



**International Labour Organization  
ILO Regional Office for the Arab States**

**MAGNET  
Migration and Governance Network  
An initiative of the Swiss Development Cooperation**

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**Training Modules on Trafficking for Journalists in the Middle East and  
Source Countries of Trafficking into the Region**

Draft

## OVERVIEW

### Introduction

This document provides a draft overview of the contents of four training modules aimed at journalists (predominantly in the Middle East but also in source countries of trafficking into the region). While its primary content is related to trafficking itself, the document also makes some suggestions for news and current affairs content. These suggestions are not intended to encroach on the parallel efforts of the Panos Institute but reflect the fact that the trafficking consultant is also a trained journalist and former university professor of broadcast journalism (and media law and journalism ethics). It is presumed that they might be integrated into the 'journalism-focused' parts of the training course.

### Overview of the contents of the modules:

- Module 1: People on the move into, out of and across the Middle East
- Module 2: How human trafficking works
- Module 3: The people involved in human trafficking
- Module 4: How governments and others respond to the challenge of human trafficking

### Note

The Middle East is not a homogeneous region. In the modules, the standard terms defining the various sub-regions will be used:

- The Mashreq: Jordan, Lebanon and Syria
- The Maghreb: Morocco, Tunisia and Algeria
- North Africa: Libya, Egypt and the Maghreb countries
- The Gulf: (Cooperation Council – GCC countries) Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE + Yemen

Note that Israel and Palestine are not included – this needs to be clarified.

**Objectives**

On completing this module, participants will understand:

- That movement to seek work is a labour right (this is important in the light of frequent accusations that migrant workers “steal people’s jobs”, cause problems for a country and are generally undesirable);
- The basic forms of “people movement” – regular migration (permanent and temporary), irregular migration, people smuggling, refugee/asylum-seeker/IDP flows, human trafficking – and how these differ (and why it’s important to understand the differences);
- The interface between people smuggling, irregular migration, human trafficking and crime and how in the latter the person moving is a victim, not perpetrator;
- The links between human trafficking and forced labour and how these are defined in international law;
- Numbers of people who move, the sources of these statistics and the reliability and unreliability of numbers quoted;
- Principal routes of people movement into, out of and through the various sub-regions of the Middle East;
- Principal sectors into which people are trafficked or in forced labour in the Middle East.

**Key messages**

1. People seeking work have a right to move to another place to look for that work, as long as they respect migration law and “follow the rules”.
2. People who migrate for work perform important jobs – often the jobs local people don’t want to do – and are important to the local economy.
3. Unscrupulous employers and middle-men sometimes take advantage of people’s wish to move to exploit them and make a profit from this exploitation.
4. People who are trafficked or who are in forced labour are victims of crime, not perpetrators, even if in the course of their exploitation they are breaking the law (for example by arriving with false documents).
5. Although it is the people who make a financial gain from trafficking and forced labour who should be the focus of attention, it is also true that demand from consumers – of cheap goods and services, especially domestic labour – keeps them in business.
6. Trafficking and forced labour therefore concerns everyone and everyone has a role to play in helping to stop them.

**The issue + Exercises + Good practice examples + Test**

**Note:** From the kind of information covered by this module, journalists are most likely to get human interest stories or socio-political features on people movement. The exercises will reflect this.

## **MODULE 2:                   HOW TRAFFICKING WORKS**

### **Objectives**

On completing this module, participants will understand:

- What makes some people more vulnerable to trafficking and exploitation than others;
- How people are recruited into forced labour and/or trafficking and how the whole process begins;
- The various ways in which people are moved (internally/domestically or cross-border);
- The sectors in which people are exploited and the forms this exploitation takes;
- The notion of ‘Decent Work’ as a goal to be reached for all workers;
- The specific case of exploitation in the sex industry;
- The specific case of exploited and trafficked children – child labour and the worst forms of child labour.

### **Key messages**

1. Stopping forced labour and human trafficking starts with addressing the things that make people vulnerable: poverty, exclusion from job markets, lack of education and skills, discrimination, violence, family break-down, crisis and conflict.
2. Governments and national authorities have a responsibility to register, monitor and sanction recruitment agencies, both private and public.
3. Advertisements – in the press, on the radio, on websites or in brochures and posters – that offer jobs that sound too good to be true are not to be trusted.
4. Promises of a better job, a better salary or a better life – whether from friends or family, people in the community or recruitment agents who come knocking – may not be all they seem.
5. The only safe way to migrate for work is through legal channels, even if that takes longer and costs more.
6. Trafficking and labour exploitation happen because people are deceived, tricked and coerced into slavery-like conditions when all they wanted was a decent job that would earn them money for themselves and their families.
7. Once people move or are moved from the place they know to a strange place where they have no safety nets – whether that’s in the same country or another – they are at risk of being exploited and have little chance to escape.

8. Trafficking and exploitation don't happen "somewhere else". There may well be a trafficked or exploited worker in your factory, street or community. There may even be a trafficking victim or someone in forced labour in the house next door.
9. Keep an eye open for workers who seem afraid, sick, poorly nourished or under duress. If you see it, report it.
10. When everyone has "Decent Work" then trafficking and exploitation will no longer exist. This is the goal every government, trade union and employer should work towards.
11. People who earn a living in the sex industry have rights like everyone else. No-one knows their full story or how they came to be working in this sector. Where the sex industry is illegal, the focus should be on closing down the profiteers and reducing demand for services.
12. Trafficking and labour exploitation know no boundaries of age or sex. Women and men, girls and boys may all fall victim to traffickers and unscrupulous employers, even if the form their servitude takes may differ.
13. When children – people under the age of 18 – are moved from their home to be exploited for their labour or for sexual purposes, they are victims of trafficking. The fact that they were not coerced, deceived or forced does not matter – they are considered too young to "consent".
14. The forms that exploitation takes differs depending on whether the exploited person is male or female, young or old, able or (dis)abled, small or big – exploiters look for specific types for specific jobs.
15. Women and girls are particularly likely to end up in domestic labour or in commercial sex and the entertainment/service industries (although men and boys are also exploited in these sectors).
16. Men and boys are particularly likely to end up in construction, heavy industry and agriculture (although women and girls are also exploited in these sectors).
17. Children, and women accompanied by babies and young children, are frequently trafficked to beg on the streets or commit petty crimes. They are often beaten and burned if they do not bring something back each night to the trafficker who is controlling them.

### **The issue + Exercises + Good practice examples + Test**

**Note:** From the kinds of information relayed in this module, journalists are most likely to get human interest stories, stories emanating from criminal and police action, and stories that lend themselves to investigative journalism in either a specific sector or foreign location. The exercises and test will reflect this.

## MODULE 3:

## THE PEOPLE INVOLVED IN HUMAN TRAFFICKING

### Objectives

On completing this module, participants will understand:

- The different models of human trafficking (pyramid/organized crime, specialist network, casual complementing, cottage industry) and how they work;
- Who is involved in each of these models and what their role is;
- How intermediaries contribute to or facilitate trafficking;
- The debate over the extent to which involvement in trafficking makes a person a *de facto* trafficker;
- How different laws can be applied to the various acts that make up trafficking and why having a trafficking law is also important;
- Where forced/exploitative labour fits in and the role of supply and demand;
- Why and how labour laws can be used to combat trafficking and the role of labour inspection;
- The economics of trafficking and why governments and nations have an imperative to stop it.

### Key messages

1. Trafficking is big business – someone, somewhere is making a profit from exploiting someone else's labour;
2. Trafficking is sometimes opportunistic – seeing and grabbing the chance to make a "quick buck" can turn someone into a trafficker;
3. Those who exploit others see their victims not as human beings but as chattels, like a tool for making money;
4. Trafficking involves a complex chain of events and each link is a person who makes a profit.
5. Because trafficking is like a chain, it can be broken – each link identified offers the opportunity to break that link and destroy the chain.
6. Because trafficking and exploitation are all about profit, the key to stopping it is cutting off the profit, forcing the traffickers to look for other ways to earn their money;
7. Trafficking and forced labour involve many different criminal acts – this means there are many different laws that can be used to bring traffickers and exploiters to justice;
8. Trafficking and forced labour are so profitable that they disrupt labour markets and undermine the national economy – it is in the government's and the nation's interest to stop them.

## **The issue + Exercises + Good practice examples + Test**

**Note:** From the kinds of information relayed in this module, journalists are most likely to get stories about labour markets, economies, crime, organized and transnational crime, local involvement in criminal activity, laws and application of the law, human rights.

### **MODULE 4: HOW GOVERNMENTS AND OTHERS RESPOND TO THE CHALLENGE OF HUMAN TRAFFICKING**

#### **Objectives**

On completing this module, participants will understand:

- The diverse elements of a national anti-trafficking effort – policy, legislation, policing, labour inspection, judicial process, information and data collection, capacity building;
- Inter-governmental cooperation and the need for collaborative action across borders and within different regions of a country;
- How the government's social development efforts contribute to work to eliminate human trafficking;
- Prevention and protection actions – essentially focusing on people at risk and those who have already fallen victim to trafficking, and often implemented by civil society organizations or the social partners;
- The role of trade unions and employers' associations and the crucial place of workplace surveillance and monitoring;
- The role of corporate social responsibility programmes and the private sector;
- The role of information, education and communication, including the role of the media.

#### **Key messages**

1. Because human trafficking is a complex crime, it requires a complex and multi-faceted response;
2. This means that many different agents have a role to play in combating trafficking, however ultimately it is the responsibility of government;
3. When trafficking involves cross-border crime, it requires cross-border cooperation to stop it;
4. Poverty reduction, a robust education sector, social support for families (especially those at risk) and policies that contribute to a strong economy and stable labour markets are the most effective ways to reduce vulnerability to trafficking and cut off the supply of victims;
5. One-off, short-term and donor-driven projects by civil society organizations and other groups can provide useful lessons on what works and what doesn't, however in the long-

term they will have minimal impact if they are not up-scaled and mainstreamed into government plans and output;

6. Trade unions and employers' associations are important players in efforts to stop trafficking and forced labour – they are on the spot and know what is happening, even if it is happening in the informal sector;
7. Those who benefit from the output of workplaces employing trafficked or forced labour (whether end-suppliers or consumers) may not be aware of the exploitation they are supporting but have a responsibility to try and find out (and then do something about it if it exists);
8. Public pressure is crucial to government action; public understanding is vital if victims' rights are to be protected – the media play an important role in helping this understanding through accurate and balanced reporting.

### **The issue + Exercises + Good practice examples + Test**

**Note:** From the kinds of information relayed in this module, journalists are most likely to get stories about what is being done and what is not being done to combat human trafficking. There will likely be good political stories here, as well as stories about corruption, and a range of socio-economic development stories.



## Test of Knowledge

### **Note**

This test of knowledge is divided into four sections, one for each of the four modules.

The four individual test components might be administered as follows:

- Test 1 at the beginning of day 2 of the training;
- Test 2 at the beginning of day 3 of the training;
- Test 3 at the beginning of day 4 of the training; and
- Test 4 at the end of the training.

This will give students a chance to process what they have learned overnight for the first three days; Test 4 takes a different format and recognizes that this will not be the case on the last day of training.

When the first three Tests are administered, they should be marked and then discussed by the students as a group to check whether there are misunderstandings, confusion or questions about the material they cover. In this way, days two to four of the training will begin with a short review of the day before and allow students to be ready to take on new information.

**TEST 1: PEOPLE ON THE MOVE**

1. In 2013, most international migrants were born in the South. What percentage of them remained in southern countries when they migrated?
  - a) 30 per cent
  - b) 50 percent
  - c) 80 percent
  - d) 100 per cent
  
2. When people migrate using legal channels and according to the law, they are considered to be:
  - a) Regular migrants
  - b) Illegal migrants
  - c) Trafficking victims
  - d) Clients of people smugglers
  
3. When someone arrives in a country using a student visa but then does not return when the visa expires, that person is a:
  - a) Regular migrant
  - b) Illegal migrant
  - c) Trafficking victim
  - d) Refugee
  
4. For human trafficking to occur, the Palermo Protocol says that the following must happen:
  - a) Coercion and exploitation
  - b) Violence and abuse
  - c) Recruitment and money laundering
  - d) Crime and punishment
  
5. A common reason why people are vulnerable to being trafficked is:
  - a) Poverty
  - b) Unemployment
  - c) Ignorance of the risks of unsafe migration
  - d) All of the above

6. How far does a victim have to travel in order to be considered a potential victim of trafficking?
- a) Distance is not important but it must be across a national border
  - b) At least 100 kilometres
  - c) Distance is not important but it must be to a place where they do not know anyone
  - d) Distance is not important as long as they have moved
7. Why do unscrupulous employers choose to employ victims of trafficking?
- a) In order to get cheap labour
  - b) In order to be able to control them
  - c) In order to make a bigger profit
  - d) All of the above
8. In 2013, the ILO issues estimates of the number of victims in forced labour and trafficking. They said that there were:
- a) 100 million of victims of forced labour and half of them had been trafficked
  - b) About 12 million victims of forced labour and one in six had been trafficked
  - c) About 600,000 victims of forced labour and one in 10 had been trafficked
  - d) About 10 million victims of forced labour and half of them had been trafficked
9. Please list two forms of labour exploitation into which women are trafficked in the Middle East:
- a) \_\_\_\_\_
  - b) \_\_\_\_\_
10. Now please list two forms of labour exploitation into which men are trafficked in the Middle East:
- a) \_\_\_\_\_

b) \_\_\_\_\_

11. Please explain how the trafficking of children differs fundamentally from the trafficking of adults:

\_\_\_\_\_

12. What do you understand by the phrase “human trafficking is ‘gendered’”?

\_\_\_\_\_

13. Please give two avenues that would-be migrants use to seek work that put them at risk of entering the trafficking chain:

a) \_\_\_\_\_

b) \_\_\_\_\_

14. Please explain in what important way labour exploitation differs from human trafficking:

\_\_\_\_\_

15. Imagine that you have to write a news story on human trafficking and you need to make sure that your readers (or viewers or listeners) know what trafficking is. Complete the following sentence as simply and completely as you can:

“When we talk about human trafficking, what we mean is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_”

**TEST 2: HOW TRAFFICKING WORKS**

1. Traffickers are sometimes opportunistic but generally they will:
  - a) Try and find a woman who they think is beautiful
  - b) Look for a victim who matches the demands of the employer
  - c) Pick up anyone who seems to be easy to control
  - d) All of the above
  
2. Which of these individuals is most at risk of being trafficked (presuming traffickers are looking for victims in the area):
  - a) A man who is employed but wants to change to a different job with more pay
  - b) A woman whose husband is sick and whose children are all working
  - c) A young woman who wants to leave school and start work but her parents won't let her
  - d) A young man who wants to get married but whose parents reject his choice of wife.
  
3. Which of these are factors that make people vulnerable:
  - a) Being separated from the family
  - b) Being the youngest child in a large family
  - c) Having friends who want to migrate to a bigger city
  - d) All of the above
  
4. Workers can be exploited in a workplace whether or not they have been trafficked. This is more likely to occur when the workplace is:
  - a) Very busy and with lots of migrant workers
  - b) Unmonitored by labour inspectors
  - c) Owned by someone who wants to make a lot of money
  - d) Characterized by poor conditions: dirty and cramped

5. Please list three of the conditions that we know exploited domestic workers regularly have to face:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

6. Please list three of the conditions of labour exploitation that are typically found in manufacturing:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

7. Which of the following statements is an example of child labour:

- a) A 16 year-old boy working in a supermarket without his parents' permission
- b) A 15 year-old girl who goes to school but works in a supermarket on the weekend
- c) A 14 year-old boy who goes to school but works in his parents' shop every evening
- d) A 12 year-old girl who works during the day but studies at home at night

8. Once a child has reached the minimum age for work, they are allowed to:

- a) Accept any kind of work without any conditions
- b) Only work when they are not in school and for no pay
- c) Work anywhere as long as it is decent work
- d) Work but expect to receive less pay because of their age

9. Please explain what you understand by "decent work":

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**TEST 3: THE PEOPLE INVOLVED IN HUMAN TRAFFICKING**

1. In the pyramid model of human trafficking, who is at the base of the pyramid?

- a) The big boss
- b) The middle managers who do not know the big boss
- c) The trafficking victims
- d) The people who do the work of trafficking

2. Please list three of the “specialisms” that people who work in the trafficking chain might have:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

3. What do you understand by the term “intent” and why is it important in enforcing laws against trafficking?

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4. Why is it important in law to consider a person who has been trafficked as a ‘victim’?

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5. When we talk about human trafficking and discuss “demand and supply”, we are discussing:
- a) The prices that people are willing to pay for exploited labour
  - b) The demands that employers make on exploited workers
  - c) The needs that traffickers set out to meet by supplying trafficking victims
  - d) All of the above
6. Which of the following might be involved in human trafficking:
- a) Corrupt border guards
  - b) Bus and taxi drivers
  - c) Hotel operators
  - d) All of the above
7. In 2006, the OECD suggested that trafficking is big business, bringing in how much each year?
- a) More than \$20 million
  - b) More than \$200 million
  - c) More than \$30 billion
  - d) More than \$300 billion
8. Which of these is most likely to be affected if trafficking and labour exploitation is allowed to grow in a country?
- a) A country’s national reserve
  - b) The price of oil and other export commodities
  - c) Monies received in taxes and charges
  - d) Business profits and investment
9. Please explain what you understand by “trafficking chain” and describe a typical chain:

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# MODULE 1

## PEOPLE ON THE MOVE INTO, OUT OF AND ACROSS THE MIDDLE EAST

### ***Objectives***

On completing this module, participants will understand:

- That movement to seek work is a human and labour right;
- The basic forms of “people movement” – regular migration (permanent and temporary), irregular migration, people smuggling, refugee/asylum-seeker flows, human trafficking – and how these differ (and why it’s important to understand the differences);
- The interface between people smuggling, irregular migration, human trafficking and crime and how in the latter the person moving is a victim, not perpetrator;
- The links between human trafficking and forced labour and how these are defined in international law;
- Numbers of people who move, the sources of these statistics and the reliability and unreliability of numbers quoted;
- Principal routes of people movement into, out of and through the various sub-regions of the Middle East;
- Principal sectors into which people are trafficked or in forced labour in the Middle East.

### ***Key messages***

7. People seeking work have a right to move to another place to look for that work, as long as they respect migration law and “follow the rules”.
8. People who migrate for work perform important jobs – often the jobs local people don’t want to do – and are important to the local economy.
9. Unscrupulous employers and middle-men sometimes take advantage of people’s wish to move to exploit them and make a profit from this exploitation.
10. People who are trafficked or who are in forced labour are victims of crime, not perpetrators, even if in the course of their exploitation they are breaking the law (for example by arriving with false documents).
11. Governments and national authorities have a responsibility to register, monitor and sanction recruitment agencies, both private and public.
12. Advertisements – in the press, on the radio, on websites or in brochures and posters – that offer jobs that sound too good to be true are not to be trusted.
13. Promises of a better job, a better salary or a better life – whether from friends or family, people in the community or recruitment agents who come knocking – may not be all they seem.

14. The only safe way to migrate for work is through legal channels, even if that takes longer and costs more.
15. Trafficking and labour exploitation happen because people are deceived, tricked and coerced into slavery-like conditions when all they wanted was a decent job that would earn them money for themselves and their families.
16. Although it is the people who make a financial gain from trafficking and forced labour who should be the focus of attention, it is also true that demand from consumers – of cheap goods and services, especially domestic labour – keeps them in business.
17. Trafficking and forced labour therefore concern everyone and everyone has a role to play in helping to stop them.

### ***The issue***

#### **Legal or regular migration**

In 2013, the Population Division of the United Nations Department of Economic and Social Affairs estimated that 232 million people were living outside their country of birth.

Most international migrants were born in the South – 71 per cent of them – and half of them stayed in southern countries. Many migrants from South Asia, for example, move to work in the oil-producing countries: 2.9 million Indian nationals were living in the UAE in 2013, and 1.8 million in Saudi Arabia.

People move, and always have, although the distances travelled in the modern era are of course more significant and movement is usually faster and easier. They move for work, for marriage, for family reunification, to escape negative factors in their lives or to search out positive factors. They may never go back to their home country but may live permanently in the new country – or they may move again, several times. Some move intending to return after a defined period, or with no specific plans.

When people move using legal channels and according to the laws of their country and the country they are going to, we call this **legal migration**, or **regular migration**.

Such **migration is a human right**, and in particular migration for the purposes of working in another country is considered a **labour right**.

This right is enshrined in a number of international agreements (also known as international instruments), including:

- UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003)
- ILO Migration for Employment Convention (Revised), 1949 (No. 97)
- Universal Declaration of Human Rights, Art.13 (1948)

Many commentators believe, though, that migration is a topic that is neglected by governments who see it as problematic and difficult to handle. As a result, for example, only 49 countries have ratified the UN Migration Convention.

There are many reasons for this reluctance: domestic pressure on governments is often a factor because people fear what is often called “the other” – people who look different, speak a different language or eat different food, for example – and myths grow around this fear. One example of this is the concern people express that “foreigners are stealing our jobs” whereas, in fact, migrant workers are essential to the economies of many countries.

Media reports sometimes add to this fear, reporting examples of migrants who have come into contact with the law, or of problems in migrant communities. What is rarely stressed is that migrant workers, in particular, are vital to many countries’ economies, because they do work that the native population prefers not to do – what we call “dirty, dangerous and demeaning” work that is low-skilled and poorly paid.

Story possibility for media: There is a finance story in labour migration: How many foreign workers are currently legally working in your country, and what is their contribution to the national economy? Economists will model the impact of labour migration and should be able to talk about what would happen to the economy if labour migration was reduced or halted.

What also adds to the problem, though, is the fact that governments and the public are also aware – although not always fully informed – that the numbers of migrants who arrive legally in a country are not the whole story. People also arrive in other ways:

### **Illegal or irregular migration**

Some people do not follow legal channels to arrive in a country. Sometimes this is because they intend to migrate illegally, but sometimes it is because they do not know what the legal means are to do so.

There are various ways in which people migrate illegally:

- They may arrive on a tourist or student visa but then not return home when the visa expires;
- They may cross a border clandestinely (usually this will be a land border, since arriving by air or sea is more difficult – although read below);
- They may arrange false documents – passport, visa, birth certificate, work invitation/permit.

### **People smuggling**

Some illegal migrants may pay the owner of a boat or truck, or an agent, to transport them by sea or road – this is called “people smuggling” and the owner of the transport, the agent and the migrants themselves are all breaking the law.

There are some special cases involved in this also, though: some of the people who pay the smuggler may be **seeking asylum** in another country and, if that country has ratified the *1951 UN Convention Relating to the Status of Refugees*, then these people will generally be allowed to stay while their status is being checked and, if they comply with the definitions of refugee/asylum seeker, they will usually be granted asylum in the country.

### **Refugees and asylum seekers**

Some people ask for refuge, hoping to leave behind persecution (in the 1951 convention it says “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”). These people may well arrive in a country without documentation or by irregular channels, but their request for asylum outweighs such considerations in most jurisdictions and their request is processed without prejudice.

Story possibility for media: As a result of conflicts in the 2000s in Iraq, Lebanon and Syria, there have been significant numbers of people escaping into neighbouring countries and then dispersing further through the region. This displacement of large numbers of people can be disruptive but behind it there are many human stories of separation, suffering and survival. Human interest features that respect the dignity and humanity of the people involved can help the general public to understand better the situation of refugees and those seeking asylum.

### **Victims of human trafficking**

In addition to legal and illegal migrants, refugees and asylum seekers – however they arrive – there is another group of people who move from one place to another but, in this case, do so in the very particular circumstances that mean they are considered to be victims of human trafficking. They may be men or women, boys or girls, young or old, able or less-able. They may move across borders (cross-border trafficking) or within the country (domestic trafficking). What they have in common is that their situation corresponds to the internationally agreed definition of human trafficking.

### **Human trafficking**

It took many years for the international community, working as Member States of the United Nations, to come to an agreement on what ‘human trafficking’ actually is. Since its adoption in 2000, most countries have adopted the rather long but quite comprehensive definition of human trafficking contained in what is known as the *Palermo Protocol*. The protocol is a supplement to the *UN Convention on Transnational Organized Crime*, but the definition is used even when the trafficking is not transnational and when no organized crime is involved.

The *Palermo Protocol* defines trafficking as:

*“...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”*

In simple terms, this means that human trafficking involves three distinct stages:

- **RECRUITMENT**
- **MOVEMENT** (‘transportation, transfer’)
- **HARBOURING OR RECEIPT OF PERSONS...FOR THE PURPOSE OF EXPLOITATION** (we call this the ‘exploitative outcome of trafficking’ and it can take many forms)

The middle part of the definition outlines the various means that traffickers use to entrap their victims:

- **THREAT OR USE OF FORCE**
- **COERCION**
- **ABDUCTION**
- **FRAUD**
- **DECEPTION**
- **ABUSE OF POWER (OR OF THE VICTIM’S VULNERABILITY)**
- **GIVING OR RECEIVING PAYMENTS/BENEFITS OF A PERSON WHO HAS SOME CONTROL OVER THE INTENDED VICTIM.**

In the case of children (people under the age of 18, according to international law), none of these need to be used for child trafficking to have occurred; it is sufficient that the child has been moved with the intent of moving her/him into exploitation.

Crucial question for media: Has your country ratified the Palermo Protocol? If yes, has the government taken steps to start implementing the articles of the Protocol and, in particular, has there been progress in developing a dedicated law against human trafficking?

### ***What we mean by ‘recruitment’***

Although we use the term ‘recruitment’, there are several different ways a person can enter what we call “a trafficking event” or “the trafficking chain”.

Often it is indeed through recruitment. Someone looking for work in another country, or somewhere else in their own country, may go to a recruitment agency or to someone they know who has helped people in the past to get a job. In a small village, for example, this might be a woman who has contacts in a nearby city and says she can help. In a town or city, it might be an employment agency. Both of these ‘recruiters’ may be quite legitimate and may indeed help. Sometimes, though, they may be sham recruiters intent only on

making money by handing the person over to others who are links in their trafficking chain. Occasionally, a recruitment agency may be quite legitimate but have a parallel operation recruiting people who seem particularly vulnerable into the trafficking chain.

The same is true of another typical way that people enter the trafficking event: they may see an advertisement in a newspaper or magazine, or hear a commercial on the radio. Sometimes these are quite legitimate, sometimes a false advertisement placed by traffickers, or sometimes a notice placed legitimately but by an agency that numbers traffickers among its staff.

These examples give a good idea of what the *Palermo Protocol* means by 'deception'. Sham recruiters will tell the person they can help find them work in a restaurant in a nearby tourist resort, for example, only for the person to find when they arrive that they are locked up in a brothel and made to provide sexual services. Or the person may believe s/he is going to work in a factory or on a farm and indeed end up there but working in terrible conditions: no contract, long hours, no days off, abusive or even violent supervisors, dirty and dangerous conditions, restrictions on their movements outside work, little or no pay – what are called 'slavery-like conditions'.

In some circumstances, people may be kidnapped or abducted and trafficked. This is the 'popular' view of how trafficking begins, and is typical of Hollywood movies and thriller novels! It is not as common as these may suggest, but it does happen. Where there is armed conflict, for example, women may be abducted from their homes and forced to move with the militia, cooking for them and generally servicing their needs.

In some parts of the world, parents will not send their children to school because they know that they may be picked up en route by traffickers who will move them to plantations to work, or take them off to be exploited as domestic helpers. These are examples of child labour; in fact since there is trafficking involved, they are considered in international law to be 'worst forms of child labour'.

The *Palermo Protocol* also allows for the possibility that people may enter the trafficking chain when someone else 'sells' them into it, either for money or for some other benefit. It is known, for example, that sometimes parents of large families may hand over a child in exchange for money to someone they think can find work for the child, or a foster family. Sometimes the parents may know that the child will be trafficked.

You may read, in instances like this, that 'poverty' is at the root of the parents' decision to act this way; however there are many poor people who would not dream of selling their children and poverty is no excuse. Often, trafficking researchers talk about "poverty plus", meaning that poverty alone is rarely a reason for putting someone into the hands of traffickers; there is usually an additional factor. Sometimes this may be desperation because a family breadwinner has died and a mother does not how to get enough money to feed all her children; sometimes it could be that natural disaster strikes and pushes a poor family living off the small amount of food they could grow over the edge; often ignorance is the plus factor, as those selling the victim simply have no idea what will happen to the person; sometimes the reason is more sinister – parents may simply not care enough about a child and be quite ready to accept the child's suffering in exchange for a small sum of money or other payment.

### ***What we mean by 'movement'***

Once a victim enters the trafficking chain, the next stage is movement. Traffickers will move the victim from their place of origin (often called the 'source' or 'sending' place).

At this point, it is worth stopping for a moment to consider that word 'victim'. Many people who have been trafficked reject this word, saying that they are not 'victims' but 'survivors'. This is understandable, however it is important to hold on to the notion of 'victim' because laws generally allow for the status of 'victim of crime', and may in many cases include the possibility of compensation for the person who has this status. It is important, therefore, to continue to talk of 'victims of trafficking' so that they have this status in law and receive due acknowledgement.

Movement is an important element of trafficking because it is the means by which traffickers take their victims away from everything that is familiar to them: family, friends, other protection agents like teachers or religious leaders, even buildings and roads where they might be able to hide and where they can find their way. If the victim is moved to another country, they may also not know the language and may be frightened of approaching people for help. In short, the trafficker has increased the victim's vulnerability, making it less likely that they will try to escape and so will be easier to exploit.

The distance involved in the movement element of trafficking is not important. It may be a relatively short distance, from the rural area to a nearby big city, for example. It may be halfway across the world. The essential factor is that the victim has been moved from her or his normal environment.

### ***What we mean by 'exploitation'***

It is important to remember always that the motivation of traffickers is to make money.

They do this to some extent by charging the unwitting victims for the 'services' they provide them ('help' with finding work, transport, accommodation, food, document preparation). In fact, many victims go into debt to be able to pay the traffickers, which gives the traffickers a stronger hold over them.

Mostly, though, traffickers make money by exploiting people's labour, or by helping others to exploit their labour, and receiving payment for this. They may do this directly, for example traffickers may put together 'gangs' of trafficking victims who are hired out to do seasonal agricultural work; or they may hand over the victims to someone who runs a factory or a brothel or a construction company and who will use the victims as cheap labour. In such cases, if the employer knows that the victims have been trafficked, s/he may be prosecuted as a trafficker if caught.

### **Forced or exploitative labour**

It is important to note here that 'labour exploitation' or 'forced labour' can also occur without a person being moved. Large numbers of people across the world are employed in conditions that are unacceptable, forced to work against their will, coerced into labour to pay off a family debt ('debt bondage') or are otherwise working in conditions that amount to exploitation.



Forced labour is defined in the *ILO Forced Labour Convention, 1930 (No.29)* 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".

Victims of labour exploitation or forced labour may not necessarily have been trafficked – they may have migrated voluntarily and then found themselves in exploitative labour – however in practice many of these victims chose to move for work on the basis of promises of work that were broken. Often they will have been promised working conditions, salaries, time off and living conditions that they do not find when they arrive.

Labour exploitation is reported in a number of countries of the Middle East. In fact, in many countries across the world people are aware that there are some workers who suffer bad conditions and poor treatment. Often they are foreign workers and there is a quiet tolerance of their situation.

Story possibility for media: Have there been reported cases of labour exploitation in your country? How has the public reacted to these? It might be interesting to canvass public perceptions of foreign workers and balance reports of these with the commitments the country has made in international forums to uphold the rights of all workers without discrimination.

### ***Why is it important to differentiate?***

It's important to make a difference between people who set out to break the law by migrating illegally and those who are the victims of trafficking and forced/exploitative labour.

People who set out to break the law by migrating illegally will be prosecuted if they are found guilty of that (or more often sent back to where they came from). People who have been trafficked, on the other hand, are victims of a crime and should be given protection in the law and helped to recover from the crime.

Even where trafficked people have broken the law (for example by entering a country with false documents supplied by the traffickers), they should not be prosecuted for this. The UN High Commissioner for Human Rights has issued *Principles on Human Rights and Trafficking* that calls on governments not to detain or prosecute victims of trafficking, even if in the course of their trafficking they have broken the law.

This is quite a difficult issue for journalists to report on, because there is sometimes a difference between what is expected in international law and what is written down in national law. Journalists may have to consider both and reflect both in their reports. For example, although many countries have ratified the *Palermo Protocol*, some countries do not yet have a specific law against human trafficking (other laws may be used to prosecute traffickers – there is more on this later in the training).

### **Interaction 1: The story of Alfredo**

**First, please read this case study.** *It is fictional but is put together from real examples. It will help you think about what trafficking is and how someone can be attracted to a better life and work and then find a different reality. There are questions for discussion below.*

Ali is 20 years old and lives in a small town with his parents and younger brother. He did well at school and has worked for a couple of years as junior manager in a local supermarket. But he hates the work. He finds it boring and doesn't like his boss. Every evening he and his friends watch TV and talk about what they would really like to be doing: driving their own cars, going out to the cinema or to dinner. They know they're never going to be able to do that on the money they earn in the town. One of them has seen an advertisement in the local newspaper for young men to go and work in five-star hotels in the capital city, 100 kilometres away, and he suggests this is exactly what they need not only to get away from the dead-end jobs they have. They all reply to the ad but only Ali is called for an interview.

He comes out of it overjoyed at the offer that has been made to him. The recruitment agent has told him he is ideal for the job of supervisor in the hotel because of his 'managerial experience', and that he can expect to earn twice as much as he does at the supermarket. He will have to pay a small fee to the agent for transport to the city and for one week's accommodation in a hostel while he looks for somewhere to live. Ali packs his bags, says goodbye to his friends and family and sets off for his new life.

When he arrives, he is met by a man who greets him warmly and says he will be staying with some other young men at a house that the man manages on behalf of the hotel. Ali settles in with five other young men in a room that is not as clean as he would like, but they are all too busy discussing how great it is going to be when they are taken to the hotel the next day for their first meeting with their employer.

Next morning they are woken early and given breakfast. Then they are put into a bus and driven to a large warehouse on the outskirts of the city. There they are met by a group of rough-looking men who herd them into the warehouse and tell them they will be working on a production line, making automotive parts. Ali complains – this is not what he had been promised – and is punched in the face by one of the men. He is told it will happen again if he does not do as he is asked.

Over the next six months, Ali and the others are moved back and forth to the factory by bus, always accompanied, and locked into their rooms at night. They are threatened with beatings and from time to time punched and kicked so they believe the threats. The food they are given is of bad quality. They get more and more tired and Ali falls sick.

When he becomes too weak to work, he is told his 'work assignment' is over and he will be taken home. He asks to be paid the money he has earned and his handlers laugh in his face. He has eaten every day for six months, they tell him, and accommodation and transport have been provided. These cost money and the charges have been deducted from his pay. There is nothing left. In fact, he is lucky not to be in debt.

Ali is put into a car to be taken home. Instead, though, he is driven 100 kilometres in the opposite direction, beaten and left on the side of the road. Ali has survived but with no money, traumatized, sick and wondering what might happen next.

**Discussion questions:**

1. Is Ali a victim of human trafficking? What reasons do you have for your answer?
2. What are the conditions that put Ali at risk of exploitation?
3. What are the major influences on Ali's decision to move?
4. What means are used to ensure that Ali remains obedient?
5. How much does Ali earn during the time he is at the factory?
6. If you were introduced to Ali and wanted to report his story, how would you protect him from possible reprisals?
7. What angles might you take in reporting Ali's story?

**The numbers**

When you surf the Internet or read a report on trafficking, you will find numbers quoted of people trafficked or in forced labour, but beware!

Trafficking and forced labour are criminal acts and, like many crimes, are clandestine activities shrouded in deceit, disguised and hidden behind closed doors. As a result, it is almost impossible to have reliable statistics on the numbers of people who are trafficked or in forced labour/exploitation. The figures we do have usually come from:

- Police reports when trafficking or forced/exploitative labour victims are identified;
- Hospital and medical reports when victims are injured or killed;
- Labour inspection reports when workplace inspections reveal exploitative work practices;
- Reports from trade unions, employers' groups or civil society organizations investigating reports of trafficking or forced/exploitative labour.

Often, of course, these result in double-counting – for example a trafficking victim found in a workplace inspection may then be taken to a hospital for care and may also be reported to the police as a possible witness, so s/he will be counted three times.

The ILO works with governments to use exercises like the national census, labour surveys, household surveys and other data collection instruments to attempt to calculate possible trafficking figures, but accepts that these give only a general idea of the actual numbers involved.

## Latest estimates

In 2013, the ILO estimated that at least 12.3 million people are victims of forced labour worldwide. Of these, 9.8 million are exploited by private agents, including more than 2.4 million in forced labour as a result of human trafficking. Another 2.5 million are forced to work by the State or by rebel military groups. Forced labour is sometimes still imposed as a punishment for expressing political views contrary to the ruling authority.

The ILO estimates that there are some 600,000 victims of forced labour in the Middle East, although it notes that data are scarce.

The Middle East hosts millions of migrant workers – in some cases migrant workers (also called “contract labour”) outnumber the indigenous population of the country. In Qatar, for example, 94 per cent of all workers are migrants; in Saudi Arabia more than 50 per cent of workers are from other countries.

The sectors that receive large numbers of migrant workers are also those where exploitation and trafficking victims are to be found. These differ across the region, and in truth exploitation and trafficking occur wherever the criminals involved see an opportunity to make a profit by exploiting someone else’s hopes and dreams. However there are some sectors which have been particularly identified as harbouring forced labour and trafficking (see diagram).

The sectors in which forced labour and trafficking occur, and the origins of the workers and victims differ from country to country. Jordan’s “qualified industrial zones” (QIZ), for example, have been criticised for reports of forced labour of Bangladeshi workers; Lebanon has reported violations of the rights of domestic workers from the Philippines. Many workers moving to work in construction and services are found in the Gulf States, replacing the Arab workers who once migrated from the Mashreq and Maghreb.

Story possibility for media: Does your government collect data on trafficking cases? (Or on legal/illegal migration (in and out of the country), refugee settlement numbers, asylum seekers arriving and processed?) These numbers – even if they are not the whole picture – will give a good idea of the nature of people movement in the country.

Sector	Victims	Origin
Domestic work	Women (primarily)	Philippines Bangladesh India Indonesia Nepal Sri Lanka Burkina Faso Cameroon Ethiopia Kenya Madagascar Senegal
Sexual exploitation	Women (primarily)	Iraq Eastern Europe Former Soviet Union Central Asia Maghreb Mashreq
Muta'a marriage	Women and girls	Iraq
Construction Manufacturing Services Agriculture	Men (and boys)	Afghanistan Bangladesh India Nepal Pakistan Philippines Sri Lanka Egypt Iraq

		Mashreq Ethiopia Sudan Brazil
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## ***Interaction 2: Labour migration in the Mashreq***

**First, read this summary of labour migration in the Mashreq, adapted from the 2011 report, *People on the move: Human trafficking and migration in Jordan, Lebanon and Syria (ITC-ILO and the European University Institute)*:**

The broad Arab region has long been a major hub for people migrating for work. It is estimated that, in 2005, the region hosted one in every 10 migrants in the world. Between 1990 and 2005, migration to the Arab states grew by seven million international migrants, to a total of almost 20 million, just over 7 per cent of the region's population.

In 2005, three Arab states figured among the 20 countries with the largest number of migrants in the world: Saudi Arabia (6.4 million), the United Arab Emirates (UAE) (3.2 million) and Jordan (2.2 million). By 2010, Syria was the fourth largest host of refugees in the world, with a total of 2.2 million, of whom 1.6 million were refugees.

While some of this migration is uni-directional – workers from the Mashreq subregion going to work in Libya, for example – for some countries it works in both directions. Jordan is a good example of this, since it sends out both skilled and unskilled workers but is also an important destination country for incoming labour migrants.

From the 1990s onwards, Asian and European migrant workers gradually replaced large numbers of Arab workers migrating to the GCC until, by 2007, the number of Arab migrant workers in the GCC was just one-third of the total it had been 20 years earlier.

There is also significant migration from the Mashreq to countries outside the region, particularly from Lebanon. Youth unemployment across the Mashreq is an important push factor.

The countries of the Maghreb attract migrants in transit, seeking to enter Europe, often illegally. It is estimated that between 100,000 and 120,000 unauthorized migrants cross the Mediterranean each year, half of whom originate from the Maghreb.

In-migration (immigration) to Jordan, Lebanon and Syria mostly comprises low-skilled labour from Asia. In the 1980s in particular, there was high demand for labour in agriculture, construction and services (primarily hotels) in Jordan, and this demand could not be met by the local labour force. Jordan thus became an important receiving country for migrant labour, first from Syria and Egypt and later from further afield.

Jordan and Lebanon are also significant receiving countries of women migrating into domestic labour. Before the early 1970s, most domestic workers were local women or Arab women from neighbouring states, however the oil boom and the start of the civil war in Lebanon in 1975 marked a shift in employment patterns, as Lebanon in particular followed the GCC lead and began importing labour from Asia. Women from Sri Lanka, India, Vietnam, the Philippines as well as Ethiopia are now regularly employed as domestic help in both Lebanon and Jordan. These women are seen as more submissive and ready to work for lower wages.

In general, Syria was not a significant receiving country of foreign workers. In its 2008 report to the UN Committee on the Rights of Migrant Workers (CMW/C/SYR/1), Syria noted that most migrant workers in Syria were low-skilled nationals of poor Arab states who could not find work in the Gulf States. The same report noted that systematic data on migrant workers were not collected. [Since the conflict, no data are available on migrant

workers still in the country; many have made their way to camps along with others escaping the conflict and many have returned to their countries of origin.]

In 2010, Lebanon was still considered an important destination country for migrant workers. In 2008, some 130,000 work permits were granted to foreign nationals, the majority of whom came from Asia. However, after 2005 Asian migration flows into Lebanon were gradually replaced by migrant labour from Africa. Foreign immigration into Lebanon includes migrant workers whose stay is often seasonal.

Labour migration from Jordan, Lebanon and Syria to the GCC also includes large numbers of professionals, constituting what is often called a 'brain drain' (where skilled workers migrate to another country to take up employment) from the Mashreq. Some commentators point out, however, that the phenomenon is more accurately described as 'brain circulation', since there is significant exchange of skilled professionals within the region. This is considered a win-win situation, since the skilled workers are employed and gaining experience that will benefit their home countries when they return, while the host country benefits from their skills.

Not surprisingly, the large numbers of workers who have emigrated from the Mashreq give rise to a thriving regime of remittances, as workers send home income to their families and in investments. The World Bank estimated remittances to Syria at US\$1.4 billion for 2010, significantly higher than previous estimates. Lebanon was expected to receive US\$8.7 billion in remittances in 2010, and Jordan US\$3.8 billion.

Conflict and crisis in the region have impacted on people movement in a number of ways, typically resulting in forced migration that seriously disrupts labour markets and therefore has a broader impact on migration for work. After the second Gulf War (1990-91), for example, Arab sending countries experienced an unexpected forced migration of some two million workers.

Following the second *Intifada* in September 2000 and the subsequent Israeli reoccupation of a large part of Palestine, some 200,000 middle class and upper-middle class Palestinians relocated to Jordan or transited through Amman en route for third countries.

More recently, war in Iraq since 2003, the Lebanon crisis of 2006, civil conflict in Syria since 2013 and the ongoing roller-coaster of the Israel-Palestine conflict have affected migration trends in the region in a number of ways.

The invasion of Iraq in 2003 prompted an outpouring of Iraqi nationals into neighbouring Arab states, particularly in the context of strong political reluctance to accept Iraqi asylum seekers in the industrialized world. With its long, shared border with Iraq, Jordan received large numbers of Iraqis in 2003 and 2004, some of whom eventually returned but many of whom sought to stay in Jordan either long-term or in transit to a country of asylum. Additionally, 'Iraqi sympathizers', including 200,000 Jordanians and 150,000 Palestinians, were forced to leave the GCC states. In 2010, Syria was reported as still hosting the largest externally displaced Iraqi population in the region. As with the 2006 crisis in Lebanon, little is known about the hundreds and thousands of migrant workers who had to flee with the native population.

Globally, migration from the Mashreq to western industrialized countries was negatively affected by the events of 11 September 2001. Restrictions on visas and job placements are reported to have led to an increase in illegal migration.



### Discussion questions:

1. Considering the brief description of labour migration, what factors might provide a context in which forced labour and exploitation can survive?
2. How would you describe the factors that might push a worker to try and find work in another country?
3. When you consider these factors, are there any that make the would-be worker vulnerable to those looking to exploit her/him?
4. Are you aware of any reports of forced labour or trafficking in any of the countries mentioned? How have you thought about these reports before following this module?
5. Have your thoughts changed since you have worked through the module?

### Busting the myths

To end this first module, it is important to correct some common myths around human trafficking, and to resolve some issues that may seem contradictory and that give rise to debate and sometimes argument.

#### **Myth 1: *Human trafficking is all about the sex trade***

As you now know, people are trafficked into many different kinds of exploitation, including the sex trade. However the majority of trafficking victims end up working in agriculture and service industries (for example in hotels or in street trades).

There are a number of reasons why people tend to associate trafficking with sexual exploitation. One is that women's organizations began working long before most other kinds of rights organizations on issues of trafficking and of course concentrated their efforts on the trafficking of women. Since prostitution is illegal in many countries, and since even where it is legal it is generally monitored by law enforcement and local authorities, it was comparatively easier to collect data on women who had been trafficked into prostitution than women and men trafficked into other labour sectors.

Countries have also frequently collected data on women involved in the 'crime' of prostitution, often prosecuting the women and not the men who pay for their services. As a result, women in the sex trade are routinely questioned by police, and may in the process provide information on women who have arrived from other countries or regions, who seem to be under someone else's control, who do not speak the language or who may otherwise seem not to be working willingly.

Conversely, very few countries collect information on victims who have been trafficked into other sectors: agriculture and fisheries, in particular, are difficult to police because the victims are often moved from one place to another and may be under the control of a handler who moves them from accommodation to fields/boats and back. In workplaces where trafficking victims work alongside other workers, these workers may never share any suspicions or concerns they have about the men and women working alongside them.

The other undeniable truth is that “sex sells”: journalists are much more likely to follow a story about women trafficked into the sex trade than men trafficked into flower picking, especially if it gives the opportunity to print or broadcast images. Even welfare and rights organizations working on behalf of vulnerable people and trafficking victims may highlight the commercial sex angle, knowing that it will attract media and public attention which they need to gain support for their work.

**Myth 2:        *Human trafficking is a gender issue and mostly affects women and girls***

It is not surprising, given what you have just read above, that people think that human trafficking affects mostly women and girls. Women’s organizations often say that it is a ‘gender’ issue and that women are the primary victims of the traffickers who are predominantly men.

The truth is, though, that we simply do not know how many men/boys and how many women/girls are trafficked. Because it is a crime that almost always sees victims hidden behind closed doors, the data we have are really not much more than informed guesstimates.

We do know, though, that trafficking is **gendered** issue -- that’s gendered not gender, and what that means is that it affects men/boys and women/girls differently. Men are more likely to be trafficked into some labour sectors and women into others. Boys are more vulnerable in some families and girls in others. In some forms of exploitation also boys and girls are trafficked but not kept in exploitation for the same amount of time – boys and girls are trafficked in roughly equal numbers, for example, to work in domestic work but, as they grow older, the boys tend to be moved into other forms of exploitation or work while the girls continue. As a result, it is sometimes written that girls are the major victims of trafficking into domestic servitude whereas, in fact, both girls and boys are trafficked in the first instance.

The repercussions of human trafficking on the person who is trafficked are also gendered. Both men and women may suffer violence at the hands of traffickers, employers and clients, but women and girls suffer sexual violence more often. As a result, for women and girls the health repercussions might include reproductive health problems including sexually transmitted infections, sterility and unwanted pregnancies.

For these and many other reasons, it is absolutely vital to collect data on human trafficking and to make sure it is disaggregated by age, sex, and with other important details that allow us to understand trafficking better and help its victims appropriately.

**Myth 3:        *Human trafficking involves the crossing of borders***

Because we don’t have 100 per cent reliable data on the numbers of people who are trafficked, we cannot say for sure how many of them are moved across borders and how many are moved within a country.

It is generally believed, however, that more people are trafficked domestically than are trafficked to another country. Domestic trafficking includes people being moved from one town to another, from the county to the city, from the city to the country, to coastal resorts

and other tourist areas, from village to village – in fact from any place where the vulnerability factors are high to a place where there is a demand for the victim’s labour.

Remember that there is no specific distance that must be covered for trafficking to have occurred.

***Myth 4: Human trafficking begins with kidnapping or violent abduction***

You know now that the way a victim enters into trafficking is not necessarily violent and does not have to include abduction or kidnapping. It may be no more than answering an advertisement in the newspaper or going to a recruitment agent for help finding a job

Of course there are situations where people are kidnapped or abducted, and there is always a potential for violence, however each trafficking case is different and all possibilities should be considered.

***Myth 5: Some parents sell their children to traffickers***

This is true. But it is not common. Most parents who hand over their children to traffickers do so believing, as adults do, that the stories the traffickers are telling them about opportunities for the child, the money they will send home and the bright future they are going to have are true. This is not to say, of course, that these parents are not doing something wrong by sending their children into labour (and not sending them to school), however these issues are complex and people may be desperate and ignorant.

The important thing is not to presume, when a child is trafficked or exploited, that the parents are to blame. Many parents of trafficked children grieve for them when they disappear and wait in hope for them to come home.

***Myth 6: Sex tourism causes trafficking***

In many countries, debate on trafficking and plans to stop it include mention of sex tourism. It is important to understand that they are not the same. Many of the women, children and sometimes men who are exploited by tourists whose holiday plans are based on buying sex have been trafficked. However many of them have not.

It is misleading to suggest that sex tourists are somehow at the centre of trafficking. Sex tourism can exist without trafficking; trafficking exists without sex tourism. When the two do come together, however, then action needs to be taken on both fronts to ensure that sex tourists are brought to justice and that the traffickers are too.

***Myth 7: Trafficking is the same as forced labour***

People are exploited in forced labour but may not have been moved into it and no traffickers may have been involved. In a way, forced labour starts and ends in the workplace, whereas trafficking starts at the point of the origin where the victim is recruited and ends in the workplace.

This is clear in international law and in the great majority of national legislations. However confusion is growing because some national anti-trafficking legislations stipulate that there does not have to be movement for trafficking to occur.

**Myth 8:        *Trafficking into the sex trade is the same as prostitution***

In many countries, prostitution is legal and is regulated in the same way as less controversial occupations. Where prostitution is legal, it is in women's interests to enjoy all the protections that labour laws allow, including a negotiated contract, minimum pay, decent working conditions, access to sick pay, health insurance, holidays and agreed time off. Regular inspection of premises by labour inspectors is also in the women's interest, and health and safety regulations must also apply to these premises.

Regardless of the moral arguments put forward for or against prostitution, the truth is that in countries where it is legal, prostitution is effectively a labour sector. Just as with other sectors that receive trafficking victims, the sex sector often includes trafficked women alongside those who have elected to work legitimately.

Very often of course, women and girls are trafficked into sexual exploitation in countries where prostitution is not legal and where they are put to work in clandestine brothels, massage parlours, hotels or on the streets. Frequently women who are trafficked into prostitution are fooled with promises of other kinds of work and only on arrival at their destination find that they are to be prostituted. Frequently also, however, women may agree to relocate in full cognizance of the work they are going to perform; rarely however do they have any idea of the conditions they will face. Reports of violence, coercion to have unsafe sex, threats against the victim and her family, forced administration of drugs, and slavery-like conditions are common. Since the women were thus effectively deceived when they agreed to move, they are also victims of trafficking.

However, it is important not to confuse trafficking into the sex trade with prostitution *per se*: prostitution is legal in some countries; trafficking is always illegal.

**Good practice example:**

## **Inquiry reveals hidden problem of human trafficking and slavery in NSW**

By Philippa McDonald (11 Dec 2013)



**Photo:** The report found women, men and children were at risk of exploitation. (Giulio Saggin, file photo: ABC News)

A report released today warns the problem of human trafficking for exploitation in New South Wales [a state in Australia] is "far more widespread than anyone would care to estimate".

The state's Community Relations Commission inquiry found that human trafficking and slavery is being under-reported.

It includes instances where people are forced into domestic servitude or made to work for free, or in return for accommodation.

The commission is making number of recommendations, including the establishment of a ministerial-level Human Trafficking Advisory Council and a nationwide compensation scheme for victims.

The report says that, while the media's focus is typically on exploitation of women in the sex industry, the inquiry heard evidence that exploitation more frequently occurs in family homes and businesses.

Key report findings:

- Slavery is far more widespread than the public would care to estimate
- Exploitation occurs more frequently in family homes and businesses
- Human trafficking and slavery are under-reported
- Domestic servitude in return for "free" accommodation is area of great concern
- Nationally there are about 300 people identified as having been victims of human trafficking
- Report recommends ministerial-level Human Trafficking Advisory Council and a national victims compensation scheme be set up.

Stepan Kerkyasharian, who has chaired the Community Relations Commission for the past 24 years, says the issue is affecting men and children, as well as women.

"Sometimes it may start innocently 'why don't you come in and do some extra work, why doesn't your partner come and work in the restaurant on the weekend' and before you know it the person is completely involved in doing work in many cases for no remuneration at all," he said.

"Usually perpetrators rely on the strength of their standing, their power in the community - whether their power is derived through money or community status or whatever - all those things come together to contribute to the oppression of the victims."

Mr Kerkyasharian says one woman was so fearful of the ramifications of speaking out at the inquiry that she gave evidence in a separate room.

"Now that says a lot about the level of fear someone is living under," he said.

"The important thing is a very important message be given to the community and be given repeatedly by opinion makers, by leaders, that this is not acceptable in our society."

Domestic servitude in return for "free" accommodation is a particular area of concern to the commission.

"Before you know it that person is being used as a maid in the house basically for no remuneration and in extreme cases it may also involve sexual harassment and even assault," he said.

Associate Professor Jennifer Burn from Anti-Slavery Australia says her organisation is really worried about women in domestic servitude.

"There have been a number of cases emerging of women who are exploited in forced labour situations in private homes," she said.

"This is an area that's effectively invisible and most people are unaware of that form of human trafficking."

Associate Professor Burn says one recent Queensland case is a good example.

"A woman was in a sham marriage, exploited in forced labour in a takeaway shop on a main street in a country town and then after she'd finished each day she went to the family home and worked in domestic servitude," she said.

"She had no control over her life, her passport was taken, and she was effectively imprisoned.

"Really there's a responsibility on all of us to inquire further where possible if we have a concern about what we might think is a form of abuse and alert authorities.

"We now have new law that addresses forced marriage and forced labour."

Associate Professor Burn says Anti-Slavery Australia provides confidential legal advice and support to vulnerable workers.

"We have contact with 70 people who have experienced human trafficking in Australia," she said.

"Nationally there are about 300 people who have been identified by Australian law enforcement, but we don't know what the real numbers are and there are emerging forms of trafficking that are not on the radar yet."

Australian Broadcasting Corporation website ([www.abc.net.au](http://www.abc.net.au))

### **Strong points:**

- First of all, notice the photograph: the person cannot be identified because her face is not shown and so no stigma is associated with this young woman (whether she is a victim

or just a model). At the same time, it is a good photograph because the position of the woman's head in her hands shows that she is distressed and suffering.

- The article is based on a report from a reliable source and the journalist has supplemented the report with interviews with spokespeople from well-known organizations.
- The examples given are striking, however they are not exaggerated and the language used is not sensational.
- None of the cases quoted is identified by name or place – they cannot be identified by anyone who may know them or their exploiters; this is important to respect the privacy and dignity of the victims.
- The report directly addresses some of the myths that surround human trafficking, particularly that it only occurs in relation to the sex trade.
- The report also touches on some other important factors, without attempting too much detail: for example that numbers are not reliable, that there is under-reporting, that trafficking and forced labour affect both men and women.
- The article also gives the reader something to think about – that anyone who has a concern should report to the authorities – without overtly campaigning or calling for action.

## MODULE 2

### HOW TRAFFICKING WORKS

#### Objectives

On completing this module, participants will understand:

- What makes some people more vulnerable to trafficking and exploitation than others;
- The sectors in which people are exploited and the forms this exploitation takes;
- The notion of ‘Decent Work’ as a goal to be reached for all workers;
- The specific case of exploitation in the sex industry;
- The specific case of exploited and trafficked children – child labour and the worst forms of child labour.

#### Key messages

18. Stopping forced labour and human trafficking starts with addressing the things that make people vulnerable, including poverty, exclusion from job markets, lack of education and skills, discrimination, violence, family break-down, crisis and conflict but also less tangible factors such as hope, aspiration and desire for change.
19. Once people move or are moved from the place they know to a strange place where they have no safety nets – whether that’s in the same country or another – they are at risk of being exploited and have little chance to escape.
20. Trafficking and exploitation don’t happen “somewhere else”. There may well be a trafficked or exploited worker in your factory, street or community. There may even be a trafficking victim or someone in forced labour in the house next door.
21. Keep an eye open for workers who seem afraid, sick, poorly nourished or under duress. If you see it, report it.
22. When everyone has access to “decent work” then trafficking and exploitation will no longer exist. This is the goal every government, trade union and employer should work towards.
23. People who earn a living in the sex industry have rights like everyone else. No-one knows their full story or how they came to be working in this sector. Where the sex industry is illegal, the focus should be on closing down the profiteers and reducing demand for services.
24. Trafficking and labour exploitation know no boundaries of age or sex. Women and men, girls and boys may all fall victim to traffickers and unscrupulous employers, even if the form their servitude takes may differ.
25. When children – people under the age of 18 – are moved from their home to be exploited for their labour or for sexual purposes, they are victims of trafficking. The fact that they were not coerced, deceived or forced does not matter – they are considered too young to “consent”.



26. The forms that exploitation takes differ depending on whether the exploited person is male or female, young or old, able or (dis)abled, small or big – exploiters look for specific types for specific jobs.
27. Women and girls are particularly likely to end up in domestic labour or in commercial sex and the entertainment/service industries (although men and boys are also exploited in these sectors).
28. Men and boys are particularly likely to end up in construction, heavy industry and agriculture (although women and girls are also exploited in these sectors).
29. Children, and women accompanied by babies and young children, are frequently trafficked to beg on the streets or commit petty crimes. They are often beaten and burned if they do not bring something back each night to the trafficker who is controlling them.

### ***The issue***

#### **Why are some people trafficked and not others?**

There is a common misconception that the people who fall victim to traffickers are always poor, desperate and weak. This is simply not true. There are many factors that characterize those who get trafficked and often they are factors that might seem positive, like hope for a better future or a desire to improve one's working life. This module will look at what it is that puts certain people at risk of being trafficked.

Traffickers are sometimes opportunistic – they will pick up a child walking alone along a secluded road, for example – but generally they look out for very specific characteristics that (i) match the 'use' to which they intend to put the victims; and (ii) make it likely that the victim will enter their trap.

#### ***Matching the victim to the purpose***

Traffickers and exploiters usually have a particular sector in mind when they choose their victims; they are rarely "general suppliers" of human beings for exploitation. In business terms, they will respond to a "demand from the market".

So if, for example, there is a clear demand for women to be exploited in the sex trade in a particular town, country or region, traffickers will search for women to traffic. And not just any women, but women who match the profile required: usually young, good-looking, perhaps already working in entertainment industries or the sex trade itself. Sometimes there is a specific demand for virgins, and in this case traffickers may seek out very young women to entrap, even children.

If there is demand for factory workers, the traffickers will seek to recruit men or women (depending on the factory) with low incomes, often low skilled and appropriate for manual

labour. If the work involves specific requirements – for example lifting heavy weights or working in a small space – they will try and match the victim to those requirements too.

Sometimes there is a demand for children, for example to be exploited as beggars on the streets of a tourist city, or to work underground in tunnels or as domestic workers that can be manipulated very easily. Sometimes these children may be very young babies, and may be trafficked with their mothers who will be used to beg on the streets with them (although often the traffickers will force mothers to exchange their babies so that they do not have their own child with them – in this way, the mother is more likely to continue to beg because she fears never seeing her own child again).

Children are also trafficked into crime – for example small children who can squeeze through open windows or climb through fences may be used in burglary, and children are frequently used as drug mules, in the hope that they will pass unnoticed. If they are caught, they are less likely to make reliable witnesses against their traffickers.

What this means is that, although one sector may dominate in a country, people may be trafficked or exploited in any sector where the exploiters believe they can make a profit.

Story possibility for media: Although there may be known sectors into which people have been trafficked or in which they have been exploited in a country, investigative journalists have an opportunity to identify and throw light on workplaces that have not yet been identified. Trade unions are a good source of information in this regard. In the early 2000s in the United Kingdom, for example, trade unions became aware of a supplier of casual labour who was undercutting the rates of pay for agricultural workers. Subsequent investigations uncovered a gang of Eastern European traffickers who were bringing in dozens of men to work in flower and fruit picking, and providing their labour cheaply to farmers and flower growers. They were charging the men for transport, accommodation and meals, and making a profit of 4 million GBP a year.

### ***Targeting the person most likely to get trapped (vulnerability)***

It is also recognized that some people are more likely to fall into the traps of traffickers than others. The term that is usually used by those working to end human trafficking is “vulnerable” – some people are more vulnerable than others. It is possible to draw up a “vulnerability profile” of people at risk and calculate who is most at risk so that protection programmes can be aimed at this person/group of people. Generally such programmes will aim to reduce the person or group’s vulnerability.

Understanding these different risk factors is also useful for journalists, because it is by reducing or eliminating these risk factors that trafficking and exploitation can be prevented. Governments have the responsibility to address these risk factors (through social services, for example, that support individuals or families at risk) and journalists may want to report on government initiatives to do this (or when governments do not act).

It is important, though, that journalists do not clearly identify specific groups or places where people are at high risk, since this is providing useful information to traffickers or potential traffickers!

People who are vulnerable to trafficking will generally have more than one risk factor. For example, being poor may be a risk factor, but generally will not be sufficient to make a person vulnerable to being trafficked (if that were the case, all poor people would be vulnerable). However, if the person is not only poor but loses his/her livelihood (for example a poor farmer faced with sudden loss of crops through drought or flood), or becomes ill and unable to work, then the combination of factors may be enough to lead the person to try to move to another area and approach a recruitment agent, or otherwise demonstrate vulnerability.

Vulnerability is also categorized depending on where it occurs – at the level of the individual, family, community, country or workplace. Typical vulnerability factors include:

### ***Individuals***

- Sex (whether the person is male/female can make them more vulnerable to particular traffickers, for example where there is a known “market” for sex workers or agricultural workers);
- Age (for example, being young where there is a market for children for begging, or being middle-aged where there is a market for factory workers);
- Ethnic grouping (belonging to a certain ethnic group can make it more difficult for people to obtain work, or may make them liable to trafficking into certain kinds of work);
- Separation from family – temporary or permanent (for example when families are split during conflict, or when a young person is making a journey alone);
- Education or skill level (for example having a low educational level can lead to unemployment and a desire to go somewhere else to try and find work; having the wrong skills for the local job market can also lead to unemployment);
- Position within the family (for example being the youngest child may mean not going to school and so being sent to work, sometimes through an agent who may be corrupt; being the daughter in a family where girls are not sent for education may have the same result);
- Ignorance of life outside the family or community (for example young people especially may not be aware of the risks of travelling alone, or of making “friends” with strangers they meet);
- Peer pressure (people may be encouraged by friends to do something risky, to answer a job advertisement, for example, or to approach a recruiting agent and ask for work).

### ***Family***

- Single-parent family or absent parent (family income may be insufficient, supervision of young members may be lacking, there may be pressures on family members to earn more money);
- Large family size (family income may be insufficient, parents and older children may seek to earn more money; some children may not be sent to school but put to work);

- Illness or death in the family (this can be a “trigger” that reduces the family’s income or ability to cope);
- Power relations within the family (girls, especially, may be expected to work rather than study; difficult family relations may lead to some members seeking to leave home and find work somewhere else);
- Family violence (violence within the family may push some family members to seek to leave and find a new life elsewhere);
- Tradition of migration (some families may have a history of moving from place to place to work, either seasonally or longer-term).

### **Community**

- Unemployment or loss of jobs (for example a factory closing in a town may lead to men and women looking for jobs elsewhere – and if there are many unemployed workers, they may follow each other to another country for work);
- Community violence (like job losses, violence in the community can force people to move and leave behind possessions, so that they have to find work in places they do not know);
- Geographical location (a town that is close to a border with a more affluent neighbouring country, for example);
- Road connection and transport (where it is easier to move, people are more likely to consider doing that and may fall into the hands of traffickers when they seek out information on work or routes or travel);
- Policing, local authority services (if services in a community are poor – for example no health clinic or local school – families and individuals may seek to move and may fall into the hands of traffickers or exploiters);
- Entertainment and tourist industry nearby (women and young people especially may be offered work in service sectors linked to entertainment and tourism and may find themselves in exploitation or being trafficked);
- History of migration (some communities have for many years had a history of moving to neighbouring job markets, for example for seasonal fruit picking, and exploiters and traffickers may exploit their isolation from their homes or their lack of knowledge of the new place).

### **Country**

- Geography (a small country surrounded by bigger and more affluent countries, for example; or a country that is on a trade route between two markets, with easy road passage);
- Natural disaster (flood, drought, tsunami, bushfire, earthquake – these can all destroy enterprises, disrupt communities and leave people at risk of exploiters and traffickers who make them promises of better conditions);

- Socio-economic status and population size (a country that is struggling with socio-economic development or whose population has expanded beyond available jobs and services may experience an out-flow of people seeking work elsewhere);
- Weak legal framework and policing (countries which do not have robust laws or policing may permit traffickers and exploiters to take advantage of this and act with impunity);
- Corruption (corrupt authorities may permit exploiters and traffickers to work in exchange for personal benefits);
- Conflict (when communities are destroyed by conflict, people will seek to move, families may be split up and exploiters may move in to promise opportunities elsewhere).

### **Workplace**

Some factors will make it more likely that a person can be trafficked into a certain workplace, or that a worker can be exploited in that workplace.

- Unsupervised hiring of workers (when no-one is checking where workers are being sourced, they may be hired through traffickers or dishonest agents);
- Lack of labour monitoring (if a workplace is never monitored by labour inspectors, there is no way to know who is working there and in what conditions);
- Unregulated, informal economy (workers are more likely to be exploited in workplaces in the informal sector because these work outside labour laws);
- Lack of workplace representation/trade unions (where there is no body present to act on behalf of workers and ensure their minimum conditions, unscrupulous employers may take advantage and exploit workers or receive trafficking victims);
- Inability to change employer (when workers are tied to one employer – by law or by force – they are unable to move if conditions are poor or if they are badly treated);
- Public indifference or tolerance (where unregulated or even illegal workplaces exist and the public accepts these, they are more likely to continue).

### **Interaction 3**

**Consider the following case study,** adapted from an exercise in the *UN-GIFT Training Manual to fight trafficking in children for labour, sexual and other forms of exploitation*, ILO-IPEC, Geneva 2009.

Vulnaville is a district in Central Country that is on the border with Nearplace, a country where people live in relative affluence.

Vulnaville faces significant problems with human trafficking into Nearplace, but research shows that it is a problem mainly among Vulnaville's two ethnic groups, the Waheds and the

Etneins. The ethnic composition of Vulnaville's population is 70 per cent Vulnavillians, 17 per cent Waheds and 13 per cent Etneins.

The Vulnavillians own all the land and manage large farms. The Waheds are mostly small farmers and the Etneins mainly do street trading.

Neither the Waheds nor the Etneins register the birth of their families because they consider themselves temporary residents, so they have no official status.

Both the Waheds and the Etneins have a history of irregular migration. Young girls in particular migrate to Nearplace to work in restaurants and hotels. Many girls migrate with the help of older girls who have been to Nearplace before, or they use the services of unregistered recruitment agencies that flourish in the villages of the district.

The Etneins have a history of drug and alcohol abuse and this is quite visible. Reports suggest that domestic violence is rampant in Etneins households.

The Etneins live in the low areas close to the district capital, whereas the Waheds live higher up in the mountains far away from basic services.

The Waheds tend to have large families that are ruled over by the men, who make all the family decisions. Many Waheds girls drop out of school around the age of 13. Many of the girls are then sent into the households of extended family members elsewhere in the province, where they toil long hours as household servants.

### ***Discussion questions***

1. Consider the socio-economic status of the Vulnavillians, the Waheds and the Etneins. Which of these groups is most vulnerable to seeking work elsewhere or to falling into the hands of traffickers?
2. What country-level and community-level vulnerability factors are mentioned in the case study?
3. What community-level factors put the Waheds and the Etneins at more risk of exploitation and trafficking?
4. Who do you think is more vulnerable, the Waheds or the Etneins? Why?
5. When reporting a case of trafficking that involves a young woman from Vulnaville, what questions would you ask about her family, community and background?

### **Sectors where exploitation occurs**

You have already seen that in theory traffickers and exploiters may try to make a profit in any sector of work – the essential element is that they have control over someone and benefit financially from that person's labour. However there are known sectors where exploitation/forced labour occur, and into which people are trafficked.

#### ***Domestic service***

Both men and women are trafficked into and exploited in domestic service, although usually it takes a different form – the women will generally be engaged to perform tasks in

the house, while the men will work in the yard, drive vehicles or do heavy jobs required by the family.

Domestic service has a long history in the Middle East. Until the late 1990s, most of the women who moved to live within a family as domestic helpers in a household were from within the region, but in recent years this has changed significantly. Now domestic helpers are almost invariably migrant workers, particularly from Asia and Africa. The significant demand for foreign domestics has made this a sector of interest to traffickers. And the very nature of domestic work – in particular when it involves a migrant worker who lives with the family and is dependent on the employer for her visa – results in frequent exploitation.

It is important to remember that domestic work is a legitimate undertaking for many women and men across the world. It is a necessary service in many households (for example when all the adults in the family go out to work) and many domestic workers are appreciated and happy in their work. In recent years, there has been a move to recognize the value of domestic work, to promote vocational training and certification for domestic workers, and to regulate the sector so that domestic workers have appropriate contracts outlining hours of work, rates of pay, jobs to be done, holidays, insurance coverage and the like – all the conditions that any worker would expect. The professionalization of domestic work has been agreed by the international community through the adoption of a new international convention: the *ILO Domestic Workers Convention, 2011 (No. 189)*.

Story possibility for media: Domestic work is a very common occupation in the Middle East. Has your country ratified the 2011 Domestic Workers Convention? Has it taken steps to professionalize domestic work so that young women (and men) who wish to work as domestic helpers can find appropriate skills training and certification? Is domestic work recognized as a labour sector and, if it is, has the government taken steps to ensure that it is subject to labour laws like other sectors, including labour inspection? If most of the domestic workers in your country are migrant workers, are they treated the same under the law as native domestic workers? Human interest stories will help to illustrate some of these important questions.

Most of the problems arise when the domestic worker lives in with the family. This is almost always the case for migrant domestic workers who arrive in a country or new town either specifically to become a live-in domestic helper or, sometimes, believing they are going to be doing something else but then finding themselves in someone's home doing housework.

Clearly, live-in domestic workers are under the control of the family – often the mother or grandmother – and may be treated as an inferior being. There are reports of domestic workers being told they no longer have a name, and will be called “dog” or “you” or by another name. In many cases, live-in domestics have to hand over their identity and travel documents to their employer (or an agent) – in fact in some countries such as Jordan this is required by law (the *kefala* system). The worker is therefore unable to leave at will and this puts all the power into the hands of the employer. In international law, where the relationship between employer and employee is such that the employer has total control over the employee, this is considered a situation of slavery.

Reports from across the globe tell us that exploited domestic workers have to:

- Sleep in bad conditions, often on the floor of the kitchen and sometimes in the same room as other employees, including of the opposite sex;
- Eat poor food, often the left-overs from the family meals;
- Work even when they are sick, and often without any medical attention;
- Remain in the house if the employer says they must – even for weeks at a time while the family is absent;
- Rise early to prepare breakfast, prepare the family for school or work, and do morning chores;
- Take the children to school, look after infants, look after grandparents and older relatives, sometimes lifting them in and out of bed, helping them with personal needs, feeding them etc;
- While the family is absent, clean the house (often with chemicals, reaching up high or bending down low), wash and iron the clothes, prepare the meals;
- Collect the children from school and wash and feed them at night;
- Clear up after the family has gone to bed before going to bed her/himself;
- In some cases, provide sexual services to the men in the household or visiting friends and relatives;
- In some cases, provide sexual services to men who work in the household such as other domestic helpers;
- Work in the garden, collect water, do repairs around the house – in fact, the domestic worker essentially does anything and everything the household needs.

For all this, domestic workers may be paid a modest wage or in many cases not be paid at all but provided with food and accommodation.

In 2013, the ILO published global statistics on domestic work. These show that there are 52.6 million men and women working as paid domestic helpers in the world, and they are amongst the lowest paid workers across all sectors.

There were more than 2.1 million domestic workers in the Middle East in 2010, 63 per cent of them women. The ILO estimated that 8 per cent of all paid employees in the Middle East are domestic workers.

Because of the nature of domestic work – occurring in a private home, out of public view, inherently based on a power structure where the employer controls the domestic helper – domestic work is a sector where women and men, girls and boys are at high risk of exploitation.

Additionally, because domestic work is seen as low-skilled, and because many societies believe that domestic work is a suitable employment for girls and young women because it involves “women’s work” and prepares them for work in their married home, many families encourage their daughters to seek out positions as domestic workers, including in other countries. This opens the doors to traffickers and exploiters.



- Traffickers use deception and false promises to paint a picture of the domestic work available, but the young woman finds when she arrives that she is expected to do more work, for less money, in conditions that are unacceptable, but cannot leave because her documents are held or she may even be threatened with violence;
- Exploiters – in this case the employer is the family itself – may make promises to a legitimate recruitment agency but then treat the domestic worker badly (sometimes violently), pay less than promised, provide poor conditions and expect more work than agreed. If the employer confines the domestic worker to the home and restricts her movement, this is a case of forced labour.

Story possibility for media: Domestic work is a 'hot topic' for journalists in many countries of the Middle East because it is so common. Women from South Asia, South-East Asia and Africa have now largely replaced the Arab women who used to move within the region to work as domestic helpers. Although some governments have tried to regulate the situation of domestic workers arriving in the Middle East, in practice they are not able to reach the recruiters and agencies in the women's countries of origin and have no control over the promises that are made to the women. Journalists seeking out a story that originates in another country might trace the origins of domestic workers and uncover their motivations, expectations and human stories.

#### **Interaction 4**

**First, read the following article from the Inter Press Service (IPS)**

### **HOW THE KAFALA SYSTEM IS FAILING DOMESTIC WORKERS IN THE MIDDLE EAST**

*By Simba Shani Kamaria Russeau, North Africa-based correspondent for IPS*

For developing countries, female migrants are becoming the main export as the labour market demand for a new form of modern-day slavery – domestic servitude – increases in the Middle East.

Currently, there are an estimated 25 million migrant domestic workers in the Middle East. Mainly from Africa and Asia, they provide the bulk of household and cleaning services.

#### **'I can't bear living like this anymore'**

Before leaving Madagascar, Dima, 19, was told that she would find decent employment and a means to provide much needed funds to pull her family out of extreme poverty. However, it was only several hours after arriving at the home of her new employer in Lebanon that she was confronted with a different reality.

After less than a month of being employed in Lebanon, Dima seized an opportune moment to escape. I met Dima the following day and the story she tells is heartbreaking:

*"The male employer picked me up from the airport and when we arrived to the home he told me to take a bath. He insisted that I leave the door slightly open and while I was in the bath he entered and raped me.*

*He started bragging about never having a Black woman before and his excitement at having a taste. Afterwards, I was forced to bury the scars so that I could carry on with my household chores. Several weeks later it happened again.*

*This time he tied my hands to the bed and spread my legs apart and tied each to the bed and raped me repeatedly. Then he invited two male friends over and they also took turns raping me. While the family was getting into the car I started running. I couldn't bear living like this anymore."*

#### **Kafala**

The *kafala* system has cultural and historical roots in the Arab world. It comes from the Bedouin custom of temporarily granting strangers protection and even affiliation into the tribe for specific purposes. For instance, if a stranger were travelling across the desert and happened to wander onto a family's camp, it would be customary to take him in, feed him and his animals, and allow him to stay as long as he wishes.

Under the modern-day *kafala* (sponsorship) system, we see the opposite. It's commonplace for employers to confiscate passports, which can facilitate abuse, advocates argue.

In an interesting study by scholar Hayeob Lee, she argues that one of the reasons employers exert tight control over their workers is due to widespread stereotypes about the over-sexualisation of Asian and African women:

*“For example, although Cynthia, a Lebanese woman in her thirties working for an international organisation, is conscientious in terms of the Filipina live-in maid’s treatment and workload, she does not allow the maid to have a day-off outside the house. She tells any Filipina live-in maid who works in her home, ‘The minute you decide that this is not your priority – working and making money for your family – and your priority is finding somebody, you tell me, you leave.’*

*It is convenient and economic for recruitment agencies to discourage madames to allow live-in maids to have a day-off outside the house: There is a three-month guarantee period for the customers and, if anything goes wrong, it is the agency that pays. And many madames, who pay up to US\$2,700 to hire a woman from the Philippines to work in their home, are not willing to risk losing their ‘investment’ after hearing stories of Filipina women sleeping with men, getting pregnant, running away, and bringing disease to their home. Furthermore, the kafala (sponsorship) system, along with domestic workers’ exclusion from the labour law, ties workers to their Lebanese employer, creating a legal dependency of the former on the latter. Such an arrangement delegates near absolute power to the employer to dictate her relationship with the live-in maid (Longva 1997:91-94). The negative sexual stereotypes of Filipina women often legitimate this control.”*

### **Creating their own social networks**

Despite the fact that they are left to fend for themselves due to little or no protection from labour laws, their governments or recruitment agencies, these women have created their own informal networks and makeshift community spaces.

Community leaders not only turn their homes into shelters for younger women but also act as social workers by providing emotional support.

However, until the proper mechanisms are put in place to ensure that women travelling to the region are guaranteed their rights, a good place to start might be to honour the *kafala*’s original cultural tradition of offering the newcomer a real peaceful place of refuge.

IPS, 25 February 2014 ([www.ips.org](http://www.ips.org))

### **Discussion questions:**

1. Do you know how migrant domestic work is regulated in your country?
2. Are workers monitored by recruitment agencies and, if they are, are these agencies regulated by law?
3. Are there inspection services to monitor the conditions under which domestic workers are employed?
4. What is your opinion of the IPS article? How might you report the same story?

## **Manufacturing**

There have been frequent reports of migrant workers being exploited in factories in the Middle East. For example, trade union leaders from the United States took up the case of Bangladeshi migrants working under poor conditions in factories in the QIZ in Jordan in the mid-2000s. This case is typical of what happens.

The US National Labour Committee (NLC) reported that Jordanian factories would run advertisements in Bangladeshi newspapers announcing jobs that paid high wages, provided healthcare and accommodation, served food that is "like the West" and offered a chance to see the country. The recruiters typically charged a fee of between US\$1,000 and US\$3,000 for arranging a three-year contract guaranteeing them work when they got to Jordan. Many would-be migrants would then go into debt in order to pay this fee, believing that they would be able to pay it off with wages they earn in their new job.

When they arrived in Jordan, the Bangladeshi workers were immediately stripped of their passports. They then learned that they would not even receive the legal minimum wage and, according to the NLC, were often cheated of half the wages owed to them. Factory owners commonly required them to work more than 100 hours a week without overtime pay, enforced seven-day working weeks and provided only one or two days off a month. Workers told the NLC that they were forced to work up to 72-hour shifts and were beaten if they fell asleep. If they complained, they were beaten or threatened with deportation.

When their contracts expired, most of the workers were denied the return ticket promised them by employers and had to borrow money so that they could return to their homes.

The conditions of labour exploitation in manufacturing might therefore include:

- False promises and contracts before the migrant worker leaves his/her country (this fulfils the *Palermo Protocol* definition of deception or trickery and, if the worker is then exploited, identifies him/her as a victim of trafficking);
- Costs charged by the recruiter that put the migrant worker into debt (and might result in his/her being in 'debt bondage', unable to leave exploitation because the debt has to be repaid);
- Removal of passport (even where this is a legal requirement, it increases the vulnerability of the worker);
- Under-payment or sometimes no payment for work done;
- Excessive hours of work and little or no time off;
- Threats of reprisals or violence, and actual violence;
- No return ticket provided despite promises that this would be done;
- Often poor working and living conditions – dirty, heavy work, toxic chemicals, dangerous equipment – because the worker is unable to complain because of fear and inferior position;
- No social security or healthcare, so that a sick worker is untended or sent home without help.

#### **Interaction 4**

**First, read this article** posted by an organization that works for the rights of migrant workers:

#### **MORE REPORTS OF ABUSE IN JORDANIAN GARMENT FACTORIES**

Over 100 Nepali workers in Jordan recently requested repatriation to escape abusive conditions at a garment factory. The factory appears to be Needle Craft Est, which carries an extensive record of exploitation. Needle Craft is a UAE-owned company that also runs factories in Egypt. For several years, the Institute for Global Labour and Human Rights has documented numerous cases of abuse at varying Jordanian garment factories. These factories export to brands that sell globally, including Hanes, Wal-Mart, Target, Kohls, Macy's and Victoria's Secret.

Five Nepali women who have worked at the factory for nearly two months lodged official complaints with Nepali authorities. They claim a range of violations, including underpayment, verbal abuse, overwork, and unsuitable living conditions. The SCC employment agency promised the women 178 JD/250 USD per month, but they have only received 105 JD/148 USD. The minimum wage for garment workers is 110 JD per month. Additionally, they report that employers forced them to often work 18-hour days, exceeding Jordan's legal quota of 10 hrs. Jordan's labour law allows workers 14 days of paid sick leave, but several individuals recounted they were unable to take time off for illness.

The women also complained of severe harassment by local youth:

"Children hurl stones at us, while older youth verbally and physically abuse girls. A few days ago, a few Arab boys attempted to abduct two Nepali girls and took away their mobile phones," Sarita KC of Jorpati [said].

The behaviour of young Jordanians is particularly disturbing as it reflects the normalization of discriminatory attitudes towards migrant workers and perpetuates exploitation.

Bishnu Khadka, a representative of the women's employment agency, indicated intentions to secure the workers' repatriation in coordination with the Department of Foreign Employment Officials and Saudi's Nepali mission. Though a significant number of Nepalis currently work in Jordan, they do not enjoy the resources of a local embassy. Nepal announced plans to sign a labour pact with Jordan last year, but currently workers rely only on the limited support of an Honorary Counselor and the *ad hoc* aid of Nepal's mission in Saudi Arabia.

While Khadka appears to accept responsibility for the discrepancies between the agency's employment contacts and the conditions these women face, he also alleges the workers are "exaggerating the matter". Khadka claims the agency is prepared to repatriate all workers, but his attitude indicates that other Nepalis will merely be misled to take their place; exploitation in Jordanian garment factories is heavily documented and recurrent complaints should not be belittled. Khadka's agency as well as the Nepali government must be held accountable for continuing to place women in unsafe conditions.

Jordanian authorities are also culpable for failing not only to regulate employment conditions, but for their unwillingness to penalize factories with sustained records of abuse. In many cases, local authorities ignored the complaints of workers or failed to implement punishments against convicted employers. This pattern of conduct is contrary to Jordan's own labour law, which provides for mechanisms to penalize exploitative employers.

Furthermore, Jordan's negligence contravenes several components of the ILO's *Convention on the protection of the rights of all migrant workers and members of their families*, which the nation has neither signed nor ratified. These include the prohibition of slavery or servitude and forced or compulsory labour (Art. 11), the right to dress employment contracts (Art. 54(D)) as well as equality with nationals in terms of minimum wage, hours, and conditions of work (Art 25.)

Downloaded from [www.migrant-rights.org](http://www.migrant-rights.org). Posted 5 March 2013

### Discussion questions

1. This article is clearly not written by a journalist but by a human rights campaigner. What can you find in the article that suggests this?
2. There have been frequent reports of abuse in Jordanian factories, particularly in the QIZs, following campaigns by American trade unions. This report, however, goes beyond the issue of forced labour and outlines alleged violent behaviour by local youth. What do you think of the introduction of this accusation in the article?
3. How would you follow up this article in order to investigate the issue in more depth?

### Construction

The booming economies of many countries in the Middle East, particularly in the GCC states, have seen large numbers of migrant workers, usually men, coming to the region to work on construction sites.

The construction industry is thirsty for workers to put up buildings that often tower into the sky. At the best of times, these are dangerous jobs and, in most countries, subject to very strict Occupational Health and Safety regulations, as workers climb to dizzying heights, carry heavy loads and work in difficult conditions of dust, heat and wind.

Where tasks are dirty, difficult and dangerous, as you have learned, migrant workers will often be brought in to undertake the work. As in the manufacturing sector, many of these workers will arrive from Asia or Africa, having replied to advertisements in the newspaper or through recruiters or agencies. The conditions they face will frequently be similar to those in manufacturing:

- False promises and contracts before the migrant worker leaves his country;
- Costs charged by the recruiter that put the migrant worker into debt;

- Removal of passport (even where this is a legal requirement, it increases the vulnerability of the worker);
- Under-payment or sometimes no payment for work done;
- Excessive hours of work and little or no time off;
- Threats of reprisals or violence, and actual violence;
- No return ticket provided despite promises that this would be done;
- Dangerous working conditions (heights, heavy loads) with no safety precautions such as safety harnesses and no appropriate training;
- No social security or healthcare, so that a sick or injured worker is untended or sent home without help.

### ***Interaction 6***

**First, read this article**, from *The Guardian* newspaper, 18 November 2013

#### **QATAR 2022 WORLD CUP: CONCERNS ABOUT FORCED LABOUR**

By Samir Goswami

When I was 10 and living in Libya, I would often visit my father at the Indian Embassy, where he was serving as a diplomat, and find his office packed with workers desperately seeking repatriation back home.

These men were lured to Libya from villages in India with promises of good paying jobs in the oil fields. When they got there, usually after taking on much debt to finance the trip, they were forced to work under brutal conditions at a lower wage than they were promised. Other than their embassy, they had no local authorities to turn to for grievance.

Three decades later, a similar scenario is playing out in Qatar, where migrant workers are facing a myriad of abuses at the hands of their employers, a problem that has been brought into stark relief by preparations for the FIFA World Cup in 2022. In our new report, *The dark side of migration: Spotlight on Qatar's construction sector ahead of the World Cup*, Amnesty International has uncovered many cases where these abuses amount to forced labor or human trafficking. Migrant workers currently make up over 90% of the total workforce in Qatar and most of them come from countries in Asia and the Middle East including Bangladesh, Nepal, Pakistan, Egypt, Sri Lanka and my home country of India. [Note: The introduction to the Amnesty International report gives a striking statistic: *"Qatar's population is increasing by 20 people every hour. Most of those arriving in the country are low-income construction workers from Asia. These migrant workers have been recruited to help build massive projects worth up to US\$220 billion, as part of Qatar's drive to create a regional and global hub. Many of these projects will contribute, directly or indirectly, to the staging of the 2022 World cup. This Amnesty International report looks at how a permissive*

*legal framework in Qatar allows unscrupulous employers to exploit and abuse migrant workers.”]*

In Libya back then, Indian workers were being abused in the oil fields that produced petroleum for export. Today in Qatar, workers' rights are violated in industries tied to infrastructure development, risks that will only increase as the country invests heavily in construction projects in advance of the soccer championship.

The main issues that workers say they face are deception in recruitment about types of work, wages and conditions, restrictions on their mobility when they arrive, not getting paid for work they perform, and unsafe conditions on the work sites. A unifying element is that these workers all say they don't have access to any government institution to appeal to that would swiftly investigate claims and provide resolution. Their experiences of fraud, force or coercion contain elements of human trafficking as defined under international law and are grave abuses of human rights.

A Qatari law that allows for companies to sponsor workers [*kafala*], and thus bring them to the country, also makes it extremely difficult for workers to change jobs or return home without permission from the sponsor. Amnesty International research documented cases of dozens of construction workers who tried to leave the country but were prevented from doing so by their employers. These employers exercised authority to restrict workers' freedom of movement, many illegally confiscating their employees passports and refusing to return them when workers expressed a desire to leave. These actions only add to a worker's sense that his employer has much authority over him with few options available to leave and seek justice.

Furthermore, in the rush to prepare for the World Cup, Qatar's many construction projects are ambitious, massive operations. There are myriad dangers to workers, both from accidents and from working in a very hot climate. As the director of the Hamad Hospital trauma unit in Doha told Amnesty researchers, “Companies should take more interest in the safety of their workers. The authorities must be strict on rules and regulations to force these companies to take all safety measures and make it obligatory at all construction sites”.

These risks can be mitigated if the Qatari authorities press employers to adequately protect health and safety, and by creating mechanisms for workers to safely file complaints.

The Qatari government has the ability to rectify such emerging risks to workers' human rights... Well ahead of the 2022 World Cup, Qatar has an opportunity to address human rights risks by instilling laws, systems and practices to protect migrant workers and the many others who will be coming seeking fair work during the related construction boom. Political will is needed now to provide confidence to global visitors to Qatar that the facilities they will enjoy were not produced at the expense of someone's human rights. Visitors and investors must press the Qatari authorities on this.

The time to do so is now.

### **Discussion questions**

1. Stories like this were also reported in South Africa in preparation for the Rugby World Cup, in Sochi ahead of the 2014 Winter Olympics and in other countries preparing for major events. How do these reports illustrate the problem of human trafficking?



2. As a journalist, what would you do if a press release about the Amnesty International report arrived in your mailbox?
3. What are your views on the *kafala* system, which is common to many Middle Eastern countries?

### ***Agriculture and fisheries***

The exploitation of migrant workers who find themselves in agricultural work or engaged in the fisheries industry is similar to that of workers in the manufacturing and construction sectors: long hours, no rest time, false promises, violent and abusive treatment, no or low payment, dangerous work and slavery-like conditions.

Workers are exploited in various forms of agriculture and horticulture, including harvesting, fruit picking, flower picking and packing, as well as husbandry. Many children spend long hours in the heat of the sun looking after animals instead of going to school.

The fishing industry employs more than 50 million people around the world and those who earn their lives from the sea are often exposed to challenging and risky conditions.

A 2013 ILO report on forced labour and trafficking in fisheries pointed out that in many countries the fishing sector is not only a major source of employment and household incomes, but plays an important role in ensuring food security and in the overall economy. The report stresses that most of the fishing industry applies decent working and living conditions but says there are serious incidents of abuse in some fisheries and fishing vessels, which amount to forced labour and human trafficking.

There is little research on the fisheries sector in the Middle East and, indeed, many Middle Eastern countries' fisheries sectors are diminishing as industrialization takes over (for example the once thriving fishing sector in Oman has largely disappeared today). The report cited the example of working conditions in Thailand's fishing sector, where five per cent of fishers surveyed were unable to leave their work due to threat of violence or of being denounced to the authorities, and the withholding of documents or assets. The vast majority of them were from Myanmar.

The report concluded that the increasing use of workers from developing countries means that more migrant workers are finding their way to the fishing industry. Poor training, inadequate access to complaints mechanisms and a lack of enforcement of safety and labour standards make these fishers particularly vulnerable to forced labour and human trafficking.

While most countries are committed to fighting forced labour and trafficking, activities at sea can be hard to monitor. The world's oceans are subject to a different jurisdictional regime from land.

The ILO and the International Maritime Organization (IMO) have established a number of binding legal instruments to improve fishers' safety and working conditions but only one of them has entered into force because governments have been slow in ratifying them. The ILO's Work in Fishing Convention, 2007 (No. 188) was adopted to ensure that fishers have decent working conditions on board fishing vessels. The Convention puts in place a

mechanism to ensure compliance with, and enforcement of its provisions by States. Now, fishing vessels and those on extended international voyages may be subject to labour inspections in foreign ports.

Of course any identified cases of labour exploitation or trafficking in fisheries or agriculture would be subject to international and national laws relating to these crimes as well as other related laws.

### ***Interaction 7:***

**First read this report**, from IRIN, the news service of the UN Office of the Coordinator for Humanitarian Affairs:

#### **ISRAEL: NEW REPORT HIGHLIGHTS EXPLOITATION OF MIGRANT WORKERS**

Tel Aviv, 30 October 2009: Migrant workers in Israel's agriculture sector are among the most exploited, according to a 28 October report by Kav LaOved, an Israeli non-governmental organization (NGO) campaigning for the rights of disadvantaged workers in Israel and the Occupied Palestinian Territories.

Ninety percent of such workers work more hours than allowed under Israeli law, without overtime payments, said the report, which has been presented to members of parliament.

The report summarizes hundreds of complaints by agricultural workers and dozens of inspections by Kav LaOved volunteers at work sites around the country, and paints a grim picture of systematic exploitation and severe violations of workers' rights in the agricultural sector.

Hanna Zohar, Kav LaOved director, said the workers, mostly Thai, are completely unaware of their rights. "Having paid US\$8-10,000 to work in Israel, they are prime material for abuse by the farmers, as they are afraid to lose their jobs and not able to pay off the loans taken to cover these payments to the middlemen," Zohar said.

The launch of the report has been timed to coincide with a campaign by farmers for additional permits for migrant workers, and is intended to further public debate on the issue.

Farmers have been demonstrating for more permits and there have been violent clashes with the police.

Some 30,000 migrant workers are employed in the agricultural sector, mostly from Thailand, Nepal, Sri Lanka and some from the Occupied Palestinian Territories, according to Kav LaOved and official figures from the Ministry of Industry, Trade and Labour.

The Thai workers come from rural areas after paying middlemen in Thailand and Israel, and most work in remote and isolated locations, unaware of their legal rights, according to Kav LaOved's research done in the past year.

The report said it is common practice in many agri-businesses to dock leave, and some employers give workers only one day off a month.

Employers who withhold passports -- strongly condemned by the legal authorities -- are still commonplace, according to Kav LaOved and Moked, another NGO which campaigns for the rights of migrants.

Since the beginning of 2009, 10 percent of agricultural workers (2,950) have been injured, the report said.

### **Harsh living conditions**

Evidence of harsh living conditions and demeaning treatment crop up routinely in Kav LaOved's inspection reports.

At a visit to one farm, IRIN found some workers living at a potato crop disposal site, in a small, stifling container. Workers told IRIN they cannot leave as they must pay off huge debts in their home countries.

The Israeli Ministry of Industry, Trade and Labour spokespersons' unit said: "The department of foreign workers has been investigating private manpower and building cooperatives to prevent [the] charging [of] migrant workers sums that exceed those allowed by law... In 2009, dozens of licenses were revoked... We ask Kav LaOved to work jointly with the attorney in charge of foreign workers' rights in the ministry, Iris Maayan, and allow the different enforcement factors in GOI [Government of Israel] offices to work more efficiently. The issue is of great importance for the Ministry."

[www.irinnews.org](http://www.irinnews.org)

### **Discussion questions:**

1. What are the characteristics of labour exploitation and human trafficking outlined in this report?
2. The migrant workers sought out work in agriculture of their own choice, so do you think they were trafficked?
3. Consider the situation of these agricultural workers and think about workers exploited in fisheries. What do the two have in common and how do they differ?

### ***Other sectors***

There are also reports across the globe about workers being exploited in **service industries** (such as hotels and restaurants, especially in tourist areas where demand for such services is high) and in **street trades** such as shining shoes, selling flowers or newspapers, or in begging. To date there is a gap in the research on these sectors in the Middle East, although it is likely that labour exploitation and trafficking do occur, especially because of the large numbers of foreign workers who are to be found in services and street trades.

Again, the nature of the exploitation is similar to that found in other sectors, and relates to false promises made before the worker left his/her country of origin, unacceptable working conditions, harsh treatment and threats, and restrictions on movement.

Street trades and begging often involve children – there is more on this below – and some of the children may have moved with a parent or older brother or sister who is working.

In Italy, for example, significant numbers of children from the Maghreb, particularly Morocco, are brought into major cities by their older brothers and put to work on the streets. The older brother may be working, or he may be living off the money that the child is able to earn (sometimes by adding petty crime to the street work). In this case, the interesting question arises: is the older brother a trafficker? In international law he would be considered to have exploited the labour of his younger brother/sister after moving him/her from another country so, yes, he would be considered to have trafficked the child.

### **The specific case of exploited and trafficked children – child labour and the worst forms of child labour**

You learned at the beginning of this training that traffickers seek out victims who fit their needs and are vulnerable and so easier to exploit. This is particularly true in the case of children.

Children are particularly vulnerable when they are already out of school and working. Most countries set a minimum legal age at which children can legitimately work – usually 15 years, or 14 where a country's economic development requires this (although this should be a temporary measure). For the two years before they can work – that is from age 13 (or 12) – children are allowed to take on 'light work', generally taken to mean work for no more than two hours a day (14 hours a week), that is not in any way dangerous to their health, safety or morals, and which does not interfere with their education.

When children take up a job but have not yet reached the legal minimum age for work, this is considered to be **child labour**.

When children, even those who have reached the minimum age, are employed in work that is likely to harm their health, safety and morals, they are in a '**worst form of child labour**'. Similarly, when they are trafficked into any form of work, they are also considered to be in a 'worst form of child labour' because, as you have learned, the very fact of being trafficked means that a person is even more at risk of maltreatment and violence. The worst forms of child labour are defined in international law in the *ILO Worst Forms of Child Labour Convention, 1999 (No.182)*.

Story potential for media: Many children in the Middle East work in family businesses or smallholdings. Some people argue that this is a good thing because it allows children to learn from their family members, to contribute to the family's efforts and to find their place in the family business. But where do we draw the line between this "helping hand" and child labour? International law is very clear on this – it depends on the age of the child, the circumstances and duration of the work, and crucially whether or not it interferes with the child's education (including making the child too tired to study even when s/he goes to school). How would you deal with this issue in a feature on child labour in your country? It would make a suitable topic around World Child Labour Day (12 June).

You have already learned that human trafficking is closely linked to labour – most people are trafficked so that their labour can be exploited. Clearly, then, child trafficking is closely linked to child labour.

Like adults, children who have been trafficked are in a particularly vulnerable situation. They are away from home, usually separated from their family and community, may be isolated in a country or region where they do not know the language, cannot get help and have no way to return to their home.

Isolated in this way, they are commonly the victims of abuse of power. Trafficked children are at the mercy of their employers or the people who are controlling their lives and so risk sexual aggression, starvation, loss of liberty, beatings and other forms of violence. All trafficked children (and children in any other worst form of child labour) must be removed at once from this situation and be given the support they need to recover and rebuild their lives in safety and security.

There is a fundamental difference between the trafficking of adults and the trafficking of children in international law. You have already briefly noted this in the first module when you were introduced to the internationally agreed definition of trafficking (from the *Palermo Protocol*).

You may remember that in the case of children (people under the age of 18), none of the means set out in the definition (ie *threat, use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving of receiving of payment or benefits*) need to be used for child trafficking to have occurred; it is sufficient that the child has been moved with the intent of moving her/him into exploitation.

What this does is recognize that children cannot ‘consent’ to being moved – for example, if someone offers to help them move and they say “OK”. That “OK” cannot be considered to be ‘consent’ in law.

Imagine the case, for example, of a 22 year-old woman who is desperate to leave to find work because she simply cannot survive in her home town. A recruiter tells her she can go to work in a factory in the city and earn a good living. If she agrees, but then ends up in exploitative labour in that factory, the onus is on the law to show that she had been tricked. Her ‘consent’ may mean that it is very difficult to prove that she has been trafficked (although the conditions of her work should mean that some sort of lesser case can be built on violation of labour laws).

Now imagine the same scenario but where the age of the victim is 17. The 17 year-old agrees to leave her town to go to the city and ends up in exploitation in the factory. This time it is a clear case of trafficking, because even though the young woman agreed to leave with the recruiter, the fact that she is under the age of 18 (ie a child) means that this cannot be considered to be ‘consent’.

This non-consent approach may be particularly important for the many children who accompany their families to work in seasonal agriculture, for example. If the children work in exploitative conditions alongside their parents, then they have been trafficked (again, the movement + exploitation elements are the key and there is no need for ‘consent’). But who has trafficked them? Generally, the law would say that the parents are not traffickers because they did not intend to exploit their children. The recruiter, transport provider and

unscrupulous employer, though, may well find themselves prosecuted for trafficking if they were part of a clear chain of crime.

Children are frequently exploited in child labour in the same sectors as adults, as outlined above. This includes exploitation for sexual purposes, particularly in the case of girls between the ages of 12 and 18.

### **The specific case of exploitation in the sex industry**

Exploitation and trafficking into the sex industry are very controversial, because they are frequently mixed up with perceptions about prostitution and the moral arguments this raises.

Prostitution is illegal across the Middle East, but this does not mean that it does not occur. Often it is disguised behind businesses offering massage or beauty treatments, or restaurants or in hotels. Sometimes sexual services are offered through private homes or by assignation. The women (less frequently young men) working in this sector are invariably migrants.

Some of them may have worked in the same sector in their country of origin and may have been led to believe that they can earn more money, and work in better conditions, in a different country.

Some, however, may have looked for work in their country of origin and been told that they were to be employed as maids, hotel chamber maids, waitresses in restaurants, as singers or dancers or in other employment. On arrival, they find that they are expected to provide sexual services – and that they will be beaten if they do not. They may also be threatened with disclosure to the police, or be told that their families will be told that they are prostitutes.

Women in prostitution face many risks. They may be forced to perform unprotected sex and so be at risk of disease, including HIV/AIDS. They may be treated with violence and suffer physical damage that leads to infection and potentially long-term damage, including to their ability to bear children. They are sometimes subjected to violence from the client as well as the person controlling them. This control might be enforced by introducing them to illegal substances and keeping them subdued.

Where prostitution is illegal, additionally, the women – even if they have been providing sex against their will – are in contravention of the law and may be prosecuted and imprisoned or at the very least sent home. At home many women face stigma and rejection if their families and communities learn what they have been doing.

Pause for thought: How are stories about illegal brothels or prostitution dealt with in your country's media? Is the focus on the women involved, or is the story balanced by a focus also on the criminals operating the sex outlet and the clients? What are your views on how a story on this problem should be handled?

In fact, the Principles developed by the Office of the UN High Commissioner for Human Rights call on governments not to criminalize women (and men) who are in fact the victims

of trafficking (and the same is true for exploitation). Clearly it is the men who drive the market for illegal sex, and the recruiters, agents, procurers and handlers who are creating a situation in which criminal acts are occurring. They are the ones who should be pursued.

### **The notion of 'Decent Work' as a goal to be reached in all countries**

The International Labour Organization (ILO) addresses the problems of labour exploitation, forced labour and human trafficking in a number of ways, however its over-arching framework for its work is the **Decent Work Agenda**.

The ILO recognizes that work is central to people's well-being. By working people earn the income they need to survive and to support their family and contribute to their community. However, you have seen that work can be a very negative experience when it is undertaken in conditions of labour exploitation or as the outcome of human trafficking. The ILO notion of Decent Work therefore outlines the minimum conditions that a country should work towards to ensure that the experience of work is positive, not negative.

The Decent Work Agenda calls on countries to **create jobs**, since individual workers and the country as a whole will benefit from an economy that generates opportunities for investment, entrepreneurship, skills development, job creation and sustainable livelihoods.

It also calls on countries to guarantee **rights at work** for all workers, especially disadvantaged or poor workers, including by facilitating organizations that represent them (like trade unions or workers' associations), and putting in place laws that regulate the world of work.

In hand with this, Decent Work presumes that **social protection** will be extended to all workers, so that women and men enjoy working conditions that are safe, allow sufficient free time and rest, adequate compensation in case of lost or reduced income, access to healthcare and work that takes into account family and social values.

Finally, because the ILO has a unique tripartite make-up that includes governments, workers' and employers' organizations, Decent Work requires that all three partners are **strong and independent, working together** to create an environment in which workers can carry out their tasks, be suitably rewarded for them and build a happy and healthy life as a result.

In a relatively short time, this concept has forged an international consensus among governments, employers, workers and civil society that productive employment and Decent Work are key elements to achieving a fair globalization, reducing poverty and achieving equitable, inclusive and sustainable development.

The Decent Work concept has been endorsed by the UN Economic and Social Council (ECOSOC), because it clearly coincides with Articles in the *International Covenant of Social and Economic Rights* (adopted 1966; in force Jan 1976) that is at the heart of ECOSOC's work. ECOSOC has stated that:

*"Work as specified in article 6 of the Covenant must be decent work. This is work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration. It also provides an income allowing*

*workers to support themselves and their families as highlighted in article 7 of the Covenant. These fundamental rights also include respect for the physical and mental integrity of the worker in the exercise of his/her employment.”*

Story possibility for media: The United Nations has declared 7 October as “Decent Work Day”. This is a good ‘hook’ for a feature article or news report on what is being done in your country to progress the Decent Work Agenda. This might be approached from several angles: government initiatives, the work of the ILO in your country, and actions by trade unions or employers’ associations. There is potential for identifying areas that still need to be addressed but also for highlighting success stories.



Good practice (or bad practice?) example:

## Newspaper article: I love you long

### Newspaper article: "I love you long"

A quietly-spoken mother with a bit of a rough streak, Lydia Noophan Suwankhot, who sits here in a bedroom of an alleged Ekurhuleni brothel, may well be the human face of trafficking in people in South Africa.

When a *Saturday Star* team entered The Lodge, a Bulgarian-owned bar with a string of decrepit bedrooms attached, situated in Pomona, north-east of OR Tambo International Airport, late last Friday night in the wake of a raid by the Gauteng Organised Crime Unit, we found Lydia and an alleged client sitting on a bed in a bare, mirror-walled room.

Once the police had removed her shamefaced patron, with a view to possibly prosecuting him for procuring a prostitute, we sat down and had a chat with Lydia.

"I'm 29 and I come from Bangkok," she said, covering her pink hot-pants with a jersey, later begging a detective to fetch her jacket and jeans so that she could dress more warmly.

"I've been here about seven or eight months," she said, hanging her hair in front of her face. "I have been working here as a bar-lady on a one-year work permit. Things are bad in Bangkok. I finished school but couldn't get a job.

"I have a 7-year-old daughter and it's hard to take care of her. She's a good child and I miss her. She's staying with my mother while I work here.

"A male friend of mine said he could get me work in South Africa. He flew here with me, but it was at my own expense. He introduced me to this place, but then flew back home. I trust him; he's still a good friend of mine. I will see him again if I go back.

"I knew about this place when I was in Bangkok. One or two of my girlfriends had worked here and said it was okay."

Lydia grew embarrassed when I asked if she had been aware of the true nature of her work at The Lodge. The government-issue condoms strewn about, basic showers, cracked mirrors and bedside toilet-roll dispensers made the apparent use of the club's dingy rooms all too obvious.

Asked whether her mother knew what she did in SA, Lydia held her tongue. Outside in the ill-lit corridor decorated with a pornographic mural, a policeman joked: "She love you long time!" But it was serious business for the police and immigration officers, who processed the 15 Thai women found without passports on the premises.

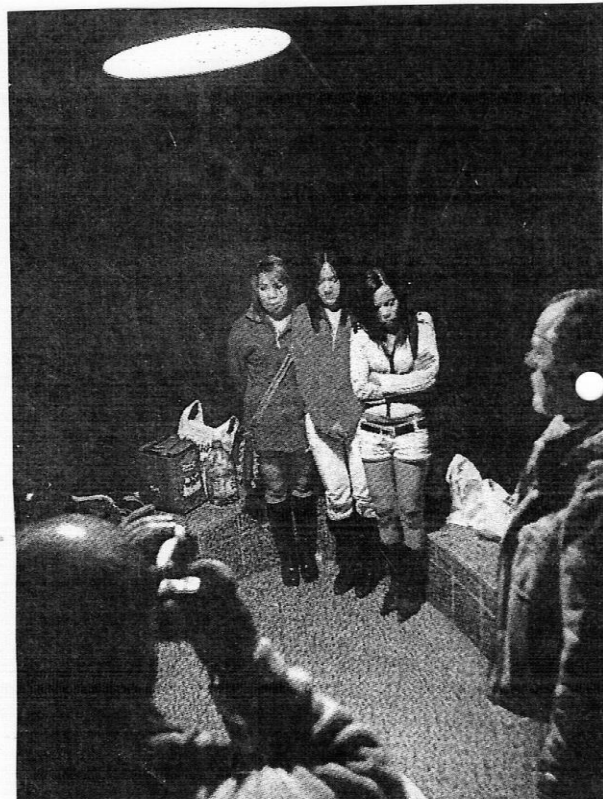
Director Ebrahim Kadwa, the head of operations at Organised Crime in Pretoria, said that after police received a tip-off that The Lodge was in fact a notorious brothel, intelligence was gathered, and two Thai women working there, Sornat Ininjaran and Gunthonz Phimpinit, were entrapped on the premises by undercover officers, allegedly offering sex for money.

Then the raid itself was mounted. We were not allowed to witness the raid in case there was gunfire. A "punch team" entered the premises first to suppress any resistance by bouncers, and to prevent any suspects from escaping.

All the girls and punters were forced to either sit down or lie on the floor while detectives interrogated the club's night-managers, Pieme Nankervis and Mathilda Schreman. Police officers with automatic weapons at the ready secured the perimeter.

The end result was that Nankervis, Schreman, Ininjaran and Phimpinit appeared in the Kempton Park Magistrate's Court on Monday facing preliminary charges related to engaging in and living off the proceeds of prostitution.

Kadwa said that at this stage there was no definite proof that the owner of The Lodge was involved in actual human trafficking by allegedly bringing the Thai women into the country to engage in prostitution, "but we are busy speaking to the club's patrons", he said.



Fifteen Thai women were found without passports at the notorious brothel, The Lodge. Two women, entrapped by undercover officers, and their night managers were arrested.

**Questions to consider:**

- First of all, notice the photograph: Although the text makes it quite clear that the investigation into the brothel is not completed, the photograph gives the impression that the three women are criminals. The light above their head looks like an “interrogation lamp”; there is an official-looking man who seems to be there to ensure they do not escape; the women have their eyes down as if they are guilty (in fact they are probably terrified of being identified by someone who knows them). The caption below the photograph even gives the impression that these three women are the same as the ones who have been “entrapped by undercover officers” and at the very least causes confusion as to their status.
- Now, read through the first part of the article. What impressions do you have about “Lydia”? What do we actually know about Lydia, and what do we think about her from the details given in the article?
- According to you, has Lydia been trafficked?
- In fact, is this a story about trafficking?
- What issues do you think might arise when a journalist (especially a TV journalist with camera crew) arrives at a raid with the police – whether that raid is on a brothel, a factory or a private home?

## MODULE 3

### THE PEOPLE INVOLVED IN HUMAN TRAFFICKING

#### Objectives

On completing this module, participants will understand:

- The different models of human trafficking (pyramid/organized crime, specialist network, casual complementing, cottage industry) and how they work;
- Who is involved in each of these models and what their role is;
- How intermediaries contribute to or facilitate trafficking;
- The debate over the extent to which involvement in trafficking makes a person a *de facto* trafficker;
- How different laws can be applied to the various acts that make up trafficking and why having a trafficking law is also important;
- Where forced/exploitative labour fits in and the role of supply and demand;
- Why and how labour laws can be used to combat trafficking and the role of labour inspection;
- The economics of trafficking and why governments and nations have an imperative to stop it.

#### Key messages

9. Trafficking is big business – someone, somewhere is making a profit from exploiting someone else's labour;
10. Trafficking is sometimes opportunistic – seeing and grabbing the chance to make a “quick buck” can turn someone into a trafficker;
11. Those who exploit others see their victims not as human beings but as chattels, like a tool for making money;
12. Trafficking involves a complex chain of events and each link is a person who makes a profit.
13. Because trafficking is like a chain, it can be broken – each link identified offers the opportunity to break that link and destroy the chain.
14. Because trafficking and exploitation are all about profit, the key to stopping it is cutting off the profit, forcing the traffickers to look for other ways to earn their money;
15. Trafficking and forced labour involve many different criminal acts – this means there are many different laws that can be used to bring traffickers and exploiters to justice;
16. Trafficking and forced labour are so profitable that they disrupt labour markets and undermine the national economy – it is in the government's and the nation's interest to stop them.

## **The issue**

You have already seen that human trafficking is a complex phenomenon. It is made up of a number of different components and these can be combined in different ways depending on how the trafficking is organized and who is involved.

In previous modules, we have used the term “trafficking event” to talk about the phenomenon of trafficking from the point of view of the victim – for the victim, trafficking begins and (in most but not all cases) ends, and in between these there is suffering and exploitation. But when we look at human trafficking closely, it is better not to consider it as an “event” but rather a series of events that are linked together, like a chain. In fact, you will find that very often writers and activists talk about the “trafficking chain”. This is an important concept, as you will see later, because chains can be broken.

### ***The different models of human trafficking***

Even as we think of human trafficking as a chain, however, we have also to understand that trafficking is organized in different ways. We recognize four principal models of trafficking, and they are quite different. To some extent, they vary according to where the trafficking takes place, although in practice this is changing as trafficking becomes increasingly profitable.

#### **The pyramid**

The pyramid model of trafficking is the one most favoured by organized crime, because at its heart lies protection for the ‘big boss’ (often not one person but a family or a group of criminals) that is at the top of the pyramid.

This works like any pyramid structure: below the ‘big boss’ is a small and dedicated group of trusted staff who know the boss and serve as the “senior managers”. Below them is a larger cohort of “middle managers”, if you like, who carry out the tasks that the senior managers give them. Often both senior and middle managers might be in different places – places where victims are recruited, in transit places or along the journey, and at the destination point where the exploitation will take place. The most important thing to note about these middle managers is that they will know the identity of the senior manager to whom they report, but they probably do not know the identity of the ‘big boss’ – in this way, the ‘boss’ is protected.

Below the middle managers there may be several levels of ‘workers’ but, at the very base, there will always be the people – both men and women – who actually carry out the tasks of recruitment, transport, documentation, housing, exploitation and other tasks that make up the trafficking chain. At each level, the people involved will only know those in the level above them and, in this way, the people in higher levels are protected.

Moreover, should someone in the base level get caught – for example if the person who provides false documents is discovered by the police – s/he can simply be replaced and the pyramid will not collapse. It will be ‘business as usual’.

The pyramid model of human trafficking is obviously, then, the model that is favoured by organized crime syndicates, who may also be involved in drug trafficking, moving

contraband goods and arms. In fact, they may use the same upper levels of the pyramid to organize all these crimes, changing only the 'workers' at the lower level depending on their needs.

### **The specialist network**

A much simpler model of human trafficking, but one that also takes some organizing and so requires a 'senior coordinator' at the helm is the 'specialist network' model. This is a structure that brings together people who have different kinds of expertise to work together, not necessarily permanently but regularly. These 'specialists' might know each other or might never meet, but they make up a structured network that takes advantage of their expertise and requires fairly simple coordination.

The specialists may include someone to organize transport, someone who knows unscrupulous employers looking for cheap labour, or perhaps someone who knows an official who can be bribed to provide a service.

In this model, also, if one specialist's work is discovered and stopped, s/he can simply be replaced and the network will continue to function almost uninterrupted.

### **Casual and complementing**

Much less structured is the trafficking model in which individual workers come together by word of mouth or prior acquaintance and organize a trafficking chain – maybe just once or maybe occasionally or regularly but not necessarily with the same members.

For example, someone who has in the past provided people (trafficked or not) to a factory that intends to exploit them for profit may let it be known among truck drivers or taxi drivers that he is looking for workers. The drivers may know that there is a person in a nearby village who can 'obtain' people who are looking for work and may arrange with that person to provide transport for anyone s/he can recruit. The unsuspecting victim will take up the offer of help from the person in the village and may even give her or him a small sum of money for the 'services' offered. This same person says that s/he has been able to arrange transport and the victim will then pay the truck or taxi driver for effectively taking her/him to the end exploiter. Some money may pass between the village recruiter and the transport provider.

The victim will be 'delivered' to the factory operator (or there may be an intermediary providing accommodation – another link in the chain) and, at each 'hand-over' of the victim, some money will probably change hands. Eventually the victim will find her/himself being exploited in a factory and the casual network that was set up to arrange it all will no longer exist. At each step, someone will have made a small profit for contributing to the trafficking of the person who, at the outset, just wanted to find a job and earn a living.

### **Cottage industry**

The 'cottage industry' model of human trafficking is the most casual of all and may involve only one person and the exploiter, or it may involve several people working together, sometimes from the same family. In this simple model, someone will recruit a victim, transport them and hand them over to the exploiter, or may even exploit them her/himself.

The more casual models may be opportunistic, happening only once or twice. The more structured models may function almost as businesses, with permanent 'staff'. Clearly these organized models are more lucrative and many more victims pass through their hands.

Story possibility for media: Do you know what kind of trafficking models operate in your country, or which are most frequent? Senior law enforcement officers, immigration officials and academic researchers working in this area might be able to throw light on this and may be able to give details of cases that have been uncovered. Interviews on this issue should provide good material for feature stories and documentaries.

### ***Who is involved in each of these models and what do they do?***

So who are the people who do the “work” of human trafficking? Depending on the model, as you have learned, there may be different roles to fill. In the simpler models, roles may be interchangeable and casual but, in the more structured models, the roles are highly specialized and often sophisticated.

Here are some examples of the people involved in human trafficking and the roles they play:

#### **At the point of origin (‘source’ or ‘sending’ place):**

**Recruiter** – someone will force/coerce/encourage/trick a victim into entering the trafficking event in the first place. As you have seen, this might be one person or it might be a recruitment agency that advertises jobs that turn out to be non-existent or very different from the ad;

**Spotter** – sometime there is a person who is looking out for vulnerable people – they keep in touch with what is happening in the community, for example, and know when a factory or enterprise has closed and people are looking for work, or when a family is in difficulty because of a death in the family or a financial problem. Their job is to let the recruiter know about opportunities that may exist;

**Document forger** – if a victim is going to be moved across a border, s/he may need travel documentation (passport, visa) or a letter saying there is a job contract, or that parents have agreed to the travel if the victim is a minor. Existing documents may have to be carefully altered or new documents produced, and there are specialists who focus on doing this;

**Corrupt officials** – in some cases, documents will be obtained from a corrupt official in the relevant authority (perhaps the migration or labour department). These may be ‘official’ documents but fraudulently obtained, and again the details in them, such as the victim’s age, may not be correct;

#### **In transit:**

**Transport provider** – victims may be moved by air, train, bus, boat, taxi or private car, or on foot. Often this will be regular transport and there will be no criminals involved, but sometimes the taxi driver, ferry captain or bus driver may take money in order to “turn a blind eye” to the regular movement of people by a particular person or group, or there may be transport providers who knowingly move trafficking victims on a regular basis;

**Handler** – there will be, at several stages, one or more people “handling” the victim (or victims as a group), travelling with them, for example, to make sure that things go according to plan;

**Information provider** – there will also be, all along the trafficking chain, people who provide information – for example on which particular immigration officer is on duty at a certain time, or which bus driver is working that day, or which border is open or closed, or where there are police officers or other law enforcement officers on duty;

**On arrival ('destination' or 'receiving' place):**

**Receiver** – at some point, the trafficking victim will arrive in the place where s/he is going to be exploited, and as you know this may be in another country or just in another town. Someone will then take charge of the victim(s) and ensure that they are settled in to accommodation and in due course handed over to the exploiter, whatever sector that may be in;

**Accommodation provider** – in situations where whole groups of people are trafficked or exploited, there may well be an accommodation provider who runs a hostel or some form of communal accommodation so that the victims are kept together. Often these premises will be guarded or locked so that the victims cannot escape;

**Guard** – Depending on the size of the trafficking operation (sometimes there may be 100 people kept in a hostel to be moved each day into an exploitative workplace), there may be guards who control the victims and ensure that they are kept compliant. Often these guards are violent or at least threatening;

**Exploiter** – At the end of the chain, is the person or persons who will exploit the victim's labour, whether that be in the fields, in a factory, in a brothel or a private home – as you have seen, trafficking victims may be exploited in many different sectors.

**At various stages:**

**Intermediaries** – It is worth noting that others may have a role in the trafficking chain. For example, in the case of women exploited in the sex sector, there may be health officials who examine the women and give them certificates saying they are healthy; in a factory, there may be supervisors who just do not act when they are told that a particular worker is coming but should not be left alone or allowed to speak to others, for example.

An important question is: are all these people "traffickers"?

***Does involvement in the trafficking chain make a person a trafficker?***

There is a lot of debate over the extent to which involvement in trafficking makes a person a *de facto* trafficker. This is a question that depends to a large extent on the laws in place in a particular country and how they are interpreted, however the situation is a little clearer in international law.

**International law**

Essentially international debate on this topic recognizes that, for a person to be considered a trafficker, they must have shown "intent". This is common in the interpretation of law – the person in question must have intended to commit the act. For example, a car driver who accidentally hits and kills a person trying to cross the road might be charged with dangerous driving or a similar offence, but it would be surprising if s/he were charged with murder – because s/he did not intend to kill the pedestrian. If, on the other hand, a driver

deliberately targeted another person by driving at her/him at full speed with the *intent* of doing harm or killing the person, then a charge of murder might be brought.

The same principle applies in relation to human trafficking: a person must have intended to contribute to the crime in order to be considered a 'trafficker'.

Here is an example: a taxi driver answers a call to a house and picks up a man and two young women to take them to a nearby tourist resort. Some time later the police arrive at his office and tell him they wish to question him in connection with a case of human trafficking. The women had been delivered by the man accompanying them to a massage parlour, where the owner told them they were expected to provide sexual services to clients against their will. The women manage to run away and contact the police. They have identified the owner of the massage parlour and tell the police about the man who accompanied them: he had promised them good work in the resort but told them it would be no more than working in the reception of the massage parlour. They don't know his real name and cannot give many details about him but, when they were in the taxi, one of the women noticed the taxi driver's licence number and has given it to the police.

The question now is: did the taxi driver know the man who was trafficking the women? Did he know that the women were in fact going to be exploited? And did he intend to help to make that happen by providing transport? If he did transport the women with the intention of contributing to the trafficking chain, then in international law he is a trafficker.

However, if the taxi driver simply responded to a call and picked up the man and women without knowing anything about them or what was happening, then he is an innocent bystander and not a trafficker.

As you can imagine, though, the police will have a very difficult task proving 'intent' in such a case – for example, what if the taxi driver knows the man but doesn't know what he's doing? In this case, even proving a link to the man would not be enough to prove 'intent'.

### **National law**

As a result of this, most national laws recognize only the people who recruit, move and exploit the trafficking victim as 'traffickers'. The other people involved in trafficking are considered 'intermediaries' and generally will be prosecuted using laws other than trafficking laws.

For example, the police may succeed in identifying several links in the trafficking chain and bring individuals to court on charges that are not directly trafficking charges. The person who provided false documents, for example, may be charged with forgery (and may also be charged with being an accessory to a crime). The official who accepted a bribe might be tried on corruption charges. The person providing accommodation and locking victims in might be prosecuted for depriving someone of liberty.

As you can see, there is a range of laws that can be used to prosecute the various people involved in human trafficking, even in a country where no specific trafficking law exists. Even the traffickers themselves might be prosecuted using other laws – for example a recruitment agency might be charged with criminal deception, false advertising or entrapment. The person moving the victim might be charged with abduction. The exploiter can be charged with a number of offences, including offences relating to labour laws.



However the existence of a dedicated trafficking law allows the authorities to “name the crime” and pursue traffickers as traffickers. It allows for more stringent punishments for those who facilitate trafficking (like the document provider, for example) and it sends a strong signal that “just helping out” a trafficker is a serious act.

Importantly, when there is a trafficking law then the status of the victim is also properly recognized in law and this allows a government to put in place special services and compensation for victims of trafficking based on the nature of the crime committed against them. For this reason, the Palermo Protocol calls on governments to put in place anti-trafficking legislation and many countries have now done this or are in the process of drafting or passing trafficking laws.

Story possibility for media: Does your country have a specific trafficking law? If it does not, then it would make a good story to follow through a successful police/judicial action against traffickers and see on what grounds they were charged and what their punishment was. Did these sanctions reflect the full nature of the crime they committed? If, for example, a document provider was charged with forgery and sentenced to a fine but no time in prison, does this appropriately reflect the suffering of the victim(s) involved?

### ***Interaction 8***

**Individually or in groups of three, you are going to identify a trafficking chain. First, read the case study:**

Student A was sitting in a café when his brother and a friend came in and sat next to him. He had never met the friend before but, when his brother had to leave to go to class, got into an interesting discussion with the friend on his studies and what he hoped to do after he graduated.

He told the friend, whose name was B, that he was studying hotel management and hoped he might be able to go and work in a high-class hotel in a major tourist city about 100 kilometres from where they all lived.

B said, “That’s what my cousin does. He works in Hotel Five Star as an Assistant Manager. He’s actually staying with my family at the moment. If you like, I can ask him if there are any positions available and he may be able to help you”.

Just a few days later, A was invited to meet B’s cousin and was happy to hear that he could get a Junior Manager position in Hotel Five Star. In fact, he did not even need to graduate – the Head Manager was ready to give him work immediately.

Just a day or so later, the cousin collected A and drove him in his car the 100 kilometres to the city. He took him first to a hostel where the owner told him he could stay until he found somewhere else to live.

Once in the hostel, though, things changed. A was shocked to find that the door to his room was locked when he tried to get out. When he banged on the door, two heavy-set men came in and pushed him to the floor, kicking him and telling him to shut up or risk a worse beating.

The next day, A was forced from his room without any food or drink and put in the back of a van with two more young men about his age. They were taken to a factory and forced to spend the day operating machinery making metal objects he didn't recognize. From time to time a silent man in expensive clothes would walk through the factory with the two thugs at his side, looking at them but never acknowledging them.

At night A and his companions were collected by the two men and taken back to the hostel, where the owner's daughter gave them a bowl of rice with some vegetables and a glass of water.

This continued for months until, one day, one of the other young men caught his arm in the machine and was seriously injured. He was thrown into the van with A and the third worker and all three of them were driven away. They were dumped in the desert without food or water.

**Exercise:**

Below is a list of all the people in this story. You must decide whether each person is a victim, a trafficker, an innocent by-stander or an intermediary who is guilty of some related crime. If you do not have enough information to be able to decide this, mark them as "?".

	Victim	Traffic ke r	Innoce nt by - st an de r	Interm ed iar y	?
Student A					
Student A's brother					
B, his brother's friend					
B's cousin					
B's family					
Hostel owner					
Two men/thugs					
Van driver					
Silent man					
Hostel owner's daughter					
Second young worker					
Third young worker					

1. Discuss your answers and, in particular:

2. For the people you have marked '?', say what information you need to be able to judge their role in the story.
3. For the people you have identified as committing some crime, say what crime that might be and what laws might be used to prosecute them if they are apprehended.
4. Are there any other people, not mentioned in the story but obviously "behind the scenes" who should be listed as possibly involved in the trafficking chain or some criminal activity?

### ***Labour exploitation – when traffickers are not involved***

In Module 2 you considered the example of Bangladeshi workers who found themselves working in the QIZ in Jordan and whose working conditions were poor. You will remember that, “[on arrival] the Bangladeshi workers were immediately stripped of their passports. They then learned that they would not even receive the legal minimum wage and ... were often cheated of half the wages owed to them. Factory owners commonly required them to work more than 100 hours a week without overtime pay, enforced seven-day working weeks and provided only one or two days off a month ... they were forced to work up to 72-hour shifts and were beaten if they fell asleep. If they complained, they were beaten or threatened with deportation.”

The example in Module 2 explained that Jordanian factories advertised these jobs in newspapers in Bangladesh and made promises that they did not intend to keep. Clearly, the workers who replied to these advertisements were in fact deceived and, since this deception led to labour exploitation, had been trafficked.

But what would be the situation if, for example, the advertisement did not mention any working conditions but simply said, “Workers required for factory in Jordan. Candidates must be over 18 and have experience in operating heavy machinery”?

A worker answering this advertisement would not have any expectations and, if the recruiting agency also had no knowledge of the conditions in the factory but had simply acted as an agent to find workers and arrange their travel, then the worker would arrive in Jordan as a labour migrant in compliance with migration and labour law.

Now imagine that he arrives at the factory and, by the end of the first few days, has learned that he is to face the conditions described above – payment below the legal minimum wage, work hours in excess of 100 hours; no overtime pay; seven-day working weeks; little time off and threats of violence. Has he now been trafficked? No, because none of the conditions we expect at the point of origin have been met – there has been no coercion, no deception, no force or trickery, no abuse of power. This worker is a legitimate labour migrant.

The operators of the factory in Jordan, though, are certainly exploiting his labour. We consider him to be a victim of **labour exploitation**. If he started to complain and the factory owners refused to return his passport and threatened him or otherwise put him in such fear that he felt he could not leave the job, then he might be considered to be in **forced labour**.

So, not all exploited workers are victims of human trafficking, although all of them are in situations from which they should be removed and where those exploiting them should be pursued. This would normally be done using the country’s labour laws (or in some countries using laws relating to “modern day slavery”).

### ***Does it matter whether we are dealing with trafficking or forced labour?***

Yes it does. In recent years, some countries have decided that they will consider anyone found in labour exploitation/forced labour to be a victim of trafficking. But this can lead to some unfortunate results. The first is that, when the authorities discover a workplace where exploitation is occurring, they will not attempt to identify whether some of the workers

have in fact been trafficked, but will just treat all the workers as victims of labour exploitation. In this case, they will bring the owners and operators of the business to justice, but no attempt will be made to identify or prosecute the many people who may have been involved in a trafficking chain that brought some of the workers into this exploitation. The traffickers will thus be untouched and will continue to operate.

Similarly, if no attempts are made to ascertain whether there are trafficking victims among the exploited workforce, then there will be no investigation of the mechanisms or routes that have been used to traffic the victims.

And, of course, the needs of the trafficking victims will be different to those of the other exploited workers. The workers who ended up in exploitation after migrating legally may well have return tickets to their homes, whereas the trafficking victims will probably not have any documentation or only false papers. The exploited workers may have legal visas allowing them to work; the trafficking victims may not.

Where such differences occur, the victims may suffer different levels and kinds of fear. Trafficking victims who have forged papers, for example, may fear being imprisoned as illegal migrants. Exploited workers, on the other hand, who have legal work visas may well be able to stay and find other work.

For many reasons, therefore, it is important to recognize that there is a difference between **human trafficking** and **migration + exploitation**.

### ***Labour laws and labour inspection***

From the example given above, it is clear to see that labour inspectors have an important role to play in identifying exploitation. Their job is to go into workplaces and ensure that labour laws (including occupational health and safety provisions) are being respected, and they are crucial both in discovering exploitative workplaces and also ensuring that exploitation does not happen in the first place. Where labour inspection is regular, frequent and effective, exploitation is much less likely to occur.

Labour inspection is closely linked to labour law; in many ways labour inspectors are the “police” officers who ensure that labour laws are not being broken. Although human trafficking is often considered in the context of discussions and debate on issues of human rights, it also clearly is part of any discussion on labour rights, labour law and labour mechanisms.

Story possibilities for media: Because trafficking is linked to labour exploitation, labour law and labour mechanisms, it can be considered not only for the social and community pages of a newspaper or feature broadcasts, but also can be considered by journalists specializing in stories about the economy, marketplaces, the workforce and labour in general. Almost all aspects of business – from ownership to operations, consumers to conditions, profits to pay rates – may be involved in stories relating to labour exploitation or trafficking.

## ***Supply and demand***

Because a ‘business’ approach can be taken to discussion of human trafficking and labour exploitation, it is common to find the concept of ‘supply and demand’ being mentioned.

In business, supply and demand simply mean that someone somewhere wants to obtain a product or service (demand) and someone somewhere makes that product or service available to them (supply). In economics, the relationship between supply and demand is crucial to the economy because when demand outstrips supply, prices rise; and when supply outstrips demand, prices fall. In an ideal economy, supply and demand are in balance.

In relation to human trafficking and labour exploitation, commentators often say that there is a *demand* for trafficking victims and that traffickers *supply* human beings to fill this demand. However, it is not quite that simple.

In some cases, for example, there is not a specific demand for trafficking victims but just for a certain kind of labour – cheap, young, vulnerable, for example – and the supply of such labour happens to coincide with the profile of people that traffickers can easily target.

Research in the United Kingdom, for example, showed that men who pay for sexual services in brothels there (where prostitution is legal) do not want to pay for women who have been trafficked – in fact, they prefer to know that the woman they are ‘buying’ is working willingly and freely. And yet some women in brothels in the UK have indeed been trafficked, although it seems the men do not demand trafficked women. Is there therefore no demand? And if there is no demand, why is there such a steady supply of trafficked women?

In this case, the demand comes not from the customers but from the brothel operators, who know that if they employ trafficked women they can make them work longer hours, for less pay and in worse conditions because the women probably are under-age or have no work visa or are otherwise exploitable. In other words, brothel operators demand a certain kind of woman – vulnerable, exploitable – and the traffickers supply them.

This is important to understand because many programmes are run to try and “reduce demand” – and these are generally programmes aimed at the “consumers” of the “product” rather than the middle-men (and women), such as the brothel owners, who are in fact the people creating the demand.

In the UK, for example, programmes designed to discourage brothel clients from buying the services of trafficked women are a waste of time, because the men do not want to buy these services in any case. What is needed is action to stop brothel owners and operators from “obtaining” women from traffickers in order to satisfy their desires for cheap and exploitable labour.

This same logic applies to campaigns to encourage consumers not to purchase clothing made in factories where workers are exploited, or to buy flowers and fruit that may come from countries where people are exploited in agriculture. It is not the people buying these clothes, flowers or fruit who are creating demand, but the manufacturers, growers and outlets who want to maximize their profits who search out low prices and thus cheap labour. In this case, also, there is not much to be gained by running campaigns to discourage consumers from buying the products; what is needed is actions to ensure that the retail outlets do not buy their stocks from sources that use exploited or trafficked labour (and

that, if they are offered very low prices, they make sure that they know why these prices are low).

So, certainly, there is an element of “supply and demand” in relation to trafficking and labour exploitation, however it is crucial to understand where the demand is generated – not always with the consumer of the goods and services but most often with the person or company that stands to make a profit by reducing costs (ie using cheap labour) and therefore making a larger profit.

Story possibilities for media: The question of ‘demand and supply’ and the economics of trafficking more broadly take the issue firmly into the realm of investigative reporting and onto the desk of economics journalists. While many media outlets cover stories about and even run campaigns to discourage consumers from purchasing goods that may have been produced with exploited or trafficked workers, journalists might be interested in investigating where the demand really comes from and uncovering profiteers who fuel human trafficking.

### **Trafficking and the national economy**

There are frequent calls on governments to act to stop human trafficking and labour exploitation because they are a denial of people’s human rights. Civil society and trade unions/workers’ associations in particular expect governments to act to allow workers free movement and to uphold labour laws and standards. Specialists in cross-border crime and money laundering point out that trafficking people between countries brings profits to transnational organized crime syndicates and that it facilitates money laundering and criminal networks. All of these are valid reasons for acting against the exploitation of people in labour and through trafficking.

However there is another reason why governments needs to address human trafficking and labour exploitation: they undermine national economies.

Although there has been a lot of research on “the economics of trafficking”, this has focused almost entirely on the profits that traffickers make and the costs that unwitting victims often pay to recruiters, transporters and others who in fact intend to trap them. You will see many figures quoted – a 2006 study by the Organization for Economic Cooperation and Development (OECD) for example, suggested that human trafficking is “big business, bringing in US \$32 billion annually, worldwide. This makes people trafficking the most lucrative crime after drug trafficking”. Figures quoted, of course, differ markedly and are not reliable because, as in all statistics related to trafficking, they attempt to quantify what is a clandestine, secret activity. Only the traffickers really know how much profit they make.

What is clear, however, is that labour exploitation, including as a result of trafficking, has a direct impact on the economics of labour markets, markets for goods and services, imports and exports, taxes paid (or not paid) by manufacturers, service providers, importers and exporters and income and profit diverted from legitimate business into the pockets of unscrupulous employers and middle-men.

Labour markets, for example, are affected by the availability of trafficked and exploited workers who are paid considerably less than the rate for the job. This supply of cheap labour

– workers not only paid low (or no) wages but also denied social security, insurance, sick pay and holiday entitlements -- undercuts wage rates and makes it more difficult for workers to negotiate wages and entitlements. It also makes it difficult for ‘good’ employers to sell goods and services at prices that allow them to pay workers an appropriate wage and may therefore force them to reduce their workforce. At a national level, this translates into increased unemployment and/or a growing grey market (or informal economy) where workers are prepared to accept work without contracts, on cash payments or otherwise outside the regulatory framework.

One result of the growth of the informal economy is that unregulated businesses do not pay taxes to the government, reducing national income. Nor do they pay for insurance, welfare costs or other government- or private sector-provided services for workers. They do not contribute to skills training or apprenticeships – in fact, they function entirely outside the regular economy.

They also undercut both wholesale and retail prices, encouraging a price regime in which end-consumers come to expect low prices and in which legitimate businesses cannot compete. Ultimately this can result in businesses having to close, again contributing to unemployment. In fact, pushed to the limits, the exploitation of workers (including those who have been trafficked) and their employment in the informal economy (or parallel economy which exists alongside legitimate business) can destroy the national economy and see criminals profiting while the country edges closer to bankruptcy.

There are thus many reasons why labour exploitation and human trafficking must be stopped: they violate people’s rights to work, live, migrate and develop in safety and security; they contribute to the growth of criminal activity both domestic and cross-border; and they are a threat to the economic well-being of the country and therefore to every citizen.

Story possibilities for media: Clearly there are stories connected to human trafficking and labour exploitation that will interest financial and political reporters. Following a report of a workplace where exploited labour has been identified, for example, it would be possible to calculate the effect of this enterprise’s criminal acts on the economy of the sector concerned. For example, if a fruit grower has been found to employ men trafficked from a neighbouring country and to pay them only half the legal wage while charging them for food and accommodation, what has the effect been on the price of fruit? Has it been driven down? What does this mean for fruit growers who do not break the law? Have they had to reduce prices? Lay off workers? Such questions – and more – are of considerable public interest and provide a view of the impact of labour exploitation and human trafficking that the general public usually does not get.



### **Interaction 9**

**Group discussion: Read the report below, issued by the non-governmental organization Human Rights Watch on the launch of its report on trafficking between Egypt and Israel. Discuss the various groups mentioned in the report and consider their role in human trafficking.**

#### **EGYPT/SUDAN: TRAFFICKERS WHO TORTURE (HUMAN RIGHTS WATCH, 11 FEBRUARY 2014)**



*The sun sets near the Egypt-Israel border on 30 April 2013, sealed off since early 2013 by a five metre-high Israeli fence. Trafficking victims told Human Rights Watch that, throughout 2012, Egyptian border guards or unknown men fired at them as they approached the border.*

(Berlin) - Traffickers have kidnapped, tortured, and killed refugees, most from Eritrea, Eastern Sudan, and Egypt's Sinai Peninsula, according to dozens of interviewees, said Human Rights Watch (HRW). Egypt and Sudan have failed to adequately identify and prosecute the traffickers and any security officials who may have colluded with them, breaching both countries' obligation to prevent torture.

[HRW's] 79-page report, *I wanted to lie down and die: Trafficking and torture of Eritreans in Sudan and Egypt* documents how, since 2010, Egyptian traffickers have tortured Eritreans for ransom in the Sinai Peninsula, including through rape, burning, and mutilation. It also documents torture by traffickers in eastern Sudan and 29 incidents in which victims told HRW that Sudanese and Egyptian security officers facilitated trafficker abuses rather than arresting them and rescuing their victims. Egyptian officials deny there are trafficker abuses in Sinai, allowing it to become a safe haven for traffickers.

"Egyptian officials have for years denied the horrific abuse of refugees going on under their noses in Sinai," said Gerry Simpson, senior researcher for HRW and author of the report. "Both Egypt and Sudan need to put an end to torture and extortion of Eritreans on their territory, and to prosecute traffickers and any security officials colluding with them."

Since June 2013, the Egyptian authorities have intensified security operations in Sinai in response to almost weekly assassinations and attacks on police and military officers by Sinai-based groups. Security officials should ensure that their law enforcement operations include identifying and prosecuting traffickers, Human Rights Watch said.

The report draws on 37 interviews with Eritreans by HRW and 22 by a non-governmental organization in Egypt. The people interviewed said they had been abused for weeks or even months, either near the town of Kassala in eastern Sudan or near the town of Arish

in north-eastern Sinai, near Egypt's border with Israel. HRW also interviewed two traffickers, one of whom acknowledged that he tortured dozens of people. The report also draws on interviews conducted by other nongovernmental organizations outside Egypt who have interviewed hundreds of torture victims, and on statements by the United Nations High Commissioner for Refugees (UNHCR) relating to its interviews of hundreds of such victims.

The victims said the Egyptian traffickers had tortured them to extort up to US\$40,000 from their relatives. All of the witnesses interviewed by Human Rights Watch said they saw or experienced abuse by the traffickers, including rapes of both women and men; electric shocks; burning victims' genitalia and other body parts with hot irons, boiling water, molten plastic, rubber, and cigarettes; beating them with metal rods or sticks; hanging victims from ceilings; threatening them with death; and depriving them of sleep for long periods. Seventeen of the victims said they saw others die of the torture.

Relatives who heard the victims scream through their mobile phones said they collected and wired the vast sums of money the traffickers demanded.

Since 2004, over 200,000 Eritreans have fled repression and destitution at home to remote border camps in eastern Sudan and Ethiopia, dodging Eritrean border guards with shoot to kill orders against people leaving without permission. They have no work prospects in or near the camps and until 2010, tens of thousands paid to be taken through Sinai to Israel.

By 2011, Israel had completed large sections of a 240-kilometer fence along its border with Sinai to keep them out. Since then, traffickers have continued to kidnap Eritreans in eastern Sudan and sell them to Egyptian traffickers in Sinai. Every Eritrean interviewed who had arrived in Sinai in 2012 said that traffickers had taken them from Sudan to Egypt against their will.

HRW received new reports of trafficking from eastern Sudan to Sinai as recently as November 2013 and January 2014.

Eritreans told HRW that Sudanese police in the remote eastern town of Kassala, close to Africa's oldest refugee camps, intercepted them near the border, arbitrarily detained them, and handed them over to traffickers, including at police stations.

Some of the victims also said that they had seen how Egyptian security officers had colluded with traffickers at checkpoints between the Sudanese border and Egypt's Suez Canal, at the heavily policed canal or at checkpoints on the only vehicle bridge crossing the canal, in traffickers' houses, at checkpoints in Sinai's towns, and close to the Israeli border.

Despite the widespread knowledge of the trafficking in Sinai and the severity of the abuses, senior Egyptian officials have repeatedly denied that the trafficking is taking place. The few who acknowledge possible abuses say there is not enough evidence to investigate.

As of December 2013, Egypt's public prosecutor had prosecuted one Sinai trafficker's accomplice living in Cairo, according to a lawyer representing trafficking victims. According to international groups following trafficking cases in Sudan, the Sudanese authorities had prosecuted 14 cases involving traffickers of Eritreans in eastern Sudan. By the end of 2013, Sudan had prosecuted four police officials and Egypt had prosecuted none in connection with the trafficking and torture.

Both countries' failure to adequately investigate and prosecute traffickers who severely abuse their victims and the alleged collusion by security officials breaches their obligations under the United Nations Convention against Torture, international human rights law, and, in Egypt's case, national and international anti-trafficking laws, HRW said.

Egypt should use its increased security presence in Sinai to apprehend traffickers, in particular near the town of Arish, and investigate security officials colluding with them at the Suez Canal and in Sinai. Sudan should investigate collusion with traffickers by senior police officials in and around Kassala, including in police stations.

"Egypt and Sudan are giving allegedly corrupt security officials a free pass to work with traffickers," Simpson said. "The time has long passed for Egypt and Sudan to stop burying their heads in the sand and take meaningful action to end these appalling abuses."

When traffickers free Eritreans whose families have paid their ransom, Egyptian border police often intercept the Eritreans and transfer them to military prosecutors and then detain them for months in inhuman and degrading conditions in Sinai's police stations, victims said. The Egyptian authorities deny trafficking victims their rights under Egypt's 2010 Law on Combating Human Trafficking, which says they should receive assistance, protection, and immunity from prosecution.

Instead, the authorities charge them with immigration offenses, and deny them access to urgently needed medical care as well as to the UN refugee agency, UNHCR, which considers refugee claims in Egypt. Egyptian authorities have repeatedly claimed that all Eritreans intercepted in Sinai are illegal migrants, not refugees, ignoring the fact that since mid-2011 most Sinai trafficking victims have been taken from Sudan to Egypt against their will.

Egyptian authorities only release detained Eritreans when they have raised enough money to buy an air ticket to Ethiopia. There, many come full circle, living once again in the refugee camps near Eritrea where they originally registered as refugees.

International donors to Egypt, including the United States and the European Union and its member states, should press Egyptian and Sudanese authorities to investigate and prosecute traffickers and to investigate any collusion by security officials with traffickers.

"It is too late for the tortured trafficking victims who have gone through hell in Sinai," Simpson said. "But the international community can try to prevent hundreds more Eritreans from falling into the hands of abusive traffickers, while insisting that past crimes should not go unpunished."

-ENDS-

**Good practice example:**

## **Traffickers target tea pickers in India**

Thousands of girls are trafficked across India and sold in the cities as domestic servants or end up in prostitution rackets. Experts believe that the slave trade is being fueled by dire conditions on tea plantations.



An average tea-plucker on a tea estate in India's northeastern state of Assam works eight hours a day and needs to turn in an average of 24 kilograms of tea leaves over the course of 12 days. For this, the picker is paid 94 Indian rupees (INR) a day which is equivalent to one euro and 10 cents. For every extra kilo of leaves turned in, the picker gets a bonus of 50 *paise* a day (half a rupee, or 0.011 cents), M.K.Trivedi, plantation supervisor at the Towkok Tea Estate in Assam, told Deutsche Welle.

A 250-gram (8.6 ounce) Assam tea bag pack costs an average of eight euros on store shelves.

Trivedi said that the tea estate, which employs around 1,700 pluckers, has a free dispensary at the workers' disposal. The tea estate also bears any medical expenses in case one of the workers has a serious medical problem and needs to travel to a specialized hospital. The next hospital in the vicinity is two hours away.

Trivedi told DW that each picker also gets rations twice a month: three and half kilograms of rice and three and half kilograms of wheat flour and for a tea plucker's family, seven kilograms of rice and seven kilograms of wheat per month.

Trivedi insists that the wages and the compensation comply with the minimum wages stipulated in an agreement with trade unions.

"A national wage regulation is very difficult to implement for all sectors and all categories of work. The wages differ from region to region and in the tea plantations, the wages also depend on the quality of tea growing in the gardens. The seasons also play an important role, as there is a lot more work from June to September during the main plucking season," Trivedi said.

The legal minimum wage in Assam is 169 rupees, but the workers are paid significantly less.



Working conditions at tea plantations in Assam are under scrutiny by the World Bank.

India is the world's largest exporter of tea. According to statistics published by the India Tea Association, Germany alone imported nearly 5.2 million kilograms of tea from India in 2013. Overall, Germany is the 5th largest importer of tea from India.

Deutsche Welle asked Meßmer, Germany's largest tea brand that imports tea from India, if they were aware of the working conditions and wages on their supplier's tea estates.

The Ostfriesische Tee Gesellschaft, Laurens Spethmann GmbH & Co. KG, which owns the brand Meßmer, told DW that the company had a strict policy when it came to choosing suppliers. "We are members of the Ethical Tea Partnership and work together to ensure that our suppliers adhere to a code of conduct with guidelines set by the International Labour Organization."

The company, however, could not give DW further information on the specifics.



### **Hub for traffickers**

Young girls are most vulnerable and are tempted with the promise of better prospects in the cities. Kailash Satyarthi, head of Bachpan Bachao Andolan (BBP), a child protection organization in India, explained that the dire working conditions and low wages on tea plantations have made them a hub for traffickers. "Thousands of girls and children are trafficked from the tea growing states, such as Assam and West Bengal, every year. They end up in cities as domestic servants, in prostitution rackets, or are shipped abroad making them untraceable."

Satyarthi's NGO featured in a recent investigation by the British newspaper *The Guardian* where he led a search for a girl who had been trafficked to Delhi from the Nahorani tea estate in Assam as a

domestic servant. The estate is owned by Tata Global Beverages, part of an Indian conglomerate, which also owns the British tea brand, Tetley. The report highlighted the plight of the workers on the estate, causing an outrage in the media. Tata Global Beverages has filed a legal complaint against both *The Guardian* and *The Observer*, denying the allegations.

Activists insist that the root cause of the trafficking problem lies in the tea plantations where workers are not paid enough to meet their basic needs, making them vulnerable for 'slave trade'.

Satyarthi is now petitioning the World Bank to thoroughly investigate their end of the supply chain to ensure that the tea pluckers do not just have minimum wages but also a minimum living wage, along with improved safety and working conditions.

Deutsche Welle, 7 March 2014

Author Roma Rajpal Weiß; Editor Gregg Benzow

**Strong points:**

1. One of the strengths of this article is the fact that the journalist has taken a report on labour exploitation and trafficking in South Asia and made a clear link with companies in Europe that purchase products from alleged exploitative employers, naming both the European companies and the brands that they sell. In this way, the story is not about "somewhere else" but has direct relevance to the European/German reader.
  2. The article makes a clear distinction between labour exploitation – outlining the poor conditions that the workers endure – and human trafficking, involving girls being moved into domestic service and prostitution. There is also an interesting link between the two, because the exploitative conditions on the tea plantations are so bad that traffickers are able to lure girls especially into the trafficking event – in this way, labour exploitation is actually a root cause of trafficking as well as the end result.
  3. DW has done a good job in this story of interviewing all of the main parties – a tea plantation manager, a European tea company representative and a local NGO – to get a balanced story. At the same time, the reporter has not fallen into the trap of interviewing the women/girls themselves, perhaps understanding that this might put them at risk of reprisals from their employer.
  4. The story also has a good overview of the economics of exploitation, approached by juxtaposing the low wages of the exploited workers with the high price of tea in European markets. Although this does not fully reflect the economics of labour exploitation, it does have meaning for readers of the article and helps them to understand that, ultimately, exploitation and trafficking are about profit and making money.
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## **MODULE 4**

### **HOW GOVERNMENTS AND OTHERS RESPOND TO THE CHALLENGE OF HUMAN TRAFFICKING**

#### ***Objectives***

On completing this module, participants will understand:

- The diverse elements of a national anti-trafficking effort – policy, legislation, policing, labour inspection, judicial process, information and data collection, capacity building;
- Inter-governmental cooperation and the need for collaborative action across borders and within different regions of a country;
- How the government's social development efforts contribute to work to eliminate human trafficking;
- Prevention and protection actions – essentially focusing on people at risk and those who have already fallen victim to trafficking, and often implemented by civil society organizations or the social partners;
- The role of trade unions and employers' associations and the crucial place of workplace surveillance and monitoring;
- The role of corporate social responsibility programmes and the private sector;
- The role of information, education and communication, including the role of the media.

#### ***Key messages***

9. Because human trafficking is a complex crime, it requires a complex and multi-faceted response;
10. This means that many different agents have a role to play in combating trafficking, however ultimately it is the responsibility of government;
11. When trafficking involves cross-border crime, it requires cross-border cooperation to stop it;
12. Poverty reduction, a robust education sector, social support for families (especially those at risk) and policies that contribute to a strong economy and stable labour markets are the most effective ways to reduce vulnerability to trafficking and cut off the supply of victims;
13. One-off, short-term and donor-driven projects by civil society organizations and other groups can provide useful lessons on what works and what doesn't, however in the long-term they will have minimal impact if they are not up-scaled and mainstreamed into government plans and output;

14. Trade unions and employers' associations are important players in efforts to stop trafficking and forced labour – they are on the spot and know what is happening, even if it is happening in the informal sector;
15. Those who benefit from the output of workplaces employing trafficked or forced labour (whether end-suppliers or consumers) may not be aware of the exploitation they are supporting but have a responsibility to try and find out (and then do something about it if it exists);
16. Public pressure is crucial to government action; public understanding is vital if victims' rights are to be protected – the media play an important role in helping this understanding through accurate and balanced reporting.

### ***The issue***

Although most of the “noise” about human trafficking is made by the various agencies that are working to end it – UN agencies, NGOs, police units, workers' organizations, researchers and in some cases the media – in fact the most important work to be done to end trafficking, protect people vulnerable to it, support those who have fallen victim, and prosecute criminals involved in it, must be done by governments.

It is governments, after all, who have signed and ratified international conventions, and made promises to take action. They must lead the way in all anti-trafficking efforts, and the very first thing they must do is put in place a framework that will be the platform on which all those involved in combating trafficking will work.

It is important for journalists to keep this in mind. Most of the press releases and story ideas that arrive at a newspaper office or TV/radio station will probably come from NGOs and other agencies who want the public to know about their work and who want to raise awareness about the issue. The media, though, have a responsibility to know and monitor what governments are doing, and to report on this to their readers, viewers and listeners.

Some of the most important actions that governments might take are outlined below, but perhaps the first thing to note is that it is important, first and foremost, that governments recognize that human trafficking is an issue to which they need to pay attention – whether their country is a place of origin or destination, a transit country, or a country where there are domestic trafficking problems or indeed weaknesses that might allow trafficking to begin if it hasn't already. Working to put an end to human trafficking must be a clear policy of government, communicated to all departments and arms of government, at every level, and clearly articulated to the public.

Denying that the problem exists allows traffickers to continue to commit their crimes with impunity and, research shows, allows trafficking routes and mechanisms to become established and more difficult to deal with.

### **Acknowledging the problem**

Fortunately there is broad acknowledgement of the problem of human trafficking across all Arab countries.



**The Arab Charter on Human Rights**, which entered into force in 2008, prohibits “all forms of slavery and trafficking in human beings” (Art.10). Under Art. 48, States have a duty to “submit reports to the Secretary General of the League of Arab States on the measures they have taken to give effect to the rights and freedoms recognized in the Charter”.

The Council of the Arab Ministers of Justice in 2005 and the Council of the Arab Ministers of Interior in 2006, adopted the **Arab Guiding Law on Human Trafficking** (Model Law to Combat the Crime of Trafficking in Persons), which follows the definition of trafficking contained in the Palermo Protocol and provides principles and assistance to countries in drafting national anti-trafficking legislation.

In 2007, in Cairo, the Arab League organized a workshop on “**Mechanisms to combat human trafficking in Arab legislation**” which reviewed the progress made by member states in combating human trafficking through legal actions.

**The Arab Initiative for Building National Capacities for Combating Human Trafficking** was launched during the **Doha Foundation Forum** in 2010. The Forum, which is now an annual event, was aimed at establishing consultation and exchange of views among the participants on the situation in the Arab region related to human trafficking, and building political consensus for future action. The Forum produced important recommendations including the promotion of international and regional cooperation, building national capacities to implement counter-trafficking legislation, supporting victims, activating the role of the media, NGOs, civil society organizations, and using the latest technology to combat trafficking.

**The Arab Initiative** was established with support from the Qatar Foundation for Combating Human Trafficking (QFCHT), the Arab League and the UN Office on Drugs and Crime (UNODC) to build and promote “national capacities in the Arab region to effectively combat human trafficking”. It does this by building national, subregional and regional coalitions to combat human trafficking and conducting regional and national specialized training.

**In 2011, a Scientific Forum “Toward an Arab strategy to combat trafficking in human beings”** held at the headquarters of the General Secretariat of the Arab League in collaboration with Naif Arab University for Security Sciences, considered a draft strategy that was adopted the following year by the Council of Arab Ministers. “The need to prevent the crime” is one of the main goals of the Strategy, which lists also eight focus areas: the criminalization of all forms of human trafficking; the guarantee of efficiency of investigation, indictment and trial of crimes related to human trafficking; strengthening of measures and procedures for prevention; protection of victims; promotion of regional and international cooperation for combating trafficking in human beings; strengthening of national institutional capacity to combat human trafficking; updating of the Guidelines for Arab laws that combat human trafficking and their dissemination and application; and coordination of efforts in the Arab region.

**Finally, an Anti-Human Trafficking Coordinating Unit** was created within the Legal Affairs Department of the Arab League to monitor trafficking in the Arab region and serve as a coordinating unit for member states as they implement laws against trafficking. The Unit is

also responsible to follow up implementation of the Comprehensive Strategy, provide technical support and organize workshops, training programmes, seminars, conferences, lectures and studies.

### ***Framework for a national anti-trafficking effort***

For so long, work to combat human trafficking was done on a piecemeal basis: a small project to raise public awareness of the risks of trafficking here, a programme to help victims who had returned from being trafficked there. While these small projects might help a few people, they are like covering a bullet wound with a Band-Aid. The problem continues, potentially gets worse and more people are caught in the traffickers' grasp.

This is why the ILO and other UN agencies provide technical support to help governments to develop and put in place some sort of framework that is based on a thorough understanding of the state of trafficking in a country and that maps out what must be done, by whom and in what time-frame. These frameworks are often called National Plans of Action (NPAs) or National Action Plans (NAPs).

Pause for thought: In some countries, the principal media outlets have been represented in meetings and mechanisms developing the Trafficking NAP, recognizing that the media have a role to play in anti-trafficking work. If there is a NAP in your country, (a) are you aware of it; (b) were media involved in developing it; (c) is the role of the media stipulated in the NAP; (d) if not, can you fill that gap?

### **National Plans of Action**

National Plans of Action are not just a document that is presented to Parliament, accepted, printed and then stacked on a shelf or in a drawer. A NAP is – or should be – a national process that brings together all those who want to put an end to human trafficking.

NAP development generally begins with some kind of national meeting, conference or brainstorming, at which the government will lay out its ideas for putting the NAP together. Depending on resources, the government (perhaps working with a UN agency such as the ILO) will already have prepared the groundwork by commissioning thorough research on human trafficking as it affects the country concerned. The research will do a number of things:

- Identify whether trafficking exists and, if it does, whether the country is primarily a sending, receiving or transit country (in the case of cross-border trafficking) or whether trafficking primarily occurs within the country (domestic trafficking) – or some combination of all or any of these;
- Explore what kind(s) of trafficking is/are occurring -- which sectors are affected; whether men, women or children are affected (or some or all); in short, what kind of trafficking exists (sex trafficking, labour trafficking, child trafficking);
- Investigate what routes are being used, and what forms of transport;

- Throw light on who seems to be involved in the trafficking, whether there are criminal groups involved and, if so, whether they are indigenous or based in another country;
- Ascertain what statistics may be available (for example on exploited workers identified in factories or in the fields) and what they tell us about trafficking (importantly, identifying where there are gaps in statistics, or recognizing that there are no reliable statistics at all is also an important result of the research);
- Identify which individuals or groups are most vulnerable to trafficking (drawing up a vulnerability profile for each group);
- Map out what is already being done to combat trafficking – programmes or projects to prevent trafficking, for example, or to protect vulnerable people, or to support trafficking victims, and who is running these programmes;
- List also which national agencies are already involved in combating trafficking – for example, a police agency that has an anti-trafficking unit; and whether the labour inspectorate is already trained to identify signs of trafficking;
- Map the mechanisms that are already in place that can be used once the NAP is ready to be implemented (for example, there may already be an inter-ministerial working group on child labour, or cross-border crime); and
- Identify which agencies are already working in this area – NGOs, UN agencies, researchers etc. and what their strengths and weaknesses are.

In short, at this stage as many “pieces of the puzzle” as possible will be laid out so that everyone involved in the initial consultation will have a thorough understanding of both the problem and the resources available to address it.

If such research has not been carried out before the national consultation, then it should be the first item on the ‘to do’ list, because it underpins all action and all decisions made.

Story possibility for media: The NAP development process and even just the initial consultations are an excellent opportunity for learning what is known about human trafficking in the country, and who is doing what. This process should reveal a number of story opportunities: about trafficking itself (what is happening, who is involved, which sectors are affected), and about organizations and their projects and programmes. The national consultation will give opportunities for interviews with the principal players – government and UN officials, technical officers, police and immigration personnel and representatives of NGOs and welfare agencies.

The NAP should include a detailed account of all the actions that need to be taken to combat trafficking, by all the relevant actors. Generally, it is also time-bound, that is to say that it will set a deadline for when these actions should ideally be carried out and, for this reason, it will also set out those actions that are priorities. This recognizes that there may not immediately be sufficient resources for all the desired actions to be undertaken, so priority actions will be undertaken first.

Once the NAP has been thoroughly discussed, negotiated with all the relevant participants in carrying it out (ministries, UN agencies, NGOs, researchers, police and immigration departments, labour actors including inspectorates, trade unions and employers' associations), it will usually go to Parliament or to the relevant authority to be approved. Once that is done, it becomes the "work plan" of all these actors for the relevant time period (generally around five years) and work can begin on ensuring that the resources are available to fund the actions.

Government has an important role here, too, of course. Although a national government may not provide funding for all the actions to be carried out (NGOs and UN agencies, researchers and others may either allocate funds or else seek donor funding elsewhere), it will need to ensure that the national budget provides an allocation to implementing the Trafficking NAP, including funds for government departments that will be involved in the work.

Story possibility for media: Since implementing the NAP will involve an allocation in the national budget, there is clearly a financial/economic story to be told here. It might be interesting, for example, to bring together views on how much human trafficking costs the country (including the costs already discussed in Module 3) and how much the government allocates to ending it.

## **Legislation**

Once the NAP is in place – or even before – a major task of government is reviewing, revising and promulgating laws that make human trafficking a crime. You have already seen that there are several laws that can be used to prosecute people involved in trafficking, at different levels, and you have also learned that having a specific law against human trafficking is also important (and in line with government commitments, if a country has ratified the Palermo Protocol).

Once laws are in place, also, people need to know that they exist – and those who implement the law (police, judiciary) need to understand any new laws or changes to existing laws so that they can use them effectively. And of course laws do need to be used – it is important that any traffickers who are brought to justice are tried and sentenced appropriately.

Training, capacity building of relevant departments and public education are consequently important additional actions that governments need to consider when they introduce new laws or revise existing ones.

In some countries, anti-trafficking laws also include compensation for the victim(s). This recognizes that the traffickers have, in a way, "stolen" from the victim – in terms of lost earnings from work, but also in terms of opportunity cost of time lost in the victim's lifetime, and also of course in compensation for the victim's suffering. A number of governments have introduced "proceeds of crime" clauses, which see the trafficker being deprived of all money, properties and other goods earned or bought with profits made from trafficking, and these being converted into funds for the victim – either directly or through some sort of victims' "compensation fund".

In fact, Article 6.6 of the Palermo Protocol specifically says that a ratifying State should, “ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered”.

### ***Interaction 10***

**First, read the following article, which was published in the on-line bulletin *Guardian Professional* on 12 April 2013:**

## **The case for compensation**

**by Petya Nestorova**

The Council of Europe’s 2005 anti-trafficking convention gives people who have suffered the ultimate indignity of being sold and exploited as commodities the chance to stand up and demand justice for the unspeakable wrongs they have suffered.

For victims of trafficking, access to financial compensation is crucial. It helps them to rebuild their lives and prevent falling back into the hands of the traffickers. It can also go some way to making up for the pain and financial losses they have suffered.

To date, 39 European countries have ratified the Council of Europe convention, which sets out a series of minimum standards on preventing trafficking, protecting victims and prosecuting offenders. The Group of Experts on Action against Trafficking in Human Beings (Greta) monitors the extent to which those countries have put the convention into practice.



Photograph: Andy Clark/Reuters

Greta has so far published monitoring reports on 17 different countries. These initial reports clearly show that there is much to be done when it comes to ensuring access to justice for the victims of trafficking.

First is the barrier that many trafficked people face in being recognized as a victim. Systemic failures to properly identify victims of trafficking deprives people of their rights but also keeps official human trafficking figures artificially low, hindering the effectiveness of anti-trafficking efforts.

Furthermore, Greta repeatedly stresses that many different stakeholders – including law enforcement bodies, local and regional authorities and, crucially, NGOs – need to work

more closely together on this identification process. Unfortunately this is all too often not the case.

It is vital that NGOs and civil society groups now start to step up their role in helping to secure this access to justice for trafficking victims.

Individuals or organizations involved in identifying trafficking victims need thorough and regular professional training. There must be a much more proactive approach taken in seeking out those who have been trapped in lesser-known forms of human trafficking, such as trafficking for labour exploitation.

Much greater awareness of how to detect possible victims of trafficking is also needed among the public at large, notably those people who make use of their services. Civil society should also play an important role in disseminating these messages.

Crucially, the identification of trafficking victims also needs to be fully separated from immigration procedures. The political pressures which have built up around the immigration debate have often led to a "deport first, ask questions later" approach. It goes without saying that under-pressure passport officials are not best placed to spot, and take care of, victims of serious human rights abuses.

Once victims of trafficking have been properly identified, however, there are often still many barriers to cross.

First, victims need to be provided with information on the support which is available to them, in a language which they can understand. For countries which have ratified the Council of Europe convention, these support measures should include secure accommodation, psychological and medical assistance, legal aid and the right to compensation.

Further down the line, law enforcement officials, prosecutors and judges need to be made fully aware of the very specific nature of the crime that they are dealing with, as well as the international legal framework which applies. Penalties dealt out to perpetrators must be sufficiently harsh as to act as a deterrent.

Most European countries provide the right to compensation for trafficking victims from both the perpetrators and also the state. In practice few ever receive anything.

There are many reasons for this. Some countries make the award of state compensation conditional on the victims proving some kind of incapacity or serious bodily harm. This ignores the huge psychological and material damage which can be done to trafficking victims.

Other restrictions can also limit compensation claims according to nationality – for example only making EU nationals eligible for state compensation. Many victims of trafficking do not pursue compensation claims because they have already been forced to leave the country where the abuses occurred. In practice very few victims of trafficking seek compensation because they are unaware of their rights or because they have no legal support. This makes it even more important for prosecutors to request compensation orders on behalf of the victims.

On a positive note, there are some good examples of effective collaboration between national and regional agencies and civil society groups on these issues. For example the Council of Europe has been working closely with anti-trafficking NGOs La Strada and Anti-

Slavery International through the COMP.ACT initiative (the European action for compensation for trafficked persons). This has resulted in guidance for legal professionals on making compensation claims, posters on seeking compensation for victims and a series of recommendations to national authorities and relevant international organizations.

Ultimately, there are certain measures which only national authorities themselves can put in place. Signing up to the anti-trafficking convention is clearly a step in the right direction, and hopefully more countries will soon follow suit. Yet words on paper are of no value if they are not followed up by quick and decisive action.

The international community, civil society and the public at large need to keep up the pressure on individual governments to make legislative changes, maintain funding levels and develop appropriate coordination mechanisms – at both national and international level – not only to take the fight to the traffickers but, most importantly of all, to bring justice to their victims.

#### **Discussion questions:**

1. The article mentions a number of practical obstacles to victims' receiving compensation, what are they?
2. The article says that civil society organizations and even the public have a role to play in identifying trafficking victims, but do you think this is realistic?
3. What can governments do to ensure that trafficking victims have an opportunity to claim compensation once the trafficking crime has been proved?

#### ***National governments' general duties***

We have been concentrating on the responsibilities that governments have in direct relation to human trafficking as a crime and as a social evil that must be eliminated. But of course governments have a much broader responsibility in relation to all people who might be vulnerable to exploitation and trafficking, and specifically to make sure that in fact such vulnerability does not exist.

Although you have learned that poverty is not in itself a "cause" of human trafficking, and although trafficking victims include those who may not be poor or socially deprived (for example young women and men who are simply looking for a better job in another country), it is true that trafficking is less frequent in countries that have a medium- to high level of social development. This is because in such societies an advanced level of development usually includes effective, well-resourced police and immigration services, regular and efficient labour inspection and a more regulated and monitored labour market.

Governments are ultimately responsible for ensuring that countries enjoy a level of social development that reduces people's vulnerability to exploitation and trafficking and makes it more difficult for traffickers to work.

If you recall the many different vulnerability factors that you learned in Module 2, you will see that government can do a great deal to reinforce people's resistance to traffickers, for example:

- Ensuring that minority ethnic groups in the country enjoy their human rights, free from discrimination and with access to social and other services;

- Making sure that families stay together or are reunited if separated for some reason;
- Putting in place free, universal education for both boys and girls and ensuring the quality of that education;
- Ensuring the availability of skills training specifically responding to market needs so that all those of working age have the skills they need;
- Ensuring a good level of public information to reduce the ignorance that allows traffickers to benefit – for example on trafficking itself, on labour migration, on available services;
- Providing support services to families in difficulty, whether that is because of family size, death in the family or family violence;
- Providing health services accessible to all to reduce the risk of family dysfunction;
- Addressing community violence where it may occur;
- Creating jobs and ensuring that unemployment remains low and manageable;
- Providing adequate resources for police, migration, social services and labour inspection – and making sure that personnel are trained and that there is no corruption in these services;
- Regulating workplaces and guiding minimum standards for recruitment, hiring and contracting;
- Being prepared for and acting swiftly in case of natural disaster;
- Avoiding conflict and responding to conflict both in the country or in a neighbouring country (since this can have an impact on people movement across borders);
- Promoting the status of girls and women to reduce their vulnerability to exclusion, violence and discrimination.

And of course governments have the over-arching responsibility of ensuring – or striving for – a level of economic well-being for the country that allows people an adequate standard of living. If necessary, achieving this may involve specific poverty reduction activities.

This may seem like a list of “what governments always do”, but in reality many governments set out to address the problem of human trafficking without considering the broad context that helps it to happen.

### ***Interaction 11:***

**First read, the article reproduced below, which was put out by the news service of the UN Office of the Coordinator for Humanitarian Affairs (OCHA) in 2006.** Although Iraq is a more stable country now than it was in 2006, this article is included as an example of how traffickers take advantage of social instability, family poverty and desperation, and a general breakdown in law and order:

### **IRAQ: Concern over reports of child trafficking**



BAGHDAD, 29 June 2006 (IRIN) - Local officials and aid workers have expressed concern over the alarming rate at which children are disappearing countrywide in Iraq's current unstable environment.

“At least five children are disappearing every week,” said Omar Khalif, vice-president of the Iraqi Families Association (IFA), an NGO established in 2004 to register cases of missing children. “And the number could be much higher as we don’t have access to government statistics. In some cases, we’ve received information that they were trafficked to Europe through neighbouring countries.”



Photo: Afif Sarhan/IRIN

According to local investigators and the IFA, unconfirmed information suggests that children are being sold to many countries in Europe, particularly the UK and the Netherlands. However, there is no detailed information on who is buying them and for what reason.

Officials confirm that there are organized international gangs carrying out the trafficking in collaboration with Iraqis who are arranging the abductions from their own country.

Desperate families will often approach the IFA weeks after the disappearance of a child because police – who are usually contacted first – are unable to locate the child in most cases. “My three year-old daughter was abducted by armed men,” said Baghdad resident Sahar Ibraheem. “We thought it was a kidnapping, but we later received a letter saying that someone had given our child to a rich family in Europe.”

Interior Ministry officials said they had also received numerous complaints from local families about missing children. “It’s a very complicated situation,” said Fatah Hussein, a senior ministry official. “False documents are being used, and we know that many families who cannot have children look to Iraq and Afghanistan for children because it’s cheaper. Some children are sold for US\$5,000, others for 10 times this.”

In some instances, families voluntarily sell their children because they need the money. “Sometimes we receive claims from relatives or friends that children have been sold by their own fathers,” said Hussein. “We can’t do anything in such cases, because it was their decision.”

One Baghdad family interviewed by IRIN said that unemployment and poverty had pushed them to sell their child in order to support the rest of the family. “It’s hard to watch your children without anything to eat,” said Abu Karam, a father of nine who sold one of his children for US\$60,000. “We sold our child to a foreign family because they paid very well, and he’ll have a good life there. In the meantime, the other children will have something to eat.”

**Discussion questions:**

1. Consider the reasons given why families hand over their children to traffickers. Do you think these reasons are valid?
2. What actions might governments take to stop this from happening?
3. Do you think there is a reasonable relationship between the number of missing children and the sale of children by traffickers? What other reasons could there be for children disappearing?
4. How do you think traffickers might have moved the children from Iraq to Europe? What routes would they use? What forms of transport? How would they acquire documents to allow this?
5. Consider the photograph. Do you think this is a suitable photograph to illustrate the story?

***Government to government***

Since some trafficking is cross-border (called a “transnational crime”) and also because money is often moved across jurisdictions and traffickers may be working in countries other than their own, governments have an interest in working together to share information and pursue traffickers and dismantle trafficking syndicates.

This is usually done through a government-to-government Memorandum of Understanding (or sometimes three or four governments whose countries share borders might be involved). The same inter-governmental cooperation might also be set up within a country where there are separate regional authorities.

Inter-governmental cooperation might cover such issues as: sharing of intelligence on known criminal operations; alerts issued when suspected traffickers move across borders; cross-border surveillance; cooperation on support to victims of trafficking rescued outside their country of origin; safe return of victims if that is in their best interests and they wish to return; agreements on work visas and cooperation on temporary migration for labour or study.

Within subregions or regions that witness trafficking across neighbouring countries, there may also be regional agreements, often in the form of conventions (for example those quoted earlier under the auspices of the Arab League) or through declarations following special inter-ministerial meetings such as the Doha Forum.

Pause for thought: In 2012, a ministerial conference in Doha on Arab inter-governmental cooperation issued a Declaration that called on the media to play a role in fighting human trafficking. What is your opinion of the recommendation (3) to media? Should media representatives be involved in discussing and contributing to outcomes documents like this one?

## The Closing Statement of the Second Doha Forum on Combating Human Trafficking

16-17 January, 2012



The Second Doha Forum on Combating Human Trafficking (Launch of the Arab Initiative for Building National Capacities to Combat Human Trafficking) held on 16 and 17 January 2012, under the kind auspices of Her Highness Sheikha Moza Bint Nasser, consort of His Highness the Emir of the State of Qatar (God bless them), confirms that the phenomenon of human trafficking is a flagrant violation of human rights, fundamental freedoms and all the values and morals of heavenly religions and all international legislation.

As partners in implementing the Arab initiative, the State of Qatar represented by the Qatar Foundation for Combating Human Trafficking, the United Nations Office on Drugs and Crime and the League of Arab States, assert the utmost importance and the urgent need to build and develop national capacities and competencies involved in combating human trafficking in order to enable them to perform their tasks properly, especially in light of the ongoing growth of this phenomenon worldwide, and the diversity of the stakeholders combating it,

Participants stress the need to establish national coalitions in the Arab countries between government agencies and civil society organizations, and regional coalitions between the Arab countries in order to achieve effective coordination to combat the phenomenon of human trafficking and exchange and study each other's experience to use what is suitable for the circumstances of each state.

Building the professional capacity of the staff of agencies involved in combating human trafficking according to the Arab initiative is considered the backbone to combat this phenomenon, as it determines for all stakeholders the roles and tools to develop their own capabilities,

The participants in this forum commended the efforts exerted by some Arab states to develop Arab and international cooperation to establish a solid foundation to combat human trafficking out of respect for human dignity and rights.

The participants stress the importance of accession to regional and international conventions on combating human trafficking and compliance with these conventions.

The forum appreciates the important role played by the media to draw more attention to the nature and difficulty of the issue of human trafficking and raise awareness of the need to combat it.

The participants call for the acceleration of the implementation of the Arab initiative for the good of all people, out of their conviction that there is an urgent need for building efficient Arab capacities to combat human trafficking in all its forms, with emphasis on the importance of the commitment of all Arab countries to shoulder their responsibilities in addressing this ethical humane issue in all possible ways.

The Forum invites Governments, institutions and organizations represented at this forum to participate in the forums to be held annually in January in Doha.

Based on the objectives of this forum, the ideas, trends and recommendations of the working papers that were presented during its sessions, the participants in the Second Doha Forum present the following recommendations:

### **The Recommendations of the 2<sup>nd</sup> Doha Forum on Combating Human Trafficking**

**First: The role of government bodies and civil society organizations in the implementation of the Arab Initiative for building national capacities to combat human trafficking.**

1. Invite government agencies involved in combating human trafficking in the Arab countries to participate effectively in the implementation of the Arab initiative.
2. The establishment of national coalitions to combat human trafficking between government agencies, civil society organizations and the private sector.
3. Urge Arab countries to support civil society organizations involved in combating human trafficking to provide services and support to victims.
4. Support civil society organizations involved in combating human trafficking to carry out activities and capacity-building programs in the Arab countries.
5. Coordination between government agencies and civil society organizations to develop and implement awareness programs on combating human trafficking, and to hold joint conferences to exchange experiences.

**Second: The mechanisms of regional and international cooperation in the implementation of the Arab initiative for building national capacities to combat human trafficking.**

1. Arab countries should exert efforts to work according to the mechanisms and tools of the United Nations and the League of Arab States and to support the Arab strategy for combating human trafficking.

2. Support the Anti-Human Trafficking Coordination Unit of the Arab League and develop its database.
3. The importance of the support of the Anti-Human Trafficking Coordination Unit for the Arab initiative.
4. Encourage the Arab states to join relevant regional and international conventions and to adapt their national legislation accordingly.
5. Active participation in the implementation of the Arab initiative for building national capacities in the field of combating human trafficking.
6. Building regional coalitions to combat human trafficking in the Arab countries, in cooperation with the United Nations Office on Drugs and Crime and the Arab League.
7. The preparation of bilateral agreements and memoranda of understanding between the Arab countries to coordinate efforts to combat human trafficking and to exchange information and experiences in this area.
8. Building national capacities to combat human trafficking according to the standards set out in the manuals provided by the Arab initiative.
9. The establishment of specialized programs on the regional and international mechanisms and tools used to combat human trafficking.
10. The preparation of an annual report on the status of human trafficking the Arab World.

**Third: The role of media in the implementation of the Arab initiative for building national capabilities to combat human trafficking.**

1. The preparation of an Arab media strategy to combat human trafficking to support Arab efforts in this field.
2. Encouraging the Arab media to cover anti-trafficking efforts in the Arab world and the implementation of the Arab initiative.
3. Urging the media to produce programmes, films and special reports to raise awareness about combating human trafficking.
4. Promoting the commitment of media staff to the media professional and ethical principles and the protection of the privacy of human trafficking victims.
5. Publication of studies, researches and specialized magazines on combating human trafficking and providing support for the concerned staff in the Arab countries.

While governments have the primary responsibility to end human trafficking in, from and through their country, the NAP recognizes that combating trafficking must be a national effort and that others must be involved.

So what is their role?

***Others who contribute to ending trafficking***

As you already know, human trafficking is a complex phenomenon made up of a number of different actions and involving different criminal acts and perpetrators. As a result, there is no one particular action that can be taken to stop trafficking; what we call “anti-trafficking efforts” need to involve many different groups and institutions carrying out different tasks and addressing different parts of the trafficking chain – and all of this simultaneously so that the entire trafficking operation is dismantled and not just parts of it, criminals are caught and prosecuted, vulnerable people are prevented from entering the trafficking event, and those who have already been caught in it are removed and helped to rebuild their lives.

The framework that has been put in place with the government leading will ideally allow the others who contribute to ending trafficking to work in a coordinated, complementary way. Where this does not happen, experience shows that the end results are rarely successful.

Imagine, for example, what might happen if an organization that focuses on reducing the vulnerability of young girls in one village to being trafficked into domestic labour runs a programme in isolation in that village without any reference to a broader plan to address this particular issue and do this within the context of human trafficking in general. If the organization succeeds in convincing every young girl, and every family, every teacher, every community leader – in fact every single person in the village – that seeking or accepting work in domestic labour is high-risk and they should not even consider it, then it could be said that they had reduced by 100 per cent the risk that this village’s young girls will be trafficked. So what will the traffickers do? They will go to another village instead. Although one group of young girls will have been protected from trafficking, another group will have been put more at risk and the traffickers will not have been stopped.

If, on the other hand, this organization does the same work in the village within an agreed framework that includes other organizations and agencies doing their particular work, then it might be that other organizations take on the same work in other villages, that labour inspectors and law enforcement agencies increase their workload in the villages known to be vulnerable, trade unions run awareness-raising and training programmes in the enterprises in and near the villages, and the government takes step to ensure that schools in the villages are monitoring children’s activities, community leaders are resourced to set up vigilance committees to identify families in difficulty and agencies such as the ILO, for example, work with employers to increase vocational training and apprenticeships suitable for the young women and men most at risk.

Now the traffickers will have a much more difficult time convincing young women to accept their promises of employment because whole communities in the area will be aware of the risks and be on the look-out for potential traffickers.

Of course such high-level activity can probably not happen in every community across a country – there are rarely enough resources, human and financial, to allow this. However if the NAP has appropriately identified the groups, communities and locations most at risk, then efforts can be focused there in the first instance and then, when resources permit, be spread to “second priority” targets. Often this is called “up-scaling”.

This example illustrates very clearly how good coordination and working together is crucial to effective efforts to combat human trafficking, and shows why a NAP on human trafficking is so important, and why everyone has a role to play.

In addition to the actions of government, then, there are some crucial actions that must be carried out, and these are most often the work of UN agencies, NGOs, workers' and employer's groups, researchers and other civil society groups (for example religious organizations). What they do is wide-ranging, but some of the most important actions can be categorized by whether they *prevent* trafficking or *protect* likely victims or those who have already been trafficked.

### **Preventing human trafficking**

Prevention can take many forms. Of course it depends on good information gathering and police and immigration authorities' actions to a large extent, but it can also focus on people and communities at risk, and also on workplaces where the exploitation that is the end result of trafficking might happen.

Police and immigration officers' actions will target suspicious individuals or groups, often as a result of intelligence received from other police or immigration units or perhaps Interpol, the International Criminal Police Organization. A number of Arab states are members of Interpol, including Jordan, UAE, Saudi Arabia and Yemen.

- Organizations that focus on groups at risk may run awareness and education programmes, to help communities to understand how traffickers work and what they can do to resist their advances;
- This may be accompanied by the setting up of hotlines – telephone, on-line or text-based reporting systems that allow people to alert the police or other designated authority when they believe traffickers may be operating;
- It may also be accompanied by surveillance systems, which often involve people in a community watching for signs of risk among neighbours or friends and family (such as a sudden financial crisis in the family, for example) and supporting these families or referring them to places where they can find support;
- In the workplace, trade unions/workers' organizations and employers may also run education and awareness campaigns, especially in sectors where traffickers are known to seek out low-paid workers or perhaps young workers hoping for advancement;
- Workplace-based programmes will also include campaigns to encourage workers to report any doubts they have about other workers they see who seem to be duress – for example a neighbouring factory may have many “migrant” workers who are delivered to the factory in a bus and collected at the end of the shift, unable to speak to others and under the control of someone;
- Often workplace action programmes are developed in the framework of a company's Corporate Social Responsibility (CSR) policies. Across the globe, companies have acknowledged that, since trafficking and labour exploitation are work-related problems, they can and must do something to help prevent them. Many companies therefore develop CSR statements, outlining what they will not accept in their business and often what they will do to try and ensure that the unacceptable does not happen. For example, a company CSR statement might say that the company will never employ children under the minimum working age (that is, child labour) and, crucially, that the company will do everything it can to ensure that its suppliers also are child labour-free.

The company will share information on its CSR policy with its workers, suppliers and consumers, and in most cases will report on compliance, for example through its website.

In essence, then, prevention projects and programmes focus on stopping the traffickers, and depend very much on information, understanding, reporting and then intervention.

Story possibilities for media: Do you know whether there are reporting hotlines in your country/area? It might be possible to run a story that is part news, part public service, by reporting on how the hotline works, what successes it has had in contributing to stopping trafficking, and at the same time giving the contact details so that people know how to use it. Another possible angle for a story is the CSR policy of a major company – what does it cover? Is it properly implemented, monitored and reported on? Do consumers know about it and does it encourage them to buy from that company?

### **Protecting people from being trafficked**

While prevention programmes focus on the traffickers and those who contribute to their crimes, protection projects and programmes focus on people who might fall into the hands of traffickers, including those who have already been trafficked but may be caught again.

There are many different actions that can be taken to reduce people's vulnerability to being trafficked – you have already learned about vulnerability factors and so know the kinds of actions that might be taken to reduce this vulnerability, however here are some of the most common actions that civil society organizations and labour actors engage in:

**Income generation** – it is not surprising, given that unemployment, a fall in family income and lack of opportunities for earning a living contribute to vulnerability, that projects and programmes that aim to increase people's income are high on the list of preferred actions, especially for NGOs. Such actions might include helping young people or women, for example, to set up their own small businesses, or to grow produce that can be sold in a market, or create something that has a retail value. It is important to accompany any projects that increase people's income with education about the risks of trafficking, so that once young people, especially, have some money they do not use it to seek to move to another place and so risk falling into the hands of traffickers.

**Micro-credit** – closely linked to income-generation projects are those that are based on micro-credit, that is extending a modest loan to someone to invest in income-earning tools or seeds, for example, that will be used to earn money to pay off the debt and leave a little for income. Micro-credit is often organized on a group basis, in which people form a cooperative and work together, for example to sell different goods they have grown or manufactured.

**Skills training** – giving people the skills they need to generate income or manage a loan is often a component of such programmes, but it is also an important action where people do not have the skills required for the marketplace in which they need to work. Often, in fact, this is “re-skilling”, required for example if a factory or business closes and leaves people unemployed with the wrong skills for other work in the place where they live. It is important that skills training – or re-skilling – programmes are based on a thorough survey of the jobs



that are likely to be available, just as income generation and micro-credit programmes need to take into account demand and supply of goods that might be produced.

**Bridging education** – sometimes a young person has left school prematurely (or in the case of child labourers been taken out of school or never sent to school at all) and it would be difficult for her/him just to go back to school or enter the normal school stream. This might also be true of adults who never completed their education. In such cases, there will be a need for a special education programme that builds a ‘bridge’ between where the person is in terms of learning and needs and where they need to get to either to re-enter education or begin work with the necessary academic skills.

**Apprentice-ships and on-the-job training** – these are also important initiatives of business operators, for obvious reasons. Where young people especially might have difficulties finding employment (remember that youth unemployment is a major problem across the globe), then creating apprenticeships that allow young people to learn a trade or a profession will reduce the risk that they will seek to move somewhere else to find work, perhaps encouraged by someone who in fact seeks to exploit them.

**Empowerment through understanding** -- in all of these examples, the aim is to ensure that people at risk are able to earn a living, the key to fending off traffickers who promise opportunities elsewhere. While people are involved in these various programmes, they also need to be helped to understand the risks they might face from recruiters and exploiters – especially as they become more confident and might consider looking for new opportunities.

### **The role of the media**

So, given all that you have learned about human trafficking and the range of actions that must be taken to combat it, the question must be asked: is there a role for the media?

You have seen that generally people would answer “yes” to this question. Media representatives are invited to participate in NAP development processes; they are included in plans like the Doha statement (although whether media were consulted on that statement is not clear); and generally any text like this one would suggest that the media do have a role to play in ending human trafficking.

But it must be said that the main role of the media is to report the news, to provide factual information and to retain editorial integrity – the media should not be “used” by NGOs or any other agents who are engaged in efforts to address trafficking. Journalists are very aware that every day dozens of press releases will arrive on the desk or in the inbox, and only a few of these are worth following up. Too often the press releases are more like “advertising”, presenting the work of an organization rather than detailing the background and the aims of the work itself within a broader context that would be informative for readers, viewers or listeners.

So the role of the media should be, first and foremost, **presenting and explaining the news**. Of course human trafficking will provide news items, and more in-depth feature stories relating to the terrible things that happen, the efforts to stop them, and the successes and failures of policies, projects and programmes.

But the media also has a role in **informing the general public**, and you have already seen that information is a crucial component of so many actions taken against trafficking and against traffickers. Information on high-risk situations, on hotlines to use to report or provide information, on missing children or others, on workplaces that have been prosecuted for labour exploitation, on consumer goods that have been produced with child labour or exploited labour – these are all news, public information and also a contribution to anti-trafficking efforts.

In feature stories, documentaries and longer investigative pieces, journalists can also bring to light the human interest stories that feature so strongly in human trafficking: the victims, the vulnerable, the traffickers and their helpers and the people who fight them. Of course this takes experience and great care not to put any individual or group in danger.

Danger also has to be avoided when journalists try and investigate cases of trafficking or traffickers in order to get a “scoop”. Although it is often written that the media can investigate reports and bring them to light, this is really the business of the police and authorities and journalists can put themselves and trafficking victims in danger. They can also, of course, compromise investigations and contribute to traffickers going free.

Throughout these four modules, there have been ideas for stories for the media that cover human interest, finance and economics, crime and criminals, public policy, legislation and action. If the media include just some of these in their work from time to time, then they will be helping to ensure that people are aware that trafficking happens, that it is not something that only happens somewhere else, that victims of trafficking and exploitation need support, not criticism, and that governments and others are working to bring human trafficking to an end.

## Good practice example

This final example is not so much an instance of good practice but rather a comment on what one observer believes is bad practice in the media. Do you agree?

### How Not to Report on Sex Trafficking

By Soraya Chemaly (RH Reality Check, 21 January 2014)



We start with bad mothers and we end, in the piece with an editorial sigh of relief: thank God (literally) for men like Don Brewster who can envision, unlike these women with whom he is juxtaposed narratively, “the transformation” that girls experience when they are “saved.” (CNN)

Last month, CNN published a story on sex trafficking that made a common—and dangerous—mistake: blaming the victims of poverty for the circumstances in which they find themselves. Titled, “The Women Who Sold Their Daughters Into the Sex Trade” and written by Tim Hume, Lisa Cohen, and Mira Sorvino, the lengthy and descriptive piece represents a common failure of the media to report effectively on issues like trafficking in ways that do not compound the harm to those most affected.

The piece seemed to want us to know that Cambodian mothers are doing terrible things to their daughters, but that help, in the form of a nice American man, is on the way. This may not have been the intent, but it is nonetheless the main takeaway. I get the human-interest angle of attempting to understand what makes a mother sell her child. But the tone, language, and construction of the piece ultimately failed in that regard. The piece undermines its own efforts to communicate the “why” in its delivery of the “what” of some forms of sex trafficking in Cambodia.

And that is just one reason the piece fails.

To understand sex trafficking of minors everywhere, you have to put trafficking into the broader context of global capitalism, patriarchy, and the ways in which misogynistic

practices such as these are economically profitable. Eighty percent of trafficked persons are girls and women, and their sale, as products, is worth a lot of money to a lot of people. The United Nations estimates that the market value of this trade is US\$32 billion annually. For a point of comparison, that is more than twice Twitter's original IPO valuation. This is the context in which parents, not just mothers, sell their children, in a world in which everything is considered a viable resource for distribution.

The article featured photos of three very sad-looking women and began with these lines:

When a poor family in Cambodia fell afoul of loan sharks, the mother asked her youngest daughter to take a job. But not just any job.

What do you associate with the words "loan sharks"? It's fair to say that most people think of shady businesses and illegal activity, not grinding poverty and desperation. The title was provocative enough, the first line of the piece, jarring.

But then there's the "lying women" message that comes next; our introduction to these women is that they are mothers who lie to their daughters and trick them into "jobs" and then leave them to be raped. What *is* the correct way to tell your daughter that she is going to be raped so that you can eat? CNN doesn't address that question.

This sets the tone for the piece. Instead of pitting mothers against their daughters, CNN could have analyzed the complexity of systemic violations against women and their rights with an entirely different narrative. While the piece was long and detailed, and it discussed several factors contributing to the trafficking of children, it did not address girls' and women's perceived worthlessness, their economic insecurity, their physical vulnerabilities, or their subjugation in a thoroughly globalized patriarchal system that cultivates racism, relies on women's free labour, and exploits their sexuality for profit—all of which accrue to produce and sustain this vicious trade. Instead we get "Women Who Sold Their Daughters Into the Sex Trade."

The women in the article uniformly identify poverty as a root cause of their actions. The authors of the piece remarked on this, providing a quote from the first person in the piece who is not a trafficked girl or her mother, Dan Brewster, a 59-year-old American abolitionist living in Cambodia. Instead of reflecting on the economic and cultural forces fueling this trade, he explains:

"I can't imagine what it feels like to have your mother sell you, to have your mother waiting in the car while she gets money for you to be raped ... It's not that she was stolen from her mother—her mother gave the keys to the people to rape her."

CNN failed to address the complete and utter devaluation of female life that affects mothers and daughters and perverts every part of the equation described: safety, love, parenting, health, poverty, sex trafficking, economics, tourism, and the effects of globalization.

Women in Cambodia enjoy more legal protections than those in other countries in the region but still encounter debilitating limitations related to their gender. Seventy percent of all poor rural households in Cambodia are headed by women. Women ages 20 to 24 are

almost twice as likely to have been denied education than their male peers. Lack of education and lack of awareness of their rights leaves women at a disadvantage in many ways, including the distribution of property and in divorce settlements. All of this takes place in an environment where gender-based violence is common and shrouded in silence.

While the article describes sex trafficking, it does not explain that girls are being sold and raped and physically abused in every aspect of life, including as a function of child marriage and marriage in general. Domestic violence against women is pervasive and acceptable. In a study conducted last year measuring attitudes about violence against women, researchers asked. “Sometimes a husband is annoyed or angered by things which his wife does. In your opinion, is a husband justified in hitting or beating his wife in the following situations: (1) if she goes out without telling him, (2) if she neglects the children, (3) if she argues with him, (4) if she refuses to have sex with him, and (5) if she burns the food.”

Nearly 47 percent of Cambodian women said men were justified for at least one of these reasons.

In addition, sexual assault is pervasive but largely unreported, and includes incredibly high rates of recreational gang rape. Cambodia is still conducting Khmer Rouge trials and annual public hearings to give victims of wartime rape a voice. Even UN peacekeepers have been implicated in pervasive abuses. It is estimated that they have fathered more than 24,000 children in Cambodia. What percentage of bad mothers selling their children have themselves been raped or beaten?

In the section titled “Virgins for Sale,” there was no discussion of why virginity is valuable and why men not only pay for it, but demand it. “Virginity control”, in any context, has implications that link the sale of girls with other practices, such as child marriage. Child marriage is common in Cambodia: 10.7 percent of girls ages 15 to 19 are married, divorced, or widowed, compared to 1.5 percent of boys in the same age range.

The minute a reporter hears “value of virginity,” he or she should be thinking about masculinity and how patriarchal norms police the sexuality of girls and women. Otherwise, what’s the point? Virginity control and gendered shame, as related to masculine honor, are central aspects of male domination and indivisible from violence against children and women—whether it’s abstinence-only sex education in Texas, early marriage in India, or sex trafficking in Cambodia.

However, in this article, men were really not that present, despite their roles in providing, trafficking, and demanding children for sex. It describes the men—including tourists, but mostly Cambodians—“buying sex.” Children make up roughly one-third of Cambodia’s sex trade. What about the other two-thirds? These are adult women who are sold, and then raped and gang-raped. We hear in a cursory way about paedophiles, “situational” offenders, and sick fathers unable to work. As a matter of fact, every mention of a father noted illness—her “husband’s tuberculosis,” “your dad is sick,” “serious health problems”—but not one mention implicated fathers in the sale of daughters, despite the fact that multiple studies show that most financial decisions are made by men and fathers. Instead, we get a section titled “Mothers as Sex Traffickers.”

All of this violence against girls and women occurs in a context also neglected by many in mainstream media: decades of policies that restrict women's access to abortion, birth control, sexuality education, and other needed health services. As the Society for Medical Anthropology put it, our failure to take seriously our responsibility to women's health and bodies "resulted in tyrannous global reproductive disparities, and increased maternal and infant mortality." These practices are inseparable from the statement made by the Cambodian mother of a trafficked girl: "Life with so many children is hard."

"Often, we, as journalists, don't pay enough attention to the power dynamics involved in exposing these stories, and ... beyond just documenting injustice, sometimes we aren't taking a step back to contemplate the narratives we are forming," Jean Friedman-Rudovsky, a freelance journalist who is writing a book about women's empowerment, with a focus on the global south, told *RH Reality Check*. "To me, it boils down to: How do you expose this kind of abuse in a way that actually helps?"

It is possible to marry genuinely moving personal narratives with a clear-eyed assessment of the systems that produce them. Mainstream media outlets are, generally speaking, loathe to consider the profound depths of misogyny, and are uncomfortable even using the word. However, words are important, especially when you are writing about the trafficking of children in order to satisfy the sexual needs of adult men with money, power, and the resources to buy them. If CNN really wanted us to understand these women's lives and motivations and to help eliminate the truly horrific sex trafficking of children and women, this wasn't the way to do it.

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