Forced Labour Exploitation and Counter Trafficking in the Baltic Sea Region

Report of the DEFLECT Conference

Holmenkollen Park Hotel Rica
Oslo, 7-8 June 2011
The Council of the Baltic Sea States (CBSS) is a regional inter-governmental organisation composed of the 11 states of the Baltic Sea Region as well as the European Commission:

Denmark | Estonia | Finland | Germany | Iceland | Latvia | Lithuania | Norway | Poland | Russian Federation | Sweden |

The Task Force against Trafficking in Human Beings (TF-THB) comprises trafficking experts from government ministries in all of the 11 CBSS Member States. It is mandated to counteract all forms of trafficking in human beings in the Baltic Sea Region and beyond through preventive and protective activities. Stockholm, November 2011

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www.sida.se/balticseaunit
Introduction

Trafficking in human beings is a fundamental rights issue which is high on the agenda of all the CBSS Member States. The importance that governmental and non-governmental institutions attach to these severe forms of human rights violation is manifest in the increasing number of implemented counter-trafficking activities.

In spite of the emphasis given to work against trafficking, stakeholders in the Baltic Sea Region have mainly focused on human trafficking for sexual exploitation when developing policies, setting up assistance schemes for trafficked persons and conducting research. Until recently, other forms of human trafficking such as for labour exploitation, begging or criminal activities have not been given adequate attention and not investigated comprehensively.

According to the ILO, there are 12.3 million victims of forced labour worldwide, of which 2.45 million are victims of trafficking. The total illicit profit of the business of forced labour is estimated at 32 billion USD per year. Trafficking in human beings for forced labour exploitation occurs both in the formal and informal economy, and in particular in unregulated or poorly regulated sectors where the nature of the work is labour intensive. Increased globalisation and the inherent supply chain mechanism complexities associated with the harvesting, packaging, shipment and delivery of goods bought and sold combined with price pressures and demand for cheaper merchandise have exacerbated the potential for exploitation. Inequalities and labour intensive local work such as domestic labour has also been prone to the globalised drive not only for production and service costs but for cheaper labour itself. The working conditions can be described as “3D work”; dangerous, dirty and degrading.

In order to investigate human trafficking for forced labour exploitation, the CBSS TF-THB in cooperation with the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), launched the DEFLECT project in April 2011. The project entitled Data and Education on Forced Labour Exploitation and Counter Trafficking (DEFLECT) was conceived with the aim of preventing trafficking in human beings for forced labour through the training of key labour actors including labour and social inspectorates, trade unions, employment agencies, employers’ associations, law enforcement agencies, NGOs, tax officials and customs officials and other related actors.

To achieve this, the project focuses on researching the current situation in the Baltic Sea Region to identify the sectors in which trafficking is most prevalent, existing initiatives and gaps in knowledge and skills.

The project commenced with an expert level conference in Oslo on 7-8 June 2011, which gathered around 80 participants from all the 11 CBSS Member States. The conference discussed prevention strategies, existing research and education and

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sector specific examples of human trafficking for forced labour exploitation in the Baltic Sea Region.

This report summarises the main findings from the conference and gives an overview of the recommendations voiced by participants on how to successfully prevent and fight human trafficking for forced labour exploitation and assist its many victims.²

² All the presentations given at the conference can be downloaded here: http://www.cbss.org/Civil-Security-and-the-Human-Dimension/deflect-project [Last accessed 09 November 2011].
What do we mean when we speak of human trafficking for labour exploitation?

As a starting point of the conference the participants and presenters discussed the terminology of human trafficking for forced labour exploitation. They highlighted that the parameters used to define human trafficking and labour exploitation varies considerably between stakeholders. It was raised that this has a number of implications amongst others for data collection on human trafficking, for an assessment of the regional human trafficking situation and therefore on the development of successful policies to fight this crime.

Furthermore, it was underlined that some practitioners find the definition of human trafficking for forced labour exploitation to be difficult and unclear. This lack of clarity also increases the risk that only the most extreme cases are recognised as trafficking, resulting in other cases potentially not being identified correctly. It was noted that the need for a consistent application of a clear, commonly agreed upon definition should therefore be at the foundation of all research, policy making and implementation. Without such a foundation, the risk is that human trafficking passes unnoticed or is prosecuted under different legislation, such as a breach of labour laws, which will have significant consequences for the trafficked persons and the assistance offered to them.

While forced labour is closely linked to human trafficking the two issues are not identical and should not be used interchangeably. A number of experts advocated for the concept of a *continuum* spanning from decent working conditions via forced labour to human trafficking. The concept of a continuum was used to highlight the difficulty in distinguishing bad labour conditions and forced labour from human trafficking. It also emphasised that there does not need to be a large difference between each phenomena and as a result there are cases where it is unclear whether they constitute a human trafficking case or not.

**Who are the victims of human trafficking for forced labour exploitation?**

The stakeholders of the conference also discussed the profile of those trafficked for labour exploitation in the Baltic Sea Region. Depending on the sectors it was stressed that in general the persons affected are:

- often migrants, both regular and irregular;
- live and work in isolated conditions;
- have little or no knowledge of the local language;
- are usually in financially precarious situations and
- are dependent on the traffickers for subsistence.

Participants of the conference underscored that many trafficked persons have some form of tie to the trafficker, either through family or acquaintances, and that the bond heightened the risk of dependency and vulnerability.
It was noted that a particular challenge in the fight against human trafficking for forced labour exploitation is the ability to reach out to the trafficked persons. The participants of the conference reflected that the confinement of trafficked persons in mostly secluded places for both work and housing was an added obstacle to detection and thereby victim assistance and the prosecution of the perpetrator.

It was also mentioned that a number of actors who are in a position to identify trafficked persons are often not equipped with the necessary tools or even mandate in some countries to do so. This fact creates another obstacle to proper identification of trafficked persons and their referral to specialised service providers.

**What are the means of coercion and control?**

It was stressed that several means of coercion are common, but the recent trends suggest that the methods are becoming less overt and more psychological than previously recorded. The shift in *modus operandi* by the traffickers has further complicated the successful prosecution of trafficking cases as there is less physical evidence of abuse or direct restrictions imposed upon the trafficked person.

It was reported that the most commonly used means of control are:

- debt bondage;
- the withholding of wages;
- confiscation of passports and
- threat of deportation or threats to the family in the home country.

Stakeholders also informed about other means of coercion:

- the production of one legal work contract and another exploitative one in a language the worker does not understand;
- general social isolation and
- very poor living conditions for the worker, often at or close to the workplace itself.³

**What do we know about the trafficking process in the Baltic Sea Region?**

The conference participants emphasised that the trafficking process is becoming increasingly complex. Often large numbers of people are involved in the trafficking process. The goal is to minimise the risk for each person involved and thus making it easier to replace one link in the chain should something unexpected happen. This is especially the case when the person is trafficked across borders or larger distances.

As a result, the conference participants underlined that it has become increasingly difficult for law enforcement agencies and prosecutors to successfully make a case against human trafficking as it is often hard to identify the trafficker in a chain of exploitative situations. The involvement of various recruiters, agents, intermediaries

and employers in several countries means that one could potentially identify a trafficked person without being able to point to the persons responsible for the trafficking.

**Which sectors are affected by human trafficking for forced labour exploitation?**

The participants of the conference draw attention to the fact that cases of human trafficking can be found in all sectors of the economy, both in the regulated and unregulated economy. Human trafficking is also strongly linked to organized criminal activity whereas people are trafficked for forced petty crimes and for forced begging.

Several examples of human trafficking cases in different sectors were highlighted by the presenters. Seasonal work such as berry picking and domestic/au pair work were particularly singled out due to the historical bias of not categorising this form of labour as “work” in the regulatory framework. In general it was stressed that sectors particularly exposed to human trafficking for forced labour exploitation include:

- agriculture;
- restaurant and service sectors;
- construction;
- shipyards;
- fishing industry;
- commerce;
- seasonal jobs and domestic work.

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4 For more information on human trafficking for forced labour exploitation in the Baltic Sea Region and specific sectors please consult the presentations given at the conference. These can be found under: [http://www.cbss.org/Civil-Security-and-the-Human-Dimension/deflect-project](http://www.cbss.org/Civil-Security-and-the-Human-Dimension/deflect-project) [Last accessed 09 November 2011].


How can we effectively prevent human trafficking for forced labour exploitation, protect trafficked persons and prosecute the traffickers?

The presenters and participants highlighted the following actions that need to be taken in the field of \textit{prevention}, \textit{protection} and \textit{prosecution} when designing strategies against human trafficking for forced labour exploitation.

In the sphere of \textit{prevention} participants underlined that it is necessary to:
- create regular and gender-sensitive migration channels and harmonise the needs of the labour market with migration management policies;
- provide information to groups at risk regarding safe migration and work opportunities, work conditions and labour laws and information about where a migrant might turn to in order to obtain assistance;
- develop strategies which also focus on the demand for cheap labour, recognise that unprotected labour is a business strategy and therefore to reduce the demand for such labour decent labour standards must be encouraged and adhered too in all sectors;
- raise the general awareness on human trafficking for forced labour exploitation at all levels and among a variety of actors also by conducting industry specific campaigns;
- conduct research on human trafficking for forced labour exploitation, also inviting “new” actors into research endeavours such as trade unions and think tanks as well as;
- enhance data collection on human trafficking for forced labour exploitation in order to raise knowledge levels of this topic and to design comprehensive strategies to prevent human trafficking for forced labour exploitation.

In general participants of the conference underlined the need to develop prevention strategies which are adapted to the specific needs of a country or a region depending on its problems, and to extend the focus from the capital regions out to smaller towns and areas.

In the area of \textit{protection} it was stressed that there is a necessity to:
- develop assistance schemes which account for the needs of victims of human trafficking for forced labour exploitation;
- ensure that means of assistance are easily accessible for (potential) victims of human trafficking for forced labour exploitation;
- enhance the identification of trafficked persons and their timely referral to adequate service providers through capacity building measures directed at the police, prosecutors, labour inspectors, trade union activists, social workers, nurses and other actors who might be in a position to identify trafficked persons and
- safeguard financial resources and support to NGOs and trade unions working in this field.

To conclude, the participants of the conference emphasised the need for a stronger partnership between relevant actors to prevent and fight human trafficking for forced labour exploitation. A multi-disciplinary approach to include actors with different responsibilities and expertise was advocated for. The private sector was particularly invited to become involved, in addition to labour agencies, customs and tax officials, monetary institutions, trade unions and development agencies. The DEFLECT project will be followed up by the implementation of a project named ADSTRINGO.

ADSTRINGO is a partnership project between CBSS TF-THB, HEUNI and the Ministry of Interior in Lithuania. The main objective of the project is to prevent THB for forced labour through enhanced national and regional partnerships and through improved understanding of the mechanisms that facilitate such exploitation. This main objective will be achieved through a set of specific objectives: the establishment of a dialogue among key labour actors at the national level in CBSS member states; the raising of awareness at the regional level among governmental and private sector representatives in the Baltic Sea region; research on recruitment practices and roles of recruitment agencies and employers in the exploitation of migrant labour; the development of guidelines for the prevention of exploitation; and through the stimulation of political awareness and dialogue nationally and regionally.
Regarding *prosecution* participants of the conference recommended to:

- develop guidelines for criminal justice actors and other stakeholders in order to facilitate the interpretation of the definition of human trafficking and forced labour;
- ensure that actors are equipped with the capacity to make trafficking in persons for forced labour a low profit-high risk crime through capacity building measures and awareness raising activities and
- reduce the opportunity of impunity.

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Forced Labour Exploitation and Counter Trafficking in the Baltic Sea Region
DEFLECT Project Expert Conference
Holmenkollen Park Hotel Rica, Oslo 7 – 8 June 2011

7 June

12.30 – 13.00 Registration

13.00 – 14.00 Lunch (provided to all participants)

14.00 – 14.10 Welcome Address
Astri Aas-Hansen, State Secretary, Ministry of Justice and the Police, Norway

14.10 – 14.30 Opening Remarks
Jan Austad, Senior Adviser on Human Trafficking, Ministry of Justice and the Police, Chair of the CBSS Task Force against Trafficking in Human Beings, Norway.

Liliana Sorrentino, Executive Adviser to the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, OSCE, Austria.
Michaëlle de Cock, Senior Anti-Trafficking Consultant, International Labour Organization, Switzerland.

15.30 – 15.45 Coffee Break (provided to all participants)

15.45 – 16.30 Panel One (continued): Human trafficking for Forced Labour Exploitation
Alexia Taveau, Project Coordinator, Anti-Human Trafficking and Migrant Smuggling Unit, United Nations Office on Drugs and Crime (UNODC). Austria.

16.30 – 18.00 Experiences of Forced Labour Exploitation in the Baltic Sea Region
Introduced by Anna Ekstedt, Senior Advisor to the CBSS Task Force against Trafficking in Human Beings, Sweden
Findings from the pre-conference questionnaire introduced by Ciaran Morrisey, Project Officer to the CBSS Task Force against Trafficking in Human Beings, Sweden

16.45 – 17.15 National discussions
17.15 – 18.00 Plenary discussions

19.30 Dinner (provided to all participants)
09.30 – 11.00  Panel Two: Prevention Strategies against Forced Labour Exploitation

Klara Skrivankova, Trafficking Programme Coordinator, Anti-Slavery International, United Kingdom.
Jeroen Beirnaert, Project Coordinator Forced Labour and Trafficking, International Trade Union Confederation (ITUC), Belgium.
Peter Van Hauwermeiren, Director Social Inspectorate, Ministry of Social Security, Belgium
Han-Petter Boe, Regional Representative for the Nordic and Baltic States and the European Neighbourhood Countries (East), International Organization for Migration (IOM), Finland

11.00 – 11.15  Coffee Break (provided to all participants)

11.15 – 12.30  Panel Three: Existing Knowledge and Tools in the Fight against Forced Labour Exploitation

Natalia Ollus, Senior Programme Officer, and Anniina Jokinen, Researcher, The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), Finland
Marta Bociek, Author of the CBSS Task Force against Trafficking in Human Beings study “Hard Data: Data Collection Mechanisms in the Baltic Sea Region”, Germany.

12.30 – 13.00  Plenary Discussions

13.00 – 14.00  Lunch (provided to all participants)

14.00 – 14.45  Panel Four: Examples of forced labour exploitation in the Baltic Sea Region

Svetlana Boincean, Coordinator of Migration Policy, International Union of Food and Agriculture (IUF), Russian Federation.
Gunnar Stølsvik, Head of the Norwegian National Advisory Group against Organized illegal, unreported and unregulated fishing, Ministry of Fisheries, Norway

14.45 – 15.30  National discussions

15.30 – 15.45  Coffee Break (provided to all participants)

15.45 - 16.15 Panel Four (continued): Examples of forced labour exploitation in the Baltic Sea Region

Anders Lisborg, Danish Centre against Human Trafficking (CMM), Denmark
Charles Woolfson, Institute for Research on Migration, Ethnicity and Society, Linköping University, Sweden

16.15 - 16.45  Plenary discussions

16.45 – 17.00  Closing Remarks

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