



Organization for Security and Co-operation in Europe

Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Speaking Points of Special Representative Eva Biaudet

Technical Seminar on Trafficking for Labour Exploitation in the Agricultural Sector,

Vienna, 27-28 April 2009

Ladies and gentlemen, dear colleagues and friends,

I want to start by warmly thanking all speakers and participants for having come here today. Some of you have travelled a long way to come and share your experiences, and I am truly grateful for this. I am especially pleased to see that so many participants from OSCE capitals are with us, and to me this signals a strong commitment from States to continue prioritizing the fight against all different forms of human trafficking. I hope the end result of this seminar will be increased action by governments to reduce exploitation taking place within the agricultural sector and stronger promotion and respect for the rights of persons exploited in this sector of the economy. My special thanks go to Ms. Alli Jernow who has contributed significantly in drafting the background paper for this seminar, which later will be the basis for an Occasional Paper that my office will publish.

During this seminar we will be fortunate to hear many different experiences and lessons learned from OSCE participating and partner States related to exploitation in the agricultural sector. Our goal is to be very practical, to provide examples, and to support countries in the implementation of the anti-trafficking commitments they have taken. I am also sure that this will prove to be an excellent venue for exchange of information and networking among national representatives working directly with this issue.

Dear national representatives,

At the outset let me remind you that your countries, by adopting some key OSCE anti-trafficking commitments, already have signed up politically to combat all forms of trafficking, including exploitation in the agricultural sector. For example Ministerial Council Decision No. 14 from 2006 calls on

participating States to ensure that minimum labour standards are reflected in their labour laws and that these laws are enforced to reduce the potential of trafficking. The decision also mandates States to be active and provide specific information on the risks of trafficking to migrant communities, which is especially relevant in sectors such as agriculture. The MC decision also calls on States to improve trafficking victims' access to assistance and justice and encourages persons with information on possible trafficking to refer victims for assistance.

The political framework already exists and now it's the time for action. When looking at how little attention has been paid to combating trafficking in the agricultural sector, it is clear that countries from now onwards have to do more to implement their OSCE commitments and international legal instruments in this regard. The closest attention, as is the case with all forms of trafficking, has to be paid to those most affected and vulnerable to this problem – irregular migrants, and in particular women and children.

I cannot emphasize strongly enough that political will and action at the national level remain the key prerequisites to prevent and combat the exploitation of individuals in slavery-like conditions. Governments have an undisputed responsibility to develop comprehensive national anti-trafficking responses, which acknowledges that people are bought and sold, abused, deceived and coerced into a broad range of exploitative situations.

Having worked with this issue full-time for over two years now, I believe that analysing different forms of labour trafficking by economic sector can be an important contribution to countries and other stakeholders' to get a deeper understanding of this complex and largely hidden problem. A differentiated approach can be helpful, not the least because various sectors of the economy have different structural features and they are regulated under different laws.

Ladies and gentlemen,

The International Labour Organisation has estimated that there are 12.3 million victims of forced labour worldwide, out of whom 2.4 million are in forced labour as a result of trafficking. How many persons that are being trafficked and exploited in agricultural work is impossible to estimate. I am however convinced

that the widely accepted truth of unrecognized victims, is more true than ever when it comes to the agricultural sector, since this exploitation usually takes place in remote areas where the worker is dependent on the employer for almost all necessities of life, making her or him increasingly vulnerable to abuse.

I have no intention to go through all the factors contributing to exploitation of agricultural workers, but I will mention some of the issues I find most problematic.

First of all, when discussing trafficking in the agricultural sector we have to focus our attention on migrants and especially the ones with irregular status. Reduced opportunities for safe and legal migration, combined with a continued demand for cheap labour, inevitably leads to more migrants finding themselves in exploitative work situations, with few possibilities to seek help.

Secondly, we have to accept the particular vulnerability of migrants because they are more willing to do the so called 3-D jobs, referring to “Dirty, difficult and dangerous” – the jobs that the locals do not accept. And we have to accept that in many countries we silently accept the continued demand for seasonal agriculture work not being carried out by nationals, but at the same time limiting legal migration channels, leading to low-skilled migrants having to take clandestine and dangerous opportunities.

Thirdly, labour contracting is more and more taking place through intermediaries, and agricultural work opportunities have become even more temporary than before. Some of the labour contractors offering jobs are legitimate, others are not, and workers are increasingly employed on short-term, daily or seasonal contracts. The trend away from direct employment has weakened the traditional employer-employee relationship. Contractors nowadays provide workers residency permits, arrange for housing and transportation, and supervise the conditions and terms of work, creating a situation of multiple dependency. Although these factors probably have to be accepted as inherent in today's agricultural work, they have nevertheless increased the vulnerability of low-skilled workers that dominate the agricultural sector.

Fourth, temporary worker schemes – in frequent use in many OSCE States as a response to migration flows and labour demands – often link a worker to a particular employer. In these circumstances a worker is much likely to accept abusive working conditions, knowing that her or his complaint can lead not only to losing the job but also to losing the right to residency.

Fifth and finally, we have to look away from the stereotype picture of men being the ones that are exploited in agricultural work, since based on several studies we know that women and children also are exploited and are especially vulnerable, both as agricultural workers and as migrants. The false perception of almost only men being exploited in labour is unfortunately also reflected in recruitment practices and migration policies, which either favour male migrant workers, or make the contribution of female migrant workers less visible.

The main worry with children in agricultural work is of course that they should be in school and not in the fields. Studies further show that women and children sometimes face double exploitation. Not only are they forced to work under inhuman conditions, they can also be sexually harassed and abused.

Ladies and gentlemen,

Many agricultural workers face physical violence, but even a larger number are subject to more advanced forms of coercion and control. Their passports and identity documents are confiscated, their wages are withheld, and they are warned not to complain or talk to others about their working conditions. They may also be trapped by the remoteness of their working location and they may fear being reported to immigration authorities or to law enforcement. I however want to remind you that this type of conduct clearly constitutes abuse of power or abuse of a position of vulnerability, within the meaning of the legally binding UN Trafficking Protocol.

How then can authorities and other stakeholders become better in identifying trafficking victims in the agricultural sector? Again there are numerous steps to take of which I will mention just three (3).

First, since we know that it can be very hard to distinguish between violations of labour rights and trafficking, it is important to ensure that the public in general, but in particular police officers, labour inspectors and health care providers, are alert to potential signs of trafficking. These professional groups have to be trained so that they are familiar with the typical indicators.

Secondly, governments have to become more active in protecting agricultural workers and enforcing their rights. Currently in most countries labour inspections are very limited or even nonexistent in the agricultural sector, and most countries have very few prosecutions.

Thirdly, NGOs and trade unions must be involved. They can raise awareness of the general population and inform workers of their rights, they can advocate for better working conditions, provide or refer workers to services such as counselling, shelter, and medical care, and they can assist with legal representation before tribunals.

Ladies and gentlemen,

We have all the tools we need to launch comprehensive campaigns in all OSCE countries against trafficking in the agricultural sector, both in the form of international legal standards and more and more also examples of effective practice. But make no mistake. Criminal justice responses and more efficient prosecutions will not be enough. Trafficking for forced labour requires a complex set of responses and participating States must be willing to devote resources and attention to enforce labour rights and where necessary correct structural problems to be able to prevent exploitation and trafficking. My office stands ready to provide all countries, both participating and partner States, support and advice in developing their national anti-trafficking responses.

In conclusion, I am convinced that we all will learn a lot from each other during these two days in Vienna and I remain hopeful that this event will be a small contribution in our common endeavour to create the critical tipping point we so badly need for eradicating human trafficking from our societies. Paraphrasing Mahatma Gandhi – “We must be the vehicles of change we want to see in the world”.

Thank you for your attention!