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Conference Services

Please find attached the statement of the Special Representative on Combating Trafficking in Human Beings given at the "High-level Conference on Combating Trafficking for Labor Exploitation/Forced and Bonded Labor - Identification, Prevention, Prosecution" (7/8 November 2005).

A summary report of the conference will be circulated in due course by the Anti-Trafficking Assistance Unit (ATAU).



Organization for Security and Co-operation in Europe

*Special Representative
on Combating Trafficking in Human Beings*

Helga Konrad

Human Trafficking for Labor Exploitation / Forced and Bonded Labor Identification – Prevention - Prosecution *Vienna, 7/8 November, 2005*

Introduction

Let me introduce you to the topic of our Conference, which is Human Trafficking for Labor Exploitation / Forced and Bonded Labor.

I assume that we are all agreed that trafficking in human beings in all its varieties is a crime against the dignity, integrity and autonomy of the persons affected. And we certainly all agree that trafficking in human beings is currently one of the most pressing and complex human rights issues and a serious crime, which demands a more appropriate and coordinated response from the international community.

The pronounced attention so far paid to the horrors of sex trafficking has been well placed because of the severity of this problem for individuals and our society. And it goes without saying that this form of trafficking will have to remain high on our agenda. On the other hand, we need to move from the almost exclusive attention to trafficking for sexual exploitation to other forms, such as trafficking for labor exploitation / forced and bonded labor, which have until now suffered from a certain lack of attention, although they pose a similarly grave problem which has been underestimated.

So, in recent years, we have been addressing human trafficking effected mainly for the purpose of sexual exploitation – also because it is a major problem in Europe and many other parts of the world.

While in Europe mainly women and children have been trafficked for sexual exploitation and for the market of pornography, many people – including men - in other parts of the world, but increasingly also in Europe, end up being exploited as domestic servants, as bonded or coerced workers in sweatshops, on construction sites, in agriculture and textile and garment factories, in the transportation industry and in restaurant chains, on plantations and in mines.

Although it is recognized that there is human trafficking for various forms of forced labor and labor exploitation, including very often slavery-like practices and servitude, it is only when some appalling tragedy happens, such as the death of the 20 Chinese workers, the cockle pickers, in Northern England, some time ago, that the public, that media and finally authorities pay attention to the labor dimensions of human trafficking. By the way, this case is currently being tried in the UK.

ILO, the International Labor Organization, estimates that worldwide about 2.5 million people are victims of trafficking for various purposes of exploitation and that at least one third (that is more than 800 000) of them are trafficked for labor exploitation. The profits for the criminals involved are estimated at about 32 billion USD annually, or approximately 13 000 USD per person exploited.

All of you will be familiar with the definition of human trafficking as described in the Palermo Protocol on Trafficking in Persons and with the new CoE Convention on Action against THB, and there is no need to go into greater detail.

Let me, nevertheless, remind you, first, that intimidation and threats, the use of force and other forms of coercion for the purpose of exploitation are the key elements constituting a trafficking situation.

And second, that the documents mentioned above also distinguish between different forms of exploitation. On the one hand, there is human trafficking for sexual exploitation, and on the other hand, there is human trafficking for forced and bonded labor or services, slavery or practices similar to slavery, and servitude, and there are still other forms of trafficking, such as trafficking for forced marriages and trafficking in organs, which we may deal with in future meetings or conferences.

In addition to the Protocol and the Convention, there are the ILO Conventions, notably those on Forced Labor and on Migrant Workers, that need to be considered, when it comes to translating international law into national legislation.

So, all countries will have to adopt such legislative and other measures as may be required for the prosecution of all of these crimes.

Actually, many countries have no proper legislation in this regard and only a few states have passed appropriate laws.

However, we have amongst us, prosecutors, attorneys and judges from several countries that have already successfully prosecuted cases of trafficking for labor exploitation. They will share their experience and good practices, and discuss with us, today, the difficulties and pitfalls they have encountered and how to better understand the elements critical to properly investigating a case and how to develop prosecutorial evidence. In this connection we will also be able to

touch upon the role of organized crime in human trafficking, an issue which will become a priority under the upcoming Belgium OSCE Chairmanship.

Unlike the movement of goods and capital, the movement of labor is still a sensitive political and sociological issue, although more and more countries are beginning to realise that they will need foreign labor to be able to maintain their current growth rates and to respond to demographic needs.

Very often, the desire to migrate has its origin in social and economic conditions that cause individuals to seek alternative opportunities abroad. This leads to an increasing number of vulnerable persons, who are often willing to risk their lives in order to escape from dreary situations and poverty and to earn money for themselves and their families elsewhere. It is also known that this creates a supply of persons who are prone to become victims of trafficking. And, where the desperate need for work meets the pull of the cheap unprotected labor market, the traffickers and their accomplices are the link between demand and the exploited people who can satisfy it.

Migrants in general – and irregular migrants in particular - are most vulnerable and most likely to become victims of trafficking. Many of them work under very exploitative conditions: without health care, unaware of their rights, subject to physical and mental abuse, underpaid, or wages withheld by recruiting agents. And the traffickers and their accomplices take advantage and exploit the often total lack of social and legal protection.

But, of course, an illegal migrant worker is not the same as a trafficking victim or in other words : not every labor migrant is a victim of trafficking. Nor must trafficking for labor exploitation be confused with poor working conditions or substandard wages.

In order to illustrate this point, we have invited representatives of specialized NGOs, dealing with the specific problem of trafficking for labor exploitation, who will give us examples from the fields of agriculture, domestic labor, the garment industry, of construction sites and of trafficking for begging. They will illustrate how cases of labor trafficking can manifest themselves and how to identify them. What may be of particular interest to all of us, is the fact that – even though illegal or irregular migrants are especially vulnerable to falling prey to traffickers – also legal channels may lead to and end up in trafficking situations.

On the other hand, it is argued that where regular channels for migration are closed or too difficult to move through, space will be created for abusive practices including human trafficking. Where people are vulnerable because of ignorance, need, desperation, misinformation or marginalisation, they are at high risk of falling into the hands of those who wish to exploit them.

Whenever we seek to identify trafficking situations – no matter whether we are concerned with trafficking for sexual exploitation, for labor exploitation or with other forms of human trafficking – we need to know exactly what we are looking for, and – what is even more important – we must admit that there is a problem. Nobody has ever solved anything by denying it.

So, what can we do? There is general awareness that human trafficking is a highly complex problem and must, therefore, be addressed in a comprehensive way. There is not just one quick and simple response to it. Human trafficking consists of a variety of individual acts, each one of which has to be tackled purposefully, in order to come to grips with the whole.

In the trafficking chain there is always one point at which people are subjected to force or coercion: it may happen, when they are recruited, during transportation or upon entry into and during work. Traffickers and their accomplices usually make a hefty profit, taking a cut of the money paid for the work performed, taking a cut out of all the so-called services provided in arranging travel, accommodation, reception and out of daily expenses charged to the workers.

We must be aware that there are forms of coercion in recruitment and employment that are hard to detect. There can be restraints which are less overt, such as confiscation of papers, non-payment of wages, induced indebtedness or threats to denounce irregular migrant workers to authorities, if they refuse to accept the working conditions.

When workers are found to be in a foreign country and working illegally, those involved in their trafficking and exploitation are unfortunately not likely to be prosecuted. Whereas the workers will be locked up or deported, the traffickers and their collaborators are most likely to go undetected, because victims will fear reprisals against themselves or their families, if they inform against the traffickers to the authorities.

From the above it is evident that it is very difficult to dismantle the structures underlying trafficking for labor exploitation. It seems to be very difficult to prosecute employers, contractors, recruiting and transporting agents involved in human trafficking. This may be due, in part, to the current trend towards increasing penalties for the hiring of 'illegal' migrant workers and towards punishing the off-the-books workers themselves.

So, the questions we will have to address, the questions to be asked are: Where to draw the borderlines between human trafficking and illegal migration, how to approach this problem effectively, whom to involve in counteracting it, and which specific measures to take in order to prevent human trafficking into forced and bonded labor and how to reduce people's risk of being trapped.

At this point I should like to thank ILO for its targeted research on the factors contributing to trafficking into forced and bonded labor, on the contexts in which it is facilitated and on the actors involved as well as on its nature and dynamics in the various stages of the criminal cycle,

- including irregular cross-border movement of workers which translates into and impacts on trafficking for forced labor,
- including the labor market conditions that generate demand for irregular workers,
- including means of recruitment,
- and including the responses of state authorities and of civil society to the problem.

Our keynote speaker, Roger Plant, Head of the Special Action Programme on Forced Labour of the ILO, will throw light on this subject from the various perspectives and will give us both comprehensive and detailed information on and insight into the topic of today's conference.

Following upon in-depths discussions in the break-out sessions, we should hammer out concrete measures designed to counteract trafficking for labor exploitation/forced and bonded labor and come forward with a set of recommendations to be implemented in due course by all the 55 OSCE participating States and our Partners for Cooperation.