

GLOBAL EYE ON HUMAN TRAFFICKING

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Gold rush in Kédougou, Senegal: Protecting migrants and local communities

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Gold mining is considered to be an age-old activity by the people of the Kédougou region in eastern Senegal, who have been mining here for centuries. However, what was once a way to supplement one's income has become an economic necessity for local people from a number of villages who cannot support their families through agriculture, or whose agricultural land has been seized for use by foreign industrial mining companies. In the last few years, gold mining in this region has undergone a remarkable expansion due to both the influx of foreign capital, and the arrival of many migrants from the subregion. Unfortunately, increased mining of this valuable metal has not brought all of the desired benefits to the local communities and migrants working in the mines. Despite providing them with an income, this activity has also put both local and migrant communities at risk and has had a wide range of negative social and environmental impacts.

The rising price of gold has attracted increasing numbers of migrants from Mali, Guinea, Gambia, Ghana, Burkina Faso, Togo and Nigeria looking for work on small-scale mines in Kédougou and other areas along the West African gold belt. In contrast to the modern technologies employed by private foreign companies, miners on these traditional artisanal mines use rudimentary tools and perform labour-intensive and hazardous work. Small groups of men and children work approximately 10 hours a day, digging 10- to 15-metre shafts, using makeshift pulleys to haul up bucketfuls of ore and pounding it to pan for gold using highly toxic mercury. These small-scale operations, requiring roughly 10 workers, are organized by the village chief, who is paid a royalty on the extracted gold. Each shaft may only yield very small amounts of gold, which are sold to intermediaries who resell the gold to bigger buyers. The profit is divided among the workers and the village chief based on pre-agreed terms. The miners' earnings in Kédougou are usually more than would have been possible in their home countries or in other activities such as agriculture, thus allowing them, despite the unpredictability of finding gold, to make a living and support their families.



Photo: IOM Senegal – Migrant washing gold in Kédougou.

Migrants working in artisanal mining are extremely mobile and continuously move to new sites with an absolute minimum of personal belongings. Despite an existing law¹ with provisions to protect artisanal miners, the sector is not being officially regulated by the Senegalese Government. Owing to the difficulty of accessing mining sites, labour inspections do not take place and miners have little or no access to basic public services, including health care. Yet, mining can have significant health consequences for both locals and migrants who would require health services. Miners suffer from headaches; back, shoulder and muscle pain; fatigue; and stomach aches. Women and children, who perform most of the gold washing, are at risk of being poisoned by toxic mercury absorbed through their skin or inhaled. This toxin attacks the central nervous system and can also damage the lungs, kidneys, gastrointestinal tract and immune system. For children, who are often involved in all stages of artisanal mining, mercury can lead to severe developmental problems. Women and girls can suffer damage to their reproductive health, and mercury can harm fetuses in utero and infants through breastfeeding. Accidents such as

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¹ Senegalese Mining Code (2003).

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THE VIEWS OF IOM.



EDITORIAL

Dear reader,

Welcome to the eleventh issue of the *Global Eye on Human Trafficking* and the first issue of 2012.

In these pages, we take a closer look at human trafficking and labour exploitation of migrants in two industries particularly affected by these abuses – small-scale gold mining and fishing. We explore the practices and conditions that foster such abuses in these sectors in different parts of the world. Despite the varying *modi operandi* of traffickers from region to region, some commonalities include remote locations that isolate workers and hinder regular labour inspection and provision of services, the arduous manual labour required, and the informal or even illegal nature of the work.

Another contribution focuses on the particular situation of Iraq, where some international companies have been found to employ exploited and/or trafficked migrants in the construction, domestic and service sectors.

This issue then goes on to explore some of the responses and promising practices to combating the exploitation of migrant workers. We highlight a cooperative initiative in Indonesia in which the International Organization for Migration, the United Nations Population Fund and the World Health Organization have teamed up with the Indonesian Government to empower and protect victims of trafficking. Recognizing the importance of eliminating demand for trafficked labour as a key element in preventing this crime, we also draw attention to a new law in California that aims to encourage businesses to play an active role in combating trafficking. Another article explores a landmark case in which the courts have obliged an employer to pay outstanding wages to exploited migrant workers in Azerbaijan.

On a final note, we take a look at the exploitation and abuse faced by migrants en route. Specifically, we point to the evolving links between trafficking and smuggling, as criminal groups broaden their realm of activity to include kidnapping of migrants and extortion.

We would like to take this opportunity to express our appreciation for the support we received from all the contributors to this issue of the *Global Eye*.

Sincerely,

Jette Christiansen
Migrant Assistance Division

The new gold rush in the Peruvian Amazon rainforest

by Dolores Cortés, IOM Peru

According to the Peruvian national police, almost half of the country's human trafficking referrals recorded last year took place in the Amazon. Many cases were reported in the province of Madre de Dios, the centre of the new gold rush in the Peruvian rainforest.

The Madre de Dios region in south-eastern Peru bordering Brazil and the Plurinational State of Bolivia was for centuries a sparsely populated and isolated area of the Amazon with vast natural resources. During the last decade, however, the rising price of gold to USD 1,923 per ounce in September 2011 prompted an estimated 30,000 internal migrants to seek work in the illegal gold camps.¹ This gold is mined without the necessary permits and such mining has caused serious environmental damage to the region: over 32,000 hectares of rainforest has already been devastated and 3,000 tons of mercury, which is used to clean gold, has been poured into the Amazon River and polluted the food chain.

Miners are mostly recruited by employment agencies and networks from neighbouring districts, such as Cusco and Puno, but also from the capital, Lima. Poverty pushes many to accept jobs that imply exploitation. Men and boys, as young as 12 years old, work 24-hour shifts in high-risk work environments. Many die without a trace following accidents or diseases resulting from direct exposure to polluted water and food. Illnesses, such as AIDS or parasitic diseases, have spread without control throughout the population, which already faces daily exposure to mercury.

Miners live in deplorable conditions in camps of blue plastic sheeting which can be easily moved to new gold mines. Simultaneously, small towns, such as Huaypetue, Mazuko and Colorado, have spontaneously popped up to accommodate this moving population of miners. Despite the millions of dollars generated from the gold in Madre de Dios, the workers lack basic services, such as water and sanitation.

Little is known about the employers of these miners, except that they pay workers a percentage of the extracted gold each day. A gram of gold can reach a price of approximately 150 soles (USD 55) on the local market, which makes it very attractive to poor populations who are ready to risk their health and lives in the process of making a living.

In parallel with these mining activities, young women and girls are offered jobs as cooks or sales clerks, but in many cases are trafficked into sexual exploitation. During an intervention to rescue 300 women and girls last October, the police officer in charge noted that "almost half of them looked underage." He also told IOM that the captors were in possession of the women's identity documents, which they distributed during the police operation. All of the women (except for nine underage girls) expressed their desire to remain in the camps, leading the police to suspect that their traffickers were using threats and document confiscation to force the women and girls to stay.

After several years of cooperation with the local government of Madre de Dios, IOM signed an agreement with the local authorities last October to help them implement a human trafficking plan of action. The strategy will help to facilitate law enforcement and to prevent such crimes and will protect and assist victims. Currently, IOM and local authorities are assessing and prioritizing the needs of the victims of trafficking and working towards establishing rescue centres and basic health-care facilities to address urgent needs. □



Photo: IOM Peru – Miners' camp in Madre de Dios.

¹ International Organization for Migration, research entitled "Human trafficking for labour exploitation: The case of gold mining and illegal logging in Madre de Dios" (2009).

The cost of Iraq's reconstruction: Trafficked labour migrants

by Julia Smith, IOM Iraq

As Iraq continues to repair its infrastructure, which has been damaged by decades of war and sanctions, the demand for cheap labour by foreign companies investing in Iraq has increased the incidence of trafficking, exploitation and abandonment of labour migrants. Whereas problems of internal displacement and cross-border trafficking of Iraqi women and girls for sexual exploitation is well known, little is known about the exploitation and trafficking of labour migrants.

And yet, the number of labour migrants trapped in Iraq is steadily increasing. Over the years, IOM has assisted many victims of trafficking who were being exploited in Iraq's construction, domestic and service industries. In 2010, for example, IOM helped a group of trafficked Georgian labour migrants to return home. The young men had been recruited to work in a factory in the Kurdistan region, only to have their passports confiscated upon arrival and to be forced to live for months in deplorable conditions.

Similarly, in August 2011, IOM identified a group of 35 Ukrainian and Bulgarian workers stranded in the heart of Baghdad's International Zone – the seat of the Iraqi Government, foreign embassies and international organizations. Brought to Iraq in December 2010 to build a convention centre, these workers were promised salaries and living conditions that never materialized. Abandoned by the Turkish contractor and left without food or water, the workers required immediate humanitarian assistance. IOM therefore supplied hot meals while also leading an advocacy campaign for the workers to be paid the USD 300,000 they were collectively owed. Regrettably, the workers eventually received only a small fraction of that amount before going home. They did not receive this compensation directly from the contracting company, but rather from the Ministry of Foreign Affairs in Iraq. However, the men continue to pursue a case on labour violations against the contractor in the Central Criminal Court of Baghdad.

In another example, a group of 80 labour migrants from India and Bangladesh was brought to IOM's attention in late 2011 after being trafficked by their Turkish contractor. The myriad of human rights violations included limited freedom of movement, lack of access to medical care, and withholding of full payment of salaries. Around the same time, IOM was contacted by the Embassy of Bosnia and Herzegovina regarding 17 of its nationals who found themselves in similar straits. Thanks to pressure exerted on the employers by the Embassy, the workers were able to obtain their passports and were provided with bus tickets so that they could freely return home. After

months of negotiations and a labour strike, the Indian and Bangladeshi workers successfully forced their contracting company to pay them a portion of their owed salaries and cover the costs of their transportation home. Iraqi authorities face severe challenges in investigating and prosecuting such cases, given that the exploited men wish to return home as soon as possible due to their immediate needs. In the absence of the victims, cases are being pursued in civil courts by power of attorney, yet criminal charges of trafficking have still to be brought against employers, who remain unpunished to date.

These cases have brought migrant exploitation in Iraq into the spotlight. They have exposed the gross lack of public awareness about the problem, as well as critical gaps in Iraq's legislation, such as a pending counter-trafficking law which, while strong, is still to be adopted. At the same time, these cases have revealed the deep-seated determination of Iraqi authorities to better understand the issue and distinguish trafficking from other forms of crime. Iraqi authorities have made a serious



Photo: IOM Iraq – Sign written by Ukrainian migrant workers.

commitment to fight trafficking, joining efforts to put pressure on contracting companies and coordinating assistance to exploited migrants stranded in Iraq.

As the war draws to a close, the international community must support the country in making sure that economic opportunities are pursued with full respect for migrants' human rights, safety and dignity. Important priorities include the following:

1. The country must have a supportive legislative framework to combat trafficking

in persons and migrant exploitation. The draft law to combat trafficking in persons, pending since 2008, should be passed without further delay and additional efforts are necessary to realize the aims of core international human rights instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

2. Currently, there are no reliable estimates on the numbers of transnational victims of trafficking, including trafficked labour migrants, in Iraq. A baseline survey is necessary to establish the nature and magnitude of the problem of trafficking in persons in Iraq and the needs of trafficked persons.
3. A national information campaign is necessary to educate the public and private sectors, especially the industrial sector, on the nature of trafficking for purposes of labour exploitation.
4. Training, discussion and a comprehensive review of information systems are needed to establish labour migration agreements that acknowledge trafficked and exploited

labour migrants as such, rather than as criminals. This would require forgiving immigration violations in many cases, including irregular means of entry into Iraq and visa overstays, and refraining from arbitrary detention or deportation.

5. A national referral system is necessary to identify and refer victims of trafficking to the appropriate services. Institutions must reach agreements on comprehensive assistance for trafficked and exploited labour migrants, such as assistance with basic needs, legal aid to claim unpaid wages and vocational placement. □

Fishing industry in South-East Asia rife with human trafficking

by Nurul Qoiriah, IOM Indonesia

After having been tricked into working on Thai-owned boats fishing in Indonesian waters, 63 Cambodian victims of trafficking fled in October 2011 while their vessels were docked in Ambon, Indonesia. The trafficked men had been stranded in Ambon for several months before receiving help from IOM and the Indonesian government in returning home.

The experiences of these men follow an all-too-common pattern of human trafficking in the fishing industry in South-East Asia. A broker comes to the victims' often remote home villages with promises of well-paid work abroad as fishermen, or in the construction or agricultural sector in Thailand or near its border. With hopes of a good salary and limited economic possibilities at home, the men pay a fee to the broker and are smuggled into Thailand, where employers, including owners

difficult and confusing for the men, who are held in cramped conditions, exposed to a new culture and language, and unsure why they are being held against their will. The traffickers strip the men of any identity and travel documents they may have, often under the pretext of safekeeping or for obtaining the necessary work permits that, if provided, are more than often false. Without these documents or any possibility to leave the ships while at sea, the men are acutely vulnerable and face severe constraints in seeking help.

The Cambodian men who escaped from their traffickers in Ambon had been sold to the owners of Thai fishing vessels for between USD 1,000 and USD 3,000 and forced to perform strenuous manual labour for long hours (sometimes for over 20 hours) with little rest. The trafficked fishermen were forbidden

Indonesian officials contacted IOM to help the men in returning home.

The case of these men represents a larger trend in the fishing industry in South-East Asia, with more and more reports surfacing on the prevalence of human trafficking for purposes of labour exploitation on fishing vessels in all major regions of the world. Despite some variations in the modus operandi of traffickers, their victims have similar experiences. Unfortunately, to date, most traffickers have gone unpunished and their victims remain uncompensated. □

Further reading on human trafficking in the fishing industry:

- International Organization for Migration, *Trafficking of Fishermen in Thailand* (2011). Available from www.iom.int/unitedstates/Home/PDFs/Trafficking%20of%20Fishermen%20Thailand.pdf.
- United Nations Office on Drugs and Crime, *Transnational Organized Crime in the Fishing Industry: Focus on: Trafficking in Persons, Smuggling of Migrants, Illicit Drugs Trafficking* (2011). Available from www.unodc.org/documents/human-trafficking/Issue_Paper_-_TOC_in_the_Fishing_Industry.pdf.



Photo: IOM Indonesia – Cambodian victims of trafficking returning home.

of fishing vessels, are searching for low-cost or, in some cases, slave labour. Many of these men have ended up as victims of human trafficking and suffered other forms of abuse.

According to a 2011 IOM study on fishing in Thailand, the industry is characterized by such informal recruiting processes involving subcontractors and intermediaries, as well as by a lack of transparency regarding wages and conditions of work – all of which foster abuse and human trafficking.¹ However, the trafficked men often do receive written contracts, leading them to believe that the job offers are legitimate and the agreed conditions will be upheld. In many cases, the recruited men pay a “broker’s fee” of several hundred or more dollars to the agent, who arranges travel, transit visas and/or false documentation.

Upon arrival in Thailand, the agent receiving the migrants often locks them up in a cabin on a ship or in a house nearby for up to two weeks. This period of confinement is extremely

to sleep until the nets were down and recently caught fish had been sorted. The men lived in cramped quarters with insufficient food and water, and those who did not perform their duties to the captain’s satisfaction faced physical maltreatment. The men reported beatings with stingray tails and electrocutions as forms of punishment. One man interviewed by IOM called the conditions “unbearable” and described how his friend’s leg was deliberately broken because he was too sick to work. Most of the men received no wages during their time on the fishing vessels, which ranged from a couple of months to several years.

The fishing boats sail back and forth between Thai, Malaysian and Indonesian territory, as well as international waters, rarely docking at port and making the men effectively prisoners at sea. In this case, when their ships finally reached port in Ambon, Indonesia, the 63 men were able to escape. They turned to the locals for assistance and were able to survive, thanks to generous offers of food and shelter. However, with no other options available, the men approached the Indonesian immigration authorities and explained their situation and requested to return to Cambodia and their villages.

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collapses in shafts, or from the unsafe use of tools, can also lead to injuries. Unfortunately, access to the mining sites in Kédougou is extremely difficult and few vehicles are able to reach the mines, hindering the provision of basic services and government regulation of the sector.

Despite the arduous working conditions and adverse impacts on miners’ health, many local people and migrants have no other way of supporting their families. The poor working conditions in the mines, combined with the absence of government services and regulation in the area, pose serious risks of exploitation and abuse. Migrant children, for example, are especially vulnerable, and in some cases have been trafficked into gold mining in Kédougou. Although little research has been done on the situation in Senegal, Human Rights Watch reports that children in similar artisanal mines in Mali face serious exploitation, coercion and abuse.² Children migrate by themselves, with their families, or

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¹ International Organization for Migration, *Trafficking of Fishermen in Thailand* (2011). Available from www.iom.int/unitedstates/Home/PDFs/Trafficking%20of%20Fishermen%20Thailand.pdf.

² Human Rights Watch, *A Poisonous Mix: Child Labor, Mercury, and Artisanal Mining in Mali* (2011). Available from www.hrw.org/sites/default/files/reports/mali1211_forinsertWebUpload_0.pdf.

Exploited migrant workers successfully claim their rights: Landmark case in Azerbaijan

by Serhan Aktoprak, IOM Azerbaijan

In a milestone case in Azerbaijan, 13 exploited migrant workers have successfully sued their employer, which was obliged by two decisions of the Baku Court of Appeal to pay the migrants' outstanding salaries.

In October 2010, the IOM Migration Information Centre in Baku, Azerbaijan, was contacted by 13 Turkish migrant workers who had been recruited in Turkey by a company that was a subcontractor of a construction company in Baku. Both companies, the contractor and the subcontractor, were foreign investors in Azerbaijan.

The migrant workers claimed that they had not received their salaries or the agreed advance payments, they had no contracts or work permits, and their social security and health-care taxes were not being paid. The men requested advice on how they could claim their wages in Azerbaijan.

While informing the Embassy of Turkey and the national authorities in Azerbaijan of the situation, IOM simultaneously contacted the Citizens' Labor Rights Protection League (CLRPL), a local non-governmental organization, for the purposes of providing legal assistance to the migrant workers who wished to claim their

rights and seek compensation for the unpaid portion of their salaries.



CLRPL brought an action against both the contractor and the subcontractor (direct employer) before the Sabail Court of First Instance. Following four hearings held between

March and May 2011, the Court issued a decision on 5 May 2011 dismissing the case on grounds that the subcontractor, which was the direct employer of the migrant workers in question, had gone out of business, and that the contractor was not responsible for the way the subcontractor had treated its employees.

CLRPL and IOM managed to bring the case before the Baku Court of Appeal, this time arguing that the contractor should be made liable to ensure that the rights of the migrant workers were respected in accordance with international instruments. The use of subcontracting mechanisms did not relieve them of this responsibility.

The Baku Court of Appeal reversed the decision of the Court of First Instance and held in favour of the migrant workers. The contractor, benefiting from the labour of the workers in question, was obliged to pay their outstanding salaries. In deciding in favour of the migrant workers, the Appellate Court has set a precedent in Azerbaijan which empowers labour migrants to assert their rights against unscrupulous employers. The decision should also encourage employers to eliminate exploitation irrespective of whether they directly employ or subcontract migrant labour. □

with other guardians in order to work in mines, and they usually have no say in the decisions made by their parents. They do not attend school and are obliged to hand over most or all of their earnings to their family or guardian.

As the towns surrounding the mines grow, sexual exploitation has become common in Kédougou. According to journalists' reports and direct observation during an IOM mission to these sites,³ men working in the mines frequent bars in which women and girls from Senegal, Nigeria, Mali and Ghana are being exploited. Little is known about the situation of these women and girls, except that they live in terrible conditions in compounds near the bars and have limited access to health care or any public services, especially in the rainy season, when hospitals and health clinics are practically inaccessible. Senegalese authorities do not have much presence in the area and have not been able to determine if trafficking is occurring, although anecdotal reports suggest that this may be the case. For example, one Nigerian woman tells the story of how she was offered a job near the mines as a waitress, but upon arrival in Diabougou

(in Kédougou), the trafficker confiscated her passport and demanded money from her.⁴ The health impacts of sexual exploitation of women and girls in mining areas have not been fully assessed, yet clinicians are beginning to evaluate the prevalence of HIV/AIDS in the area.

Despite the recent rise in gold prices, the expansion of gold mining has yet to translate into improvements in the well-being of local inhabitants of and migrants to the Kédougou region, who continue to be affected by poverty, child labour, trafficking, mercury use, and hazardous and arduous working conditions. However, the Senegalese Government, as well as private companies and non-governmental organizations (NGOs), have started to address these growing concerns related to both industrial and artisanal mining. The Government's Support Programme for the Mining Sector (PASMII) has begun promoting actions to support and monitor the sector, including improved tools for gold washing and sensitization campaigns on education and health. NGOs and other international organizations are also active in the region,

notably aiming to carry out health and education programmes, improve the health and environmental safety of mining techniques, combat child labour and develop alternative avenues of income for the benefit of local communities. Private companies with high profits from industrial gold mining in the region have increased their efforts to carry out activities in the name of social responsibility, such as improving infrastructure, access to mining zones, and construction of schools and wells. IOM is exploring ways to provide support to the Senegalese Government and local partners and gain improved knowledge of both artisanal mining and the sexual exploitation linked to it in Kédougou, to prevent conflict between different stakeholders and to assess the needs of the region's migrant and local populations.

Globally, response initiatives include codes of conduct, awareness-raising on the health damages of mercury, legislation and campaigns to promote better monitoring of supply chains, and international campaigns. NGOs stress the importance of the active participation of local communities and artisanal miners themselves in developing sustainable responses. Protecting people working in the mines must become a priority for all actors involved. □

³ Findings of an IOM mission carried out in Kédougou in October 2011 in the framework of a G/TIP funded project (US Department of State).

⁴ Diagne, B., "All that glitters isn't gold in Diabougou", 20 December 2011. Available from <http://allafrica.com/stories/201112210316.html>.

Calling for business to proactively fight trafficking in persons: The California Transparency in Supply Chains Act

by Euridice Marquez and Anh Nguyen, IOM Regional Office in Vienna

Both businesses and consumers play a central role in preventing human trafficking by eliminating the demand for trafficked labour and products produced under exploitative conditions. Businesses have a responsibility to guarantee that they are not directly linked to trafficking through the recruitment, transport, harbouring or receipt of a person for the purpose of exploitation, or indirectly implicated through the actions of their suppliers or business partners.¹ Consumers, on the other hand, have the right to know what is behind the products they buy and to demand more social guarantees on the goods they purchase.²

Recognizing the hidden nature of the crime of trafficking in persons and the role of businesses in actively preventing and combating human trafficking, California passed Senate Bill No. 657³ to enact the California Transparency in Supply Chains Act of 2010. This Act took effect on 1 January 2012 and requires retail sellers and manufacturers doing business in California and having annual worldwide gross receipts in

excess of USD 100 million to disclose the company's efforts, if any, to eradicate slavery and human trafficking from its direct supply chain for tangible goods offered for sale.

In particular, the company must disclose information on the following issues:

1. The company's engagement in verifying supply chains to evaluate and address risks of human trafficking and slavery, including whether or not the verification is performed by a third party.
2. Audits of suppliers being conducted by the company, including disclosure as to whether the audits are announced or unannounced.
3. Certifications being obtained from suppliers proving that materials comply with applicable laws.
4. Maintenance of internal accountability standards and procedures.
5. Provision of training on slavery and human trafficking for company employees and management with direct responsibility for supply chain management.

The disclosure will be posted on the retail seller's or manufacturer's Internet website with a "conspicuous and easily understood link to the required information". In the case where the company does not have an Internet website, consumers will be provided with the written disclosure within 30 days of receiving a written disclosure request.

On an annual basis the Attorney General will receive from the California Franchise Tax Board a list of retail sellers and manufacturers required to disclose efforts to eradicate slavery and trafficking in persons.

Although the new legislation does not require companies to change the way they operate or enhance their counter-trafficking measures (only to make the above information available), some companies have begun taking a proactive approach by starting to provide training to their employee monitoring and compliance teams.□

For more information, please refer to the following:

- *Verité*, "Compliance is Not Enough: Best Practices in Responding to The California Transparency in Supply Chains Act" (2011). Available from www.verite.org/sites/default/files/VTE_WhitePaper_California_Bill657FINAL5.pdf.
- Information on IOM's work with the private sector. Available from <http://iom.ch/jahia/Jahia/partnerships/private-sector/lang/en>.
- UN.GIFT e-learning tool for the private sector. Available from www.ungift.org/knowledgehub/en/tools/elearning-tool-for-the-private-sector.html.

¹ UN.GIFT, *Human Trafficking and Business: Good Practices to Prevent and Combat Human Trafficking* (2010), p.11. Available from www.ilo.org/wcmsp5/groups/public/-ed_norm/---declaration/documents/publication/wcms_142722.pdf.

² For more information, refer to the "Buy Responsibly" website: www.buyresponsibly.org/index.php.

³ The full text is available from http://info.sen.ca.gov/pub/09-10/bill/sen/sb_0651-0700/sb_657_bill_20100930_chaptered.html.

Empowering and protecting victims of trafficking in Indonesia: A two-year joint programme

An increasing demand for cheap labour abroad, combined with Indonesia's large population, high levels of unemployment and endemic poverty, has led hundreds of thousands of Indonesian labour migrants to regularly seek employment overseas in other parts of Asia and the Middle East. These migrants often become victims of trafficking, with estimates that as many as 100,000 Indonesians are trafficked per year. In addition to this cross-border trafficking, there is extensive internal trafficking within Indonesia, especially from rural to urban areas.



Photo: IOM Indonesia.

In 2007, the Government of Indonesia adopted an important anti-trafficking law, criminalizing both cross-border and internal trafficking and providing comprehensive protection for victims and witnesses of trafficking. Following the adoption of this law, the President issued a decree mandating the creation of anti-trafficking task forces at the national, provincial and district levels responsible for coordinating

all prevention, protection and prosecution activities with regard to human trafficking. However, the Indonesian authorities are hampered in these efforts because of limited resources to sustainably enforce the law.

Supported by the United Nations Trust Fund for Human Security with a two-year USD 2.3 million programme, IOM, the United Nations Population Fund (UNFPA) and the World Health Organization (WHO) have joined forces to aid the Government of Indonesia in combating

trafficking in persons by strengthening the capacity of public authorities and civil society to both protect and empower victims of trafficking and to prevent persons in situations of vulnerability from being trafficked. The Protecting and Empowering Victims of Trafficking in Indonesia (EMPOWER) project will aim to strengthen the capacity of key State and non-State actors in Indonesia and main countries of destination and transit to protect

and empower victims of trafficking; provide victims with comprehensive assistance; strengthen the capacity of key government agencies to address public and individual health risks associated with trafficking in persons; and prevent human trafficking in targeted high-risk villages through awareness-raising and capacity-building.

Activities will focus on three provinces identified as key source and transit areas of

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labour migration and trafficking in persons in Indonesia: West Java, West Kalimantan and West Nusa Tenggara. They will target the capacities and resources of State and non-State actors at the local level. Activities include policy support; training of law enforcement officials, service providers and health workers; equipment grants, coordination meetings and research; victim assistance and community awareness on safe migration and the risks of

trafficking; and capacity-building for high-risk communities to better prevent trafficking in persons at the community level.

The Minister of Women's Empowerment and Child Protection, Mrs. Linda Amalia Sari Gumelar, and the project partners officially launched EMPOWER in Jakarta on 3 November 2011. Over 75 participants, including high-ranking government officials, partner agencies

and the press, attended the event. Currently, national task force officials, together with IOM, UNFPA and WHO officers, have begun conducting field visits to the target provinces and districts to introduce the project and establish good coordination with local authorities and subnational task forces and partners. □

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The grim reality of smuggling economics and migrant abuse

by Chris Horwood, Regional Mixed Migration Secretariat, Kenya

The business of human smuggling in the Horn of Africa and down the eastern corridor of Africa is thriving. Like other markets in the formal or informal economy, it operates dynamically within the laws of supply and demand. But, due to its clandestine nature, there are distortions that severely compromise the security of those caught up in these mixed migration flows.

Supply and demand

The supply of small smuggling networks proliferates and demand to move across international borders soars as people look for a way out of conflict, drought, floods, political oppression, endemic poverty or simply an inability to thrive. Somalia and Ethiopia have been worst hit in recent years, resulting in hundreds of thousands of people moving away from their homes despite the high personal risks involved.

Somalis and Ethiopians who do not seek asylum in the vast, overcrowded refugee camps of Kenya (Dadaab and Kakuma) normally take one of two routes out of the region: (1) the north-eastern route through Puntland or Djibouti into Yemen, normally with the intention of getting to Saudi Arabia and beyond; or (2) the southern route through Kenya, the United Republic of Tanzania, Malawi, Mozambique or another "front line State" into South Africa. Both routes have remarkably similar characteristics in terms of the means of movement as well as the risks and vulnerabilities faced by those who entrust themselves to the hands of brokers and smugglers – as almost all of them do. Over 100,000 Ethiopians and Somalis arrived on Yemeni shores in 2011, exactly double the number that arrived in 2010, while tens of thousands continue to move south annually towards South Africa.

Refugees and irregular migrants moving with the "aid" of smugglers report grim tales of rough handling, abandonment, lack of food and water or medical support, confinement, beatings, drowning, sexual attacks, extortion, detention, robbery, kidnapping and death. The perpetrators of these abuses are mainly the smugglers themselves, closely followed by corrupt State officials (police, prison officers, border guards, immigration officials and soldiers), along with bandits and members of

the communities through which the migrants pass. At times, the perpetrators of these abuses slip into the category of human traffickers. The transportation means of this mixed migration through the region typically involves buses, trucks, shipping containers, taxis, fishing boats and, sometimes, scheduled flights. Smugglers predominantly move their human cargo at night and frequently force their clients to walk long distances through uninhabited, difficult terrain. The degree of complicity and collusion of corrupt State officials as the prime lubricant – oxygen, even – of the smuggling business is staggering. Without it, smugglers, who, unlike some human traffickers, are normally not hardened criminals, would find it virtually impossible to operate.

"Transient vulnerability"

The movement of people from the Horn of Africa to Yemen and South Africa has typically been characterized as mixed migration flows, which include trafficked persons moving with refugees, asylum-seekers, economic migrants and others – including those who find themselves "Stateless" or forced to move due to environmental changes or natural disasters. These flows include men, women and children; frequently, the women travel unaccompanied.



Photo: United Nations Cartographic Section.

Formally identified cases of trafficking are very rare, although in Yemen throughout 2011 a significant number of cases of "forced smuggling" with extortion and torture were reported and IOM has assisted numerous cases of human trafficking. Many of the situations are ones that may be described as illustrations of "transient vulnerability", where people being smuggled suddenly become victims of trafficking during the migration process, which would normally have begun in a voluntary manner. Their vulnerability changes as local criminals actively conspire to exploit them after they have successfully crossed an international border – in this case the Gulf of Aden or the Red Sea – although the pattern is also ubiquitous throughout the southern route. Because the smugglers who helped migrants sail to Yemen's shores may not have had any intention to exploit them on arrival, these cases become complicated to understand and assist.

While there is increasing understanding that financial extortion can be described as human trafficking, there is no evidence, to date, that those smuggling Ethiopian and Somali migrants north or south are in any way involved in labour exploitation of migrants when they find work, so these cases also do not fit a classic trafficking model. Are these cases of straightforward migrant-smuggling crimes, or do they become trafficking when the migrants are forcibly smuggled to the Saudi Arabian border, for example, and forcibly held and tortured until their relatives pay an invented "fee"? Should stakeholders responding to this phenomenon make sure they approach these cases as a series of human rights abuses perpetrated by different people during the migrant's journey, rather than more typical situations of smuggling or trafficking?

Repeated abuse

While cases across the Gulf of Aden involving Ethiopian and Somali migrants offer stark examples of a nasty and rising trend (and take advantage of the political turmoil there), violent abuses at the hands of smugglers, local authorities and criminals are also commonplace throughout the southern route. Migrants repeatedly report stories of people being thrown off overcrowded boats, confined

(continued on page 8)

PUBLICATIONS

(The grim... continued from page 7)

in airless spaces, denied food and water, subjected to severe beatings, being stripped of their clothes and belongings, being held for ransom, and facing sexual assault at the hands of smugglers. The level of criminality and serious human rights violations involved in smuggling suggest there may be limits to the formal definitions that separate *smuggling* from *trafficking* and that, often, smuggled migrants have serious protection and assistance needs, even if the explicit intention to exploit the migrants at the destination is not apparent (this being a defining feature of trafficking). Nevertheless, where sexual abuse takes place, it should be considered as an explicit intention to exploit in transit. Given the number of reported cases, it would be hard to imagine that those regularly transporting migrants to Yemen and within Yemen have not developed both appetite and intention to exploit certain females.

In South Africa, both international and internal trafficking is a serious problem, as sophisticated transnational gangs operate alongside local networks or individuals. However, the US State Department's *Trafficking in Persons* (TIP) report indicates that internal (mainly rural to urban), rather than cross-border, trafficking is more common in East Africa, the Horn of Africa and countries of the eastern corridor. Trafficking is, therefore, a separate problem from mixed migration in this region, despite the fact that the media and far too many government officials still lack awareness of the critical (and legal) differences between smuggling, trafficking and even irregular migration per se. In most cases, government officials treat people moving irregularly with smugglers as criminals and perceive them as a security threat, despite their possible protection needs as victims of abuse and human rights violations by smugglers and other criminals.

Beyond the question of whether governments have the capacity and/or resources to deal with complex human rights situations created by mixed migration, there appears to be low political will to apprehend, investigate and prosecute smugglers. In this context of virtual impunity, the result is that the economic equation for the smugglers is clear – the risks are very low, while the profits are high.

Grim realities

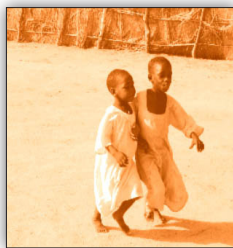
Human smuggling will thrive as long as poverty, inequality and oppression exist, and as long as formal immigration for work purposes (labour migration programmes) is restrictive. Throughout Africa, the demand for smuggling services has never been so high. Given that the business is not only illegal and clandestine, but operates with the covert complicity of corrupt State officials, the challenge to protect migrants and successfully prosecute and convict human rights violators remains formidable. Ultimately, the grim reality is that smuggling is a lucrative underground cash cow and the odds against migrants' survival and successful arrival in their desired destination (in whatever condition) will, tragically and undesirably, have to get far worse before the demand falls. □



Tackling the Demand that Fosters Human Trafficking, USAID

Without demand for commercial sex and for products produced with forced labour, the ability of persons to make vast amounts of money by enslaving others would be decreased. Despite the importance of reducing demand to combat trafficking in persons, there is a dearth of information about good practices in demand reduction. A new USAID publication produced by the Social and Transition Team at the USAID Bureau for Europe and Asia, *Tackling the Demand that Fosters Human Trafficking*, aims to begin to fill those gaps in knowledge.

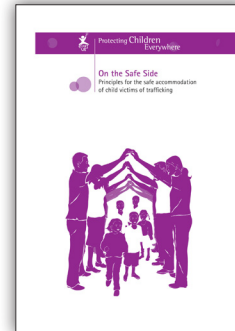
Available from http://socialtransitions.kdid.org/sites/socialtransitions/files/resource/files/Tackling_the_Demand-Final_8-29-11.pdf.



How to Protect Children on the Move in West Africa?

Migration can create opportunities for children but is also a source of risks of abuse and exploitation. This study explores how to reduce the vulnerability of children on the move and involves both State and civil society actors in building protection mechanisms for such children. The research analyses the migratory paths of children on the move in West and Central Africa between 2008 and 2010, focusing primarily on Benin, Burkina Faso, Guinea and Togo. Migrant children themselves actively participated in this project as researchers and interviewees.

This publication, *Quelle protection pour les enfants concernés par la mobilité en Afrique de l'Ouest*, launched in Dakar, Senegal, in December 2011 is based on the collaboration of a large platform of child protection actors, including Enda Tiers-Monde, MAEJT (African Movement for Child and Youth Workers), the ILO, Save the Children, Terres des Hommes, Plan International, UNICEF and IOM. For further information, please contact llungarotti@iom.int.



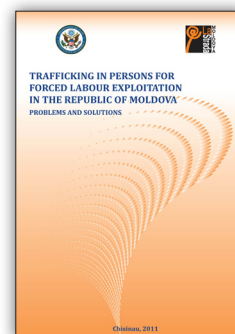
On the Safe Side: Principles for the safe accommodation of child victims of trafficking, ECPAT UK

ECPAT UK believes that child victims and/or suspected child victims of trafficking are not receiving the protection of safe accommodation that their complex psychological, emotional and physical needs demand.

On the Safe Side is a vital resource for those providing accommodation for child victims of trafficking. It acts as a clear, easily accessible guide to safe accommodation that aims to reduce the number of child victims of trafficking who go missing from local authority care.

It brings together a wealth of research so that practitioners can successfully meet the required standards of safe accommodation, while taking into account the complex needs of a child victim of trafficking, putting the child at the heart of the model.

Available from www.ecpat.org.uk/sites/default/files/on_the_safe_side.pdf.



Trafficking in Persons for Forced Labour Exploitation in the Republic of Moldova: Problems and Solutions, La Strada Moldova

The report analyses trafficking in persons for forced labour exploitation in the Republic of Moldova, highlighting challenges in criminal prosecution and legal proceedings and recommendations for State and civil society actors to address these gaps. Available from: http://lastrada.md/publicatii/ebook/Report_THB_LE_eng_final.pdf.

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