) to assist participating States in the development and implementation of national anti-trafficking policy in compliance with OSCE commitments and other international obligations; (ii) to “co-operate and seek synergies with relevant international actors, including regional organizations, intergovernmental agencies and non-governmental organizations; continue to convene, chair and organize joint initiatives of the *Alliance against Trafficking in Persons*”; and (iii) to assume “responsibility within the OSCE for hosting and facilitating meetings for the exchange of information and experiences between national co-ordinators, representatives designated by the participating States and experts on combating THB”.

In line with this MC Decision, the *Alliance against Trafficking in Persons* conference “Preventing Trafficking in Human Beings for Labour Exploitation: Decent Work and Social Justice” aims at raising the visibility and profile of anti-trafficking action to tackle trafficking for labour exploitation, and to promote the full and effective implementation of relevant OSCE commitments and international obligations.

The event is split into two main segments. The First Segment is centred on the added value and challenges of multidisciplinary partnership and co-operation to tackle the massive scale of trafficking in human beings (THB) as modern-day slavery. The Second Segment examines the current trends and features of trafficking for labour exploitation.

The conference will gather top expertise and knowledge on the phenomenon; thought-provoking speakers will contribute diverse perspectives and different points of view with the objective of generating innovative ideas and approaches.

**First Segment:****New Steps to Develop the *Alliance Against Trafficking in Persons***

Established in July 2004, the *Alliance against Trafficking in Persons* is an informal platform for co-operation between the OSCE and other major international organizations and NGOs who are taking a strong human rights stand against modern-day slavery. The *Alliance* is a wide international forum which aims to reinforce the efforts and expertise of the various partners to develop joint strategies and set a common and forward-looking agenda to stamp out all forms of trafficking.

The *Alliance* partnership reflects the multidisciplinary, holistic and human rights-based approach that is at the core of effective anti-trafficking action. Indeed, this unique forum includes a wide variety of international, regional, intergovernmental and non-governmental organizations, as well as independent institutions in the OSCE region, which co-operate to bring together not only a strong political and institutional commitment to the eradication of THB but also top notch expertise on a wide range of multidisciplinary knowledge. This expertise encompasses know-how on law enforcement, organized crime, human rights, child protection, gender equality, women's empowerment, migration policies, standards and rights at work, and socio-economic development.

The *Alliance against Trafficking in Persons* brings together a broad array of partner international and regional organizations, each one with its own institutional mandate and specific international standards. This reflects the richness of the international instruments and practices to prevent and combat trafficking as well as the added value of the *Alliance*, where partners join efforts to foster the full and effective implementation of these various standards with a common human rights-based approach to all aspects of anti-trafficking action. NGOs play an invaluable and special role in raising the voice of trafficked persons and people vulnerable to trafficking, and in providing inspiration and drive to the *Alliance* partnership. Working together in the *Alliance*, partners advocate with a common voice vis-à-vis governments, engage in pioneer advocacy initiatives (e.g., AECT Joint Statements such as the 2010 "*Joint Statement on Child Protection, Especially among Migrant, Undocumented, Unaccompanied, Separated and Asylum Seeking Children, to enhance Prevention of Child Trafficking*"); and establish ad hoc partnerships to launch joint strategic projects/programmes (e.g., COMPACT- the European Action for Compensation for Trafficked Persons, or the EU funded ILO/ICMPD/IOM/OSCE "*Strengthening of a Comprehensive Anti-Trafficking Response in Armenia, Azerbaijan and Georgia*").

This First Segment of this 11<sup>th</sup> *Alliance* Conference has a twofold goal. It intends to reinvigorate the spirit of partnership, renewing the commitment to engage with one another to generate synergies in advocacy and field work, as well as to meet the challenges of raising the political profile of anti-trafficking action. At the same time,

this First Segment has the ambitious goal of broadening the *Alliance* partnership to respond to growing challenges posed by trafficking, especially in the field of labour exploitation. New important stakeholders, trade unions, employers' organizations, human rights NGOs, and migrants' rights groups, are therefore invited to join this forum, creating a multiplier effect by capitalizing on each other's expertise and contributions and working together with a shared strategic approach to promote and protect the rights of women, men and children, so as to optimize efforts in tackling human trafficking throughout the OSCE region.

With a view to advancing a common strategic approach to anti-trafficking action, the First Segment of the Conference will discuss the added value and the challenges of an effectively functioning multidisciplinary co-operation both at the national and the international levels.

Speakers will reflect on the challenges of building a shared understanding of today's reality of human trafficking and what it entails for the trafficked person, which is at the heart of a human rights-centred approach. A shared understanding of this crime and its impact on people is essential to building concerted strategies and effective action capable of responding to the massive scale of trafficking. The true value of this broad partnership, including international organizations, social partners and NGOs, stems from the fact that the *Alliance* is a unique forum in which it is possible to openly and informally address crucial issues defining the context in which anti-trafficking action and policies take place, as will be the case at this conference. For example, without a common grasp of the intersecting, and often mutually reinforcing factors which lie at the heart of the problem, how can governments, NGOs and IOs design long-term prevention strategies to address underlying factors which produce vulnerabilities to trafficking? How to build policy coherence across all appropriate sectors such as labour, migration, and other relevant socio-economic policy areas?

Speakers will also share their institutional perspectives in building a mutually benefiting partnership with a broad range of multidisciplinary actors at the national, regional and international levels on such questions as:

- What is the benefit of the *Alliance* partnership for an OSCE participating State?
- How can governments take advantage of this unique forum of international organizations, NGOs and social partners?
- How do NGO partners benefit from the *Alliance*?
- How do international organizations benefit from the *Alliance*?
- Does the *Alliance* help NGOs in mobilizing and promoting the rights of trafficked persons?

- Do multidisciplinary partnerships support NGOs in their efforts to hold governments accountable for anti-trafficking action and achieve progress in securing the rights of trafficked persons?
- What are the challenges for governments in designing and implementing anti-trafficking policy in dialogue and co-operation with numerous stakeholders?
- What are the challenges in building the mutual trust necessary to working together and to jointly identifying trafficked persons?

With the variety and richness of the expertise of the *Alliance* partners, this First Segment will not only raise the profile of THB issues among the OSCE participating States but will also set the scene to explore, encourage, inspire and generate new synergic anti-trafficking actions squarely centred on the rights of trafficked persons.

<p><b>Second Segment:</b>  <b>New Steps to Prevent Trafficking for Labour Exploitation</b></p>
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*Globalization, social justice and trafficking*

Globalization and information technology have profoundly changed the economy and society. On the one hand, they have generated economic growth, employment and development, and on the other hand, they have been accompanied by major challenges such as widening gaps between the haves and have not, a rise in income inequality, poverty, informal economy and unprotected labour<sup>1</sup>. In this context, trafficking in human beings has continued to grow and has become a massive scale phenomenon of modern-day slavery.

Today, estimates and investigative information on the incidence of trafficking highlight the growing trend of trafficking in human beings for the purpose of labour exploitation in the OSCE region. According to ILO estimates, 12.3 million people worldwide are in forced labour, of these we consider that several million are victims of trafficking in the OSCE region. Trafficked persons are among any society's most vulnerable populations. They are poor and socially excluded; they are often migrants with an irregular employment or status, they live outside the protection of the rule of law, are unaware of their rights, they lack access to opportunities and resources, and have lost their freedom of choice. They are often women and girls bearing discrimination and lacking equal opportunities, therefore disproportionately affected by extreme poverty. In order to survive, all vulnerable people have no other viable option but to resign themselves to their exploiters, being reduced to mere commodities. Their traffickers focus on short-term profits, exploiting them intensively, and replacing them easily when needed.

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<sup>1</sup> ILO, *Declaration on Social Justice for a Fair Globalization* (2008).

From this perspective, trafficking should be seen as a crucial social justice issue. As a matter of fact, people trafficked for labour exploitation are compelled to supply unpaid or very low-paid work and therefore contribute to economic growth without receiving any reward, while being kept in conditions contrary to human dignity. This is why trafficking in human beings is modern-day slavery. Anti-trafficking action should therefore contribute to achieving social justice for all, including by promoting decent work and social inclusion for the most vulnerable and disadvantaged people, and effectively ensuring that they enjoy the full protection of the law. Furthermore, anti-trafficking action should form an integral part of the fight against social exclusion and inequalities – which are increasing, even in affluent societies – leading to manifest injustices such as trafficking in human beings.

Anti-trafficking action is also linked to the fight against discrimination. People vulnerable to labour trafficking often belong not only to poor communities but are also marginalized and discriminated on grounds such as sex, race, colour, ethnic or social origin, language, religion or belief, belonging to a national minority, etc. These inequalities have also a spatial connotation, in the sense that people vulnerable to trafficking and trafficked persons are isolated on the margins of the society, often living in degraded peripheries or in remote rural areas.<sup>2</sup> These people are often excluded not only from the protection of the law but also from that of the community because of their social isolation.<sup>3</sup>

Social exclusion is indeed often the product of “multiple and intersecting inequalities” and it is often rooted in the denial of social and economic rights, as well as political and civil rights. A striking example of such intersecting inequalities is provided by domestic work. Domestic workers are mainly female migrants; they represent 2.5% of the working population in industrialized countries and between 5-9% in developing countries.<sup>4</sup> Yet domestic workers are not considered “real workers”, they enjoy fewer rights and unequal protection compared to other workers, and since most of them are women and girls, discrimination against them is even greater. The lack of recognition of domestic work, and of regulation of this sector not only limits law enforcement but also leads to limitations of these workers’ rights and to frequent abuses, even to trafficking for domestic servitude.<sup>5</sup> In this

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<sup>2</sup> Naila Kabeer, *Can the MDGs provide a pathway to social justice? The challenge of intersecting inequalities*, IDS, UNDP (2010), <<http://www.ids.ac.uk/go/news/millennium-development-goals-performance-indicators-paint-a-distorted-picture-of-progress>>.

<sup>3</sup> F. Carchedi, *Slave labour. Some aspects of the phenomenon in Italy and Spain*, FCEI (2011), p. 8.

<sup>4</sup> Spotlight Interview with Luc Demaret (ILO-Actrav), *Domestic work: « Putting an end to exclusion and exploitation »* (2010), <[http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---actrav/documents/pressrelease/wcms\\_141247.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/pressrelease/wcms_141247.pdf)>, accessed 8 June 2011.

<sup>5</sup> OSCE OSR, *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*, Occasional Paper Series no. 4 (2010).

context, promoting decent work<sup>6</sup>, including respect of fundamental rights at work, can significantly contribute to reducing discrimination and preventing trafficking.

Prevention of trafficking through better protection of workers' rights is a strategic approach reflected in OSCE commitments, and in particular in the first OSCE Ministerial Council Decision specifically addressing THB for labour exploitation. Ministerial Council Decision No. 14/06 (MC DEC No. 14/06) recalls in its preamble the International Covenant on Economic, Social and Cultural Rights, in particular articles 6 and 7 on the right to work, and to the enjoyment of just and favourable conditions of work. Furthermore, this approach is in line with the Millennium Development Goals, which include among their objectives "achiev[ing] full and productive employment and decent work for all including women and young people"<sup>7</sup>. Reaching these objectives is deemed crucial to eradicate poverty. In other words, in response to the growth of vulnerable employment, the international community endorsed the ILO Decent work Agenda which is about job creation, respect of fundamental rights at work, social protection and social dialogue.<sup>8</sup>

Research and practice indicate that THB tends to occur in economic sectors which are labour-intensive, and unregulated or poorly regulated. These economic sectors tend to employ so called "3D work, dirty, dangerous, and degrading"<sup>9</sup>, and/or seasonal, temporary and subcontracted labour. In these sectors, demand for cheap labour has become endemic. Moreover, such demand is, in certain instances, fostered through a supply of labour force provided by criminal means, which makes it possible for the cost of the labour force not only to be reduced, but almost nullified. This criminal method has already deeply infiltrated various economic sectors such as agriculture, construction, mining, textiles and garments, hospitality, tourism, services, and restaurants. With the only exception of construction, in all these sectors a significant proportion of women are employed and have been found among victims of trafficking. Therefore a gender dimension exists also in the crime of trafficking for labour exploitation. Furthermore, trafficking is reported in all sizes of businesses, from small-medium enterprises to large corporations, and even public contractors. This raises the important question of whether and why trafficking has become a systemic component of the globalized economy, and how to address it effectively.

Another important aspect relates to the fact that workers in these economic sectors are often migrants, sometimes with an irregular status or lacking access to the labour

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<sup>6</sup> An example of this is the forthcoming ILO Convention on Decent Work for Domestic Workers. More information is available at <<http://www.ilo.org/global/topics/domestic-workers/lang--en/index.htm>>.

<sup>7</sup> *Millenium Development Goals*, Target 1B, <<http://www.un.org/millenniumgoals/>>.

<sup>8</sup> More information is available at: <<http://www.ilo.org/global/topics/decent-work/lang-en/index.htm>>.

<sup>9</sup> Dutch National Rapporteur, *Trafficking in Human Beings - Fifth Report of the Dutch National Rapporteur* (2007), p. 164.

market. Recruited through middle men or placement agencies with false promises, their working relationship is based on informal contacts, some sort of oral agreement, often with randomly, and arbitrarily changing working conditions. They work in isolated locations, do not speak the local language, and have no information about their rights and safety standards, or where they could turn to for help. They work long and tough hours; have unacceptable living standards, often with no direct access to water or electricity. When, and if paid, their wages are very low with excessive wage deductions to intermediaries/employers for food, accommodation and transport. One should therefore ask what are the flaws in labour market regulations, as well as in migration policies and legislation that foster the exploitation of so many people over the world and throughout our region?

In this context, one of the major challenges is to gain a deeper understanding and to analyse the various interconnected factors that foster the exploitation of people in slavery-like situations. This analysis should be the starting point to identify the domains in which policy must work to achieve concrete and meaningful results in tackling THB for labour exploitation. The Conference in its Second Segment will explore a number of these policy and legal fields with a view to showing the connections, opportunities and needs for concerted and coherent policies. The overarching train of thought of this Conference is the mainstreaming of the fight against THB across all policies, plans and programmes implemented in the fields of fundamental rights, migration, labour regulation, women's empowerment, criminal law, access to justice, corporate social accountability, anti-corruption, socio-economic development, and so forth. Therefore, a number of strategic policy options in these sectors will need to be pursued coherently to address the multidimensional nature of THB.

Awareness of trafficking for labour exploitation needs to be brought to all levels of the institutional machineries set up to respond to THB, but also to a much wider, as well as to a new range of actors, whose involvement is crucial to the recognition of situations of THB for labour exploitation.

By bringing together a variety of actors and experts, this Conference hopes to contribute to generating significant exchanges of information and experiences among very diverse fields, and to explore ideas for innovative action.

## **PANELS**

### ***International Protection and Anti-Trafficking Action***

This panel will examine the cross-cutting issues between THB, asylum and refugee issues, both in policy and practice, through the perspectives and assessment of various actors ranging from academia to NGOs, and international organizations. It

will, for example, explore the vulnerability to trafficking for adult and child asylum seekers while pending recognition of their status. It will discuss whether in practice there is a resistance to recognize that the most severe levels of harm connected with THB may amount to persecution and constitute the basis for an asylum claim by a trafficked person. It will review the potential for protection of trafficked persons that the refugee legal framework and the recent jurisprudence of the European Court of Human Rights offer. It will also look at the severity of trauma experienced by trafficked persons and the analogies with the trauma experienced by victims of torture. It will further consider how anti-trafficking and asylum policies can reinforce each other instead of generating a mutual weakening, and how to enhance policy coherence between these two fields.

### ***Labour Migration Policy and Anti-Trafficking Action***

This panel will discuss the connections and inconsistencies between labour migration policy and anti-trafficking action with a view to identifying the potential for stronger policy coherence and enhanced human rights protection in line with international standards. Panellists will explore the gender dimension of migration, the social environment that influences the migration experience, as well as the flaws in migration management that may increase the vulnerability of migrant workers, and contribute to creating a favourable environment for abusive, exploitative criminal practices (e.g., irregular employment or status that render people more easily exploitable, and the legal and administrative barriers that prevent enjoyment of fundamental rights without discrimination, limiting access to legal redress, etc.). Panellists will examine the implications of legislations criminalizing irregular migration and their impact on anti-trafficking action. With a view to enhancing the prevention of trafficking, speakers will review practices to examine the opportunities for mutually reinforcing actions, especially in unregulated and informal sectors where demand for cheap labour, especially female labour, is growing (e.g., care work, domestic work, agricultural and cleaning work etc.).

### ***The Role of the Private Sector***

This panel will examine the concrete experiences, challenges, and opportunities of engaging the private sector in anti-trafficking action to promote “due diligence” to check the human rights impact of their business activities and to take action to remedy adverse effects.<sup>10</sup> Panellists will discuss strengths and weaknesses of voluntary initiatives by businesses and employers to reduce demand for the services of or the goods produced by people who have been trafficked, and in particular practices in developing, financing and implementing codes of conduct to combat

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<sup>10</sup> These issues will be explored in more depth in a side event dedicated to the presentation of the paper “The implementation and enforcement of codes of conduct in the private sector to reduce demand for the services of or goods produced by people who have been trafficked” researched and written by *Mike Dottridge* for the OSR CTHB.



human trafficking. The panel will further explore the practices and challenges of developing and implementing private sector initiatives at all levels of supply chains to prevent labour exploitation, and present pioneering, innovative and participatory approaches.

### ***Self-organization, Access to Remedies and Social Inclusion***

This panel will challenge the typical paradigm of victim assistance in the field of trafficking for labour exploitation. It will explore the potential of promoting a stronger human rights approach that empowers people trafficked for labour exploitation as active workers on the labour market and with legitimate life aspirations, but who have experienced serious violations of their fundamental rights. It will discuss the importance of self-organization to have a voice and improve their situation, become aware of rights and claim access to remedies and compensation for harm/damage suffered. It will also examine the challenges of building a path for the social inclusion of trafficked persons, the range of social, legal and other services that are needed to help the person to build self-esteem and self-confidence that is necessary to gain independence and go on with their own life. Panellists will share their practical experiences as NGO advocates, trade unionists, as well as public officials, in supporting the social inclusion of trafficked persons and their access to justice and compensation.

### ***Innovative Tools to Combat THB for Labour Exploitation***

This panel will provide examples from participating States on innovative approaches and practices designed to enhance the effectiveness of action to tackle labour trafficking. THB for labour exploitation is no less serious than other forms of THB, and demands a much broader and more effective criminal justice response. This is crucial also in view of rendering effective other alternative tools such as mediation. Panellists will explore the potential of other legal tools such as labour, administrative, civil, out of court mediation/negotiation tools. Speakers will discuss opportunities and challenges to complement and strengthen the criminal justice response with other legal tools and with strategic actions in other fields, such as labour market policy and regulation (e.g., labour inspections, licensing), migration legislation and policy, etc. Panellists will also introduce tools which are particularly innovative and relevant to address specific forms of trafficking such as the “Amiable Compositeur” to deal with cases of domestic servitude in diplomatic households.