

Working Paper

**Forced labour and trafficking in Europe:
how people are trapped in,
live through and come out**

by Beate Andrees

**International Labour Office
Geneva**

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Foreword

In June 1998 the International Labour Conference adopted a Declaration on Fundamental Principles and Rights at Work and its Follow-up that obligates member States to respect, promote and realize freedom of association and the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation.¹ The *InFocus Programme on Promoting the Declaration* is responsible for the reporting processes and technical cooperation activities associated with the Declaration; and it carries out awareness raising, advocacy and knowledge functions – of which this Working Paper is an example. Working Papers are meant to stimulate discussion of the questions covered by the Declaration. They express the views of the author, which are not necessarily those of the ILO.

As part of these broader efforts, a Special Action Programme to Combat Forced Labour was created in 2001.² It seeks to help member States address the problems of forced labour and human trafficking through promotional means and technical cooperation, including research and knowledge sharing on different forms of forced labour today, their causes, and the appropriate remedies. Field projects are also implemented throughout the world, including in Europe.

This paper presents results of the SAP-FL research programme on Europe that was initiated in 2002. It covered ten source, transit and destination countries of Eastern and Western Europe. It is the result of a collective effort involving researchers and NGOs in each country who contributed greatly to this work. Their dedication as well as the readiness of many migrant workers and professionals to participate in interviews made this unique research possible. Some of this research was already presented in the 2005 ILO Global Report: *A global alliance against forced labour*. The report contributed to global awareness raising of the modern forms of forced labour and the labour dimensions of human trafficking. Since then, research studies have been completed while some new work is under way. We believe, however, that it is a good moment to present a synthesis of this research to a wider public.

The research involved a lengthy preparation and validation process in each country. It started with consultations involving ILO constituents and other partners as well as discussions on the scope and design of the research. Results were validated in national workshops that also helped formulate policy recommendations that have found a positive echo in many countries. Since the beginning of this research, laws have been revised, in particular to criminalize labour trafficking, alongside sex trafficking as well as to improve victim protection schemes. Some countries, for example Ukraine, have adopted or revised national action plans that are now based on a more holistic approach to fight human trafficking. We hope that this research further contributes to policy development within the European Union and beyond.

We should like to thank the many people who contributed to this research and in particular the many individuals – migrants, social workers, trade union representatives, employers and government officials – who shared their knowledge and thus provided us with valuable insights of the different stages in the trafficking cycle. We hope that

¹The text of the Declaration is available on the following web site: <http://www.ilo.org/declaration>

² Further information is available at: <http://www.ilo.org/forcedlabour>

this research can be disseminated widely, alongside the national reports in order to stimulate similar research, data gathering and analysis. The ILO is committed to assist member States to realize fundamental principles, including the elimination of all forms of forced labour. It will continue to collaborate with the European Union and other European countries to progressively eradicate trafficking in human beings.

A handwritten signature in blue ink, appearing to read "Roger Plant".

Roger Plant
Head, Special Action Programme to combat Forced Labour
Programme on the Promotion of the Declaration

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Introduction

Forced labour in Europe today is largely a result of human trafficking and irregular migration. The ILO estimates that out of 360,000 forced labour victims in industrialised countries (including Western Europe), 270,000 were trafficked (ILO 2005a). Media images of irregular migrants trying to enter the “fortress Europe” – from Albania to Italy or from Morocco to Spain – have spurred debate and concern over the protection of state borders. Similarly, trafficking of women for the purpose of sexual exploitation and increasingly also trafficking of persons for labour exploitation has attracted a high degree of attention from the media, civil society groups and governments alike. While the protection of state borders against irregular migration has dominated European policy agendas in the past, the actual employment situation of irregular migrants is now moving gradually into the centre of the debate. The present paper seeks to contribute to this policy development by shedding light on forced labour practices as a result of human trafficking.

The distinction between smuggling and trafficking, now firmly anchored in international law, has clarified that irregular migration processes can involve violation of human rights as much as they are a violation of state borders. Those who have suffered human rights violations are seen as trafficked victims and should be afforded protection measures. So far, most of the identified victims of human trafficking have been migrant women who were exploited in Europe’s sex industry. The fact that migrants – women, men and children – are also trafficked into other economic sectors for the purpose of labour exploitation has received less attention from researchers, law enforcement agencies and organisations involved in the fight against trafficking in human beings.

This paper will argue against the common perception that “women are trafficked while men are smuggled”. Furthermore, it will shift the focus away from organised crime and instead look at labour market dynamics. It cannot be denied that irregular migration is big business for smuggling and trafficking networks. The police have dismantled some of these networks over recent years, which has brought to light a high degree of sophistication and violence. Many exploitative practices, however, are less spectacular and less organised. They take place in mainstream economic sectors, such as agriculture, construction or the service industry where there is a high demand for cheap and exploitable labour. Most migrant workers are not forced at gunpoint to work under hazardous conditions. There is a large enough pool of migrants who took countless risks to illegally enter Europe and who are determined to make their journey a success. But not all of them succeed. And those who demand a better bargain for their labour are quickly replaced by more docile workers. The supply is huge and shifting gradually further East and South.

The main purpose of this paper is to shed light on coercive labour practices in mainstream economic sectors, while not neglecting the particular situation of women and minors in the sex industry. It will look into the pre-migration situation and recruitment of “successful migrants” as compared to those who were forced to work under conditions they could not choose freely. It will further analyse means of coercion, the motivation of employers and exit strategies for migrants trapped in forced labour. In so doing, the paper links the source of trafficking with the final destination by analysing the different stages in the trafficking cycle.

The main conceptual entry point of this paper is forced labour. The ILO Forced Labour Convention No. 29 (1930) defines forced labour as “all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Art. 2). As such, the concept of forced labour is based on the liberal understanding of freely chosen work, notwithstanding some exceptions as specified in the Convention. Even if a worker entered a labour agreement voluntarily, his or her consent becomes irrelevant if coercion or deception was used (ILO, 2005b). Moreover, the key indicator to distinguish free from un-free labour is the possibility of the worker to always revoke a labour agreement without losing any rights or privileges. This could include the right to receive a promised wage.

The ILO Forced Labour Convention complements the Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, especially Women and Children, adopted in Palermo in 2000. The Palermo Protocol, however, is more specific on the forms of coercion as well as exploitation. While forced labour according to the ILO Forced Labour Convention (No 29) includes any work or service – be it legitimate or not – the Palermo Protocol distinguishes between forced prostitution and forced labour. It also lists particular forms of exploitation such as serfdom, debt bondage and slavery-like practices that are also covered under Convention 29.

In order to distinguish between trafficking for the purpose of forced labour and other forms of forced labour (e.g. forced prison labour) this paper uses movement as the key criterion. It is thereby irrelevant whether the movement took place across borders or not, even though cases presented in this paper refer to cross-border movement. Hence, a person who moved away from his or her place of origin, and was recruited at some point into coercive labour or service would be called a forced labour victim. At the same time, he or she is also a victim of human trafficking.

The use of the term “victim” does not imply that workers who suffered coercion and deception are helpless subjects in the hands of their exploiters. They may not see themselves as victims either. The distinction between perpetrators and victims is usually being made because forced labour and trafficking are criminal acts, and criminal law requires this distinction. Research based on interviews with victims, however, has shown that they are by no means unable to influence their situation. While traffickers always attempt to subjugate their victims, trafficked persons seek to maintain or restore their independence and dignity. If this paper speaks about trafficking/forced labour victims it does so in the legal sense of the term. It should be understood that they are workers in the first place.

The paper is based on ILO research carried out between 2003 and 2007. It summarizes largely qualitative research from ten European source, transit and destination countries.³ It is therefore the result of a collective effort of researchers from many countries. The purpose of this project was to close a gap in current research that exists up to today: Most trafficking-related research, in particular primary research, focuses on trafficking of women for the purpose of sexual exploitation. Other forms of trafficking, such as those linked to forced labour in labour-intensive economic sectors, are still under-researched and under-theorized.⁴

³ The following countries were part of this research programme: Albania, France, Germany, Hungary, Moldova, Portugal, Romania, Russian Federation, Turkey, and Ukraine. Currently research is ongoing in Italy and United Kingdom (with a focus on Chinese migrants) as well as new research in Russia (in cooperation with IOM).

⁴ In 2005, IOM published a Global Survey on the “state of the art” in trafficking research. The bibliography on Europe includes mainly publications referring to sex trafficking (IOM, 2005). There are notable exceptions though: In 2006, Anti-Slavery

The paper is structured as follows: first, the methodology is explained and limitations of current research on trafficking are discussed; second, factors stimulating the supply of vulnerable migrant workers are analysed; third, a typology of recruitment mechanisms is presented and described using case study examples; fourth, forms of exploitation and coercion are presented, followed by a discussion of demand factors. The final chapter looks at exit strategies of trafficked persons and the impact of immigration and labour market regulations on these exit options.

International published a series of research papers on trafficking for forced labour. The Victimology Society In Serbia, with support from OSCE, also addressed trafficking of men in a 2004 study (Nikolic-Ristanovic et al., 2004).

1. Methodology

1.1. *Challenges and limitations of current trafficking research*

This section discusses ways of generating knowledge about trafficking, limitations of such knowledge and bias in current research. Many researchers – whether academic or more action-based – have highlighted the complex nature of trafficking that involves several stages, actors and is usually hidden from public view. Many cite ethical considerations that put constraints on a direct interaction with trafficking victims to avoid unnecessary risks or trauma. Furthermore, it has been pointed out that trafficked persons are a hidden population, a group without clear boundaries and for which no sampling frame exists (Tyldum/Brunovskis, 2005).

Indeed, to capture the number of people caught in a trafficking situation poses several challenges that were also encountered by the researchers who produced the primary data for this paper. As can be seen from case studies, trafficking is a process, usually starting with a consensual agreement between the trafficker and the potential victim and then ending in an ever-narrower labyrinth where choices are very limited or perceived to be very limited on behalf of the victim. In addition, trafficked persons may escape a situation of exploitation, return home or receive protection in the destination country. Reports of victims who were able to start a new life are different than those who are still under threat. Hence, research results obtained from trafficked persons may vary greatly depending on the point in time when the interviews have been carried out.

Trafficking is often linked to organised crime or to an environment that is dangerous and potentially degrading, such as prostitution, begging or small sweatshop production. Victims are treated as disposable commodities and usually kept under tight control. Carrying out interviews with the different actors involved in trafficking in such a high-risk environment is extremely difficult. People may be too afraid to talk – victims or helpers are afraid of the perpetrators and perpetrators try to avoid state authorities. It is also challenging explaining the purpose of such research to those directly involved who may not see the direct benefit of it.

Another option to identify trafficked persons is to rely on recorded data from assistance organisations (e.g. NGOs), police, prosecutors etc. Some of these statistics provide detailed information about victims as well as about perpetrators. The limitation of this data, however, is that it often reflects the legal framework in a given country and related law enforcement practice more than the actual scope of the problem. It may also be insufficient to understand the subjective nature of trafficking, namely the perspective of the trafficked person.

As a consequence of these difficulties, most researchers have focused their attention on migrants who have returned to their home country or identified victims of trafficking who received some form of assistance in either source or destination country. There are few studies on perpetrators or on those likely to profit from trafficking, e.g. convicted traffickers that could be reached through direct interviews, employers or intermediaries. Not surprisingly, there are also few studies on potential or actual trafficking victims in transit. Accounts of the actual movement – an important element in the trafficking process – are sparse. Furthermore, there is a wealth of qualitative information of trafficking in the form of case studies but there is a lack of quantitative

data. The gap between the estimated and identified number of victims is still considerable at national and global levels (IOM, 2005).

The research presented in this paper faced the same challenges listed above and hence has the same limitations. As it will become evident from the description of the research model, however, attempts have been made to overcome at least some of the bias present in trafficking research. For example, an attempt has been made to systematically include men in the research design – a group of potential and actual victims often overlooked by researchers. Furthermore, different economic sectors and geographical regions in a specific country were chosen as research sites. The design is also based on methodological triangulation, which involves the convergence of data from multiple data collection sources.

Trafficking research is often action-based. The research project feeding into this paper is no exception. It was designed to address serious gaps in trafficking research and interventions. The main motivation for designing the research was to develop solutions for the effective elimination of trafficking from a comprehensive labour market perspective. The research is victim-centred, meaning that trafficked persons are at the centre of the investigation and that their perceptions as well as concerns are of theoretical and practical value. It is based on the understanding that vulnerable groups and victims of trafficking should be empowered to improve their situation.

1.2. Research design and methodology

The research design varied between destination and source countries of trafficking, and to a lesser extent between different destination countries. The main purpose of data collection was not to obtain representative results or reliable national estimates of trafficked persons. It was mainly designed to develop case studies. Researchers in both source and destination countries have been asked to base their cases studies on multiple data sources (triangulation), such as field observation, focus group interviews, questionnaires or media research. Given the limitations to carry out such research in destination countries due to the sensitive nature of the subject, case studies collected in source or transit countries are often more reliable. However, as will be explained more in detail below, generalisations from these case studies should be made with care.

Theoretically, survey methods can be applied in source countries targeting households of (returned) migrants. Other possibilities are to interview returned migrants randomly, for example at border crossing points or in migration information centres. Since this research was understood as a first assessment, aimed at understanding trends and actual cases rather than obtaining representative data on trafficking, a different design was developed. It consisted of four components: 1) desk review of secondary sources reporting on trafficking in the country; 2) a standardized questionnaire with 160 returned migrants in each country; 3) semi-structured interviews with key informants and 4) group discussions with select victims of trafficking identified in the second phase of the investigation (ILO, 2002). The countries covered by this research design were Albania, Moldova, Romania and Ukraine.⁵

⁵ A meeting was held in Geneva in 2002 to discuss the research design with research teams from each country and to make sure that it is applied in a similar fashion. See also: ILO (2002)

The main sampling method used was snowballing though returned migrants were also selected more randomly, for example by directly approaching returned migrants in public spaces. Snowballing is generally described as a sampling method leading to non-probability samples and is among other situations, used when there is no pre-existing sample frame. A researcher will start by contacting key informants who will then refer the researcher to other potential respondents and so on. The snowballing method was designed in such a way that it would include an equal number of returned migrant women and men to the extent possible (Andrees/van der Linden, 2005).

In addition, an important distinction was made between “victims of trafficking” and “successful migrants”. This distinction was introduced to understand specific factors that would explain why some are more vulnerable to exploitation and abuse than others. The key question used to differentiate between the two groups was: *Were you free to leave your employment at any given point in time?* Though “successful migrants” may have experienced some form of deception and abuse during their journey or final employment stage they were however free to leave without being faced by threats or the loss of any rights or privileges (e.g. non-payment of wages or threat of violence against them or family members).

Initially, this was the main distinction made in the analysis of data. Yet, as more and more data flowed in, it became apparent that it was useful to enlarge this distinction. Hence a second variable was used pertaining to a question in the questionnaire that inquired about the circumstances of recruitment. By linking these two variables together, three groups emerged from the respondents: 1) “successful migrants”, i.e. migrants who were free to leave their employment at any given point in time without the loss of rights or privileges; 2) victims of forced labour who were not deceived by their recruiter (or who did not need a recruiter) and yet experienced coercion at the workplace that could be characterized as forced labour and 3) victims of forced labour that used an intermediary and were deceived/coerced from the beginning of their migration project. It turned out that all migrants who have been deceived or coerced by the recruiter later became victims of forced labour. Data from the four countries has been aggregated in both ways. In this paper, only the two main categories will be used: “victims of forced labour” and “successful migrants”.

The questionnaire investigated the following main topics: demographic characteristics, the pre-migration situation of the respondent, recruitment, organisation of journey to the destination country, conditions of employment abroad, forms of coercion/exploitation encountered, awareness of assistance and possibilities to exit a situation of forced labour. With the exception of Albania, the NGO La Strada, which had access to respondents, carried out the interviews with migrants. In Albania, the research, including interviews with victims, was undertaken by the International Catholic Migration Commission (ICMC). Researchers were asked to test the questionnaire in the field and to adjust as necessary. The fourth pillar of the research design in source countries was focus group interviews that helped to develop case studies as well as to corroborate results from the structured questionnaires.

The research design in transit and destination countries (Germany, Hungary, France, Portugal⁶, Turkey) aimed primarily at the documentation of case studies. It was based on the following components: 1) literature review to collect available information on illegal employment of migrant workers, trafficking reports and statements of public authorities or civil society organisations (police, labour inspectors, NGOs, trade unions) and academic research; 2) media review; 3) expert interviews to obtain more data and to collect cases of forced labour exploitation if they had encountered it in the context of their work (during the entry-phase of the interview forced labour was explained though it was more helpful to ask about the most blatant cases of exploitation among migrant workers); 4) study of court cases and case files managed by NGOs assisting victims (usually accessible when judicial proceedings had ended already) and 5) interviews with witnesses and victims of forced labour. The report on Turkey also included semi-structured interviews with employers of migrant workers. The research design for France and Hungary, slightly similar to Turkey, was largely inspired by anthropological research methods such as participant and field observation. It involved several steps in developing a special interview technique, testing the semi-structured interview guidelines and field observations (Juhasz, 2005). The research carried out in France focused on Chinese migrant workers.

Witnesses or victims were found through key informants (mainly NGOs or trade unions) or “gatekeepers” to a specific migrant community. “Gatekeeper” is a concept used in anthropology and describes a person who is part of the group of people under study (i.e. irregular migrants, victims of trafficking or a specific migrant community), who knows many people, channels information and is often involved in or even leads activities of the group. Interviews with witnesses and victims were problem-centred and contained open-ended questions. The narrative of the respondents allowed for a better understanding how they structured their reality. If important topics were omitted from the narrative, the interviewer would ask additional questions if appropriate with the specific situation in which the person was found (see for example Cyrus, 2005). Based on the initial desk review, a selection was made on economic sectors that would be the primary target of the investigation. They usually included entertainment, domestic and care work, construction, agriculture and food processing industry, small sweatshop production (textile and garments) as well as restaurant and catering.

The research design for the study on Russia was the most developed as far as methodological triangulation was concerned. The case studies compiled in the study on Russia were complemented by a random sample of interviews with 442 migrant workers carried out in three different regions of the country (158 Moscow region, 144 Stavropol region and 140 Krasnodar region). The sample covered economic sectors with a high number of migrant workers and known for exploitative labour practices as well as respondents of different nationalities and demographic characteristics (Tyuryukanova, 2006).

⁶ Initially, the research was designed to study forced labour exploitation of migrant workers in Portugal. Information from key informants and other sources suggested however that Portuguese migrant workers were also subjected to severe forms of exploitation and that Portugal was both, a source and destination country.

1.3. Methodological problems and limitations of ILO research

Despite some attempts to collect information from random sampling the results of the research studies are not representative. The samples covering the four countries of South-eastern Europe imply a certain bias in that snowballing was used to include an equal number of trafficking victims as opposed to successful migrants. The sample covering the Russian Federation, despite its merits, it is still too small to lead to representative conclusions as could be derived from a national survey. Case studies that were used in the remaining studies are generally not representative. Research results do, however, give important indications about the existence of forced labour as a result of human trafficking in all countries. They also provide detailed information about the process, circumstances and consequences of trafficking, which could help direct further research on this subject and to formulate policy responses.

Moreover, some researchers indicated that results from semi-structured interviews collected for case studies became repetitive at a certain point, allowing for the conclusion that the information provided reflected reality quite closely. Other researchers pointed out that time and financial constraints had limited them to only capture a certain number of cases and most likely not the most atrocious cases of exploitation. All studies were carried out under a similar time frame and budget (depending of course on conditions in each country).

Another problem associated with the research results derived from the survey carried out in South-eastern Europe is that responses may be distorted due to the time elapsed between the trafficking situation and return to the home country. Interviewers have also reported on factors of social desirability that may have influenced research results. Pride, honour and shame, often linked to cultural attitudes may have biased the way interviewees answered the questions. It is generally known that returning migrants tend to exaggerate the positive and underplay the negative experiences of their migration project. Thus social desirability may have led to an underestimation of the number of victims as they described their situation more favourable than it actually was (Andrees/van der Linden, 2005). On the other hand, researchers had to carefully assess statements by experts that sometimes tended to exaggerate actual situations, for example referring to a case as “slave labour” when the actual “crime” of the employer was to pay less than the minimum wage (Cyrus, 2005).

Another shortcoming is that data is often missing or fragmented due to the reluctance of interviewees to share sometimes very painful experiences. This is mainly related to the use of standardized questionnaires in some of the countries, which prevented the researcher to engage more directly with the respondent. Focus group interviews and semi-structured interviews with migrants/victims of trafficking yielded more intimate information though most informants remained distrustful of the intention of the researchers as well as the value and purpose of the research.⁷

Finally, secondary data used in the reports have their own limitations as discussed above. They mainly reflect the institutional activities and legal frameworks in a given country and less the actual situation related to the subject of this inquiry. One of the reasons is that trafficking in human beings is a highly politicised topic that has provoked a range of government responses often prioritising law enforcement, stricter immigration control and awareness raising about the risks of trafficking. So far, it has

⁷ For a more detailed discussion of anthropological research with trafficking survivors see Brennan in IOM (2005).

not led to a significant improvement of national data collection efforts. The situation is now slowly changing with a growing number of countries concerned about the gap between the number of prosecutions/convictions and the estimated number of trafficking victims.

The results of the primary research have been entered into two separate databases:

- Database with returned migrants including 644 respondents of which 300 have been identified as forced labour victims derived from results of standardized questionnaires used in Albania, Moldova, Romania and Ukraine;⁸
- Database with 82 cases of forced labour victims collected in destination countries (see data sheets in the annex)⁹.

In addition, survey results covering 442 migrants in the Russian Federation will be used in the analysis. The results from this primary research will be complemented by secondary data sources. Even though none of the methods used can claim a representative status, percentages and graphs will be used to illustrate the results from the South-eastern Europe survey (henceforth SEE survey).¹⁰

⁸ Thanks are extended to Mariska van der Linden who played a key role in the development of this database.

⁹ Only cases where data on the forms of coercion was complete in order to make a judgment about forced labour were entered in this database.

¹⁰ Considering convenience sampling was used and thus the results are not representative some may oppose reporting results in such a format. However, because of the length of the reports, the large amount of data as well as the risk of idiosyncratic description of the results in future papers it was decided that actual figures would be used.

2. Poverty or relative deprivation? Understanding the supply side

Migrant workers face two major constraints: First, financial constraints to cover costs linked to finding employment abroad; and second, social capital constraints, which refers to the lack of access to information and knowledge, contacts and networks. The newer a particular migration route and the longer the distance, the more these constraints come into play. Over time, as migration networks are being established, costs can become lower and access to information can be easier due to the increasing number of actors competing in the emerging “migration industry” (Martin, 2006; Massey, 2005). In addition, migrants acquire social and financial capital in the process of migration, which they can use for a new migration project.

Individual constraints are influenced by structural constraints: While most potential migrants are allowed to leave their country of origin, they face a myriad of problems when trying to enter another country legally despite the demand for their labour. This is particularly true for Western Europe and other major industrialised countries and has been discussed elsewhere (Salt, 2003). Another factor, linked to the supply side is the relatively difficult pre-migration situation of potential migrants, and in particular trafficked persons.

The following section will analyse the supply side, i.e. review the evidence from surveys and case studies that support the argument that potential migrants with a relatively poor socio-economic background coming from poor countries and having low levels of education are more prone to fall prey to traffickers than others. The reason for this is that they are more constrained (in terms of financial and social capital) and thus have limited choices or believe they have limited choices.

Research results indicate a causal relationship between the poverty of the source country as well as the individual economic situation of a migrant and his or her vulnerability to trafficking. Only a minority of participants in all surveys said they were satisfied with their situation prior to migration. In the Russian survey, 74% of respondents said low earnings was an important push factor, 48% cited lack of employment and 28% low living standards. Only 3% characterized their financial situation prior to migration as “good”. 20% said “average”, 48% “bad” and 26 % “very bad”. Low earnings or unemployment are among the strongest push-factors as can be illustrated with the following extracts from interviews:

“I worked in the tractor factory in the city. I was a good worker for ten years and then bang! I am fired and there is nothing for me to do... Do you think I prefer being here and sharing a room with five to six other men to being at home and sharing the room only with my wife? Nobody leaves his own family because they want to; they are forced by hunger and poverty.”(Romanian construction worker in Hungary, Juhasz, 2005, p. 25)

“There were six children in our family. I am the second. There [in Kazakhstan] people live in poverty, lacking electricity and water. Sometimes we didn’t even have bread at home. My mother made ends meet by casual earnings.” (Female victim of forced labour, Russia, Tyuryukanova, 2006, p. 40)

“I worked in the kindergarten for many years...I hadn’t been receiving my salary for two years so I decided to go abroad in search of money.” (Focus group discussion with female victims of forced labour, Moldova, Mihailov et al., 2005, p. 11)

Some scholars of migration have argued that the decision to migrate is made at the household level. The family invests in one member with the highest chance of success to increase the net income of the household’s budget. It has also often been stressed that migration is more a result of relative deprivation than absolute poverty for two main reasons: First, poor people do not have the means to invest in a migration project, and second, returned migrants invest in their home villages and hence change the relative living standard. Based on the results of the SEE survey, it can be argued that relative deprivation may be the most important push factor for the total population of labour migrants, whereas poverty is more relevant for the sub-population of forced labour victims.

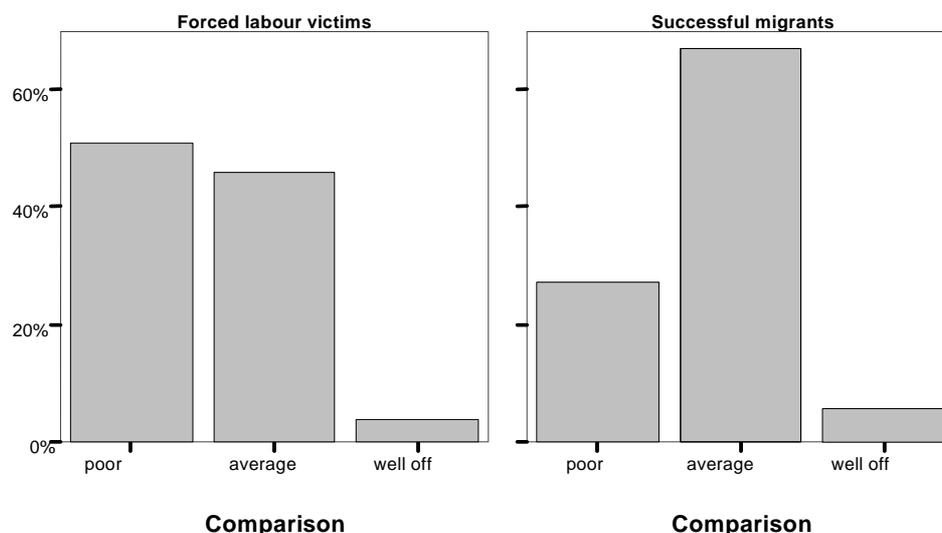
The SEE survey showed that though none of the participants had entirely satisfactory pre-migration conditions, these were considerably worse for victims of forced labour compared to more successful migrants. This was especially so in the case of food, clothing and healthcare (see table 1).

Pre-migration situation (SEE survey, n=644)

		Type of migrant			
		Forced labour victims		Successful migrants	
		Count	Col %	Count	Col %
situation with respect to food	adequate	133	44.8%	220	64.9%
situation with respect to housing	adequate	102	34.2%	159	46.6%
situation with respect to clothing	adequate	80	26.9%	181	53.2%
situation with respect to healthcare	adequate	171	60.0%	260	78.5%
situation with respect to education	adequate	158	56.8%	244	76.5%

In addition, as can be seen in the graph below, victims of forced labour more often (50.7%) considered themselves as poor compared to others living in the same area when contrasting with more successful migrants (27.3%). The latter mostly felt that their pre-migration situation had been average compared to that of others (66.9%), though fewer victims felt this way (45.6%). However, almost none of the participants deemed their pre-migration situation as well off compared to others (victims of forced labour 3.7%, successful migrants 5.9%), which explains the initial decision to migrate.

Comparison of pre-migration situation with that of others living in the same area



Source: Database with 644 returned migrants in Albania, Moldova, Romania and Ukraine

A similar argument can be made at the macro-level. Labour migration routes are generally from low to high-income countries. However, there are significant migration flows between high-income countries as well, for example through the migration of highly skilled workers. Trafficking routes follow more clearly the pattern of low to high-income countries as they usually involve low-skilled and poor migrant workers. The table below indicates that source countries with a large share of the population living below the established poverty line are more prone to be affected by trafficking than others.

Number of trafficking victims in relation to poverty¹¹

Country of origin	Identified victims of trafficking (2000-03) ¹²	Population living on less than US 2,15 US\$/day (%)
Albania	2241	24 (2002)
Republic of Moldova	1131	70 (2001)
Romania	778	16 (2001)
Bulgaria	352	10 (2001)
Ukraine	293	3 (2002)
Poland	1	2 (2001)
Hungary	1	1 (2001)

Source: World Bank 2005 poverty figures and Counter-Trafficking Regional Clearing Point (2003).

Data published by UNODC confirms the tendency that trafficking routes link low with high-level income countries. The UNODC report (2005) associates origin countries with the recruitment of victims or potential victims, either by the use of coercive means

¹¹ According to the World Bank the established poverty line for Eastern Europe and the Former Soviet Union is 2,15 US\$. This is to measure the extent of absolute material poverty. Other data also considers non-material poverty, such as health care or basic education, which have also been included in our questionnaire. But as answers to the questionnaire indicated, material (income) poverty remains at the centre of concern as it is closely linked to other forms of deprivation.

¹² Based on data collected by the Regional Clearing Point.

or deception. From 161 countries where data was reported, 127 were classified as source countries. The following European countries scored very high as source countries: Albania, Belarus, Bulgaria, Lithuania, the Republic of Moldova, Romania, the Russian Federation and Ukraine. With the exception of Belarus, Lithuania and Russia, these countries have a high poverty incidence according to the World Bank.

The picture would probably be clearer if reliable trafficking data was available for the Central Asian countries. For example, Tajikistan and the Kyrgyz Republic rank highest at the World Bank's poverty index, but data about trafficking victims from these countries is difficult to come by. An ILO study on Tajik migrant workers used a sample of 151 likely and actual migrant workers from Tajikistan. Most respondents and their families lived in poverty. In this study, poverty was measured in terms of monthly income per capita and the cost of a basic "basket of goods" = 64 US \$) In the majority of trafficking cases, the income was not even enough to cover the food component of the basket (24US \$). In rural areas, 89 % of the households fell within this category, in urban settings 76 % (ILO, 2006).

Additional push factors frequently cited in semi-structured interviews and questionnaires are discrimination, corruption, political instability and inter-ethnic conflicts. And yet they are not as significant as low income and unemployment. Among those factors, the most relevant is discrimination reflecting the social conditions in many East-European countries. Various studies on the impact of the socio-economic transformation processes taking place in these countries since the end of communisms have shown that women and ethnic minorities are more affected by unemployment and social exclusion than other groups (Emigh, 1999). The following quotation from a man with Russian ethnicity but Uzbek nationality illustrates this:

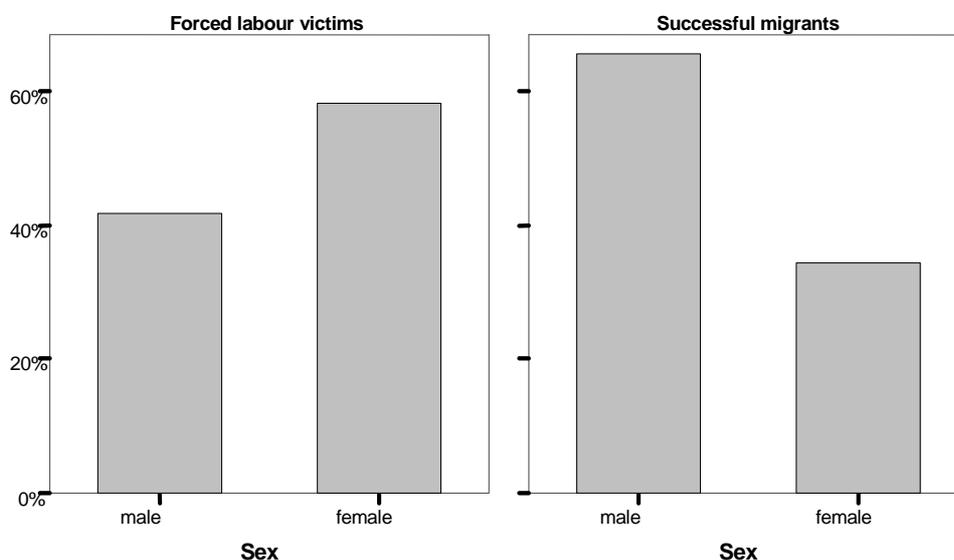
"I came from Nukus city, Uzbekistan. I am a graduate of a metal work college, and worked as a metalworker in Nukus. I earned little. I tried to create my own business (selling goods from Russia) but it failed. I worked in construction. But in Uzbekistan, this is not in demand as there are not many rich persons. In addition, nationalism and discrimination against foreigners is widespread in both soft and more aggressive forms. In soft forms, Uzbeks give more or less good jobs only to their relatives or persons belonging to their group. More aggressively, [ethnic] Russians are subject to direct threats, constant oppression and are pushed from the country. But the main reason for coming to Russia was the absence of work and extremely low wages."
(Male victim of forced labour, Russia, Tyuryukanova, 2006, p. 39)

The quote demonstrates the intersection of discrimination and deprivation. The survey carried out in Albania also showed that ethnic minorities (primarily Roma) are disproportionately affected by trafficking relative to their share of the total population of Albania (Stephens et al., 2005). More research would be required to study this more in depth. According to the research, the most obvious form of discrimination related to trafficking is based on gender. However, contrary to the common understanding that trafficking affects almost exclusively women and girls, this research paints a different picture. While a breakdown by sex of the SEE survey clearly shows that women are more likely to become victims of trafficking and forced labour, men also among the victims¹³: Out of the forced labour victims 125 (41.8%) were men and 174 (58.2%)

¹³ It should be stressed again that this is not a random sample as researchers who participated in the SEE survey were asked to sample an equal number of women and men.

were women. The data of successful migrants shows the opposite picture: 226 (65.7%) were men and 118 (34.4%) were women.

Distribution of victims and migrants by sex



Source: Database with 644 returned migrants in Albania, Moldova, Romania and Ukraine

This can be linked to data disaggregated by gender that suggests that women migrants are more affected by the lack of resources than men. The study on Moldova, for example, provides such a breakdown: half of female successful migrants and almost three quarter of female trafficking victims cited lack of resources and employment prospects as push factor, whereas less than 40% of successful male migrants and slightly over half of male victims gave this response (Mihailov et al., 2005).

To sum up, existing data suggests that trafficking victims are more likely to be constrained by a lack of financial resources. While all migrants cite dissatisfactory living conditions and low or no income as strongest push factors, those who are more severely affected by it, also risk becoming a victim of deception and abuse. This intersects with constraints imposed by other factors, mainly discrimination on the grounds of gender or ethnicity.

3. Migration and trafficking – a lucrative business for intermediaries

Strong push factors alone are not enough to explain migration flows, and less so the incidence of human trafficking. Before turning to the demand side, an additional level of analysis will be introduced, namely the intermediary – the agent that facilitates the link between supply and demand in increasingly global labour markets. From a purely economic point of view, migrants seek the best wages and working conditions available in relation to their human capital whereas employers seek the best workers at the lowest costs possible.

In the following, a typology of recruitment mechanisms will be presented – linked to the new “merchants of labour” (Kuptsch, 2006) who are part of the migration industry sustaining the supply of migrant labour. They provide practical solutions to migrants faced by informational constraints, thereby making high profits. It will be argued that these intermediaries are not only criminal networks but often disguised as legitimate business with close ties to the formal and informal economy in destination countries. Finally, the argument will be put forth, supported by research results, that migrants who have been deceived and abused right from the beginning of their migration project – hence during the recruitment stage – are more likely to end up in forced labour than those who were able to find employment without an intermediary or through their own social networks (thus possessing sufficient financial and social capital).

In industries that are characterized by low skilled and often seasonal labour (e.g. agriculture and construction), employers are constantly faced with the need to recruit workers – often at short notice. On the one hand, they have a problem to retain workers, as mobility in these sectors is significantly higher than in others; on the other hand, demand for workers varies due to changing demands from customers, hence employers seek the flexibility to quickly lay off workers. Employers have three main options to recruit workers: first, through public employment services; second private employment agencies or other intermediaries; or third, on their own account – either using formal or more informal means.

In Western Europe, public employment service centres have gradually lost their monopoly over recruitment since the 1980s. Germany and Italy were among the last countries to change their legislation in order to allow private employment agencies to operate legally in the labour market. While major private employment firms such as Adecco or Manpower act as brokers at both ends of the labour market – low and highly skilled labour – they have largely abstained from recruiting migrant workers. This has created a niche for small firms that were often set up by immigrants themselves and who quickly turned into important suppliers of migrant labour in many industries, in particular agriculture, construction, cleaning, mining and transportation. Their competitive advantage is twofold: knowledge of both demand and supply across countries as well as flexibility due to their small size.

According to recent estimates, the number of private employment agencies recruiting for both the domestic and foreign market is significant and potentially increasing in all countries across Europe. In “old” countries of the European Union (EU 15 plus Norway), temporary agency work accounted for 1,5 percent of total employment, involving 2,5 – 3 million of agency workers employed by approximately 22,000 firms (Arrowsmith, 2006). The emergence of private recruiters is closely linked to market

opportunities and existing regulations of the state. Countries that have liberalized the market for private recruiters (or always had a liberal approach such as the United Kingdom), have witnessed a stark increase of particularly small recruitment firms during the 1990ies. Many of them recruited migrant workers and supplied them to local employers in a highly flexible manner. This development went hand in hand with an increase of irregular migration to countries of Western Europe, many of them coming from the new transition countries of Eastern Europe (CoE, 2006).

Similarly, in source countries of migrant workers, a recruitment industry emerged that became increasingly diversified and sophisticated. This has since long been witnessed in labour exporting countries of Asia. But it is a completely new phenomenon in transition countries or other countries that have only recently opened up to global markets. The consequence is that most of these countries lack adequate regulations and capacity to monitor the activities of these private recruiters. While the recruitment industry also covers the domestic market, many have oriented their business towards countries with a demand for workers, in particular Western Europe and the Middle East.¹⁴ Job matching across borders requires particular skills, which many of these newly emerging recruitment firms do not have. While entry costs into the market are low, competition for both job candidates and clients on the employer's side is harsh. In the absence of clear regulations and limited legal possibilities to recruit across borders, many recruiters either operate in a grey zone or are outright criminal (Andrees, 2006).

ILO research in both, source and destination countries in Europe, has shed light on a wide range of agents that provide information on migration and place workers in jobs abroad. They can be public as well as private. Given the small number of publicly organised recruitment programmes between Eastern and Western Europe it is perhaps not surprising that most of the information is channelled informally. Hence, potential migrants who have social capital, in other words, reliable social networks, are better equipped than others. The emphasis is on "reliable" as some case studies indicate abuse within the network; for example, a family taking care of another family member and exploiting the person. The table below is an attempt to create a typology of these different types of recruiters (public and private), their services and modus operandi in the labour market. Based on case studies and the limited surveys it can be concluded that types 3-5 are the most important ways of the recruitment of migrant workers in Europe.

¹⁴ In the transition economies of Eastern Europe, reliable data is hard to find as private recruiters often act in a legal vacuum. In Ukraine, for example, there are about 400 licensed recruitment agencies recruiting for employment abroad. The number of agencies operating in the domestic market is unknown as no licensing scheme exists. In Albania, the number of licensed agencies grew from 2 to 20 over recent years. Information from ILO country offices.

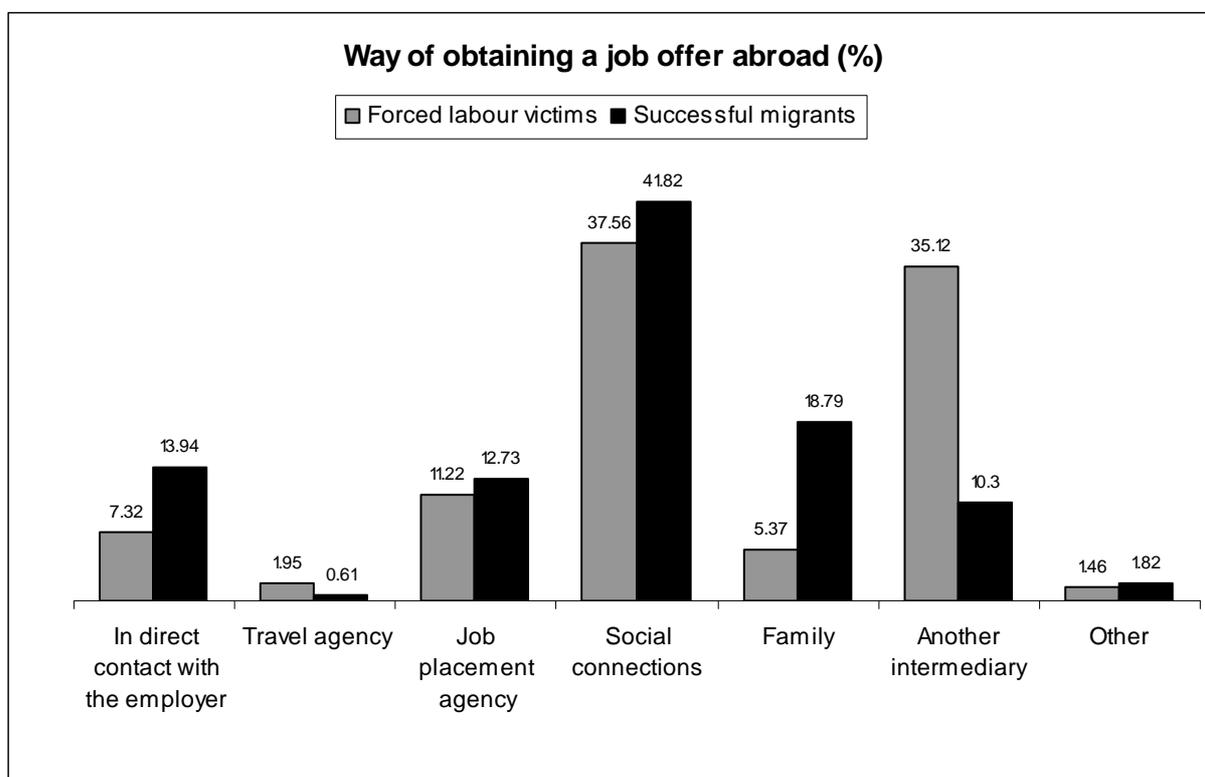
Recruitment mechanisms in cross-border labour exchanges

Type of intermediary	Means of recruitment/services	Payments	Legal/illegal
1. Public authorities (e.g. State Migration Bureau or public employment service)	Advertisement in local media or through public employment service but often limited outreach to local level, Recruitment in the context of bilateral migration agreements, Often lengthy and bureaucratic procedure and limited quotas that do not reflect supply and demand	Free of charge except for administrative fees	Legal Illegal practices linked to corruption have been reported
2. Private Employment Agencies (PrEA)	Recruitment for the domestic and international market Flexible recruitment as they are in direct contact with employers Sometimes also recruit to fill official labour migration quotas Services can cover pre-migration training, handling of documents, transportation, placement, return	In principle, employers should pay the recruitment fee, in practice they are often charged to the job-seeker Fees can be inflated and job offers false	Legal In countries with no legislation they often operate in a legal vacuum Certain practices may be illegal
3. Travel and other agencies (e.g. model, mail-order-bride, entertainment agencies)	Recruitment is a disguised activity, linked to travel services, e.g. transportation and handling of documents Agencies may be a cover for trafficking activities	Fees are collected and often distorted, job offers may be sold as "package deal" and are not bone fide	Semi-legal, often operating in a legal vacuum, may degenerate into smuggling and trafficking
4. Small opportunity networks and individual recruiters	Recruitment is often organised in the form of "gang labour", e.g. a returned migrant organises a group of workers for a specific employer Often use of smugglers that organise illegal transportation across the border	Fees are charged and the "gang leader" often keeps control over the group at the place of employment	Informal and often illegal, especially if services of smugglers and illegal practices such as extortion are being used
5. Acquaintances (e.g. friends, neighbours, family)	Bone fide acquaintances that have been abroad before or have otherwise contacts to employers abroad May also cover trafficking, e.g. recruitment of relatives for forced labour exploitation	Fees are usually not charged but other forms of favours may be exchanged	Informal and sometimes illegal, depending on the arrangement with employer and intention of the acquaintance
6. Organised smuggling and trafficking networks	Organised criminal networks often involved in other criminal activities such as racketeering or drug trafficking Establish contact to migrants via internet, media, "friends" or directly Organise travel/placement Trafficking networks keep control over the migrant after the border crossing/job placement and use methods of deception as well as coercion	High fees are charged and sometimes manipulated after arrival, can lead to debt bondage in extreme cases	Illegal

The lines between legitimate, bone fide recruitment business and smuggling or trafficking networks can sometimes be blurred. Qualitative research has shown that recruiters – whether they are legal or illegal – use a wide range of channels to approach migrants. The Internet plays an increasing role in this. The following quote demonstrates how informal recruitment mechanisms work in practice:

“I learnt from newspapers about work in Russia. An acquaintance recommended an intermediary to me, who demanded US\$ 200 for his services and persuaded me that I would earn enough in Russia. Six more people came with me. In Russia, a person responsible for placing us in job was waiting for us. They send us to work at different places.” (Male victim of forced labour, Tyuryukanova, 2006, Russia, p. 42)

ILO research on the incidence of trafficking linked to recruitment has confirmed two major hypothesis: first, those migrants relying on an unspecified intermediary rather than their own family networks or formal recruitment structures are more likely to be abused during the recruitment process as well as the employment stage; second, the higher the market constraints (e.g. distance, lack of legal channels of migration, high supply), the higher the probability that migrants are trafficked or otherwise abused. The graph below provides some evidence: More than one third of victims of forced labour and successful migrants obtained job offers abroad via their social connections (respectively 37.6% and 41.8%). However, victims of forced labour also obtained job offers via intermediaries (35.1%), which more successful migrants did to a lesser extent (10.3%). Instead, successful migrants, after social connections, obtained job offers via family members (18.8%), which only few forced labour victims did (5.4%). Therefore it can be said that successful migrants have more social resources than forced labour victims and therefore do not have to call on intermediaries.



Source: Database with 644 returned migrants in Albania, Moldova, Romania and Ukraine

The second hypothesis can be confirmed by drawing on case studies on the smuggling and trafficking of Chinese migrants to Europe. Chinese migrants present a group of migrants that are more than others faced by informational and financial constraints. Yun and Poisson (2005) have identified three main modalities through which Chinese migrants organise their journey and are inserted into the labour market of a particular destination country: First, the intermediary is a service provider that demands a high fee (about 19'000 EUR for the trip to Europe) but this is perceived as a fair market price. The dangers of the trip are seen as inevitable and even the violence applied by the smugglers is needed to maintain order within the group. Second, the trip is organised by an agency. Migrants often leave with a visa (tourist or business visa) and by plane. This particular service is perceived as less dangerous but abuses occur mainly in relation to the exorbitant fees that have to be paid and services that may not materialise. Third, migrants are smuggled through a network where the intermediary in China is only loosely connected to intermediaries in the transit or destination countries. In this case, migrants have reported frequent tragedies, such as rape, death or other forms of violence.

The following case of the abusive recruitment and placement of Portuguese migrant workers in other EU member states (e.g. United Kingdom, the Netherlands and Spain) is an anomaly to the hypothesis above. It highlights that informational and financial constraints can also affect migrant workers who move across countries with strong institutions that have levelled these constraints to some extent. According to a recent ILO study (Pereira/Vasconcelos, 2007), systematic and serious violations of labour rights of Portuguese migrant workers abroad are often linked to temporary employment agencies that are not legally registered. Even legitimate agencies have been reported to violate labour standards, though in a less serious way. For example, interviewees referred to employment agencies owned by Turkish nationals in the Netherlands that recruit workers through a Portuguese branch in a highly informal manner. These are often very small firms, operating with no more than three people. In other cases, for example the recruitment of Portuguese construction workers to Spain, Portuguese construction firms act as sub-contractors and supply labour to their counterparts in Spain. Again, these subcontractors are very small and are often managed by former migrant workers.

The most commonly mentioned abuses are deception in terms of wages, working and living conditions. Recruiters often approach potential migrants in their village or home town and make unrealistic promises – in the case of trafficking victims, they were often unemployed and also included people with mental disabilities. Contracts are often not signed or only upon arrival in the destination country where the promises do not materialize. Other abuses include illegal wage deduction by charging migrants exorbitant fees for transportation means, housing and sometimes even working tools. Cases of trafficked migrants from Portugal show that the agencies often maintain a high degree of control over the person once he or she is placed in the job. Indeed, coercion is often maintained through the agent who acts as a subcontractor to the main employer (Pereira/Vasconcelos, 2007).

To conclude, the more potential migrants are faced by informational and financial constraints, the more likely it is that they will become a victim of trafficking and forced labour. Socio-economic exclusion and discrimination affecting particularly women and ethnic minorities are key factors in creating vulnerability. Intermediaries exploit these constraints and often reap quick profits on the expense of migrants. The more informal

their operations – which are determined by the existing regulatory framework in both source and destination countries – the more likely it is that abuses will occur. The exception are family connections that can play both into the favour of or against the migrant. Research also indicates that intermediaries are able to exploit migrants that can theoretically move freely between two particular countries and seek employment legally (e.g. within the EU). Lack of awareness and flexible employment regulations play into the hands of these intermediaries.

4. The continuum of exploitation: From sub-standard working conditions to forced labour

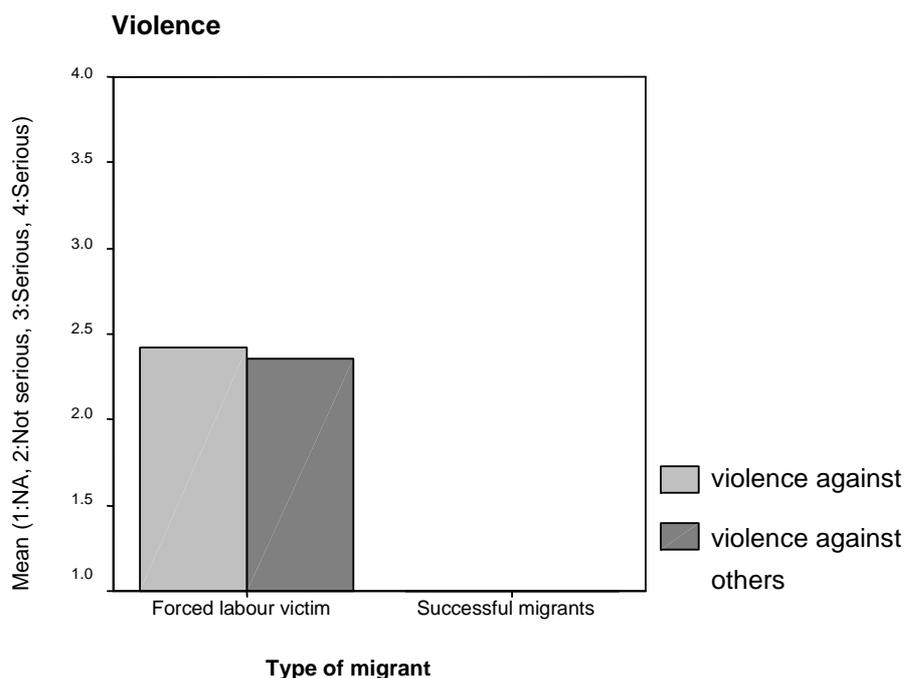
This chapter will start with a review of the empirical evidence based on the SEE survey and case studies from destination countries. The evidence suggests that forced labour has to be understood as a process and not as a static relationship between workers and employers. The vulnerability of migrants often increases over time as they are under pressure to repay their debts, or as they have been subjected to immigration controls and extortion from criminal networks. Moreover, employers often “test” the resistance of workers before they squeeze them into more exploitative situations. One could think of this process of an ever narrowing labyrinth where the decision making power of the worker is surrendered in the end.

Focus group discussions and semi-structured interviews with migrant workers also aimed at understanding their subjective perception of coercion. In the following, forms of coercion will be analysed using three categories: first, violence, second, threats, and third, other forms of coercion/force. It is sometimes difficult to ascertain whether coercion has been applied in a systematic and intentional manner or whether physical aggression, for example, is the expression of uncontrolled behaviour. Furthermore, as qualitative data from various countries showed, the pressure may not come directly from the employer but from criminal migration networks or corrupt police and immigration officials. It cannot always be said with certainty whether there is an intentional complicity between these different actors as the data presented here is largely based on interviews with migrants. There have been cases where employers actually helped their workers to escape extortion from criminal migration networks (Pereira/Vasconcelos, 2007).

A further difficulty is to assess the cumulative use of coercive practices. Survey data as well as case studies suggest that victims of forced labour have been subjected to various forms of coercion at the same time. An analysis of qualitative case studies from Germany and Portugal has brought to light the following picture that is typical for sectors other than the sex industry: The chain of exploitation starts with deception about working and living conditions, followed by withholding of wages or other wage manipulations combined with threats of denunciation to the authorities (if the person was in an irregular situation). In cases, where migrant workers resisted and demanded fair treatment, violence occurred in the form of an organised or spontaneous beating. This repetitive experience has led some migrant workers to help themselves, up to a point where police had to rescue employers who were kidnapped and tortured by workers who demanded their back wages (Cyrus, 2005; Pereira/Vasconcelos, 2007).

Physical and sexual violence are the most direct expressions of abuse of power of one person having control over another. It is also the most intimidating form of coercion. Violence can be defined in a broader way, also encompassing threats and psychological abuse; however, for the purpose of this research a narrow definition is being used. It is “any action, incident or behaviour that departs from reasonable conduct in which a person is physically or sexually harmed, assaulted or injured in the course of or as a direct result of, his or her work.”(Duncan/Di Martino, 2006, p. 29). Questions in interviews referred to physical or sexual assaults against migrant workers carried out by employers or someone acting on their behalf.

According to this research, men are subjected to physical violence, often in an organised manner, whereas women sometimes suffer both, physical and sexual violence. Due to the nature of their work, in particular entertainment and domestic service, women are more at risk to be coerced through violent means. In the data analysis, violence was used as a strong indicator of a forced labour situation: A migrant worker who was subjected to it would not be called “successful migrant” (hence no results under the second column in the graph below). Among the 644 interviewed migrants from South-eastern Europe, 101 answered that they experienced serious or very serious forms of violence. As shown in the graph below, violence used against other workers was almost as important.



Source: Database with 644 returned migrants in Albania, Moldova, Romania and Ukraine ¹⁵

The second category of coercive labour relations refers to threats. Threats can take on many forms: threats of violence against oneself or others, threats of denunciation to the police or immigration authorities and subsequent deportation, threats against family members etc. These threats can be used directly by the employer to extract labour or services from a worker. Alternatively, migration networks use threats to keep control over a person in order to extort money. Threats can be very subtle and indirect but they are very effective. For example, women trafficked to former Yugoslavia for the purpose of commercial sexual exploitation were threatened with resale to the military zone where conditions were known to be much harder if they did not obey (Kiryan/van der Linden, 2005).

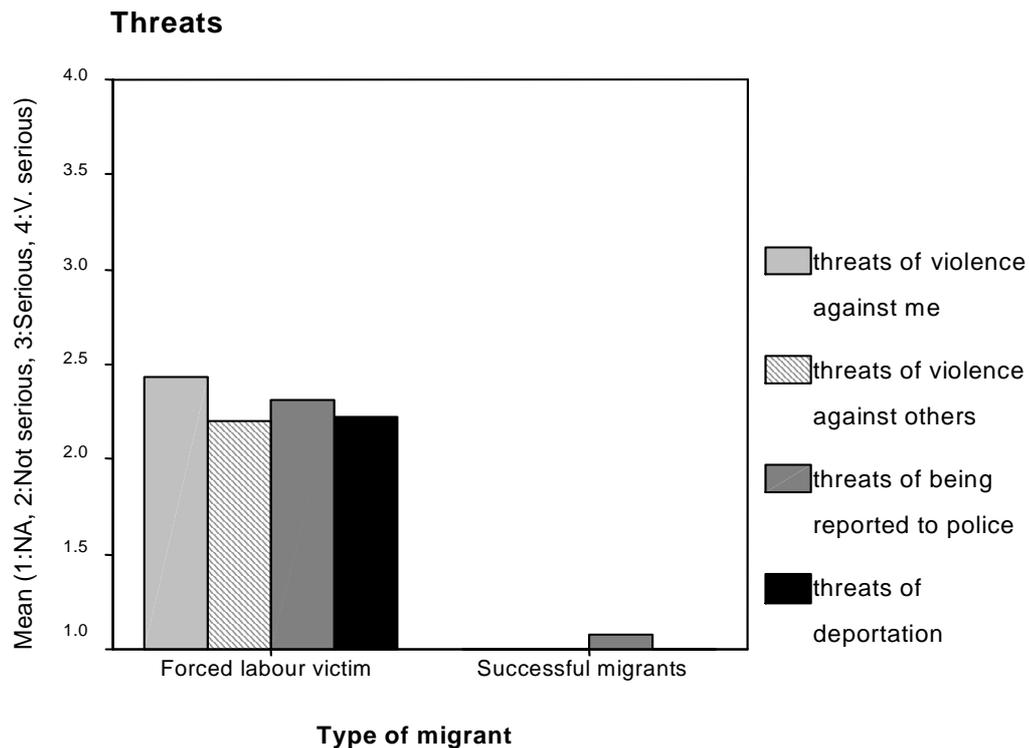
Threats can also be effective by using a person’s sense of shame, e.g. a women forced into prostitution or a men humiliated in front of others. Indeed, threats can only be understood by taking the perspective of those who are subjected to it and by analysing the cultural background of the threatened person. This has been discussed

¹⁵ See data report annex 2.

in the context of prostitution and the varying attitudes attached to this activity in different societies (Anderson/O'Connell Davidson, 2003). Others have analysed the role of religious beliefs in keeping a person in bondage. Women from Nigeria, for example, are sometimes threatened with supra-natural retaliation if they do not comply with the demands of their traffickers (Carling, 2006). The following case from Germany confirms that these fears are indeed real:

“A young women from Morocco had dreamed of pursuing education abroad and, against her brother’s will spent her inheritance of roughly 3,000 EUR to emigrate to Germany. Another Moroccan women who was married to a German citizen agreed, in exchange for payment, to assist with the immigration and education arrangements in Germany. The entry was made possible with false documents. In Germany, no education was provided. Instead, the young women had to work in the family household. When she complained, the host reminded her of her irregular immigration status: “You are here illegally. If you want to do something different, I will go to the police and you will be deported.” This situation lasted for two years. Then the host tried to force the victim into sex work and brought some clients to the flat. The woman refused and the host informed the police, She was arrested and placed in a detention centre. There, she met a social worker who realised that the young women could risk death if she returned to her Islamic country. Not only had she left Morocco against her family’s will, the host in Germany had informed the family that the victim was a prostitute.” (Cyrus, 2005, p. 22)

Threats are so effective because migrants, and in particular irregular migrants, are faced with informational and financial constraints as discussed in the previous chapter. They are dependent on the employer or trafficker to find employment and to receive regular status. And employment is key to overcome financial constraints; often exacerbated by debts accumulated during the migration process. Once arrived in the destination country, migrants find themselves in a foreign environment, where these double constraints play further to their disadvantage. As will be discussed later, migration regulations and their enforcement are an important intervening factor that helps employers/traffickers to keep control over their victims simply by mentioning the police. The graph at the following page illustrates threats used against migrants from South-eastern Europe.



Source: Database with 644 returned migrants in Albania, Moldova, Romania and Ukraine ¹⁶

The threat of denunciation and deportation can lead to a situation where the migrant is not physically constrained to leave the worksite but subjectively perceives a lack of freedom of movement. As can be seen from the graph below (p. 25), the respondents cited lack of freedom of movement most often as a coercive factor. Focus group interviews and case studies from destination countries, however, revealed that most trafficked persons are not physically confined to their workplace. In some cases, employers or overseers may monitor their movement. Limited freedom of movement is related to retention of identity documents and the absence of a legal work permit as well as a corruption. This is illustrated by the following quote from Russia:

“I partially work without payment [...] as I work for persons who legalize my status and the status of other migrants. Usually registration is arranged for 3 – 6 months. My boss has a man who is doing it. Without it, in effect, I cannot go to the city.” (Tyuryukanova, 2006, p. 67)

Almost equally important to the fear of deportation leading to limited freedom of movement is wage manipulation of some kind (see graph p. 27). This was even more evident in studies on destination countries. The main forms of manipulation are the following: payment below minimum wage or payment of what is sometimes called “starvation wages”, late and irregular payment of wages, illegal wage deductions, withholding of wages or no payment at all. One could argue that these illegal practices may also affect native workers and may not be an indicator of a coercive employment relationship. The research found, however, that in the case of trafficked migrants wages are manipulated in combination with other coercive means, in particular threats of deportation and debt bondage. It is generally the multi-faceted position of

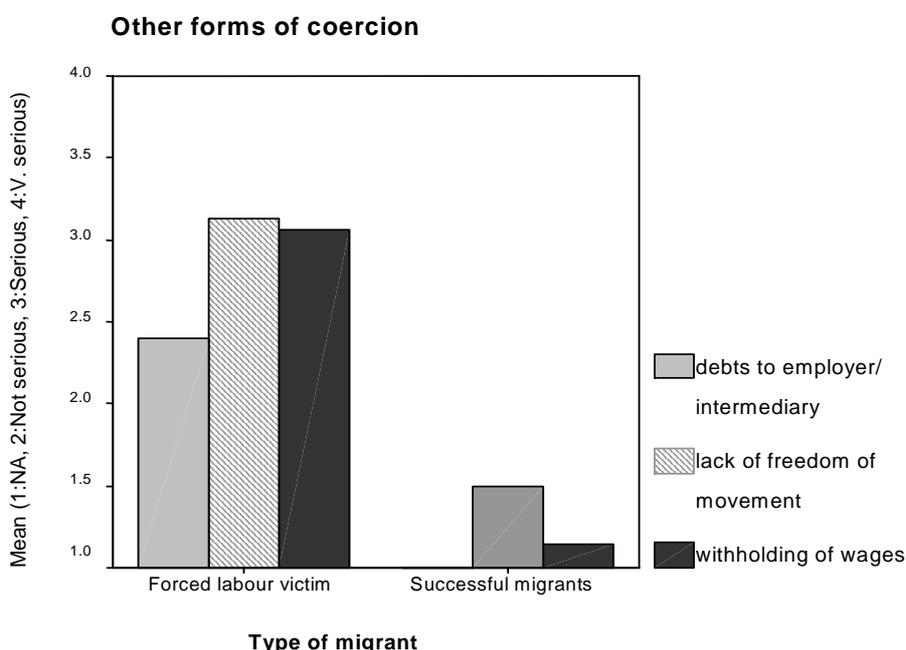
¹⁶ See data report annex 2.

vulnerability that makes it relatively easy for employers to exploit them. This is illustrated by the following quote from a Brazilian construction worker in Germany:

” It is easy to get a job. There is lots of work to do. But it is difficult to find work that is paid. [...] As a rule, eight out of ten workers are not paid. But most are scared of denunciation and do not resist.” (Cyrus, 2005, p. 36)

The most challenging part was to understand the role of debt in coercive employment relationships. Temporary migrants usually have a well-defined objective: To earn as much money as possible within as little time as necessary. Debts arising out of the arrangement with an intermediary and/or family members who paid for the trip are already counted in. Since these arrangements are often informal, debts can easily be manipulated. Similar to their often non-existing employment contract, migrants know that they cannot enforce the “contract” made with their creditor. It is based on trust, and the creditor can exploit this trust simply because he does not depend on it in order to carry out his “business”.

The unequal balance between supply and demand as well as the overall messiness of the migration process contributes to the fact that the creditor is not punished. This is a classical example of a market failure. Corruption, moral pressures and extortion networks often exacerbate this structural imbalance between creditor and debtor. Here again, it is important to understand cultural, geographical and social variances. The graph below shows a relatively high incidence of debt bondage, which victims of trafficking for forced prostitution reported most frequently.



Source: Database with 644 returned migrants in Albania, Moldova, Romania and Ukraine ¹⁷

The incidence of debt bondage was also evident in reports from destination countries. A comparison of the following cases indicates a correlation between law enforcement action and debt bondage that would need further research in order to provide more robust results:

¹⁷ See data report annex 2.

Case 1: Russia

Research results indicate that debt bondage is closely linked to the non-payment of wages, illegal wage deductions and corruption as well as criminal networks. The following quotes are examples of how irregular migrant workers can end up in debt bondage:

“Two years ago, they arrested me and I spent a night at Leninsky police station. The boss came and bailed me out, then I had to work off the debt” (Male victim of forced labour, Russia, Tyuryukanova, 2006, p. 63)

“I cannot change work, I cannot leave, I receive very little, have no money, my debt is increasing – I do not know why.” (Male victim of forced labour, Russia, Tyuryukanova, 2006, p. 125)

In some cases, migrants were informed about an accumulated “debt” they owed to their traffickers after arrival in the destination country. An analysis of the case studies indicates, however, that most of the debts were incurred during the employment stage. Due to relatively easy travel within CIS countries, real or manipulated transportation fees seem to play a less prominent role. 12 % of all interviewed migrants replied that they could not leave their employment, as they had to work off a debt. 39 % experienced a delay in the payment of wages and 24 % were not paid at all. Half of the 14 qualitative case studies that were analysed in the report can be related to debt bondage. Ten of the 34 interviewed experts said they had encountered situations of debt bondage in their work (Ibid. p. 71).

A breakdown of sectors showed that debt bondage is most pervasive in entertainment, domestic work and construction. In Russia, migrants have to survive in an environment where labour law infractions are frequent, in particular non-payment of wages or illegal wages deductions, and the enforcement of labour law is hampered by a lack of resources. Corruption among law enforcement officials and a generally dismissive attitude towards complaints of irregular migrant workers play into the hand of employers.

Case 2: Portugal

Research results from Portugal provide an example of migrant workers who were subjected to double exploitation imposed by their employers as well as by criminal networks of their own national group. Though not debt bondage in the strict legal sense of the term, this created de facto situations of bondage where migrants were afraid to resist or to leave employment. The cases refer to largely irregular migrants from Eastern Europeans (e.g. Ukrainians, Russians, Moldavians and Romanians) starting in 1998. But similar reports were also received from Brazilian migrants.

Most of the Eastern European migrants were men between 20 and 50 years old with various professional backgrounds. They paid between 450 and 1500 USD for a “package deal” to a travel agent in their home country that would cover transportation,

documents (usually tourist visa) and the promise of a job in Portugal. Upon arrival, most of them were quickly inserted into the labour market, sometimes for an additional fee. They then experienced irregular wage payments or wage deductions combined with blackmailing and extortion of criminal migration networks that aimed at making quick profits. Migrants also found that they had to pay additional fees for invented services, such as obtaining a tax identification number or changing the employer. Portuguese law enforcement authorities were able to dismantle most of these networks once they were alerted by an increase of homicide and other violent incidences affecting migrant workers. The research carried out in 2005 and 2006 brought to light only two cases of debt bondages (out of a total of 25 cases of coercive employment). The most common form of coercion was non-payment or late payment of wages.

Case 3: Chinese migrants in France

Debt bondage among Chinese migrants has been widely discussed in the migration literature and there are diverging opinions about its true nature. The debate was stimulated by reports about high smuggling fees that Chinese migrants have to pay in order to enter Western Europe or North America.¹⁸ Some authors claim that these informal arrangements between smuggler and migrant are transparent and similar to other informal business transactions (Pieke, 2004). Others refer to violence, manipulation and risks that are completely born by the migrants and that make this a very unequal business relationship. They also emphasize the distorted balance between debts and potential earnings that make it very difficult for the worker to escape the burden of debts within a reasonable amount of time (Kwong, 1997).

ILO research carried out among migrant workers in France presented debt as a key factor that renders Chinese migrants servile and exploitable (Poisson/Yun, 2005). 11 out of 13 forced labour cases documented in the report can be linked to debt bondage (among other forms of coercion). According to another survey, based on 1,000 respondents of Chinese origin in France, 81% had to repay debts (Pina-Guerassimoff et al, 2002). The fact that most Chinese migrants borrow money from family members makes it difficult to establish a clear-cut situation of debt bondage as the migrant is not bonded to the employer or smuggler but to family members. These moral obligations towards the family can be as effective as obligations vis à vis a creditor/usurer.

The average time to work off the debt is three to ten years. During this period of time, Chinese migrants work extremely long hours, are at the mercy of their employers and live in fear of being detected by the police. Evidence suggests that some of them remain dependent on their employer even after they have repaid their debts as they require support for obtaining residence and work permits. Like Eastern European migrants in Portugal, Chinese migrants in France are subject of blackmailing, extortion, racketeering and violence carried out by criminal gangs that take advantage of these workers' irregular status.

These three case studies illustrate the difficulty to establish evidence of debt bondage that is intentionally imposed by the employer/trafficker in order to retain and exploit workers. The evidence suggests a rather confusing relationship between

¹⁸ The price ranges between 3,000 and 20,000 EUR per person, depending on the place of origin in China and country of destination.

smugglers/traffickers, criminal extortion networks and corrupt law enforcement officials which force migrants to stay with an employer at all cost's to pay off debts or illegal fees. The employer benefits from this situation and can exacerbate it by manipulating wages that makes it even more difficult for the worker to escape this trap. A spiralling debt with little opportunities to earn a decent wage does not constitute debt bondage in the strict legal sense of the term. It does, however, render migrants vulnerable and docile, always hoping that one day they would return home as a rich person.

5. Factors underlying demand for exploitable migrant workers

“Crime depends not on victims, but on customers.”¹⁹ In other words, there would be no forced labour without the demand for goods and services that are either illicit or sold so cheaply that their price does not reflect real production costs. There is an increasing body of research on the demand for sexual services and how suppliers, e.g. pimps, have responded to changing pattern of demand. Patterns of demand are influenced by social, economic and cultural factors. For example, the Internet has revolutionized advertisement in the sex industry; a rising middle class and the insertion of women into the labour force have increased the demand for domestic workers; discount super markets have stimulated the demand for cheap food products.

It would go beyond the purpose of this paper to analyse the correlation of these factors and their linkage to the supply of migrant workers in depth. The research mainly focused on migrant workers and not on employers or consumers. Nonetheless, in the following section, factors will be discussed that underlay the demand for exploitable migrant workers as well as incentives of employers to use migrant labour at the lowest costs possible. It will largely draw on qualitative data from ILO research in destination countries as well as other reports.²⁰

According to the ILO research, the following sectors other than the sex industry are particularly vulnerable to forced labour and exploitative labour practices: construction, agriculture, textiles and garments, restaurants and catering services, domestic and care work. A distinction has to be made between industries that can be re-located (e.g. textiles and garments, agriculture to some extent) and those that cannot (e.g. domestic work, restaurants, construction). Demand for cheaper products or services that are at the same time always available have led to adjustments in these industries. Production or some part of it has either been re-located to lower income countries or sub-contracted to small and flexible suppliers (van Liemt, 2004). These supply firms often employ irregular migrant workers. In the following, two examples are provided to illustrate this trend.

The first example refers to the garment industry in France. The number of large firms with 500 employees or more has been shrinking by almost a third since 1990 and the proportion of subcontractors growing from a fifth to a third of all firms in the 1990s (Iskander, 2000). Retailers have tightened the turnaround time they allow for orders to respond to changes in the fashion industry. The competition among supply firms consequently intensified. While large orders are imported (e.g. from China), products at the high end of the fashion market as well as small quantities to respond to market changes are still produced in France. This niche is filled by small garment workshops that are largely run by Chinese immigrants (Yun / Poisson, 2005).

The second example is also illustrative of the trend described above.²¹ In 2003, there were an estimated 5,100 horticulture producers in the UK as compared to 6,200 in 1996. The sector generates about £2 billion per year, which makes up for 39% of all

¹⁹ Mark Fürstenberg quoted in: (Schloenhardt, 1999)

²⁰ The main focus here is on other sectors than the sex industry. IOM has sponsored pioneering research into demand pattern in the sex industry and in domestic work. All studies are based on small, non-representative samples (Anderson/O’Connell Davidson, 2003 and Bianchi et al., 2007)

²¹ The following is based on ETI Impact Assessment (2006), TWG (2004) and information provided to the ILO in the context of an EU/AGIS funded project “Capacity building to combat the forced labour outcomes of human trafficking in Europe”, co-funded by the Department for Work and Pensions, UK.

fruit and vegetables produced for UK households. There are an estimated 20,000 workers in the sector, many of them working on a temporary basis and are employed by labour providers (“gangmasters”). Retailers, including major supermarkets like Tesco or Sainsbury’s were accused of squeezing prices and increasing orders of large stocks on short notice. Gangmasters responded to the pressure by reducing labour costs and hiring largely irregular migrant workers. This was facilitated through the absence of effective legal regulations and a large supply of migrants from Eastern Europe.

In 2004, after a tragic incident involving the death of 23 Chinese cockle pickers and other cases of serious exploitation that came to public attention through a country-wide media campaign, public opinion changed. As a consequence, the Gangmasters (Licensing) Act was adopted in 2005 as well as a voluntary code of conduct. The impact assessment study carried out by the Ethical Trading Initiative (ETI) in 2006 revealed that suppliers were pleased with the new registration schemes and thought that good performance helped retain (if not increase) business. However, some informants of the assessment study pointed out that the conflict between retailer requirements and labour codes still persisted, which restricted their ability to improve labour standards (ETI, 2006).

In the ILO study on Turkey, 15 employers were interviewed who employed between 1 and 10 foreign workers in the following sectors: domestic service, entertainment/sex industry, textiles, construction, restaurant and related services. They recruited these foreign workers through agencies but more often through informal methods, such as friends or the “foreign workers’ bazaar” in Istanbul. Migrant workers, in particular those who are irregular, are easily inserted into the flourishing informal economy. Irregular employment is also common among Turkish nationals. During the 1990s employers of small and medium sized enterprises, in particular, responded to increases of taxes and insurance premiums by replacing regular through irregular workers. At the same time, sectors such as tourism, entertainment and domestic service have been booming during the 1990s whereas the textile industry had to struggle with fierce international competition (İçduygu/ Köser Akçapar, 2004).

Among the main motivations to hire foreign workers, employers cited: migrant workers are more disciplined and hard-working than Turkish workers; they are cheaper; speak many languages and are generally better educated; they provide better services and do not complain; and Turkish customers request services of migrant workers, in particular of migrant women in the entertainment industry. Employers also mentioned negative aspects of employing irregular migrant workers: their stay is only temporary; police checks lead to deportation of workers and high fines; problems can arise with insurance in the case of illness or death; there are communication problems and distrust.

There seem to be two opposing positions among employers when asked whether they were willing to employ migrant workers if they had to pay more taxes. Nearly all employers in the domestic service sector and textile industry answered positively along the following lines:

“I believe that they are not any different than we are so why should they be treated like that? Even if it means paying more, I would employ foreigners as it has many advantages.” (Employer in the textile industry, İçduygu/ Köser Akçapar, 2004 p. 62)

Employers from the other industries (entertainment, construction and restaurants) answered negatively, such as the following:

“Even the Turkish nationals working for me, they don’t have insurance or any social security. So why should I give it to foreigners?” (Employer in the construction industry, İçduygu/ Köser Akçapar, 2004 p. 62)

It is possible that due to the seasonal nature of the work in the construction and catering industries, employers have less interest in retaining workers beyond the season. They are therefore less willing to regularize their status and to pay social contributions. In entertainment and domestic service, social protection linked to work permits did not exist when this research was conducted.²² Hence the demand for irregular and thus easily exploitable workers varies across economic sectors.

In Russia²³, the sample included 72 interviews with employers in the construction industry from four different regions (Moscow, St. Petersburg, Rostov and Perm). The majority of respondents (89%) were convinced that there is a shortage of labour in the industry, of which 34% believed that it was an acute shortage. A majority (74%) responded that migrant workers were largely employed seasonally and in low-skilled jobs. Two thirds of all interviewed employers believed that migrants were treated differently than native workers and some thought that differences were substantial. When asked about incentives to violate current immigration and labour law regulations, employers cited the following: easy availability of cheap migrant labour, high taxes, loopholes in legislation and a cumbersome registration system for foreign workers. Among their motives to respect legislation, employers cited fear of sanctions, respect for the law and social accountability as the most pertinent.

Employers in certain economic sectors operate within or at the margins of a large informal economy where labour rights, tax provisions, immigration and social security regulations are hardly enforced. At the time when this research was conducted, the risk of detection was low and sanctions did not act as an effective deterrent due to corruption or other enforcement problems.²⁴ In countries with well-developed labour inspection systems, such as Germany or Portugal, employers tend to transfer risks to sub-contractors. These sub-contractors can be bogus or “letterbox” companies that claim to be based abroad. Some of them vanish as soon as they are targeted by law enforcement. Others are officially registered, but they operate with very narrow margins of profits that force them to resort to illegal practices. Setting up a sub-contracting firm in one of the economic sectors cited above requires very little entry capital or knowledge. Very often, sub-contractors recruit workers and take care of all labour related issues.²⁵ Workers and employers are not in direct contact anymore. These case studies indicate that while forced labour may occur within mainstream business it is more common within the sub-contracting chain in the countries that were covered by ILO research.

²² As for domestic services the situation changed with the introduction of a new regulation on work permits in 2003.

²³ The following data is from a draft report that EBRD commissioned in cooperation with the ILO in 2006. The Russian Coordination Council of Employers is a partner in this research project.

²⁴ A new law was adopted in Russia in November 2006, which significantly increased sanctions for employers using irregular migrant workers. But protection mechanisms for migrants who have been exploited are not yet in place.

²⁵ This is the case in “triangular” employment relationships where a labour contract exists between the worker and agency/sub-contractor and a civil contract between the employer and the agency/sub-contractor.

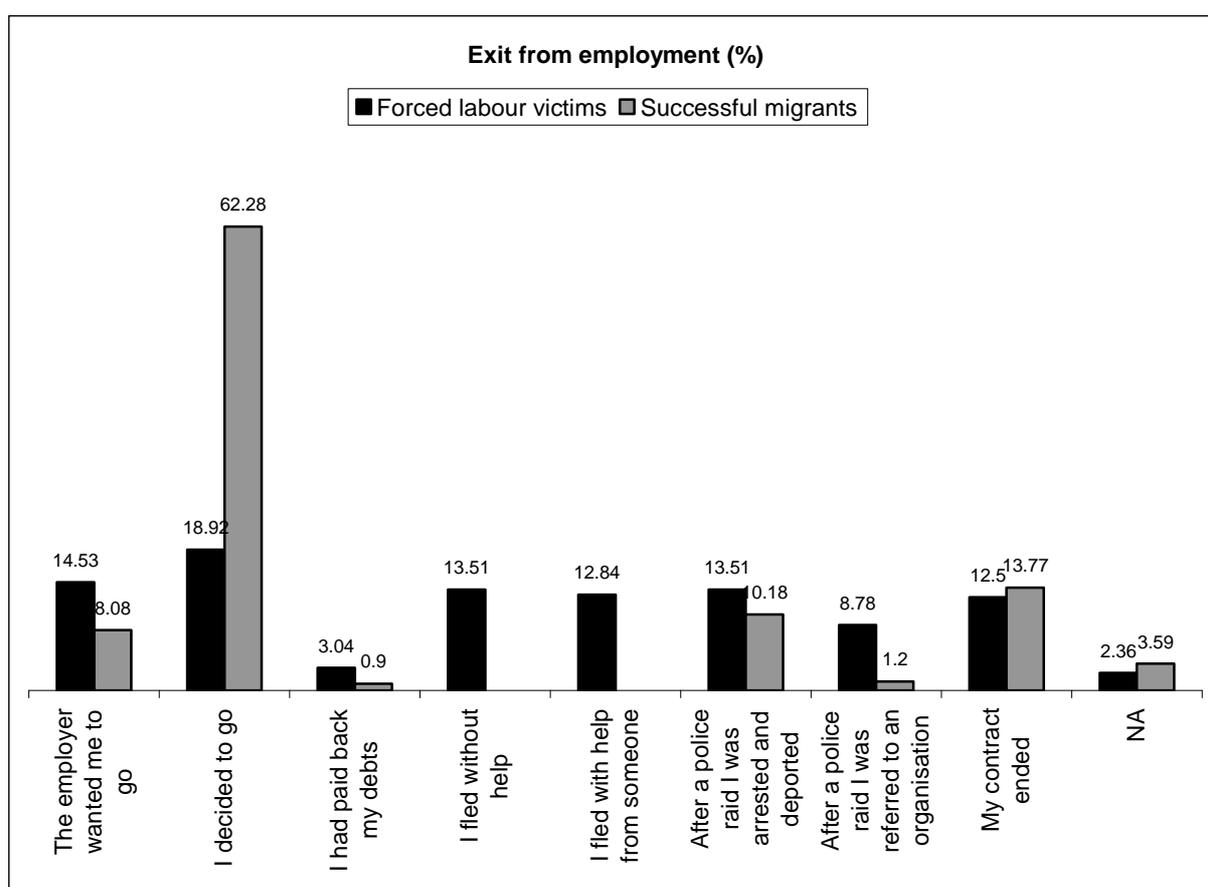
Irregular employment as such does not necessarily imply the use of force and coercion in an employment relationship. On the contrary, this research found many cases where such a relationship was based on a mutual agreement between employers and migrant workers. Both were complicit because migrants often seek short-term gains and care less for long-term social security protection. Moreover, tax evasion damages the state and not the worker. There are two main factors that explain why and when forced labour occurred largely within irregular employment: first, irregular migrant workers have very little bargaining power and do not know how to enforce their informal/illegal contracts; second, irregular employment is often related to informal recruitment. Hence, the attitude of employers towards irregular employment of foreign workers can be seen as a proxy indicator for exploitation that at the worst end of the spectrum can be called forced labour.

The availability of vulnerable workers combined with business strategies that make it relatively easy to conceal illegal practices, e.g. sub-contracting, are two important factors determining transaction costs for employers. According to theories on the economics of crime (Fiorentini et al. 1995), employers resort to illegal business practices if the expected profits are high and transaction costs low. Belser (2005) has estimated that trafficking in human beings generates 32 billion USD in profits annually, which includes illegal migration fees as well as profits made through labour law violations (e.g. unpaid or withholding of wages). A breakdown of these profits showed that margins of profit per capita are twice as high in the sex industry as in other economic sectors. Nonetheless, employers can make significant profits based on the large number of illegally employed workers for whom they do not pay any social contributions as well as no or very low wages. Given these numbers it is clear that there is much to gain for employers, pimps, traffickers, sub-contractors and others involved in the exploitation of migrant workers.

But do they have little to lose? Possible costs for employers may arise in two ways: first migrant workers who resist exploitation and therefore increase the costs of employers to retain workers under certain conditions; and second state authorities that strengthen regulations/sanctions and enforce them adequately. This will be discussed in the following section.

6. Resistance of migrants and the role of state regulations

As argued in the previous chapter, employers may use illegal and exploitative labour practices when the market offers certain opportunities and when transaction costs are low. As the graph below illustrates, employers using forced labour maintain a high degree of control over their victims in order to prevent them from leaving. However, 18 % of the victims replied that they left the employment relationship “when they decided to go”. As can be learned from the qualitative case studies, those who left without being prevented from it usually had to accept non-payment of wages or other negative consequences. A much higher proportion of victims (48%) had to escape with or without help. Some of them, 13%, were deported after their escape. The majority of successful migrants (76%), on the contrary, left because they decided to do so or because their contract had ended.



Source: Database with 644 returned migrants in Albania, Moldova, Romania and Ukraine

A comparison of the two graphs shows that there are comparatively low risks for employers to be detected: Only in 22% (forced labour victims) and 11% (successful migrants) of all cases were migrants rescued after the intervention of a state authority. In addition, police raids as referred to in the graphs were largely carried out in the sex industry. Victims of labour exploitation hardly ever encountered state authorities. 12% of forced labour victims escaped with the help of someone. Only few (3%) were free when they had repaid their debts. These figures indicate that debt bondage may play a less important role for migrants from South-eastern Europe.

Case studies from Russia, Germany and Portugal showed differences in the way migrants escaped an exploitative situation. When comparing these three countries, it seems that assistance structures are best developed in Portugal and least in the Russian Federation. In Russia, in 6 of 14 cases, migrants had to escape (without the help of an organisation or state authority). In the remaining 8 cases, migrants were still employed and the interview took place under highly risky circumstances. The following quote illustrates the general attitude. When a victim was asked whether he tried to contact law enforcement authorities, he replied:

“There was no point. Everything works by bribes there. The cops themselves were coming to see the fights [sport fights – note of author]. If I had contacted them, they would call this man and tell him that I had come to them.” (Male forced labour victim, Russia, Tyuryukanova, 2006, p. 126)

By comparison, in 19 of 25 cases reported from Portugal, trade unions, labour inspectors or the police assisted migrants in leaving their exploitative employment and/or claiming their rights. Only in 4 cases was escape the only way out (in one case with the assistance of a NGO), and the remaining two were still employed. The following case from Portugal shows how migrants in exploitative situations navigate between submission and resistance:

A 38-year-old Brazilian immigrant works in the kitchen of a restaurant, initially without a regular employment contract. When she was in an irregular situation, she had to do constant overtime work and received very low pay. Her employer threatened irregularly employed workers with denunciation to the authorities. After a bilateral agreement came into force between Brazil and Portugal, she was able to regularize her status and following a trade union intervention, she now receives 600 € per month but is still afraid to ask her employer for anything. She hopes that after three years of contract work she will receive a permanent status, and is determined to become a trade union shop steward. (Pereira/Vasconcelos, 2007, p. 37)

Finally, in Germany, cases of exploitation ended very differently: 5 with escape; 1 with the help of a trade union or NGO; 1 case with the help of a state authority, in 2 cases, migrants were identified in deportation centres; and 1 left with the consent of the employer. In the remaining cases, the destiny of victims remains either unknown or they were deported to their home country (where in some cases they were assisted by trade unions later on). The following quote is from a migrant who informed labour inspectors about irregularities and was consequently dismissed (all workers had to sign blank dismissal forms before starting to work):

“We worked eight hours officially for the tax authority [...] but in reality we worked at least ten hours, often 12, 14 hours, also Saturdays, sometimes even Sundays. I went to the local labour inspectors with some colleagues. We reported that we work much longer. [...] The labour inspectors examined the documents and left. We expected the control to be on behalf of the Polish workers. We wanted to take the check as an opportunity to deal with the injustice. But this did not happen. On the contrary! The check was not conducted to find out what irregularities the company was committing, but to send workers back!”(Cyrus, 2005, p. 32)

The case studies demonstrate that migrant workers who do resist exploitation have a lot to lose and little to gain when turning to the authorities. Their greatest fear is to be

deported to their home country or to be returned to their exploiter. There are two main factors influencing exit options: first, rules and regulations that protect irregular migrants from immediate deportation; second, the existence of structures to help and identify possible victims of exploitation, and to inform them about their rights, in particular trade unions, NGOs, pro-active labour or police inspections. Both factors are of equal importance and inter-linked. While law enforcement agencies have an interest in prosecution and in most cases need the testimony of victims, witnesses often refuse to cooperate (or to denounce exploitation in the first place) because they have little to gain and much to lose.

When this research was carried out, none of the destination countries had adopted sufficient safeguards to prevent deportation of possible trafficked victims, with the exception of some protection measures afforded to victims of sex trafficking. In Russia, the law for the protection of trafficking victims is still pending adoption in the parliament (Duma). Portugal has revised its anti-trafficking legislation in order to include labour exploitation in 2006. Similarly, Germany adopted a revised law in 2005. In Turkey, trafficking in human beings has been criminalized but victim protection schemes are still in its infancy. When the research was carried out, they did not exist at all. Despite some improvements since 2005, IOM reported 249 trafficked cases that were identified outside Turkey after their likely deportation (TIP Report, 2006). In a landmark judgement of the European Courts of Human Rights (*Siliadin versus France 2005*), France was found guilty for not respecting its positive obligations to protect migrant workers from forced labour exploitation and to recognize their position of vulnerability.²⁶

In addition to weak legal protection schemes, migrants are often left to their own judgement when deciding whether to leave or to stay with an abusive employer. The lack of assistance, e.g. hotlines, legal advice and possibly shelter, offered to migrant workers, especially those who are in an irregular situation can be explained by a lack of funding as well as general suspicion towards irregular migrant workers. Many NGOs working in this area have to strike a careful balance between public funding on which they are often dependent, xenophobic attitudes in society and the criminalization of irregular migrants in national law (PICUM, 2005).

Victim protection schemes in countries of destination have to be complemented by similar provisions in source countries. Since the beginning of the ILO research programme in 2003, many positive developments have occurred, namely, decriminalization of returned victims (especially women who were forced into prostitution), adoption of national action plans that seek to prevent trafficking, prosecute offenders and protect victims. While international donors funded most of these action plans over recent years, some source countries, for example Ukraine and Georgia, have started allocating state funding for their implementation.

To sum up, in most European source, transit and destination countries the tension between the need to prosecute traffickers and the obligation to protect victims under international law continues to exist. Early policy interventions were based on the understanding that trafficking is an organised crime hardly affecting mainstream industries, thereby neglecting important labour market aspects. The EU Expert Group on human trafficking was instrumental in supporting this shift towards combating

²⁶ See Malpani (2006) on the failure of European destination countries to adopt legislation and administrative regulations that would protect likely and actual victims from deportation.

exploitation instead of clandestine movement (EC Expert Group, 2004). As the authors of the report state: “Thus to effectively counter trafficking, policy interventions should focus on the forced labour and services, including forced sexual services, slavery and slavery like outcomes of trafficking – no matter how people arrive in these conditions - rather than (or in addition to) the mechanisms of trafficking itself” (p. 53). Some of the recommendations of the Expert Group found their way into the EU plan on best practices, standards and procedures to prevent and suppress trafficking in human beings, adopted by the European Council in 2005. It would go beyond the purpose of this paper to discuss EU policies as well as national policies of European countries more in depths.²⁷ The purpose of this chapter was rather to present evidence from the ILO empirical research on exit options and explains some of the underlying factors.

²⁷ For a critical discussion of EU policy responses on trafficking see: Askola, 2007; Berman/Friesendorf, 2007; Goodey, 2003. These articles focus on EU responses to sex trafficking mainly. A comprehensive analysis of the implementation of the EU Action Plan and its impact (including labour-market related responses) is still missing.

Conclusions

Every research project is a journey with an unknown destination. When the ILO, through its Special Action Programme to Combat Forced Labour, embarked on this research programme covering ten countries in Europe, it had one important hypothesis, namely that trafficking for forced labour (other than forced prostitution) existed and most likely affected a range of industries. The research results, though not representative, confirmed this hypothesis: Forced labour is a reality in Europe, and it is largely the result of abuse in the migration process.

Some specific results led to modifications of the initial research design and stimulated further analysis. For example, it was found that the initial categories – “victims of trafficking/forced labour” and “successful migrants” – were too broad to capture all the relevant information. Therefore, a third category was introduced that captured victims who were deceived during recruitment and exploited at the final employment stage as compared to those who did not rely on an abusive intermediary. Furthermore, the research on Russia demonstrated a strong correlation between weak state institutions and trafficking/forced labour. While this was not the main focus of the research it came out as a result of focus group discussions. The data presented in this report suggests the following conclusions:

- While relative deprivation is the underlying push factor for the total population of labour migrants, poverty is more relevant for the sub-population of forced labour/trafficked victims. Poverty intersects with other vulnerabilities, in particular discrimination on the grounds of gender and ethnicity.
- Migrants who have been deceived and abused right from the beginning of their migration project – hence during the recruitment stage – are more likely to end up in forced labour than those who were able to find employment without an intermediary or through their own social networks. Intermediaries can take on different forms and disguises – legal, semi-legal or criminal. They exploit financial and informational constraints that all migrant workers, but in particular trafficked/forced labour victims face.
- Employers use a wide range of coercive measures to keep migrants in exploitative conditions. The most often cited forms of coercion were withholding of wages and real or perceived lack of freedom of movement. This was followed by debts owed to the employer or intermediary, threats and violence. The research also documented a continuum of coercion that differs from case to case but may also change over time within one single case.
- Forced labour and trafficking occur in an environment where labour regulations are weak and not enforced and where changing production patterns put suppliers under pressure. Migrants and in particular trafficked/forced labour victims occupy niches in the economy that cannot be re-located or that local workers would not choose as employment. Some initial research on the demand side revealed that employers prefer migrant workers because they are disciplined and more docile. Weak sanctions, loopholes in legislation and cumbersome bureaucratic procedures make it easy for employers to conceal exploitation. The availability of vulnerable workers combined with impunity influence the behaviour of business.

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- Trafficked/forced labour victims have several possibilities to exit an exploitative situation even though they may lose rights or privileges that they find difficult to claim in court. Many of them have to escape, with or without help of an organisation. A significant number of irregular migrant workers are deported after leaving the employer. Exit strategies are directly related to laws governing the employment of migrant workers, their enforcement as well as existing structures of support through trade unions, NGOs, state authorities or other organisations.
 - Research results highlight the complex nature of trafficking, forced labour and labour exploitation within highly flexible labour markets. Most of the case studies point to a continuum of exploitation, with clear-cut forced labour cases at one end of the spectrum and more subtle forms of exploitation and coercion at the other end. This messy reality, exacerbated by a tacit complicity between irregular migrants, intermediaries and employers, makes it very difficult to design appropriate interventions. Trafficking and forced labour are crimes that involve real people with their hopes and fears. While some migrants have the power to resist or seek help, others submit and remain silent.

The results of this research suggest policy interventions at different levels though this was not the main focus of this paper. First of all, more in depth research should be undertaken to understand the position of the main actors involved, in particular employers and intermediaries. A further gap in current research relates to the impact assessment of policy interventions. While this paper has noted a paradigm shift at the European level towards a more holistic approach against trafficking, the impact of current interventions is still hardly assessed. Finally, the next logical step following these and many other qualitative assessments now being published in Europe, is to develop tools to measure trafficking and forced labour statistically. By pointing to these research gaps, this paper – as a synthesis of a collective effort – has addressed at least one: to provide evidence about trafficking for (forced) labour exploitation in Europe.

Action-oriented research should lead to measures that ultimately change the reality under study. Based on the results of this research, it is evident that anti-trafficking programmes have to be broadened in order to include victims of labour trafficking, men, women and children. Only if potential victims do not have to risk criminalization, and can instead rely on targeted assistance programmes, will they come out of their exploitative situation in more significant numbers. This requires policy changes in many European Countries that are only starting to emerge.

Experts have also repeatedly called for more and better prevention programmes. The results of this research confirm that victims of trafficking tend to come from socially and economically discriminated groups of society. Anti-trafficking prevention programmes should therefore be embedded into the overall development strategy of a country in order to avoid isolated measures that have little impact or that bring short-term alleviation at best. Prevention measures should address the two constraints that were discussed in this paper: the lack of information and the lack of capital (including social capital) that potential migrant workers have to struggle with. This should be combined with policy measures that make legal migration a viable and safe alternative. Finally, the empowerment of migrant workers, no matter where they come

from and where they work, should be the overall aim. In order to free workers from forced labour, they have first to be able to make free choices.

Annex 1: Forced labour cases in destination countries

Germany

21 cases	Sex	Origin	Sector	Recruitment	Coercion	Exit
1	F	Eastern Europe	entertainment		violence, threats/ blackmailing, confinement	escape with help from authorities
2	F	Bulgaria	entertainment	social networks	violence, confinement, confiscation of passport	escape
3	F	Romania	entertainment	intermediary	deception, threats	
4	F	Morocco	domestic work	intermediary	threats/ blackmailing	denounced by employer
5	F	Colombia	domestic work		threats/ blackmailing, debt bondage, withholding of wages, confiscation of passport	NGO, TU assistance
6	F	Romania	domestic work	recruitment agency	threats/ blackmailing, debt bondage, withholding of wages, confiscation of passport	
7	M	Africa	domestic work	social networks	threats/blackmailing	escape
8	F	Poland	domestic work	newspaper	deception, illegal wage deductions	legal proceeding
9	F	Morocco	domestic work		violence	escape
10	F	Philippines	domestic work	recruitment agency	confinement, withholding of wages, confiscation of wages	escape
11	M	Romania	agriculture		withholding of wages	
12	M	Poland	agriculture		withholding of wages	legal proceeding, TU, counselling center support
13	M	Poland	food processing		withholding of wages	
14	M	Poland	construction		withholding of wages, unfair deductions	
15	M	Portugal, Armenia	restaurant/ catering		threats/blackmailing, withholding of wages	
16	F	Lithuania	textile		confinement	authorities

						assistance
17	M	Poland	entertainment		non-payment of wages	
18	M	Poland	entertainment		non-payment of wages	employer's consent
19	M	Poland	entertainment		violence, non-payment of wages	legal proceeding
20	M		entertainment		violence, non-payment of wages	
21	F	Bulgaria	advertisement - entertainment	recruitment agency	deception, violence, debt bondage	escape

France

13 cases	Sex	Origin	Sector	Recruitment	Coercion	Exit
1	M	China	textile	intermediary	moral and physical violence, threats/blackmailing, debt bondage, confinement, confiscation of passport,	
2	M	China	textile		confiscation of passport, debt bondage, physical violence, confinement.	
3	F	China	domestic work	intermediary	confiscation of passport, debt bondage, physical violence, confinement, withholding of wages.	
4	F	China	domestic work, textile	social networks	threats/blackmailing, financial and moral debt bondage, withholding of wages	end of bondage after a dispute
5	M	China	restaurant, street vendor	intermediary	threats/blackmailing, debt bondage.	still paying the debt
6	F	China	restaurant, street vendor	intermediary	threats/blackmailing, debt bondage.	still paying the debt
7	M	China	textile	intermediary	threats/blackmailing	
8	M	China	no information	intermediary	threats/blackmailing, confinement	escape, authorities assistance
9	M	China	textile, decoration,	intermediary	debt bondage, confiscation of passport	
10	F	China	textile, decoration,	intermediary	debt bondage, confiscation of passport	

11	M	China	textile, restaurant/catering	no information	debt bondage, confinement, withholding of wages	he resigned his job
12	F	China	domestic work, textile	travel agency	debt bondage	still paying the debt
13	F	China	domestic work, prostitution		debt bondage	still paying the debt

Hungary

9 cases	Sex	Origin	Sector	Recruitment	Coercion	Exit
1	M	Romania			threats/blackmailing, confiscation of passport	
2	F	Moldova	entertainment	intermediary	confinement, isolation	escape
3	M	Romania	agriculture	family	debt bondage, confiscation of passport	
4	M	Romania	construction	intermediary	confinement, threats to be denounced	escape
5	F	Romania	entertainment	direct contact with employer	non-payment of wages	left
6		Ukraine	textile		restriction of movement	
7	F	Ukraine	entertainment	intermediary	debt bondage	
8	F	Ukraine	entertainment	intermediary	debt bondage, threats, deception	
9	F	Ukraine	entertainment	intermediary	debt bondage, deception	

Portugal

25 cases	Sex	Origin	Sector	Recruitment	Coercion	Exit
1	M	Ukraine	construction		Non-payment of wages	dismissed by employer, helped by trade unions
2	M	Eastern Europe	construction		Non-payment of wages, threats	trade unions
3	M	Brazil	construction		Unfair wage deductions, threats, blackmail	still employed
4	M	Ukraine	construction	Criminal network	Non-payment of wages, threats, deception	escape with help of NGO
5	M	Ukraine	construction		Sub-standard working conditions	TU assistance
6	F	Russia	Domestic work		Non-payment of wages	TU assistance

7	F	Russia	Domestic work	intermediary	deception, retention of passports, withholding of wages	TU assistance
8	F	Russia	Domestic work	social network	deception, non-payment of wages	NGO assistance
9	F	Brazil	Domestic work		Unfair wage deductions	NGO assistance
10	F	Africa	Domestic work	social network	retention of documents, threats, non-payment of wages, deception, confinement	NGO assistance
11	M	Brazil	Restaurant	Agency	deception	escape
12	F	Brazil	Restaurant		withholding of wages, forced overtime	still employed but received TU assistance
13	F	Ukraine	Bars, casino	Agency	forced overtime, threats of dismissal	legal proceedings
14	F	Brazil	Restaurant		withholding of wages	TU assistance
15	M	Brazil	Agriculture		threat of dismissal, forced overtime	legal proceedings
16	M	Lithuania	Agriculture		debt bondage	legal proceedings
17	M	Romania	Agriculture		debt bondage, withholding of wages	labour inspection, deported
18	M	Romania	Agriculture		Withholding of wages	still employed
19	M	Saint Thomas and Prince	Agriculture		Violence (gun), threats, withholding of wages	Labour inspection
20	M	Brazil	Agriculture		retention of documents, isolation	Labour inspection
21	M	Romania	Agriculture	Network	Extortion, threats of violence,	legal proceedings, immigration service
22	F	Africa	Sex		Threats, confinement	still employed
23	F	Brazil	Sex		Confinement, retention of passports	Escape
24	F	Eastern Europe	Sex	Network	Violence	Escape
25	M		Welding		Extortion, violence (by network not employer)	Employer/labour inspection

Russia

14 cases	Sex	Origin	Sector	Recruitment	Coercion	Exit
1	F	Ukraine	Sex	friend	threats, retention of passport, deception, debt bondage	still employed
2	F	Kazakhstan	Sex	sold by parents	violence, debt bondage, threats	still employed
3	F	Kazakhstan	Shop assistant, sex	intermediary arranged with parents	violence, threats, confinement	escape
4	F	Kazakhstan	Domestic work, sex	intermediary arranged with parents	confinement, debt bondage	escape
5	F	Ukraine	Sex, first voluntary, then forced	friend	deception, violence	still employed
6	M	Russia	Construction	kidnapped and transported to unclear	violence, threats, confinement	escape

				destination		
7	M	Uzbekistan	Construction	intermediary	retention of documents, non payment of wages, violence,	escape
8	M	Azerbaijan	Construction	newspaper add, deceived by intermediary	withholding of wages, threats	still employed
9	M	Belarus	Construction	intermediary	withholding of wages	still employed
10	M	Kazakhstan	Construction	newspaper and intermediary	debt bondage	still employed
11	M	Ukraine	Construction	deceived by intermediary	debt bondage	still employed
12	M	Uzbekistan	Construction	friend	debt bondage, retention of documents	still employed
13	M	Kazakhstan	Boxing	intermediary arranged with parents	debt bondage, confinement, deception, threats	escape
14	M	Uzbekistan	Fishing	kidnapped	violence, confinement	escape

Annex 2. Data sheet

		Type of migrant			
		Forced labour victims		Successful migrants	
		Count	Col %	Count	Col %
violence against me	NA	76	33.3%	14	93.3%
	Not serious	51	22.4%	1	6.7%
	Serious	25	11.0%		
	very serious	76	33.3%		
violence against others	NA	70	34.0%	14	100.0%
	Not serious	44	21.4%		
	Serious	32	15.5%		
	Very serious	60	29.1%		
threats of violence against me	NA	56	24.2%	14	100.0%
	Not serious	65	28.1%		
	Serious	38	16.5%		
	Very serious	71	30.7%		
	12	1	.4%		
threats of violence against others	NA	69	33.7%	14	100.0%
	Not serious	37	18.0%		
	Serious	47	22.9%		
	Very serious	52	25.4%		
threats of being reported to the police	NA	77	37.7%	12	92.3%
	Not serious	22	10.8%	1	7.7%
	Serious	33	16.2%		
	Very serious	72	35.3%		
threats of deportation	NA	80	41.0%	13	100.0%
	Not serious	20	10.3%		
	Serious	33	16.9%		
	Very serious	62	31.8%		
debts to the employer/intermediary	NA	73	34.8%	14	100.0%
	Not serious	32	15.2%		
	Serious	38	18.1%		
	Very serious	67	31.9%		
lack of freedom of movement	NA	21	7.8%	7	50.0%
	Not serious	76	28.1%	7	50.0%
	Serious	53	19.6%		
	Very serious	120	44.4%		
withholding of wages	NA	27	11.3%	12	85.7%
	Not serious	61	25.5%	2	14.3%
	Serious	41	17.2%		
	Very serious	110	46.0%		

Report

Type of migrant		violence against me	violence against others	threats of violence against me	threats of violence against others	threats of being reported to the police	threats of deportation	lack of freedom of movement	withholding of wages	lack of ID documents
Forced labour victims	Mean	2.44	2.40	2.58	2.40	2.49	2.39	3.01	2.98	2.91
	Std. Deviation	1.26	1.23	1.32	1.19	1.31	1.31	1.02	1.08	1.20
Successful migrants	Mean	1.07	1.00	1.00	1.00	1.08	1.00	1.50	1.14	2.65
	Std. Deviation	.26	.00	.00	.00	.28	.00	.52	.36	1.50
Total	Mean	2.36	2.31	2.49	2.31	2.41	2.31	2.93	2.88	2.88
	Std. Deviation	1.27	1.24	1.33	1.21	1.32	1.31	1.05	1.14	1.23

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