

# **Human trafficking, turning our attention to labour exploitation**

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## **Introduction by Corinne Dettmeijer-Vermeulen**

In my Seventh report, which will be published on 29 October 2009, special attention is given to labour exploitation and several recommendations are made concerning this topic. Since trafficking for the purpose of labour exploitation is still a topical subject, I would like to take this opportunity to briefly look back at some developments after the conference.

It seems that the attention to labour exploitation is growing. The high number of participants at the conference demonstrates the great interest that there is in the subject. Besides, new case law has emerged, more cases have led to convictions, awareness campaigns about labour exploitation have been commenced, officials have been trained and other conferences and expert meetings on the topic have been organized. All these efforts and initiatives provide hope for a more effective fight against trafficking for the purpose of labour exploitation.

On the other hand, many of the bottlenecks that were discussed during the conference are still in place. Victims of labour exploitation are not always recognized as such. Trafficking for the purpose of labour exploitation is often considered to be less severe than trafficking for sexual exploitation. The low number of convictions for labour exploitation is discouraging for the police and investigators to trace labour exploitation. Especially subtle forms of exploitation seem to be difficult to prove.

A great deal needs to be done to be able to effectively prevent and combat labour exploitation. If the enthusiasm and willingness that was shown during the conference is spread among all the partners involved in the fight against trafficking for the purpose of labour exploitation, this could be a good start in taking great steps forward.

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## **Introduction by Jill Coster van Voorhout**

Here we present the minutes of the conference '*Human trafficking, turning our attention to labour exploitation*' held on 13 February 2009 at Utrecht University in cooperation with the Dutch National Rapporteur on Trafficking in Human Beings (*BNRM*). Six months later, we now have the opportunity to combine this summary presentation of the most important issues of the conference with information about all that followed from it and about some known future events that might interest you.

Although one would hope that human trafficking may decrease thanks to all the attention it receives, the current global financial and economic crisis may in fact rather prove to have a very important detrimental effect. At the time of the conference much of the impact of the crisis on human trafficking for labour exploitation was not yet known. As many of you will remember, *Roger Plant* spoke at the conference about the presumed impact of the crisis on the labour market (also attached). Now we know that it indeed has had such an effect. Unfortunately, both the ILO report of May 2009, *The cost of coercion*, and the United States Trafficking in Persons Report of June 2009 show that rising unemployment leads to greater trafficking vulnerabilities. The global crisis is found to boost both the demand and supply side of human trafficking. Certainly, we still remain by and large in the dark about the impact of the crisis on human trafficking, but all of us are prompted to attach sufficient weight to this assumption and to research its impact.

The need for further research, one of the most important themes of our conference, has once again proved to be imperative. In the UNODC report of February 2009, it is emphasised that misrepresentation for human trafficking for forced labour, the second most common form (18%), still exists. Forced labour is less frequently detected and reported than trafficking for sexual exploitation. A comment by Mr Costa, the executive director of the UNODC, who launched the report, gives one of the reasons for this: "We

have a big picture, but it is impressionistic and lacks depth. We fear the problem is getting worse, but we cannot prove it for lack of data, and many governments are obstructing”, he admitted. There is a need for governments and social scientists to improve information gathering and sharing on human trafficking. “If we do not overcome this knowledge crisis we will be fighting the problem blindfolded”, he warns. We repeat the message of the conference: a need for interdisciplinary research is even more pressing in current times. We are proud to pronounce that the *BNRM* will deliver its report on 29 October of this year.

Many countries are still to respond to human trafficking for labour exploitation and as we have seen in the Netherlands, the country that hosted the conference which you attended in May 2009, in combating this problem it combines a criminal justice as well as an administrative response to this crime (*Someren*). The effectiveness of making use of criminal justice in this fight, however, leaves much to be desired, and this is so not only in the Netherlands. The UNODC report of 2009 is very critical about this merely partial but yet important solution to the problem: ‘the number of convictions is increasing, but not proportionate to the growing awareness (and, probably, the size) of the problem.’ This should be one of the topics to be discussed at the interesting forthcoming *First Annual Interdisciplinary Conference on Human Trafficking* in Lincoln, Nebraska on October 29-31, 2009 as well as the Dutch conference *Themadag Task Force mensenhandel* on 29 October 2009, both of which aim to guarantee a general awareness of and the fight against human trafficking as is reflected in the Day against Human Trafficking held on 18 October 2009.

The aforementioned three themes were also important issues discussed during the conference ‘*Human trafficking, turning our attention to labour exploitation*’. We therefore hope that the attached minutes of this conference will help you in your work on this topic.

Jill Coster van Voorhout  
Utrecht University

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# 1 Some Points of Particular Interest

During the conference 'Human trafficking, turning our attention to labour exploitation' that aimed to encourage an interdisciplinary debate about human trafficking, with an emphasis on labour exploitation, a combination of both the dissemination of research results and suggestions for (further) research on a broad array of topics, such as a labour market approach, criminal law efforts, research methodologies and a victims' perspective, were discussed. This summary of the minutes of the conference is confined to problematic issues that arose during these debates.

## *Disclaimer*

The authors are well aware of the fact that this summary may not reflect the opinion of every participant nor does it reflect –all– the personal opinions of those working at the UU or BNRM. Nonetheless, we hope to present an overview of the main issues concerning human trafficking for labour exploitation which were discussed either in the workshops or during plenary presentations. This overview does not intend to be exhaustive.

**Legal Definition:** The legal definition adopted in the Palermo Protocol that consists of the actions, means and purpose of exploitation, from a criminal law perspective, is difficult as far as the exact scope of labour exploitation is concerned. In many countries, the exact scope of this 'last phase' of trafficking still needs to be established. In particular, there has been much debate about the degree or severity of the exploitation that needs to exist in order to be legally qualified as 'exploitation'. This discussion demonstrates the thin line between a bad employer and one who is a human trafficker that exploits others. More case law can help to clarify the scope of the concept of human trafficking for labour exploitation.

**Identification of Victims:** Victims of labour exploitation are often invisible to the public and the authorities. Besides, victims may not consider that they are being exploited. Many victims are unaware of the regulation of labour

conditions in the country in which they work or their real legal status and may purposefully be kept in the dark about the work they are allowed to do legally. For a criminal investigation, the difficulty of identification is especially great because they rely to a large degree on the reporting of the crime. Although labour inspectorates, for instance, can also play a role, they also depend on information provided to them by the workers. Similarly, care for victims is problematic due to a lack of recognition for victims who may, in the worst scenario, already have been deported due to having an illegal migrant status and not one of being a victim of trafficking (although not exclusively because a necessary nexus has not been determined between human trafficking and migration). This impacts negatively on reliable human trafficking research data and complicates the gathering of the required evidence for further legal responses.

**Stereotyping:** From a criminal law perspective, another problem regarding the identification of victims exists: stereotyping. In the public discourse victims are portrayed as specific categories of people, such as sex slaves, forced prostitutes, slaves or servants, who do not have a choice but to participate in the activity in question and are often very traumatised as a result.

It is important that the general public, the authorities and officials who come into contact with human trafficking and labour exploitation become aware of labour exploitation and its signals, without falling into the trap of looking for those stereotypes.

**Subtle Forms of Coercion:** Most forms of exploitation on today's labour markets, which can involve some degree of coercion, are very subtle. Moreover, as is increasingly being argued, vulnerable people are being seriously exploited by employers and recruiters who do not flagrantly violate national laws, but operate dubiously within them.

In order to detect labour exploitation, it is required to actively look for forced labour cases in order to find victims and to deal with them.

**Protection of Victims:** A mere legal response is not enough to properly protect possible (future) victims from exploitation; even if it protects workers' rights and victims' rights to some extent, those who are most vulnerable are often unaware of or not in a position to realise their rights without further assistance being provided. Therefore, it is important to provide information to potential victims, also when still in their home country. People from foreign countries who are coerced or deceived into coming to another country to work there should know their rights.

**Multi-agency approach:** Many different authorities are involved in different ways in the identification of possible victims of trafficking for the purpose of labour exploitation and in combating the crime. However, since each authority focuses mainly on its own area and those agencies may not always share information amongst themselves, trafficking cases as such are not always recognised (at an early stage). A major problem in prosecuting human trafficking for labour exploitation is the scattering of information (a lack of centralisation and no linking of information). It is important to build alliances and to develop a multi-agency approach to labour exploitation.

**Knowledge and Training:** the authorities need to be trained concerning human trafficking. Labour inspectors and migration officials, in particular, need to know and act upon the signals of labour exploitation, treating workers involved as possible victims of human trafficking.

**Repression v. Prevention:** From an economic point of view, the main criticism of policies is the fact that they focus on combating the 'symbols' of human trafficking (repression) instead of preventing it. "We ignore the fact that we need low-scale labour and we create our own market which is sensitive to human trafficking", one of the participants said. Although criminal law responses are often central, prevention requires much attention. For example: the certification of employers or employing companies that within their sector exclude those who do not live up to the rules; the provision of micro-credits (which can result in a

situation in which people are not forced to migrate); and the establishment of minimum wages and proper social security arrangements are measures that can prevent exploitative situations. However, wide-scale inspections have to ensure that people will live up to these standards; otherwise the problem may manifest itself in other regions and that must be *de facto* prevented.

**Transnational Cooperation:** Transnational cooperation is very important to effectively combat human trafficking. However, several problems occur when it comes to transnational cooperation with regard to investigation and prosecution at the transnational level. These problems are, amongst others: identifying the competent authorities, language problems and the reliability of colleagues abroad. When requests are made to more than one State, the problems are even greater. States are often reluctant to ask for instance Europol for information or help because they are afraid of losing information and control over the case. In some states there is a reluctance among public prosecutors to prosecute and investigate human trafficking.

**Accountability of Traffickers:** A particular problem of exploitation on the labour market is that many production processes involve long sub-contracting chains, which make it difficult to identify those most responsible and to hold them accountable. Also due to the generally also legal character of the work in which people are exploited it is less easy to examine one specific sector and to use best practises.

**Multidisciplinary Research:** Much research is still needed. Such research should incorporate results from several disciplines so as not to depend too heavily on only those results found in criminal law research that are necessarily limited in scope due to the specific nature of criminal research. Many interesting possibilities have been presented during the conference, especially also those combining anthropological studies. Particularly needed are studies that incorporate the perspectives of victims, more information on trafficking routes, the identification of sectors in which human trafficking for labour exploitation takes place, the

identification of traffickers and possible partners in the trafficking chain and comparisons between countries concerning these topics.



## **2 Presentation Corinne Dettmeijer-Vermeulen, Dutch National Rapporteur on Trafficking in Human Beings**

Ladies and Gentlemen, welcome also on behalf of BNRM. It gives us great pleasure that this international conference has attracted so many interested professionals from various disciplines and I am looking forward to a fruitful debate.

The fact that there are people from different backgrounds, academics, policy makers and people with practical experience, from the police, the prosecution service, the judiciary, as well as social assistance is very promising. Furthermore, the attendance of people from other countries will hopefully help us to perceive the problems concerning labour exploitation from a broad international perspective and to be able to agree on an academic research agenda for the coming period.

I would also like to congratulate Jill Coster van Voorhout on her thesis, her prize and to thank her for providing the occasion to hold this conference together with BNRM.

Many of the modern forms of slavery are the results of growing inequalities between the rich areas of the world, with aging populations, hungry for cheap labour, and the poor or war-torn areas, whose people are prepared to take terrible risks in search of jobs.

Historically, when it comes to slavery and slavery-like practices, the role of the state has been vital by first promoting and legalizing and later abolishing these practices. Today states are tasked to adhere to the numerous conventions negotiated by the UN and ILO against the various abuses that make up contemporary forms of slavery. This is a problem even in the richer parts of the world and in countries committed to combating slavery-like practices. Eradicating exploitation is far from being a simple matter.

### **Legal framework**

Let me start with outlining the legal framework of labour exploitation. There is a great diversity in terms of who and

how many people are vulnerable to severe exploitation in the workplace, across different regions and countries in the world. According to the ILO, millions of people still suffer from forced labour, exacted by states, military groups, enterprises and private individuals. Human trafficking for the purpose of labour exploitation is a subset of this problem. There are also differences in national legislation, both on THB and on broader issues such as workers' rights and labour migration. I know Jill will pay attention to these differences in her intervention this afternoon.

Yet, there is also an important level of consensus internationally on the definition of THB, as we see in the Palermo Protocol: action (recruit/transport a person) + means (forced) methods of coercion + purpose (exploitation). This definition is regardless of the sector in which the victim is made to work and regardless of border crossings. According to the Palermo Protocol, exploitation includes – among other things – forced labour or services; the reference to the 1930 ILO Forced Labour convention is significant

### **Labour exploitation in the Netherlands**

When the current legislation was introduced in 2005, it was because of treaty obligations. There was little knowledge of seriously exploitative practices in the Netherlands, so, preliminary research was conducted by my Bureau a few years ago. You can read this in the Fifth Report. For this preliminary research, information was collected on over 100 cases of abusive practices, some of which are so excessive that we considered that they amount to exploitation, as the term is used in the context of trafficking in human beings. Of course it was then not yet a criminal offence in the Netherlands.

We found that there is a risk of exploitation in economic sectors:

- where low-wage, dirty, dangerous and degrading work has to be carried out (the '3 D's');
- where profit margins are small and labour constitutes a large part of the production costs;
- where work is hidden from the public, e.g. in private homes or 'closed' communities.

Risk sectors include agriculture, domestic work, restaurants, temporary work, the food industry, crime. This is probably not very different in other countries in the north-western part of Europe.

Marginalization in general society or in the labour market puts people at risk of exploitation. The groups which we found to be at risk in the Dutch study are undocumented migrants, migrants who are illegally employed, migrants with a dependent residence permit, and people who are very unassertive due to social or personality weaknesses.

### **Case law in the Netherlands**

Since 2005, nine cases of possible trafficking for labour exploitation have been brought before the courts in the Netherlands, so far leading to convictions for THB in two of these cases. These figures are low, compared to the number of prosecutions for sexual exploitation (e.g. in 2006: 163 THB summonses and 90 convictions for THB). The figures are also low compared to the number of prosecutions for labour exploitation in Belgium, where in 2007 there were actually more rulings on labour exploitation than on sexual exploitation. Part of the explanation for this contrast between the two neighbouring countries is that Belgium has had legislation on labour exploitation since 1995, so it has more experience in this respect. Besides, it may be easier to prove the crime in Belgium, as the use of force is not a necessary element of the description of the crime. It can however be an aggravated circumstance.

However, proving the means of force or coercion has not posed the biggest problem when prosecuting trafficking for labour exploitation. The biggest problem has been the qualification of the facts and circumstances that constitute the labour exploitation.

If we take a quick look at the first case law in the Netherlands, the cases concerned work under very poor conditions in a Chinese restaurant, the production of hemp, a tofu factory, cleaning and domestic work, and an imported bride. The workers involved were men and women and in one case children from Bulgaria, China, Poland, India, Morocco and the Netherlands. Some of them resided in the Netherlands illegally; others were employed illegally, while

the Dutch victims had mental or psychological problems. It is also interesting that the courts consider that an undocumented worker is placed in a position of vulnerability. Besides, the case law confirms that THB concerns *excessive* abuse in employment situations. However, what prosecutors and judges most seem to grapple with is exactly how excessive the facts and circumstances need to be in order to qualify them as a trafficking case. In relation to the trafficking question, some courts considered it relevant whether or not the initiative to enter into an employment relationship has come from the accused. This is a case that is now pending at the Supreme Court concerning labour in a Chinese restaurant. The court at first instance, as was confirmed by the court of appeal, had determined that the victims had asked, even begged for work and the court confirmed that the defendant had taken advantage of the vulnerable position of the victims, and the fact that it was not the defendant who had taken the initiative proved to be decisive. In my opinion this was not relevant and therefore I do not agree with this decision. I hope that the Supreme Court will reverse this decision. Also in that ruling the court stated that there was no evidence that the workers did not have a choice as to whether to leave or not. Considering their illegal status a different opinion could also be feasible. And of course this is another issue: workers who are not locked up but really do not have an alternative to continuing to work under exploitative conditions; how free are they?

The two cases that did lead to convictions in the first instance, concerned exploitation by private persons in the private home and the use of violence. In one case, the victims were undocumented, live-in migrant domestic workers who were highly dependent on their employers. Could it be that it is easier to consider that these sorts of personalised labour situations constitute THB than exploitative practices in more mainstream businesses? Interestingly enough, the only trafficking case that was ever brought before the European Court of Human Rights, in relation to article 4 of the European Convention on Human Rights, also dealt with the exploitation of a domestic worker.

The case of *Siliadin v France*, which is worth reading for anyone interested in the subject.

In the last few weeks two more cases have been dealt with by the courts, both concerning domestic work and both ending in acquittals. One of those concerned a Moroccan bride. This case was remarkable in the sense that according to the court there was no proof of coercion. Regrettably, however, the court did not evaluate the circumstances in correlation with each other, which in my opinion the court should have done.

We have interviewed judges who have dealt with these cases concerning their views on charges of trafficking for labour exploitation. It appears that judges also find the article on THB difficult. It is the longest article in our criminal code and it intends to apply to every form of trafficking. They often struggle with the wording of the indictment. That could call for jurisdiction in trafficking cases being concentrated and more specialised.

It is understandable that especially for those investigating and prosecuting these cases the results so far, just two convictions, are somewhat less than expected. But I trust that this will not result in a lesser target in the fight against trafficking for labour exploitation.

As Von Richthofen found in research on the role of labour inspectors in combating THB and forced labour in Europe, two problems appear to be widespread: 1) with just a few exceptions, forced labour is not defined in detail making it difficult to enforce the law, 2) as a consequence, there are few prosecutions of forced labour. And this is a vicious circle:

Should the law be changed? I do not think so. We need more time and more case law. I don't think the law in itself is the biggest problem. Yes it is complicated. It is also regrettable that the explanatory memorandum for this article did not offer more for the judiciary. But the essence of the article is the interpretation and appreciation of working conditions in view of international treaties and that may call for a change of attitude. And, of course, the article is intended for *excessive* situations.

When working conditions in a Chinese restaurant in Antwerp are considered to be exploitative, however, it is difficult to fathom why the same circumstances in Breda are not. And there is no reason to assume that labour exploitation occurs much less often in the Netherlands than in Belgium.

I think it will continue to be necessary to compare the case law, as Jill has done. And I know that the ILO has carried out a massive survey on rulings from many countries. What might help the judiciary in all those different countries would be if this international jurisprudence would be directly and easily accessible for judges on the internet. Maybe this is something that the ILO can take on?

### **Challenges**

But although I firmly believe that a successful approach towards the fight against trafficking includes the judiciary, something more is needed for effectively combating labour exploitation. It has often been said that tackling THB requires prevention, prosecution and the protection of victims; none of these '3 Ps' is simple, however. Concerning trafficking for sexual purposes, we have had ample experience but in relation to trafficking for labour exploitation there are specific challenges which include:

- As mentioned, in many countries, the exact scope of labour exploitation as a trafficking outcome still needs to be established; this is also necessary for the sake of legal certainty.
- Besides, law alone is not enough, even if it protects workers' and victims' rights, the most vulnerable are often not aware of or in a position to realise their rights without help.
- So, we need to reach workers in the grey economy to provide them with information and protection. At the end of today a brochure will be presented by the minister of Social Affairs specifically for that purpose. That may be a good start.
- Law alone is not enough in the sense that in many industrialized countries one needs to actively look for forced labour cases in order to discover them and to deal with them.

- Hence, the need for greater (public) awareness of labour exploitation and its signals.
- Victims are often invisible. Victims may not find that they are being exploited.
- Labour inspectors and migration officials in particular need to know and act upon the signals of labour exploitation, treating the workers involved as possible victims of THB.
- Victims are often reluctant to come forward, fearing not only reprisals from exploiters, but often also actions against them by law enforcement authorities: immigration officials, the police, or indeed labour inspectors whose role, in principle, is to protect all workers regardless of their nationality/migration status. Labour inspectors as stated by Von Richthofen will not be primary actors in the fight against forced labour but they can make a decisive contribution. In order for them to do so they need to be made sensitive to the problems involved.
- We need to adjust our image of a trafficking victim as well as the assistance facilities.
- A challenge of a different nature is that many production processes involve long sub-contracting chains, making it difficult to hold those involved accountable.

### **Solutions / Ways forward**

Governments need to take their responsibility; part of this is to make resources available for increasing the identification of trafficking victims and ensuring that their rights are respected. Another key point is to build alliances and to develop a multi-agency approach to labour exploitation. The fight against trafficking for sexual exploitation in Germany, Belgium, the Netherlands, Italy and elsewhere shows that this can be effective. Over the years, strange bedfellows such as police officers and NGOs, immigration officials and migration lawyers have managed to build up a degree of confidence, sharing information and collaborating concerning trafficking cases. When it comes to exploitation outside the sex industry new partners need to be involved: in particular,

the trade unions and employers' organisations in relevant economic sectors. Both these parties may be reluctant, because they only associate THB with organised crime or prostitution; not their day-to-day business. Also, there is still reluctance in some unions to embrace the migrant worker, particularly the undocumented. But it can be done; in the UK, for example, farmers, trade unions, supermarkets and labour suppliers have successfully worked together under the umbrella of the Ethical Trading Initiative (ETI) in support of the Gangmaster Licensing Act. In the Netherlands, the collaboration between AbvaKabo, which is a trade union, and several organisations of Filipino migrant domestic workers provide a positive example.

This afternoon you will tackle many of these challenges in the workshops and I am confident that you will come up with many ideas for further research. I wish you an interesting debate.

Thank you for your attention.

### **3 Presentation Rick Lawson, Leiden University, Professor of Public Law**

You can find the power point presentation of Rick Lawson on our website [www.uu.nl/kennispunten/rebo](http://www.uu.nl/kennispunten/rebo)



## **4 Presentation Roger Plant, ILO, Head of Special Action Programme to combat Forced Labour**

### ***FORCED LABOUR, TRAFFICKING AND LABOUR MARKET GOVERNANCE: INVOLVING LABOUR ACTORS AND INSTITUTIONS***

**Conference on “Human Trafficking: Turning our Attention to Labour Exploitation”, University of Utrecht, Netherlands, 13 February 2009**

*Roger Plant*

*Head, Special Action Programme to Combat Forced Labour  
International Labour Office, Geneva*

I have two main parts to my presentation today. First, why is human trafficking an important matter for labour market governance and regulations? Second, what is the particular role of what can broadly be called labour and employment actors (ranging from labour inspectorates and employment and recruitment agencies, through to trade unions and employers organizations) complementing both criminal law enforcement and the various service providers concerned with prevention and the protection of vulnerable persons at risk of trafficking. The organisers have also asked me to summarize the findings of ILO research on trafficking for labour exploitation in industrialized countries, and to make some suggestions regarding the prevention of labour exploitation.

I'll also go through some of our main publications on the subject, including forthcoming ones. These are available on our SAP-FL website – in English, French and Spanish – which you are strongly invited to visit and publicise.

On the face of it, the first point should be easy to address. If people are trafficked for labour exploitation, then labour justice has to be part of the response and solution. Labour inspectors, if suitably trained, are well equipped to enter

work places, monitor recruitment and job placement methods, and provide early warning of exploitation. They have the capacity to provide some sanctions themselves, or to pass the severe cases to other agencies of criminal law enforcement.

In practice however, labour institutions have not been heavily involved in anti-trafficking activities, for a number of reasons. Labour inspectors often lack a clear mandate on forced labour and human trafficking, generally seen as criminal offences that are primarily investigated by the police. Moreover, the scope of labour inspection systems sometimes excludes those economic sectors where forced labour is most likely to occur, such as agriculture, domestic work and the sex industry. Labour inspectors are often the poorer neighbours of other law enforcement agencies, as regards both financial and human resources and equipment. In this sense, engaging labour inspectors more effectively against trafficking is a question of political will, strengthening labour administration as a whole and providing its officials with the resources needed to do their job properly.

Yet there are more complex issues to be addressed, raised by the recent attention to trafficking for labour exploitation, and the difficulty that most governments have had in identifying specific cases, let alone deciding what are the most appropriate penalties and remedies once such cases have been identified.

An ongoing debate, among legislators and law enforcement, is whether coercion is a necessary condition to make up the offence of human trafficking; or whether an employer who subjects workers to inhuman or degrading conditions, with earnings way below the legal minimum or the national average, can also be convicted of the offence. National approaches, in Europe for example, are currently very mixed. Both Belgium and France have provisions in their criminal legislation which consider the offence of human trafficking to involve the imposition of living and working conditions considered “contrary to human dignity”. Under

Germany's penal code as amended in 2005, the new offence of trafficking for labour exploitation, applicable only to foreigners, includes the concepts of slavery-like conditions and debt bondage. One criterion for this offence is the payment of wages markedly less than those paid to German nationals.

There has also been much discussion about the degree or severity of exploitation. It is a very subjective term, which has not generally been covered in labour standards, let alone in criminal law until the Palermo Trafficking Protocol put the subject so firmly on national legislative and law enforcement agendas. Common sense suggests that people are exploited when others derive unfair advantage, or make unfair profits, at their expense, by subjecting them to arduous and morally unacceptable conditions of work. But there are obvious gradations of this. No legislature or judiciary will find it easy to determine which practices should be dealt with through long prison sentences, which through fines, or which through the closure of enterprises.

At the bottom end of the spectrum some flagrant abuses are happening, even in Europe, and law enforcement is beginning to wake up to them.

Just last week, on 9 February this year, the Spanish Interior Ministry reported that police has arrested 19 Romanians accused of enslaving 27 of their compatriots for forced labour and begging. In Barcelona and near Valencia, the 27 persons were released from the slum apartments where they had been held captive. They were employed mainly as farm labourers, working twelve hour days. They had been recruited in Romania, with false promises of jobs, forced to work without pay, and compelled to beg on the streets when no work was available. Press reports indicate that the ensnared persons had made to attempt to escape these conditions, for fear of reprisals. The investigations were made, after two Romanians reported in the town of Alicante that they had been held against their will.

A similar case, also involving East Europeans, came to light three months ago in the United Kingdom, in November last year. Some 60 individuals were taken by the police from vegetable fields, in what was seen as the UK's largest single action against human trafficking for labour exploitation. Police believe the workers were receiving far below the minimum wage, for working up to 16 hours a day and six days a week. They also spent up to four hours a day travelling to the worksite. The vegetables were believed to be destined for large supermarkets. Detectives suspect that the exploited persons, most of whom were quite legally in the UK, had been recruited through advertisements and overseas agencies in countries like Lithuania and Poland. Police believed that the workers had been given money to reach the UK, but had been required to pay it back, probably with interest. Their passports would have been removed, and cash deducted from their incomes for transport to the fields. Violence was used against some of the workers. The Serious Organised Crime Agency, which carried out the investigations and the raid, described the system as "debt bondage".

A third flagrant example is the so-called "Terra Promessa" case in Southern Italy, first prosecuted in mid 2006. Polish workers, recruited under false pretences for agricultural labour in Apulia province, were housed in appalling conditions, and forced to work for almost nothing under the eyes of armed guards. Over a hundred workers were eventually rescued, and provided assistance by Italian and Polish NGOs. Through cooperation between the Italian and Polish police, assisted by EUROPOL, arrests have since been made in both countries.

The above are the extreme and high profile cases, where there has been a law enforcement response. Yet most forms of exploitation on today's labour markets, which can involve some degree of coercion, are very subtle. Moreover, as is increasingly being argued, vulnerable people are being seriously exploited by employers and recruiters who do not flagrantly violate national laws, but operate dubiously within them. Notably, the US Government's Office to Monitor and

Combat Human Trafficking has been arguing in its last few reports that labour trafficking can take place through perfectly legal recruitment mechanisms, particularly in Asia and the Near East. The main argument is that high transaction costs for internationally recruited migrant workers, together with deceptive practices, can place them in a situation of high vulnerability to debt bondage and forced labour in the destination country. The problems begin with a mix of excessive charges and transaction costs for visas, travel and job placement expenses in the country of origin. The workers may be deceived as to the work they will carry out in the destination country, or as to wage rates and hours of work. A common practice is “contract substitution”, where they sign one contract in their home country, but are later compelled to sign a totally different one in the place of destination.

There have been some truly scandalous cases in recent years, of blatantly fraudulent recruitment practices leading to tragic consequences. A notorious case five years ago involved Nepalese workers, who were reportedly told by their recruiters they would work in Jordanian restaurants, but has their passports taken and were instead sent to Iraq where all but one of them was later kidnapped and murdered. More recently, the IOM assisted a group of Sri Lankans who had been similarly duped and taken to Iraq against their will.

In most cases however, as in other aspects of possible labour trafficking, the exploitation is far more subtle. Let’s take the case of China. It is widely known that over the past two decades there has been extensive Chinese migration to Europe, much of it irregular, that the irregular migrants and their families can pay vast amounts of money to “snakeheads” to be smuggled into Europe (around 25,000 Euros to Europe, and more than twice that amount to get to the United States), and that they can endure particularly arduous conditions while repaying these debts. We have been doing extensive research on this issue, covering the exploitation of Chinese workers in several European countries, and also examining the working of recruitment

systems in China. One cannot draw hard and fast distinctions between the “legal” and “illegal” agencies. In some cases, the registered agencies can also carry out unlawful activities. Moreover, there has been heated debates as to whether the *trafficking* paradigm applies to the situation of Chinese workers who (while servicing massive debts, and working excessive hours for a seven day week both within the Chinese ethnic economy in Europe and outside it) arguably accept these conditions out of rational choice. Our Chinese research found that the fees change according to the destination country or area, and that it may take an average of two years of back-breaking work to repay them.

Over the past few years, the ILO has carried out a mix of qualitative and quantitative research and surveys, which have prepared the ground for guidance documents on trafficking for labour exploitation. Country studies in France, Germany, Italy, Portugal, Russia and elsewhere have provided case examples, identifying the industries and sectors where trafficking into forced labour can occur, as well as the recruitment mechanisms. The earlier research was summarised in our 2005 report, *A Global Alliance against Forced Labour*, which provided the first global and regional estimates of the number of women, men and children in forced labour. We estimated that some 2.4 million of the 12.3 million people in forced labour around the world are trafficked, about one third of these clearly for labour exploitation. We also calculated that that forced labour of trafficked persons generates up to US\$ 32 billion per year in illicit profits, some US\$ 4 billion of which is clearly for labour exploitation. Some 360,000 persons were in forced labour in industrialised countries, about three quarters as a result of trafficking.

More recently, we have turned to assisting countries to conduct national estimates. This work is still at an early stage. Some pilot surveys in Central European and African countries include questions on forced labour in instruments like labour force surveys, population census and surveys of returned migrants. A key issue is asking the right questions,

in such a way that the elements of coercion can be identified in the responses. Moreover, it is important to seek some national consensus as to the degree of gravity in labour trafficking situations, and the means of addressing them.

### *The "Delphi" indicators of trafficking*

To this effect, together with the European Union, our programme has embarked on a Europe-wide expert consultation regarding harmonised indicators of unfree recruitment, forced labour and exploitation. It covers the various aspects of deception, coercion, withholding of money or identity documents, isolation, violence and threats of denunciation to the authorities. It should help build a European consensus, as to what acts and practices need to be punished with the full force of criminal law, and what might best be tackled through awareness-raising and other means.

Experts were chosen for their personal expertise not only among national police forces, but among a broader group involving also labour inspection services, academia, social partners and civil society. The consultation followed a methodology called the Delphi method, developed in the 1950s to reach consensus among a groups of experts and widely used for a large set of applications in social, medical or political sciences. Following the definition of human trafficking in the Palermo Protocol, experts were asked to provide a list of indicators (or typical elements) of coercion, deception, exploitation and vulnerability which they know are relevant in modern cases of trafficking in Europe. In a second round of consultation, experts were asked to rank all the proposed indicators by order of relevance, from the highly significant to the insignificant. Overall, 68 experts (39 women and 29 men) from 23 European countries participated in the survey.

As a result of this process, experts agreed on a list of 67 indicators. Each indicator covers a different dimension of trafficking cases, namely: deceptive recruitment, coercive recruitment, recruitment by abuse of vulnerability,

exploitative conditions of work, forms of coercion at destination, and abuse of vulnerability at.

While the indicators of course include all the elements of the stereotypical case of human trafficking such as abduction, violence and confinement, they also go beyond. In particular, the combination of all these indicators provides a useful guide to better understand the variety and complexity of modern human trafficking. As some indicators of a trafficking situation are considered stronger than others, they are divided into strong, medium and weak categories. While few strong indicators are sufficient to identify a situation as human trafficking, an accumulation of weak indicators can also lead to the same result.

A key issue is that this method can involve a proactive approach, probing into a hidden problem that may eventually merit criminal investigation and prosecution, rather than relying on the available criminal statistics (which are highly likely to under represent the reality of the problems).

#### *National Surveys and pilot estimates*

We have recently started with some partner countries to design and implement national surveys. National surveys on the trafficking experience of returned migrants have been developed and tested in two source countries, Georgia and Moldova. Questions on forced labour and trafficking were incorporated in Moldova's 2008 Labour Force Survey, implemented between April and June 2008. We can now state with a degree of statistical confidence what percentage of Moldova's migrants have been subjected to more serious and milder forms of coercion in the destination countries. The findings will be presented in more detail in our next global report on forced labour, to be published in May 2009. And we believe that robust data of this kind will be of much importance in building consensus among the European destination countries as to the need to give more systematic attention to trafficking for labour exploitation.

## *Challenges of labour market policy and governance*

Once the knowledge base has been improved, different actors need to be involved in the fight against labour trafficking. Our own efforts have been directed at, first, placing these concerns on the agenda of what we may call different “labour actors and institutions” who have not normally been part of anti-trafficking networks; and second, making sure that there is cooperation between criminal law enforcement, employment tribunals, and the labour inspectors who (at least in some countries and legal traditions) do not think that forced labour and trafficking are problems that fall within their mandate.

This is why we published, in June this year, a handbook specifically for labour inspectors on forced labour and trafficking. This insists that labour inspectors are particularly well equipped to provide early warning, and also to negotiate remedies or close down offending enterprises before abusive practices proliferate. We are also finalizing a case book on forced labour for judges and prosecutors. This is likely to be much in demand in the coming years, as prosecutions for labour trafficking are brought before judges who have had no previous experience of forced labour cases in the private economy.

Government policies have to be based on a sound assessment of the demand for labour, including foreign workers, in different industries. In Europe for example there is a growing commitment to crack down on “illegal” forms of employment, usually with sanctions against the offending employer. But such policies won’t get very far if European nationals are unwilling to do the work on offer, and foreign workers cannot enter through legal channels. This is precisely what creates the preconditions for labour trafficking, if criminal elements see the chance to make sizeable profits by meeting this demand.

Business actors have different needs and responsibilities. They need to keep forced labour out of their own supply chains, both at home and overseas. They need to know

when to keep engaging with a supplier in a developing country, to achieve gradual improvement of conditions, and when they must disengage immediately in order to avoid complicity in forced labour. But business leaders must also be part of wider policy debates, on recruitment fees, on subcontracting, and means to regulate or self-regulate certain practices. Our programme against forced labour has been actively promoting a business alliance on the subject, in cooperation with the International Organisation of Employers. This has involved capacity building for national employers in different as well as the preparation of different guidance documents. Meetings with some high level business leaders in Atlanta, London and elsewhere have pointed to the kind of guidance materials that is now most urgently needed. A handbook on forced labour for employers and business has now been completed, with inputs from employers and companies around the world. It includes guiding principles, a compliance checklist and guidance for auditors, advice on remedial action, good practice guides and case studies, and material addressed at particular at-risk sectors including construction, transport, garments and textiles, global food retail, and hospitality.

We are simultaneously cooperating with trade unions, particularly through the International Trade Union Confederation in Brussels to promote a workers' alliance against forced labour. In Athens last November the Greek General Confederation of Labour, together with the ITUC and European Trade Union Confederation hosted a high level conference to determine priorities for a European Plan of Action on Forced Labour and Trafficking over the coming two years.

Each country needs to do its own thorough research, assisted by the guidance tools I have mentioned earlier. I believe that our earlier studies in Germany, and in Portugal jointly with the Ministry of Labour, can be good models for other countries including the Netherlands itself. And journalists of course have a key role to play. Good investigative reporting has often spurred governments into taking action against a problem which is often swept under

the carpet, and about which public opinion can be ambivalent until powerful images can show the full degree of suffering involved.

Finally, I'd like to alert you to our new global report on forced labour, to be published in mid May this year, which will have a particular focus on the role of labour institutions, together with employers' organizations, in fighting forced labour and trafficking.

Thank you.

For further information, contact:

[plant@ilo.org](mailto:plant@ilo.org)

Website: [www.ilo.org/forcedlabour](http://www.ilo.org/forcedlabour)



## **5 Speech by E. Hirsch Ballin, Minister of Justice<sup>1</sup>**

### **Toespraak Minister Hirsch Ballin van Justitie bij in ontvangstneming publicatie: 'Human trafficking for (non-sexual) labour exploitation, towards a framework for implementation of the European Council Framework Decision' van Jill Coster van Voorhout (13/2/2009) (English only)**

Ladies and Gentlemen

In our society, there are differing views on a wide variety of issues, and views on matters such as religion, the freedom of speech, and security may even differ quite considerably. This does not, however, apply to human trafficking. Everyone agrees that human trafficking is a very serious phenomenon that is to be tackled firmly, with all available means.

It is partly for this reason that it is one of the six national key objectives in investigating and prosecuting organised crime, and is listed as such in the national police priorities for 2008-2011 and in the Reinforced Measures for Combating Organised Crime. Human trafficking has also been given priority in agreements with the Public Prosecution Service. In order to provide an extra impulse for these government-wide measures against the problem, a year ago I set up the 'Measures Combating Human Trafficking Task Force' together with State Secretary for Justice Nebahat Albayrak.

The current penalisation of human trafficking dates from 1 January 2005. On this occasion, the scope of the concept of human trafficking in Dutch criminal legislation was extended considerably. Before that, it was exclusively aimed at exploitation in the sex industry. Currently, human trafficking is also defined as being related to exploitation in other forms

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<sup>1</sup> [http://www.justitie.nl/organisatie/minister\\_hirsch\\_ballin/Toespraken/](http://www.justitie.nl/organisatie/minister_hirsch_ballin/Toespraken/)

of labour; also called 'other exploitation', which term does not diminish the seriousness of the offence.

This change was mainly dictated by international developments such as the Palermo Protocol of November 2000 and the Council Framework Decision on combating trafficking in human beings.

The structures of the protocol and the framework decision were adopted in the implementation of these international obligations in Dutch criminal statutes. The second subsection of Section 273f of the Dutch Penal Code includes almost literally the definition of exploitation used in these two instruments.

Partly because of the fact that there is no exhaustive internationally-accepted definition of 'other exploitation', the laws do not specify which behaviours may be considered as falling under this concept. The Explanatory Memorandum to the Act that provided for the extension clearly states that other exploitation relates to all forms of modern slavery, such as forced labour or abusing an individual who, in the given circumstances, has no other reasonable choice than to end up in an exploitation situation.

The interpretation, definition, and scope of exploitation will be left to legal practice and case law.

Publications on legal subjects greatly contribute to these efforts to define the concept. I am therefore very pleased with Ms Coster van Voorhout's research report that was presented to me today. Her report is not limited to identifying potential bottlenecks due to the absence of a more precise description of exploitation. Through its' exploration of a possible definition, this study also promotes reflection in legal practice.

It is, of course, certain that case law will also play an important part in the development of the definition of 'other exploitation'. The number of court decisions on this subject is still very limited. That's only logical, for the legislation is

relatively new. We also have to accept the fact that for a long time we have been far too unaware of exploitation in other sectors than the sex industry.

This is also evident from the fact that in the period 2005-2008 the Public Prosecution services (PPS) achieved only a few court convictions for 'other exploitation'. In addition, two cases are now pending before the Supreme Court. It has not yet given judgment on cases of 'other exploitation'. The Dutch National Rapporteur on Trafficking in Human Beings is currently examining existing case law in this area; which I applaud. I am very curious about the results.

As I said, everyone agrees that human trafficking generally is a very serious phenomenon that is to be tackled firmly, with all available means. Being conscious of this, I have taken a number of actions to effectively combat human trafficking and, with that, also other exploitation. The most important measures in this connection are the following:

- Together with the State Secretary for Justice, I established the Human Trafficking Task Force I mentioned in my introduction. The objective of this Task Force is to identify bottlenecks in our methods of tackling human trafficking and to come up with solutions. Another result of the Task Force is the 'Labour and Exploitation' information card that will be presented by my colleague, the Minister of Social Affairs and Employment.
- The Board of Procurators General of the PPS will reinforce the combat of human trafficking within the PPS by regarding human trafficking as a specialty that will be placed with eleven special regional prosecutors responsible for human trafficking.
- The PPS is considering the development of a standard basic public prosecutor's demand for 'other exploitation' cases.

- The PPS' Instructions for Human Trafficking that were modified at the beginning of this year now also focus attention on exploitation outside the sex industry. This will result in more specific attention being paid to labour exploitation in the prosecution policy.
- Section 273f of the Dutch Penal Code will be changed again. This time its substance is not being changed, but – certainly not unimportant – the penalty is being changed. Last week, that is 3 February 2009, the Lower House of Parliament agreed to my proposal to increase the statutory maximum sentences for human trafficking. The maximum sentence for all aggravated forms of human trafficking will soon be at least twelve years. In this manner, not only the extreme seriousness of human trafficking is more clearly expressed, but it will also be possible to take action against punishable preparatory acts for human trafficking in all cases.

All in all, we could say that the attention for the subject of human trafficking has considerably increased in recent times, and that the measures have been intensified. All this is beginning to pay off.

- In 2008, the anonymous crime reporting line M., Meld Misdaad Anoniem, received 25% more reports, 147 to be exact, concerning human trafficking than the previous year.
- So far, eight arrests have been made on the basis of these reports.
- This increased number of reports also results in an increased number of criminal proceedings. In 2008, the number of cases brought before court by the PPS was 524. This is somewhat lower than the 569 cases in 2007, but substantially higher than the 432 cases in 2005.

- The chain approach to human trafficking established in Rotterdam in 2007 - this is a co-operation among police, PPS, social aid services, and the Health and Safety Inspectorate, and other public bodies – succeeded in getting 146 victims or potential victims of human trafficking out of these circles and bringing them into contact with the social aid services.
- This week, we received the report 'Human Beings Protected and Human Trafficking Suppressed' from the Advisory Committee on Aliens Affairs. You will understand that it is not possible to give a substantive reaction at such a short notice. We will, of course, examine the advice carefully and send our findings to the Lower House of Parliament as soon as possible. I would like to say, however, that we are very pleased with the Advisory Committee's attention for this subject.

I repeat that human trafficking is a very serious crime; an infringement of human rights and the physical and psychological integrity of the victims. We must never accept this. Even though we know that we cannot eliminate these abuses from one day to the next, we must do everything we can to reduce the number of victims and to combat human trafficking wherever we can. This study conducted by Ms Coster van Voorhout can help us in this endeavour.

Thank you.



## **6 Speech by J.P.H. Donner, Minister of Social Affairs and Employment<sup>2</sup>**

*Speech by Minister Donner during the Conference on 'Human trafficking, turning our attention to labour exploitation', in Utrecht on 13 February 2009*

Ladies and gentlemen,

Human trafficking; we thought that we had eradicated this scourge of humanity a long time ago in Europe. The international condemnation of human trafficking is as old as many a European state, because by the same act that settled or confirmed most European states in their present day borders – the Treaty of Vienna of 1815 -, human trafficking was condemned as a violation against fundamental principles of humanity and human decency. Two years ago we commemorated the bicentenary of the first act outlawing human trafficking, the anti slavery act by the British Parliament. This year we commemorate the 250<sup>th</sup> birthday of William Wilberforce, the English philanthropist who was the moving force behind both these acts. Thus we could consider these practices, that are rightly described in your program as 'one of the most horrific crimes', as a thing of the past.

And yet,

Even today millions of men, women and children worldwide fall victim to human trafficking and exploitation in the labour market. We tend to think of these things as something that takes place on the other side of the world; far away in primitive countries. But the contrary is true. Even at this moment criminals use the Netherlands as a final destination or a place of transit for people whom they coerce or deceive into travelling to the West to work. Even in the Netherlands victims are compelled to work in shameful and degrading

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[http://home.szw.nl/index.cfm?menu\\_item\\_id=14140&rubriek\\_id=391819&rubriek\\_item=392061&hoofdmenu\\_item\\_id=13827](http://home.szw.nl/index.cfm?menu_item_id=14140&rubriek_id=391819&rubriek_item=392061&hoofdmenu_item_id=13827)

conditions. And when they are no longer needed they are left to their fate.

Take for example the Nigerian girls brought to Europe on false pretences and forced to work here as prostitutes. I could give you many more sad examples; in the building industry, in the employment agency sector, in agriculture and horticulture. People housed in damp, shoddy sheds, worked for long hours on end, paid below minimum wage level and forced to pay most of it back for rents, insurance premiums and meals. Examples of what could be described as modern slavery.

And we thought that slavery had been abolished a long time ago!

Tackling human trafficking and labour exploitation has a high priority; not just in the Netherlands and Europe but elsewhere too. It is why all kinds of measures have been taken in these fields in recent years. The Ministry of Social Affairs and Employment plays a role in preventing and identifying labour exploitation. The inspectors of the Labour Inspectorate are trained to recognise situations that may involve exploitation. They pass their findings on to the Social Security Information and Investigation Service, a criminal investigation service known for short as the SIOD. The SIOD institutes criminal investigations on the basis of these findings.

For a long time these investigations were limited to prostitution and sex exploitation. As Minister of Justice I had the opportunity of introducing and defending the legislative proposal to prohibit labour exploitation as a criminal offence, thereby implementing the UN treaty concerned. This resulted in the act of 2005 which made labour exploitation a criminal offence even where it does not involve prostitution. This enabled the SIOD to investigate offences in other sectors than prostitution. Since 2006 labour exploitation has been a priority in the SIOD's annual plans.

In the course of 2007 and 2008 the SIOD received information on 28 cases of exploitation and concluded 12 criminal investigations. Although finding conclusive evidence is not always easy, the SIOD has obtained some success. Quite recently the defendants in one of these cases were sentenced to prison sentences of up to seven years. But it is not always possible to gather sufficient evidence. Nor, of course, does every case of exploitation come to the attention of the Labour Inspectorate and the SIOD – just as the police cannot catch every motorist who speeds or every cyclist who runs through red lights. Criminal investigations are just not sufficient, an additional effort is needed.

The general public, authorities and staff who come into contact with human trafficking and labour exploitation have to become aware of these forms of crime. In order to improve general awareness we must disseminate information. Everyone must become conscious of this topic. People must realise that exploitation occurs even in the Netherlands. We must realise, as Frederick Douglas once said: "No man can put a chain about the ankle of his fellow man without at last finding the other end fastened about his own neck." In the end, the existence in our midst of any form of human exploitation, corrupts society as a whole and diminishes us as human beings and fellow man.

It is therefore important to provide information to potential victims. People from other countries who are coerced or deceived into coming to the Netherlands to work here should know their rights. This goes without saying. But it is not always the case. Indeed, some victims are barely aware of what country they have ended up in. Even if an eighty hour working week, working in dreadful conditions for a euro a day is perfectly normal in someone's own country, it is not normal here. But how is someone to know that we take a different view in these things?

To provide information specifically designed for victims and social workers the Ministry of Social Affairs and Employment has produced an information card entitled 'Labour and exploitation'. It is a small card that social workers can easily

carry with them and hand out everywhere. It fits neatly into an inside pocket. The purpose of the card is to alert people to the possibility that they are being exploited. This is done by reference to a number of examples. If social workers or victims recognise one or more of these examples, exploitation may be occurring. The card also explains how and where help can be obtained. Another aim of the card is to provide information for the staff of authorities that may come into contact with exploitation. Using the card they can recognise signs of exploitation and be alert to them. The card is produced in the languages important to the target groups and distributed to Dutch municipalities, migrants' organisations, churches where migrants gather and non-governmental organisations actively engaged in combating human trafficking. Information is necessary, but it is not sufficient. The potential victims must be made aware, even before they consider coming to the Netherlands, the pitfalls and dangers of exploitation have to be made clear in the countries of origin. For that reason the Dutch department of social affairs and employment has concluded agreements with different European countries on cooperation in the area of inspection, publicity, information and publicity as to the legal rights and obligations of workers in the Netherlands.

Ladies and gentlemen, I should like to conclude by thanking the Ministries of Foreign Affairs and Justice for their assistance in connection with this information card. And I should also like to thank the bureau of the National Rapporteur on Human Trafficking, the 'Report Crime Anonymously' Tip-off Line and the NGOs that have just been mentioned – BLinN and CoMenscha. The information card alone will not enable us to banish the problem of exploitation. But it can in any event help to make victims aware that something about their situation is not right and that organisations exist to which they can apply for help.

The exploitation of workers does not belong in the present era and we must do everything possible to eradicate it. We shall do this by tracking down the criminals responsible. By tackling employers who abuse people and compete unfairly

with bona fide businesses. And by disseminating information. From today this information card is part and parcel of our efforts.

Thank you.



## **Appendix**

# conference

February 13, 2009

The Science Shop of Law, Economics and Governance, Utrecht University and the Dutch National Rapporteur on Trafficking in Human Beings (BNRM) are organizing an international conference on

**Human trafficking, turning our attention to labour exploitation**



Universiteit Utrecht



## Location

Raadzaal, Achter Sint Pieter 200, Utrecht

## More information and registration

Please register via internet, email or fax and indicate your workshops.

Science Shop

T +31 30 253 7025

F +31 30 253 7711

I [www.law.uu.nl/kennispunt](http://www.law.uu.nl/kennispunt)

E [kennispunt.rebo@uu.nl](mailto:kennispunt.rebo@uu.nl)

## The participation is free of charge

## Language of communication

The language of communication during the symposium is English but you are welcome to put questions or comments in Dutch as well.

**H**uman trafficking may well be one of the most horrific crimes of our times. The full extent of this crime has, however, not yet been recognised. This stems partly from little attention in academic research for human trafficking for labour exploitation. This conference therefore aims at an interdisciplinary debate about human trafficking, with an emphasis on labour exploitation. A combination of both dissemination of research results and suggestions for (further) research, on a broad array of topics: a labour market approach, criminal law efforts, research methodologies and the victims' perspective. During the conference, a research publication will be presented to **E. Hirsch Ballin**, *Minister of Justice*. The day will be chaired by **Ton Hol**, *Professor of Jurisprudence and Legal Philosophy, Utrecht University*

## Programme

- 9.30–10.00 Registration**
- 10.00–10.20 Welcoming speech and opening of the conference**  
Henk Kummeling (*Dean Faculty of Law, Economics and Governance*) *Utrecht University*  
Ton Hol, *Chair, Utrecht University*
- 10.20–10.50 Human trafficking for labour exploitation**  
Corinne Dettmeijer (*Rapporteur Human Trafficking (BNRM)*)
- 10.50–11.15 Break**
- 11.15–11.45 Trafficking and human rights protection**  
Rick Lawson (*Leiden University, Professor of Public Law*)
- 11.45–12.15 Trafficking and labour market regulation**  
Roger Plant (*ILO, Head of Special Action Programme to combat Forced Labour*)

**12.15–13.15 Lunch**

**13.15–14.15 Parallel workshop session 1**

**1. Labour market: *Demand and supply of vulnerable workers***

Panellist: J. Schippers (*Utrecht School of Economics*)

Facilitator: F. van Dijk (*EU expert Group on human trafficking*)

**2. Criminal law: *Effective investigation and prosecution***

Panellist: C. Rijken (*Tilburg University, Faculty of Law*)

Facilitator: M. Boot (*BNRM*)

**3. Methodology: *Anthropological and philosophical studies***

Panellist: B. Oude Breuil (*Utrecht University, Social Sciences*)

Facilitator: J. Philips (*Utrecht University, Ethics Institute*)

**4. Victims: *Victims' rights protection under international law***

Panellist: M. Wijers (*Freelance consultant on human trafficking*)

Facilitator: H. de Jonge van Ellemeet (*BNRM*)

**14.30–15.30 Parallel workshop session 2**

**1. Labour market: *Regulating the labour market***

Panellist: B. Uhl (*EU expert Group on human trafficking*)

Facilitator: S. van Walsum (*Free University, Faculty of Law*)

**2. Criminal law: *International and European criminal law***

Panellist: H. Olásolo (*International Criminal Court*)

Facilitator: F. Kristen (*Utrecht University, Willem Pompe Institute*)

**3. Methodology: *Criminological studies***

Panellist: F. Bovenkerk (*Utrecht University, Willem Pompe Institute*)

Facilitator: D. Siegel (*Utrecht University, Willem Pompe Institute*)

**4. Victims: *Victims' rights protection in the Netherlands***

Panellist: J. van Dijk (*University of Tilburg, Intervict*)

Facilitator: B. Boermans (*Bonded Labour in the Netherlands*)

**15.30–16.00 Break**

**16.00–16.30 Summary plenary session - Research agenda**

Summary of plenary sessions and workshops by Chair

**16.30–17.00 Presentation of research publication**

by J. Coster van Voorhout (*Utrecht University*) and a reaction by E. Hirsch Ballin, *Minister of Justice*

**17.00 Drinks**

### **About the Science Shop of Law, Economics and Governance**

The Science Shop helps businesses, authorities, and societal organisations to answer research questions. The Science Shop offers motivated and talented students of all possible majors the opportunity to carry out scientific research at the behest of an external party. If the student has been selected, they will work under the professional supervision and coordination of the Science Shop. To guarantee the quality of the scientific research, the student will also be supervised by an academic staff member with expertise in the relevant field. Research is carried out at the Bachelor's and Master's level. [www.law.uu.nl/kennispunt](http://www.law.uu.nl/kennispunt)

This conference falls within the scope of the research area **Conflicts and Human Rights**, Utrecht University [www.uu.nl/EN/research/focusareas](http://www.uu.nl/EN/research/focusareas)

### **About the Dutch National Rapporteur on Trafficking in Human Beings**

The Rapporteur's main task is to report on the nature and extent of human trafficking in the Netherlands, and on the effects of the anti-trafficking policy pursued. The reports contain information on relevant regulations and legislation, as well as information on prevention, criminal investigations regarding human trafficking, prosecution of perpetrators and victim support. They also contain policy recommendations aimed at improving the fight against human trafficking. [www.bnrm.nl](http://www.bnrm.nl)