

Foreword and Acknowledgments

In January 2007, my Office introduced the first Occasional Paper on Combating Trafficking in Human Beings in the OSCE region with the goal of featuring contributions by leading experts on current topics related to human trafficking. The first Occasional Paper summarized the challenges facing legal responses to human trafficking for labour exploitation. This second Occasional Paper focuses on the specifics of labour exploitation, specifically on the identification, prevention and prosecution of offenders with the final goal of preventing trafficking and bringing justice for victims. The text is based on the 3rd and 5th Alliance Conferences and aims to assist participating States in the development and implementation of national anti-trafficking policy in compliance with OSCE commitments and other international obligations.

The second Occasional Paper continues the OSCE anti-trafficking work implementing the Action Plan from 2003 and gives attention to the environment in which trafficking for labour exploitation takes place in all our participating States. The gap between the number of identified victims and the existing estimations seems to be at least as vast as concerning trafficking for sexual exploitation. The core features of all forms of trafficking still being the same: control and exploitation of a human being by use of force, threats or the vulnerability of the victim. Women and children seem to be in a particularly vulnerable position; half or more of the victims of Trafficking for labour exploitation being children. When it comes to women victims, sexual violence is present.

During the last years, some identified cases have shed light onto the horrors of labour exploitation. In February 2004, the death of 23 Chinese cockle pickers in Morecambe Bay in the United Kingdom sparked the discussion of labour exploitation and tougher penalties for labour exploiters. In June 2007, the whole world witnessed the reports on the Xiangtai brick factory in Xinjiang, China. This factory is accused of forcing its workers (children and mentally disabled) to work up to 20 hours a day without pay in extremely poor circumstances. Daily reports abound of sweatshops, workers' protests and of officials condoning the luring of children into slavery.

During our conferences, international organizations such as the International Labour Organization (ILO) presented evidence that forced labour exists today in almost every country and every kind of economy, affecting a minimum of 12.3 million persons worldwide. The profits for the criminals involved are estimated at about 32 billion USD annually, or approximately 13,000 USD per person exploited. Numbers and estimations vary depending on the resources to investigate trafficking cases. Experience shows that the more resources you allocate for investigations, the more victims you find.

From the beginning of my mandate, I have reminded participating States of their commitments to eradicate all forms of human trafficking as delineated in the UN Trafficking Protocol and in the OSCE Action Plan. Too few resources are allocated to the detection and identification of cases of different forms of trafficking and the protection of victims. By publishing this second Occasional Paper, we encourage States *inter alia* to recognize and address the existence of exploitation of migrant workers, working in conditions of irregular or regular unprotected labour in the formal and informal economy.



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This Occasional Paper is the result of dedicated work of many people. First of all, of course, all the speakers, writers of background papers and participants of our conferences, who were able to share their vast experience and knowledge with us all.

Secondly, Ms. Marjan Wijers, who compiled and drafted the summary of the proceedings of the two OSCE high-level conferences on trafficking for forced and bonded labour and labour exploitation. Her sharp attention to detail as well as her competence in this field contributed to a document that provides information on labour trafficking and can serve as a tool and reference for those working in this field.

Thirdly, Michele A. Clark, my former Deputy, and my Advisers, Vera Gracheva, Liliana Sorrentino and Anelise Gomes de Araujo, developed the background and the intellectual framework for the conferences.

Fourthly, Dominique Adey Balinova, my Senior Administrative Assistant, who assisted with proofreading and copy-editing, and Ruth Pojman, my Deputy, who edited the final version of this Second Occasional Paper.

Fifthly, Blanca Tapia, my Public Information Officer, who managed the production process and guided the designer.

And last but not least, I want to thank all my staff - advisers, secretaries and interns - who by their invaluable work and support completed the teamwork of which this paper is a good result.

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Preface

In December 2003, the Ministerial Council endorsed the OSCE Action Plan to Combat Trafficking in Human Beings (MC.DEC.02/03). This Action Plan is based on the definition of trafficking as contained in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime (hereinafter referred to as Trafficking Protocol). The Trafficking Protocol provides a broad definition of trafficking. According to Article 3, exploitation (as the purpose of trafficking) shall include “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” The Trafficking Protocol requires States to adapt their criminal laws to reflect this definition and to expand their activities in areas of prosecution, prevention and protection. To date (May 2007), 111 countries have ratified, of those 45 OSCE participating States.

The OSCE Action Plan follows the Protocol in that it addresses all forms of trafficking in human beings and contains an extensive set of recommended actions at the national level for participating States as well as concrete tasks for OSCE bodies and institutions in areas of law enforcement and prosecution, prevention and protection and assistance to victims. Since its adoption, participating States have made efforts to accomplish many of its recommendations at the national level. States have developed national action plans, established national co-ordinating structures and ratified relevant international conventions. They have also begun to harmonize their national legislation to reflect the provisions of the Protocol and its parent convention.

Discrepancies still remain in both policy and practice. In the OSCE region, as in most countries of the world, trafficking has been primarily addressed through the lens of sexual exploitation. Increasingly, however, the international community is waking to the realization that trafficking is occurring in critical numbers in other forms as well; trafficking for labour exploitation can be found in multiple economic sectors, including agriculture, construction, hospitality and domestic service. According to the International Labour Organization (ILO), about 40% of trafficking takes place for forced commercial sexual exploitation, about

one third for other forms of forced economic exploitation and a quarter for a mixture of the above or for undetermined reasons (A Global Alliance against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005).

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To elevate the visibility of trafficking for forced and exploited labour, in November 2005, the OSCE hosted a high-level conference under the auspices of the Alliance against Trafficking in



Persons. The conference was planned around three major objectives: to mobilize greater political will to eradicate human trafficking for labour exploitation, to provide a forum for the exchange of concrete experiences as a tool to advance the implementation of anti-trafficking commitments, and to increase the understanding of the need to involve a range of stakeholders in the design and implementation of responses to trafficking for labour exploitation.

In recognition of the importance of the issue, and building upon awareness developed in the first event, a second high-level conference was organized in November 2006 entitled “Human Trafficking for Labour Exploitation/Forced and Bonded Labour: Prosecution of Offenders, Justice for Victims.” This event provided an opportunity to focus more in depth on two of the major challenges facing participating States: how to bring perpetrators to justice and how to ensure legal redress for the victims. The event brought together prosecutors and judges who had prosecuted cases of trafficking for labour exploitation, as well as representatives from NGOs working with victims of trafficking for labour exploitation in diverse economic sectors. Participants discussed initial efforts and challenges encountered by participating States in recognizing trafficking for labour exploitation and the development of adequate countermeasures for victim identification, protection and assistance, as well as the prosecution of offenders.

This report covers both events. It gives an overview of the presentations, the discussions and the recommendations. In such a way, the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings hopes that the knowledge and experiences shared by so many experts and other participants will be of use for all those who are dedicated to combat all forms of exploitation of human beings.