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# Human Trafficking in Europe: An Economic Perspective

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InFocus Programme on Promoting the Declaration on Fundamental Principles and Rights at Work

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# Human Trafficking in Europe: An Economic Perspective

## **Abstract**

Based on a document originally prepared for the Eleventh Economic Forum of the Organization for Economic Security and Cooperation in Europe, held in Prague between 20-23 May 2003. Attempts to comprehend and document human trafficking's underlying economic dimensions, and places the concerns of trafficking within broader migration analysis (including the role of irregular migration). It also comments on the financial flows involved in trafficking, and on the different patterns of financing trafficking services. Further, it contains a brief review of the evidence, as to the extent to which organized crime is involved in human trafficking.

## **Keywords**

Bonded, Catherwood, Cornell, Economic, Europe, Forced, Global, Globalization, Globalisation, Government, Human, ILO, ILR, Industrial, International, Labor, Labour, Law, Legal, Legislation, Library, Organization, Organisation, Portal, Relations, Rights, School, Standards, Trafficking, University, Work, Workers, Workplace

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# Human Trafficking in Europe: an Economic Perspective

Gijsbert Van Liemt

DECLARATION/WP/31/2004

Working Paper

Working Paper

# Human Trafficking in Europe: an Economic Perspective

by Gijsbert Van Liemt<sup>1</sup>

International Labour Organisation

Geneva

June 2004

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<sup>1</sup> The views and opinions expressed are strictly those of the author and do not bind the ILO in any way.  
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## Foreword

In June 1998 the International Labour Conference adopted a Declaration on Fundamental Principles and Rights at Work and its Follow-up that obligates member States to respect, promote and realize freedom of association and the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation.<sup>2</sup> The *InFocus Programme on Promoting the Declaration* is responsible for the reporting processes and technical cooperation activities associated with the Declaration; and it carries out awareness raising, advocacy and knowledge functions – of which this Working Paper is an example. Working Papers are meant to stimulate discussion of the questions covered by the Declaration. They express the views of the author, which are not necessarily those of the ILO.

As part of ILO activities to promote the Declaration, a Special Action Programme to combat Forced Labour (SAP-FL) was created by the ILO Governing Body in November 2001. Since then, SAP-FL's work has included research, awareness raising and technical cooperation, working with governments, employers, workers and others to abolish forced labour. And in all of these activities, particular attention has been given to the forced labour outcomes of human trafficking.

This Working Paper is based on a document originally prepared for the Eleventh Economic Forum of the Organization for Economic Security and Cooperation in Europe, held in Prague between 20-23 May 2003. The theme of this Forum was "Trafficking in human beings, drugs, small arms and light weapons: national and international economic impact". As part of its preparations for the Prague Economic Forum, the OSCE under its Netherlands presidency organized a series of preparatory seminars, including one of the "National and Economic Impact of Trafficking in Human Beings" (Ioannina, Greece, 17-18 February 2003). The ILO and its SAP-FL programme cooperated closely in the preparation of the preparatory seminar and the Economic Forum itself, providing inputs on the demand side of trafficking in destination countries, and on the overall economics of trafficking. Mr. Van Liemt was commissioned to provide inputs on the latter issue to both meetings, with financial support from the Government of the Netherlands.

The Working Paper represents the initial stages of SAP-FL research and analysis, on a highly complex but also very important concern. Though global concern with human trafficking has grown quite dramatically in recent years, there have been few systematic attempts to comprehend and document its underlying economic dimensions. Global figures are sometimes put forward, estimating the huge profits realized from human trafficking by organized crime groups. In its most recent *Trafficking in Persons Report* released in June 2004, for example, the United States Government estimated that human trafficking now generates some USD 9.5 billion in annual revenue. Yet higher figures have been given by other sources.

The present paper does not attempt financial estimates of this kind. It is more of a broad mapping survey, placing the concerns of trafficking within broader migration analysis (including the role of irregular migration). It then comments on the financial flows involved in trafficking, and on

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<sup>2</sup>The text of the Declaration is available on the following web site :  
<http://www.ilo.org/declaration>

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the different patterns of financing trafficking services. It also contains a brief review of the evidence, as to the extent to which organized crime is involved in human trafficking.

The paper thus represents a starting point, on an issue to which SAP-FL has devoted progressively more attention in the year since the OSCE Economic Forum was held. We thank Mr. Van Liemt for undertaking this challenging assignment, and for identifying the parameters of future research on the subject.

Roger Plant

Head, Special Action Programme to  
combat Forced Labour  
InFocus Programme on Promoting the Declaration

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## Introduction

In Europe, the trafficking of human beings became a major source of concern in the 1990s. Media reports on women from Central and Eastern Europe being trafficked for sexual exploitation became too numerous to ignore. The collapse of the communist regimes in Central and Eastern Europe had led to greater political freedom. But it had also led to economic crisis and stagnation, forced industrial restructuring, the breakdown of social services, mass unemployment (a hitherto unknown phenomenon) and dramatically lower living standards for large portions of the population. In addition, the war in former Yugoslavia destabilised the region, causing much uncertainty and forced displacement. Voluntarily or involuntarily, many left their home country.

Western Europe had experienced immigration from many regions before but what occurred in the 1990s was quite exceptional. The number of migrants originating in Central and Eastern Europe peaked around the middle of the 1990s. But the number of people coming from Asia, Africa and Latin America continued to grow.

It is difficult to say how many of these people are being trafficked. Women and men are trafficked for sexual exploitation, agricultural and domestic labour, and for work in ‘sweatshops’. Children are trafficked for begging, theft and for pushing drugs (Europol, 2001a). How many women have been trafficked for the purposes of sexual exploitation? We don’t know. “The trade is secretive, the women are silenced, the traffickers dangerous and not many agencies are counting” (Hughes, 2003, p. 2). Anecdotal evidence abounds but systematic research is scarce. Data on other types of trafficking is even scarcer. Estimates vary widely. Reliable data are hard to obtain<sup>3</sup>. The US Government estimated that in 1997, globally, between 700,000 and four million persons were trafficked annually (US Dept. of State, 2002). The authorities of many countries were late in admitting that there was a problem. They use different definitions, making it difficult to establish an overall picture of magnitude and trends. Many use proxies such as the number of foreign prostitutes, the number of asylum seekers, or the number of undocumented migrants apprehended, to indicate the seriousness of the problem.

Research on human trafficking is growing. But there are still important gaps in our knowledge. At the moment, we know a good deal about who risks being trafficked; which routes are being used; and in which types of activity or situation trafficked people risk ending up. But we still know comparatively little about the numbers involved; how the money flows; how trafficking is organised and by whom; and how best to contain it.

### Purpose and Organisation of the paper

This paper on the economics of human trafficking in Europe cannot hope to fill all the holes in our knowledge base. But by concentrating on the economic factors involved and how

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<sup>3</sup> Several factors explain the poor data availability. Trafficking is a covert activity. It may be hard to recognize it as such. Many countries do not have laws that specifically define trafficking. Trafficking is a relatively new phenomenon and data systems have not caught up. Methods of data collection in individual countries are ad hoc rather than systematic. Individual authorities collect statistics using their own definitions. In most countries no single agency acts as a focal point for collection, collation or harmonization of statistics on trafficking. Lastly, sharing of information between states is on an ad hoc basis, particularly with countries of origin of trafficked migrants (Salt and Hogarth, 2000, p.35).

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they interact, it wants to contribute to a better understanding of why trafficking takes place and how it can best be contained.

The victims of human trafficking are irregular migrants who through deception enter into, and through coercion stay in an exploitative or exploitation-like work situation. It may be comparatively easy to establish who is an irregular migrant (no residence and/or no work permit) and why he or she is in the host country (there is considerable research on this). But it can be more difficult to establish deception in an unambiguous fashion. Loss of control is obvious when victims of trafficking are restricted in their movements or being confined to their workplace. But there are also other, more subtle ways of coercion, which are not immediately obvious to the untrained eye. Also, in many cases exploitation may be indisputable to an outsider even though the victims themselves do not necessarily experience it as such. All along, we were handicapped by the fact that so little is known about the extent of exploitation, especially where it concerns labour exploitation. The approach taken has therefore been to start from the relatively unambiguous situation of irregular immigration and to point along the way to situations where these migrants may end up in conditions with elements of exploitation. We have been paying particular attention to demand in host countries and to labour exploitation. A separate chapter discusses the involvement of organised crime in trafficking. “Weak” states find it difficult to combat trafficking. Organised crime can capture state authority and its absence or presence can thus make a critical difference in states’ capacity and willingness to take effective action.

The paper is organised as follows. We start with an analysis of the causes and consequences of irregular migration on the assumption that most trafficked people are irregular migrants. Along the way we will highlight the circumstances that may lead to exploitation or exploitation-like situations. Chapter One introduces the subject and explains the flows. Chapter Two looks into irregular migration and the host country labour market. It considers the facilitating role played by the underground economy and by ‘ethnic niches’. It suggests that the relocation of certain activities should reduce demand for irregular migrants and free native workers for care-related jobs that cannot be relocated. Chapter Three considers trafficking and smuggling. Smuggling has a more favourable connotation than trafficking, which is universally condemned, but in practice the two may not be so easily told apart. Chapter four asks to what extent organised crime is involved in trafficking and what the financial flows tell us. Governments face a dilemma; stricter border controls aim at regulating the flow of migrants but they also lead to higher smuggling fees, which in turn make it more attractive for organised crime to become involved. Exploitation is a key condition for trafficking. Chapter Five discusses sexual (section 5.1) and labour exploitation (section 5.2). It argues that with the exception of extreme cases, it may be more complicated to establish exploitation than appears at first sight.

The paper concludes that the number of people attempting to enter Europe is unlikely to see a drastic decline soon. Open internal borders force European Union governments to reach agreement on a number of issues on which, so far, they have held divergent views (enforcement of the labour law, definition of exploitation, immigration policy etc.). In the short run, controls will only become stricter. Less than two decades after having strongly condemned the Iron Curtain and the migration restrictions imposed by totalitarian regimes, Europe’s entry controls are becoming more sophisticated and more efficient, leading some to fear that it is establishing a new Iron Curtain.

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## 1. Migration and Irregular Migration

*Dalla gumme ya mpasu kalle nga* (it is better to work abroad than to die at home)<sup>4</sup>

Every day, thousands of people leave their families and loved ones behind to look for work, higher earnings, and a better life in another country. Most end up finding a remunerated activity even though, due to their inability to obtain legal status, they may become irregular immigrants. Strict border controls leave them no other option than to be smuggled into the country. Along the way, some lose control over their own destiny: they become the victim of human traffickers.

The migrants may have travelled thousands of kilometres and been on the road for many months before they reach their destination. Along the way, they may have encountered hardship, deceit, theft, fear and hunger. Some may not even reach their destination at all. They fall ill, or die<sup>5</sup> along the way.

Those who do reach their destination may find living and working conditions to be quite different from how they had imagined them to be. Maybe they just wanted to *believe* them to be different. Or maybe their living conditions back home were so hopeless that they still consider to be better off. Or they may find it acceptable to work a set number of years in exploitation-like conditions as this would permit them to help their family, finance their children's education, or, later on, live a much better life back home.

Migrants can become irregular in several ways. They may cross the border illegally (by themselves, smuggled or trafficked). And they may enter legally and accept paid employment even though their visa prohibits them to do so. They overstay their tourist or student visa, or stay when their residence permit is not renewed. Others are legal only in appearance because they make use of false documents. Yet others enter as asylum seekers and stay behind when asylum is denied.

To many, irregular migration can be a major step forward. After years of hard work many return home considerably more wealthy than they would have been had they stayed in their country of origin. Some see their status regularised on the occasion of some amnesty. Others, however, may not be so lucky. They are saddled with high debts. They are being exploited because they have been placed in a dependent position with no-one to defend their interests.

### 1.1 Explaining the flows

Why do irregular migrants end up where they do? Language and cultural affinity is a prominent 'pull' factor. The existence of a 'network' lowers the costs of movement and increases the expected benefits for the migrant (Böcker, 1994). Labour shortages in particular sectors or areas are another factor (particularly in seasonal migration- see the next chapter). The selection

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<sup>4</sup> Popular expression in Soninké (Mali) quoted in Porquet, 1997, p.253

<sup>5</sup> In 1996, the 'Yiohan' sank between Malta and Sicily, with the death of all 280 migrants locked below deck, most of them Sri Lankans (Morisson, 2000). In 2000, 58 Chinese suffocated in a vegetable truck between Rotterdam and Dover. The number of irregular migrants drowned off the Spanish coast increases every year.

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may also be a negative one; countries that easily deport irregular migrants are clearly less attractive than those that don't. Other 'pull' factors include the existence of an underground economy where irregular immigrants readily find work (see section 2.2) and the expectation (whether based on fact or not) that an amnesty may be forthcoming. Often, though, it is pure coincidence as traffickers determine where the migrant will resurface again (see chapter 4).

Among the 'push' factors, both political (warfare and civil unrest; ethnic intolerance; lack of freedom and democracy) and economic factors play a role. Depending on their situation, different groups have different motives (civil war in Georgia; "ethnic cleansing" in the Balkans; drought in Africa; repression in Iraq or Afghanistan). All want to improve their position and that of their families. Some are simply desperate (and become easy victims for traffickers). In this paper we concentrate on the 'pull' factors. But 'push' and 'pull' factors are not always so easily told apart.

### Relative deprivation

The desire to escape from poverty is a main economic reason why people move. But migrants are rarely among the poorest. Many have a job. At the macro level, the stereotype of poor people 'escaping to survive' may be true. But at the level of the individual the situation may be more complex. Would-be migrants and their families make an assessment of the expected costs and benefits. The high up-front costs of the migration project automatically exclude the poorest (except for temporary migration to a neighbouring country). Often, "relative deprivation" is seen as the driving factor. The potential migrant may not be among the poorest in absolute terms but he or she feels poor because:

- relatives, neighbours or other people in the surroundings have significantly improved their status and well being thanks to the income from migration. The Chinese provinces of Zhejiang and Fujian are major exporters of migrants; they are also among the richest provinces in that country. The feeling of relative impoverishment may be psychological but it often also based in fact. Land and house prices may go up because that is where migrants invest their savings.
- television images from rich countries make them feel poor. Africans receive European TV programmes. Albanians had for years been watching Italian television before they decided to cross the Adriatic sea (see also Box 1 below)
- the person's or the family's situation has deteriorated and they take a dim view of their chances of regaining their previous living standard. The domestic environment does not provide them with sufficient and fast enough opportunities to satisfy their needs.

“..at the root of irregular migration and trafficking [lie]...lack of confidence in the perspectives for personal achievement provided by an environment that is characterised by too much instability [and]...the conviction that, in such an environment, the gap between the current personal status of the respondents and a living standard that they consider as 'decent' will only deepen “(Ghinararu et al 2003 , p.26)

Often several factors are at work as the following Box shows:

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**Box 1: The 1990-91 Exodus from Albania to “RAI country”<sup>6</sup>**

Pressured by the events of 1989 in Central and Eastern Europe that followed the fall of the Berlin wall, the Albanian authorities implemented a series of legislative reforms. Until then, the right to leave the country had been strictly controlled. Even the attempt to leave the country without authorisation was punished severely. The borders were tightly controlled.

In May 1990, illegal departure was no longer high treason but a normal crime. It was now possible to obtain a passport. But the population feared that the limited Albanian ‘springtime’ might be very short-lived and might be redressed.

Another reason to leave the country was the disastrous economic situation. Albania suffered badly from the interruption of trade with countries of the Eastern block after 1989. In 1991 Gross Domestic Product was only half of that of 1990. Malnutrition of children reached 50%. Industrial and agricultural production nearly came to a standstill. Inflation reached 150%.

The fear that Italy might close its borders contributed to the phenomenon of a desperate and sudden mass exodus. Thousands of Albanians tried to cross the Adriatic Sea.

Italy was not only an easy country to reach, but it also represented the dream of a different life in a Western society. Surprisingly many young Albanians had a good knowledge of the Italian language. They had been watching Italian television and been listening to Italian radio programmes RAIUNO and RAIDUE. Not only did they learn the language in this way, but they also received images of a society in which everybody appeared to be wealthy, well-dressed, free, and happy. The contrast with drab day-to-day life in their own environment was overwhelming. When the possibility to emigrate became reality, the wish to leave everything behind and start a new life in “RAI country” became extremely strong.

#### A family decision

Migration, particularly when it is to a far-away country, is rarely an individual and usually a family or group decision. Migration costs money, sometimes much money. There are travel costs to consider, cost of passports and visa, smugglers’ fees, officials to be bribed etc. Usually, these costs surpass by far what an individual or even a family can afford. Friends and neighbours are asked to chip in. Loans are taken out. And when the migrant is a parent, his or her parents and grandparents must look after the children back home.

The traditional image of the irregular migrant being a single man of prime age is undergoing change. Young and healthy men continue to be smuggled under sometimes difficult travel conditions (long days hidden in a truck; long sea voyages). They are well-educated and thus a major potential contributor to the finances of the family. The migration project must thus be a viable one, i.e. the prospect of eventually bringing in more money, adjusted for the risk involved in the trip and the residence overseas, must be worth the trouble. However, nowadays more and more women also migrate alone or with their family. In part this reflects generational changes in attitudes and expectations. The economic crisis has driven many women into the work force. Another factor is the abundance of new employment opportunities in the service economy for which women are the preferred labour source (Cornelius, 1992). Not all women move so

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<sup>6</sup> Source: Hein, 1998, pp. 225-26

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easily. Few women from Afghanistan or South Asia travel unaccompanied. Many women from the Philippines or Latin America do<sup>7</sup>.

## **1.2 Regulating the flows**

Host country governments are under pressure to reduce irregular migration. Resident populations seek to protect their privileges against the (perceived) threat of outsiders<sup>8</sup> (Pieke, 1999). Usually, these governments have a choice between three ways: (1) stop for control in the street people whom they suspect to be irregulars; (2) fine employers who employ irregular migrants, and (3) strengthen border controls. The first option is sensitive from a human rights perspective: “random” checks are rarely random. When people are stopped on the basis of their appearance there is a real danger that this leads to discrimination. Also, it presupposes that citizens carry proof of identity at all times. To older people it brings back the memories of occupation during the Second World War.

Employer sanctions are also not uncontroversial. Employers can be obliged to check the identity papers and work permits of their employees. But these can be false or fraudulently used, making it difficult to establish who is irregular and who is not. More fundamentally, the political will to enforce labour and employment standards is clearly lacking in countries with a sizeable informal, ‘underground’ or ‘shadow’ economy (see section 2.2). Employers can ‘benefit’ from irregular immigrant workers without actually employing them by resorting to subcontracting (see section 2.2).

Stricter border controls respond to pressure from the public to ‘do something’ but they target only one category of irregulars. The emphasis on border control has two important side effects: it turns temporary migration into permanent migration because irregular immigrants consider it too risky or too costly to return home and come back; and it leads to higher smuggling fees and enhanced involvement of organised crime groups (see chapter 4).

The next chapter introduces two more ways to reduce the pull of irregular migrants: the relocation, where possible, of activities that make intensive use of migrants; and strict control of the application of minimum labour standards to *all* workers.

## **2. The host country labour market and the irregular migrants**

### **2.1 The perspective of the irregular migrant**

Irregular migrants have all the disadvantages of regular migrants on the labour market (not to mention those related to the housing market) in addition to some more. Migrants’ networks are rarely as efficient or as extensive as those of native workers. Many do not have an

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<sup>7</sup> In Milan, the gender ratio for women was found to range from 5% for Senegalese to 66-70% for Filipinos, Peruvians, Brazilians and Poles (Reyneri, 2001, p.16).

<sup>8</sup> This has little to do with race, geographical distance, or political system, says Pieke (1999). The fact “that migrants from the Chinese countryside are shunned in much the same way from the core areas of the global system as from China’s core cities may go some way in defusing the more simplistic allegations of either Chinese totalitarianism or European racism that are easily made when talking about migration policies” (Pieke, 1999, p.3)

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adequate command of the language. Diplomas are rarely recognised. Cultural barriers are another handicap.

Being irregular brings further disadvantages. It places workers in a weak position vis-à-vis their employer. They are deprived of their right to negotiate wages, to collective bargaining and to legal protection. They operate in a ‘legal vacuum’(Lazaridis, 2000). Laws stipulating minimum wages, hours of work, paid holidays and the like do not apply to them. They are not covered by social security, health care and pension plans.

Because of their status, irregular immigrants must keep a low profile. They look for home work and domestic services, or work for small manufacturing firms where their presence escapes attention. Irregular prostitutes tend to work more in clubs than as street prostitutes. A main problem is that the isolated nature of such jobs makes them vulnerable to maltreatment and exploitation.

To less scrupulous employers, irregular immigrants are desirable employees precisely because of their precarious status. They are less inclined to make demands on the employer. They are more flexible; work longer hours for less pay; are less inclined to organise. They are often overqualified for the job that they do. Employers are known to have exploited the precarious situation of their workers by threatening to expose them to the authorities.

#### “Socio-professional downgrading”

Most irregular migrants end up working in low-skilled, low-wage sectors and activities. But this is not the same as saying that they are unskilled or uneducated. On the contrary. Migrants are often well-educated and overqualified for the work that they do<sup>9</sup>. From a global perspective it can be asked whether this is an efficient use of available manpower. But their irregular situation gives these migrants little choice. Such “socio-professional downgrading” is the norm for migrants who were employed before migrating (Reyneri, 2001). In practice this means that those musicians in your street may be engineers from Romania; that your Philippine nanny may have been trained as a nurse; that the person selling the ‘street journal’ may be an international chess champion from Iraq; and that those Senegalese street-hawkers may have worked as teachers before coming over.

## **2.2. The perspective of the host country**

Irregular migrants complement, cross-subsidise and compete with native and regular workers. Others perform a job that did not exist before (street hawker) or one that was not previously seen as paid work (gardener; care for the elderly, the infirm and for children; live-in maid-see below). Legal (“guest workers”) and irregular migrants help alleviate labour shortages in particular occupations and sectors. This facilitates the upward mobility of native workers (Fassmann et al, 1994), allows a better use of industrial capacity, and enhances profitability and

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<sup>9</sup> In Milan in the 1990s over 50 % of all migrants had at least secondary education, with East Europeans and Latin Americans being closer to 70% (Reyneri, 2001). More than 80% of the (mainly Iraqi and Afghan) inhabitants of the Sangatte reception center in Northern France had at least secondary education (Laacher, 2002).



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economic growth. But it also subsidizes marginal ventures and retards industrial restructuring (see below).

Some compete with native workers (and legal immigrants) for the same job. Logically, high unemployment should weaken demand for migrant labour. Yet, a remarkable aspect of contemporary migration, whether irregular or regular, is that large-scale immigration is seen to co-exist with high levels of unemployment in host countries. A common explanation is that the migrants perform jobs that the locals do not want to do. Dirty, difficult and dangerous (3-D) jobs attract few native workers even when domestic unemployment is high.

When in July 2001, in the French Lot and Garonne region, fruit and vegetable producers organised a demonstration with the slogan “We want Polish workers!” the local president of the farmers union explained that the “thousands of local candidates for employment [are]...not adapted to our needs. They come one or two days and then leave because the work is too hard for them. We do not want people from the yoghurt generation, but competent, efficient and readily available workers” (Bell, 2002, p.4)<sup>10</sup>.

The problem is not limited to western Europe. Juhasz found that in Hungary:

“..Hungarian workers, despite their relatively high unemployment levels, will not take on certain jobs. No matter how strictly the employment of foreign workers is prohibited, no Hungarians can be found who are willing to do these type of jobs“ (Juhasz 1999, p.26)

The ‘educational gap’ has been mentioned as another explanatory factor. Many of the local jobless are well-educated young people with high professional and social aspirations who can wait to enter highly qualified, rewarding and stable jobs (Reyneri, 2001). We live in a ‘knowledge society’ (or so we are told). Unless you are well-educated your chances of entering and advancing in the job market are slim. The problem is that the ‘knowledge society’ still needs a surprisingly large number of un- or semiskilled workers to function properly. Such jobs do not attract enough native workers but immigrants are ready to take them on (Ambrosini, 2002). (Nonetheless, with time, circumstances may force native workers to accept jobs for which they feel overqualified).

The instability of the jobs on offer may be yet another explanation. Today, jobs are less stable than in the past. The model of the regular, full-time worker who stays with the same employer until retirement making slow progress on the scale of responsibilities and salary, is being eroded. A growing number of jobs is being subcontracted (see below). Job security has decreased and this makes it less attractive for native workers and their families to move to where the jobs are. A rational calculation may thus be at the origin of such low geographic mobility. An unemployed person may feel attracted to a far-away job but its instability makes him or her reluctant to move. The benefit of having the job is not compensated for by the financial and emotional costs of moving residence. To unattached (irregular) foreign workers the cost of moving are lower. They need a job. They are less bothered by its instability.

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<sup>10</sup>Bell (2002, p.4) argues that “available’ means that they have no family on the spot, are lodged (badly) on the farm, and are ready to work ten hours a day and at weekends without ever demanding overtime payment.

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### 2.2.1. To relocate or not to relocate?

Irregular migrants are active in many sectors of the economy. They typically find work in horticulture and agriculture; in construction; in food processing; in the garment industry; in hotels and restaurants; in the sex and entertainment industry; as cleaners, dishwashers, gardeners, maintenance and laundry workers, as domestic helper and child care providers; or as street hawker.

Some of these jobs can be relocated (i.e. performed in another country). Others cannot; they must be done locally. Domestic help, child care and care for the elderly, but also work in construction, hotels and restaurants are typical examples of activities that cannot be relocated. Garments and agriculture are examples of activities that can. The difference is important. We will start by considering one type of non-relocatable industry (domestic help, child care and care for the elderly). Then we will turn to activities that can be relocated.

#### Domestic services: an activity that cannot be relocated

In the countries of southern Europe, looking after one's elderly parents is the expected norm. But increasingly this expectation is seen to clash with the desire and the need of women to participate more in the labour market. Urbanisation and emigration have weakened traditional family relationships and related inter-generational reciprocal arrangements (Lazaridis, 2000). Together, the rapidly ageing population, changing family structures, enhanced participation of women in the labour force, fear of losing one's job, a rudimentary welfare state unable to provide adequate care for the elderly and children have created a 'caring gap' (ibid). This has led to great demand for domestic workers. Until not too long ago this demand (especially for live-in domestic workers) was met by rural migrants. Nowadays it is met by immigrant women (Lazaridis, 2000)

In these countries a growing number of irregular female immigrants is now active as domestic helpers, to clean, look after the children or after elderly, live-in parents. The availability of these domestic helpers has greatly increased the quality of life of many middle class families. It facilitated the emancipation of women, and improved the household budget (Ambrosini, 1999). The problem is that these middle class families cannot afford to employ a domestic helper on a regular basis at the going rate, paying all social security contributions (Ambrosini, 1999). And so they turn to irregular migrants.

For the live-in maids concerned, the situation is not without risk. They live a fairly isolated life and are often actively discouraged from spending time outside their place of work. Employers can and have abused the situation by retaining the passport. This reinforces the feeling of isolation that comes from not understanding the local language and culture. Still, a place to sleep is an important trade-off for women who migrate alone, as many women do (Reyneiri, 2001).

#### Industries and activities that can be relocated

In contrast to the activities discussed above (child care, care for the elderly, domestic help), certain other activities which rely heavily on migrant labour can be relocated. Examples can be found in garment manufacturing, horticulture and agriculture. Some of these (e.g. garment

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making in Paris and Italy; horticulture) rely on irregular immigrant labour to a considerable extent. In the ‘El Ejido’ region in southern Spain, a major exporting region of fruit and vegetables, 92 % of the work force was found to consist of immigrant workers, roughly half of them irregulars (Bell, 2002, p.2). Native workers were not interested in working there at the wages and working conditions offered. Low cost immigrant workers cross-subsidise the jobs of the better paid natives that do work there.

Investors appreciate the low political risk associated with production in Europe and the low economic risk of doing so behind trade barriers. In *their* assessment of costs and benefits it may be justifiable to keep production there. But from an economy-wide or even a society-wide perspective the picture is more complicated. Many of the workers are housed under substandard conditions. The abundant use of (irregular) migrant labour in a traded industry often indicates a loss of competitiveness; the industry can no longer compete at prevailing levels of productivity and labour costs. Why not relocate highly irregular labour intensive production to where the low cost labour comes from? The issue raised by former Mexican president Salinas “The United States seems to prefer Mexican tomato pickers to Mexican tomatoes, since the United States does a much better job keeping out Mexican tomatoes than Mexican workers” (quoted in Martin, 1995, p.29) seems to have wider relevance.

### **2.2.2. Subcontracting; relocation *sur place*?**

Companies need not relocate to another country or directly employ irregular migrants in order to benefit from low labour costs. They can subcontract (outsource) their labour intensive activities. Companies which are under tremendous pressure today to cut costs and be more flexible in order to remain competitive in an open world economy<sup>11</sup>, tend to downsize and subcontract a growing range of activities that were previously performed ‘in-house’. Outside contractors compete to obtain such contracts. Because low cost is a principal component of the basis on which competitors are selected, downward pressure on labour costs and labour standards seems unavoidable<sup>12</sup>. In order to remain in business it becomes attractive for these subcontractors to hire migrant labour and, where possible irregular migrant labour. Large enterprises are more liable to inspection; small enterprises less so. Through subcontracting, large companies can take advantage of the low cost immigrant labour without actually irregularly employing them.

#### The facilitating role of the underground economy

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<sup>11</sup> In the French garment industry, for instance, the number of large firms (with 500 employees or more) has been shrinking by almost a third since 1990 and the proportion of subcontractors growing from a fifth to a third of all firms in the 1990s. In 1986, 38 % of firms completed more than one phase of the production process, but this proportion dropped to 28 % by 1996. Subcontracting networks have become more complex. Competition has intensified. Prices have gone down. Subcontractors tightened the turnaround time they allow for orders, requiring higher quality items to be produced in less time (Iskander, 2000)

<sup>12</sup> The smallest sized subcontractors (and usually the weakest in terms of bargaining power) are the self-employed (including home workers). They are flexible in their working time and not protected by collective agreements. Their costs tend to be “all-in”, i.e. they have to look after such secondary benefits as medical care and pensions that regular employees in large companies expect as normal. There is a tendency for employment contracts to be displaced by commercial contracts. In many cases there is a (de facto) employment relationship in the guise of a commercial contract (Van Liemt, 1998)

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## Box 2 The underground (or informal) economy

The underground economy comprises those paid work activities leading to the production of legal goods and services that are excluded from the protection of laws and administrative rules covering commercial licensing, labour contracts, income taxation and social security systems.

The structure of employment (small vs. big firms; the proportion of self employment and subcontracting), the tax and social contribution wedge, the level of state controls and the degree of social acceptance of economic informality vary from country to country, creating different social and economic contexts, some of which are more conducive than others to the development of underground activities.

Such countries as Italy and Greece have sizeable underground economies. Many people are active in sectors where it is easy to ignore administrative rules such as agriculture, building, small manufacturing firms, self employment, street vending, and domestic work. State regulation of economic activity is strict, but enforcement is slack and 'free rider' behaviour is not firmly condemned by public opinion. In other countries, the underground economy is smaller due to close surveillance by the authorities, stiffer fines and lower social acceptance.

The main victim of the underground economy is the state. Even employers who pay their irregular workers the going net (wage) rate still save almost 50% of the labour cost by not paying social security contributions, income tax and other components of total labour costs. The native workers involved are not necessarily exploited as many of them are entitled to social protection because they are pensioners, 'moonlighting' state officials or young people living with their parents. This is not the case with irregular migrants (Source: Reyneri, 2001).

Subcontracting to companies in the informal or underground economy offers further competitive advantages. It is estimated that the informal economy accounts for over 35 % of the GDP of Greece, about 25 % of the GDP in Italy (Anthias et al., 2000a) and some 30% of GDP in Hungary (Juhasz, 1999). Lax enforcement of labour and employment laws allows small businesses to remain competitive, and offers ideal conditions for absorbing flexible, non-demanding, irregular migrants. But it also opens the door to exploitation-like labour conditions. In the underground economy both the state and the judicial systems are in principle absent. "Its regulation is ensured through mutual trust on the part of the employer and worker" (Reyneiri, 2001, p.27). This is particularly the case in ethnic niches.

### Ethnic niches

Ethnic enclaves are a special 'niche' in the underground economy. Irregular migrants often end up working in ethnic niches. On the surface, their integration proceeds smoothly but that is no surprise given that they are absorbed into their original ethnic group or clan.

The norms governing working conditions in the 'ethnic niches' may be at variance with the rules governing the host society and may contain elements of exploitation (see chapter five). In fact, in an ethnic enclave several phenomena come together: informal labour relations typical of work in the (extended) family as compared to the strict rules governing formal employment relations in the official economy; the 'American Dream' (work hard now and have the opportunity to be well-off and independent in the future) and its more ugly cousin with people *having* to work extremely hard in order to pay off a high debt.

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The critical questions for our purposes are: how “closed” are these ‘niches’ to outside control (by e.g. labour inspectors); and what is the reason why people work as hard as they do: because they must pay off a debt; because they want to earn sufficient money to start their own business; or because they find it acceptable to work hard and live simply for a number of years and then retire to live like a king or queen back home? (see also chapter five). Basing himself on his study of the Fujian Chinese in the US, Kwong (1997) stresses the dangers involved in the enclaves being closed off from the outside world and the fact that life takes place outside the legal system of the host society. Tomba (1989), basing himself on the situation in Tuscany, sees fewer dangers. The niches are comparatively open. There is no ‘enclave economy’. Many fundamental services are still provided by Italian intermediaries. Reyneri (2001, p.48) is adamant. “In southern Europe there are no enclaves closed to the receiving society, nor do we find ethnic businesses based on the exploitation of human and monetary resources of their own ethnic group”<sup>13</sup>.

In sum, the extent to which irregular migrants complement, cross-subsidize, or compete with domestic labour must be considered at the disaggregate level. On the demand side, it is useful to make a distinction between sectors and activities that can be relocated and those that cannot. In a rapidly ageing Europe more old people will need to be taken care of and fewer native workers will be around to do so. Relocating activities reduces the pull for irregular migrant labour and frees native talents for care-related jobs.

A strict enforcement of labour and employment standards should also reduce the pull for irregular migrants, albeit indirectly (Kwong, 1997 and 2001; Reyneri, 2001; Fraser, 2000). Currently, such strong enforcement does not appear to have a high priority in countries with a sizeable informal or ‘underground’ economy. A strict enforcement of the law does not target irregular migrants directly but it takes away the economic incentive to employ them. “...ensuring that workers are paid legal wages and afforded minimally decent working conditions does not discourage illegal workers from coming...[in but]...it may reduce the economic incentive to employ illegal workers<sup>14</sup>” (Fraser, 2000)

### **3. Trafficking and smuggling**

”Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery,

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<sup>13</sup> He adds, nonetheless, “Only Chinese, as usual, organise their businesses (...) on the intense use of family and co-ethnic labour” (p.48)

<sup>14</sup> In the Dutch garment sector irregular subcontracting practices were successfully taken on by the tax authorities. The 1994 *Wet Ketenaansprakelijkheid Confectie sector* (Law on ultimate responsibility [for payment of taxes and social security payments] in the clothing industry) enabled Inland Revenue to claim tax and social security debts of subcontractors from their contractors. Joint action by the police, social security institutes, tax authorities, labour inspection, immigration, and electricity companies led to a drastic decline in the number of illegal clothing workshops in Amsterdam (Mateman et al, 2001). A similar approach was followed in Sweden, where the fiscal authorities targeted the building industry through “subcontractor chain analyses” (Mateman et al, 2001)

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servitude or the removal of organs. -Art 3 (a) of the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the “Palermo Protocol”)

Smuggling and trafficking are often mentioned in one breath. In both cases, a third party is involved in the illegal crossing of a state border. The routes may be the same or similar. Sometimes even the same people are involved (but opinions vary considerably on this, see e.g. SRILEP, 2003; Scanlan, 2002; Ghineraru, 2003; and İçduygu et al., 2002 for contrasting views). But there are important differences. Trafficking leads to exploitation and involves coercion and deceit whereas smuggling takes place on the basis of a (usually oral) contract between the potential migrant and the smuggler with both parties free to enter into that contract. The contract may be just for crossing a small piece of land or sea (the actual border area), or for taking the migrant to a destination far inland.

The parties directly involved often see little wrong in smuggling and being smuggled. Smuggling can take place in the back of a truck, as stowaway on board a ship, or in a specially chartered ship during long and dangerous trips. Those who have the financial means travel more comfortably, e.g. with forged documents as part of an official delegation or cultural tour, or on a business or student visa. Many irregular migrants try and cross the border on their own. Many others prefer to hire a smuggler because he or she knows the way and this reduces the risk of apprehension or assault. Smugglers have an economic motive for helping the migrants but that may be only part of the story. Many smugglers are proud to be able to help their country people escape from repression and guide them to a better future. Of course, some smugglers cheat but this does not seem to occur with great frequency. After all, most smugglers depend on repeat business. What better recommendation than that of a happy client?

Trafficking and smuggling also differ in the interests that are being harmed. A smuggler takes a fee for assisting one or more persons in the crossing of a national border in the full knowledge that this is an illegal act. The aggrieved party is the state that tries to regulate or limit immigration. The victim is thus the state and not the smuggled person, who had agreed to being smuggled. In trafficking the aggrieved party is clearly the person who is being trafficked against his or her will (Bureau NRM, 2002)

On the ground, however, smuggling and trafficking are not always so easily told apart (CIVIS, 2003) Middlemen can turn into traffickers in the case of young women (Scanlan, 2002; Civis 2003). Also, the conditions under which people are being smuggled can be so degrading that they become a victim of the circumstances. A migrant may have consented to being smuggled but not to the violence or extortion that they suffer along the way. “Situations that may have begun as voluntary participation in smuggling may transform into situations of trafficking, where the initial consent is vitiated by deception or coercion” (David et al., 2000, p.8). When smuggling turns into trafficking governments have little choice but to combat smuggling and trafficking with equal force.

Trafficking involves deception, force and coercion, often isolation and invariably exploitation (which is the subject of chapter 5). Ghinararu et al (2003, p.38) relate a typical story of people trafficked from Romania:

“All victims of trafficking or most of them acknowledge to the fact that they arrived in another country of destination than the one they have been promised. Usually this is a

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country in former Yugoslavia or Albania. Once arriving there, victims are confronted with an obvious lack of knowledge of the language, with a hostile environment dominated by tribal attitudes and practices and with a weak, penetrated or even captured state authority, unable to provide them with any support whatsoever. Therefore, they can and in most cases are easily intimidated by their ‘employers’ either via direct violence, either by the mere threat of the use of violence or by witnessing violence being used against fellow victims. Fear of violence, lack of knowledge of the local language as well as the perceived and in most cases even real ineffectiveness of the authorities, are the main factors sustaining the practice of trafficking”

*Deception* is a key element of trafficking. It takes the form of giving false information regarding the type of job being promised; the conditions of the job; the harsh and dangerous travelling conditions; the destination country and its immigration rules. It involves fake promises of marriage; the promise of work as *au pair* or as housekeeper, caretaker of older people, factory personnel, or nurse but ending up in the sex and entertainment industry; in work at a lower salary and a higher number of working hours than promised; with the risk of sexual and physical assault. Fraudulent employment, travel, modelling and matchmaking agencies lure unsuspected people into trafficking networks.

*Coercion*, force and abuse of power usually only start in the country of destination (if only for practical reasons- it is easier to make people cross borders voluntarily). But some women are kidnapped and auctioned off at modern slave markets (AN, 2001; Europol, 2001a). Smuggled persons may have to pay such exorbitant fees to the smugglers that they have great problems paying them back. When the pressure mounts and is accompanied by violence or the threat of violence, the smuggled person may end up in a situation of socio-economic exploitation (Bureau NRM, 2002). Employers detain migrants’ documents to keep them under their control. No or late payment of wages is another form of abuse of power.

*Isolation*. Keeping the victim isolated is often a key condition for exploitative working conditions to exist in modern ‘western’ societies. It is the reason why women who are trafficked for sexual exploitation are often being moved around from brothel to brothel, and from one country to the next. This prevents them from establishing relations of trust with those outside the circle in which they are permitted to circulate. Domestic help (live-in maids) may also end up in an exploitative relationship due to isolation. Employment within the same ethnic group can turn into exploitation (see chapter five).

#### **4. Trafficking and Organised Crime**

The trafficking and smuggling of human beings involves a number of people, each with their own ‘specialisation’. Some of these people may unknowingly participate in trafficking (airline pilots; train drivers); others know full well that they do (document forgers; owners of brothel and clubs; recruitment agents who use false promises of employment); yet others are in a grey zone (travel agents). Among the many other people involved are: investors who put up the money; the organisers who oversee the entire operation; corrupt public officials who accept bribes to enable migrants to enter/exit illegally; informers, who gather information on border surveillance and transit procedures; guides, drivers and crew members, who are responsible for moving illegal migrants from one point to another; enforcers, who are responsible for policing

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staff and migrants; local people in transit points who provide accommodation and other assistance; and debt collectors and money-movers, who launder the proceeds of crime (David et al., 2000).

How do these people work together? Are smuggling and trafficking the work of stable, profit-driven organizations with a clear hierarchy; loose horizontal networks without a clear command structure working flexibly together on an ad-hoc basis; small family operations consisting of relatives or people from the same village or clan; or amateur traffickers? Do the big groups subcontract certain activities to small gangsters; or do they do little more than provide protection to small criminals? Many sources have strong (but often contradictory) views on this. Reports claim that the Japanese *Yakuza*, the Russian, the Chechen, the Italian or the Albanian Mafia, or the Chinese Triads are involved in human trafficking. These organisations have "the already-trained personnel, already-acquired means, already-tested trafficking routes, already-developed corruption networks, and already-existing contacts in different countries" (Adamoli 1998 in David et al., 2000, p.5). Nonetheless, in many cases the exact functions performed by organized crime associations remain unclear<sup>15</sup>. "In other cases, even when the nature of involvement is evident, the scale of such participation is vague" (Shannon, 1999, p.128). Finckenauer considers that human trafficking falls more in the 'crime that is organized' category than it does into true organized crime<sup>16</sup> (Finckenauer, 2001, p.172)

It is important to know who the enemy is. The fight against *international* gangs needs international cooperation among law enforcement. But too much emphasis on the international dimension leads to the neglect of actions that can successfully be taken nationally. Corruption results in lack of faith in the authorities and is one reason why many victims of trafficking do not turn to the police for help. A key characteristic of *organized* crime is its capability and willingness to corrupt highly placed officials (Finckenauer, 2001). In such cases efforts to combat trafficking will be less than rigorous, and collaboration with international initiatives less than efficient. Large organized crime groups will find it easier than individual smugglers to keep smuggling fees high.

Empirical research into crime is difficult. It can be dangerous. Crime is a covert activity. Trafficking cases are unattractive to crime fighters because of the low penalties and the long, complicated and resource-intensive nature of the investigations (O'Neill Richards, 1999). Trafficking for sexual exploitation is a particularly difficult area for investigation.

"it is nearly impossible to use a female undercover agent because she would have to be a victim. In order to prove slavery, beatings and forced prostitution, she would have to risk suffering these traumas. This contrasts with infiltrating a drug operation, in which the agent's undercover responsibilities might include buying, selling, or transporting drugs from one location to the next"(O'Neil Richards, 1999, p. 32).

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<sup>15</sup> The type of group involved is likely to differ depending on the country and the trajectory considered, and the nationalities involved. Also, the same route can be served by small and large organizations alike.

<sup>16</sup> For *organized crime* to be more than simply crime that is organised, it must have a number of additional defining attributes. "These attributes include the structure and continuity of criminal networks engaging in crime- structure that facilitates committing certain kinds of crime. Then there is the sophistication of the crimes and the skill levels required to carry them out; the violence (and a reputation for violence) that is systematically used to attain and retain monopoly control of criminal ventures; the capability to mount multiple and simultaneous criminal enterprises; and a capacity to corrupt political and legal authorities" (Finckenauer, 2001, p.168)



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Ethnic crime groups are particularly hard to infiltrate. They are often family-based or formed by people from the same town or village (Europol 2001a)<sup>17</sup>. Enforcement agents have a hard time mimicking the ‘language subtleties, specific dialects, and cultural mannerisms’ (O’Neill Richards, 1999, p.32). Multinational crime networks are easier to penetrate. They need a common ‘operational’ language (often this is English). Even then, ambiguities and misunderstandings can occur, obliging them to communicate more and more frequently. This creates a higher volume of telephone traffic, which lends itself to greater interception measures (Europol 2001).

#### 4.1 Financial flows

As is the case with other criminal activities, rather than following the people trail, following the money trail helps gain a deeper insight into the trafficking process. Much of the pressure exercised by traffickers over their victims comes from the (sometimes enormous) debts owed; *not* being in debt takes away this source of leverage. The size of the debt (in absolute terms and in relation to the opportunities and the speed with which it can be repaid) helps determine how long traffickers have a hold over their victims.

The size of the debt varies considerably. It depends on how fast and how comfortably one wants to arrive at the destination (the trip from China to the UK by plane costs over twice as much as the same, but longer trip over land-see annex table 1). Mode of transport and distance travelled are other variables: certain stretches are more expensive per kilometre travelled than others (strictness of frontier controls is a relevant variable here). Nationality of the traveller is another variable: people from certain nationalities can travel quite far without a visa (and thus need to spend less money on traffickers or smugglers); others have trouble getting into any country. Smuggling fees were found to vary from 15 Euro to cross the (officially closed) border between Algeria and Morocco to over USD 50,000 to get from China into the United States.

Chinese smuggling fees are particularly high (see annex table 1). This may be because travel costs are high (the US and Europe are far away), or because the Chinese need visa for many countries (i.e. they either have to travel slowly and well-hidden or have recourse to more, and more expensive travel documents). There are the costs involved in being able to leave China<sup>18</sup>. Prices keep going up. This may be due to more intensive border controls in transit and host countries (and the corresponding need to take longer, more complex and more expensive routes), but also to collusion among the traffickers or to other ways to eliminate or reduce competition<sup>19</sup>.

It is also important to know how the trip was financed. The probability of getting into debt to the trafficker is lower when the trip has been prepaid than when it is being post-paid (but the

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<sup>17</sup> Knowledge of the local language can be highly useful. The US Immigration and Naturalisation Service (INS) investigation into the El Monte slave labour case (see Box 3) benefited greatly from having an agent who spoke Thai.

<sup>18</sup> Several authorities are involved in the procedure of the application for a passport. “the many different statements, certificates of conduct and recommendations needed provide ample opportunity to squeeze money out of the emigrants” (Giese, 1999, p. 203)

<sup>19</sup> Sister P., the Chinese woman who is accused of having organised since 1997 the smuggling of thousands of Chinese from Rotterdam to Dover reportedly eliminated all competition on this stretch using particularly ruthless methods (NRC Handelsblad, 11 June 2003)

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trafficked person may get into debt with others<sup>20</sup>, or *feel* heavily indebted to his or her family when they are the main source of finance). African migrants are partly financed by family, friends and neighbours. Partly, they work as assistant bricklayer, night-watchman or domestic helper on the way to their destination (Lahlou et al. 2002). Chinese make an advance payment of 10 percent to cover the cost of a passport and other costs related to leaving China. A further share is paid upon departure and the balance after arrival at the destination (Skeldon, 2000; Kwong, 2001; Giese, 1999). The payments are guaranteed and executed by the family in China (Okolski 2000). The Vietnamese pay all the money in advance, with the first stage (the flight to Moscow) financed by the migrant and the cost of other stages by the migrant's future employer (Okolski, 2000).

#### **4.2 Organised crime involvement appears to be growing**

Opinions may be divided as to the extent to which international organised crime groups are involved in human trafficking and smuggling but most observers agree that this involvement is growing. What started as a spontaneous, small-scale operation can, with time, turn into organised crime activity. Juhasz (2000, p.196) quotes the head of Surveillance and Intelligence of the Hungarian border guards:

“In the beginning only a few isolated individuals were involved in human trafficking, but as time passed they started co-operating, and step by step the business developed into an international one. Well-planned routes and well-organised groups have evolved, which are no longer co-ordinated from Hungary. Trafficking can be co-ordinated either from the destination country or from the migrants' country of origin. This is the result of a natural process of development; market demand and necessity have contributed to the development of certain branches of crime”

In their efforts to curb irregular immigration, governments everywhere have increased border controls, making it more cumbersome (and thus more costly) to illegally cross borders. Whether or not this has discouraged potential migrants is a moot point (many argue that it has not). But it did raise the risks involved for smugglers and smuggled persons alike. Longer and more dangerous routes are now being travelled (e.g. from Morocco to the Canary Islands instead of Morocco to Southern Spain). This has led to more accidents taking place. And to smuggling fees going up, sometimes spectacularly so. The higher potential profits to be made seem to attract larger criminal groups.

To these groups, the higher fees can be decisive in their calculations of risk (of being caught; of having to pay fines; of seeing their assets confiscated), reward and effort involved, both in absolute terms and in comparison with other activities. Pumares (2002) reports that

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<sup>20</sup> “In the early stages of the human smuggling industry, some snakeheads [smugglers] extended credit, allowing their clients to pay the debt off in monthly instalments. However, as the smuggling business grew, keeping track of credit allowances became a nuisance. Also, a lengthy involvement with a freely roaming client made brushes with law enforcement more likely. These days, smugglers insist on the full final payment before releasing the illegals. They prefer to shift the responsibility of keeping track of the debt payments to other enforcement parties, be they relatives, local gangs, local loan sharks, or village associations. Indeed, they often insist that the final payment be completed in China, in order to avoid the need to launder their money in the US and thus risk detection by the authorities.”(Kwong 1997, p. 81)

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between Morocco and Spain hashish smugglers were attracted by people smuggling because of the higher rewards -taking into account the risk of apprehension and the fines and penalties involved. In the US, a Taiwanese crime syndicate became involved in human trafficking when cash-rich, recently legalised Fuzhounese Americans were willing to pay “almost any amount” to get their relatives out of China before the 1988 offer of regularisation expired (Kwong, 1997, p.30). The Japanese *Yakuza* became more interested in the smuggling of humans in the mid-1990s when their traditional sources of income declined with the collapse of the bubble economy and they had to look for other activities (Friman, 2001). Hein (1998) noted that since 1995 Mafia-like organisations have been involved in the smuggling of people from Albania to Italy. Between Morocco and Spain drug smugglers now offer a more rapid service (at a higher price- see annex table 1) to would-be migrants by ‘*Zodiac*’ (a fast, inflatable rubber boat) that can cross in less than four hours and transport between 35 and 45 people at a time (Pumares, 2002; Lahlou, 2002). They also offer a wider range of services that includes transportation to other EU countries and procurement of false documents (Pumares, 2002)

The fact that operations have become more complex and routes longer has been mentioned as another reason why criminal organisations have become involved. Increased capital investments associated with the smuggling enterprise would force smaller operators out of business and raise substantial barriers to potential new entrants, so the argument goes. In the US, stricter border controls prompted smugglers to become more technologically sophisticated. The authorities now use infrared night-vision scopes, low-light TV cameras, ground sensors, helicopters, and all-terrain vehicles. An electronic identification system stores the fingerprints and photographs of those apprehended at the border (Spener, 2001). But as the Border Patrol pours more resources into detection, smuggling rings counter with their own state-of-the-art equipment paid for by increased smuggling fees (Spener, 2001).

Others, however, are not so convinced that the higher complexity by definition gives larger groups a competitive advantage. Vehicles and dwellings can be rented or leased. “The falling price of leased cellular and digital phone service has brought sophisticated communications equipment well within reach of even small-scale smuggling operations” (Spener, 2001, p.151). Today, in Iran and Turkey “...even a shepherd in the mountains may...have two GSM numbers” (Içduygu et al, 2002, p.40)

The opportunities for price fixing increase when smuggling becomes concentrated in the hands of a few large groups. A high level of concentration would thus be bad news for potential migrants.

## **5. Exploitation**

Ending up in an exploitation-like situation is a key component of trafficking. Exploitation can take place before the trip commences (excessive charging of commission and processing fees) or along the way (unsafe and dangerous means of transport). Most often, exploitation starts in the country of destination.

Sexual exploitation is the most talked about type of exploitation. Women are forced to prostitute themselves, with much or all of the proceeds going to the person or persons who have a hold over her. Labour exploitation is the other type of exploitation. Little research has been done on this type of exploitation in Europe. Experiences from other developed countries help us

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identify two areas where labour exploitation might occur: women as domestic helper; and exploitation within an ethnic niche.

These latter two types differ from sexual exploitation in the money that can be earned. Its potentially high margins makes sexual exploitation an attractive “business”. Good money can be made out of the exploitation of relatively few individuals who are kept under control through violence, the threat of violence, isolation and/or through debt. In labour exploitation margins are smaller. Those wanting to exploit domestic live-in helpers must also keep them isolated from the outside world. But the nature of the job is such that revenues are low, thus making it less attractive for trafficking. Trafficking for labour exploitation does occur (see Box 3 on the El Monte sweatshop below) but it needs volume and long periods of exploitation to generate attractive revenues to its organisers. Control is exercised through high indebtedness, cultural and language isolation, and possibly isolation through physical confinement (as was the case in El Monte). But this can be costly and cumbersome when many people are involved.

Exploitation is not always so clear-cut

Severe forms of sexual exploitation and the exploitation of children are clear-cut cases. But in other cases, particularly in an international setting (which is an essential dimension of trafficking), it is not always so clear whether a particular situation qualifies as exploitation, if only in the eyes of the exploited. This occurs in both sexual and labour exploitation.

In sexual exploitation a key controversy concerns the question whether or not *all* prostitution constitutes exploitation. Some (governments among them) strongly believe that it does; others believe equally strongly that it does not. From one perspective all prostitution is forced prostitution.

”A woman cannot *volunteer* to be dehumanised through prostitution any more than she could meaningfully consent to sell herself into slavery. Viewed through this particular lens, to employ a woman to work as a prostitute is by definition to ‘exploit’ her” (O’Connell Davidson 2003 p.1).

Those at the other end of the political spectrum find this position unacceptable. To them, sex commerce is:

“...as little different in moral and political terms from any other market in personal services. The idea that it is necessary to eradicate the entire commercial sex market in order to address the problem of trafficking for prostitution is as draconian and wrong-headed as the idea that it is necessary to eliminate demand for carpets in order to address the problem of forced and child labour in the carpet industry.... (O’Connell Davidson, 2003, p. 1)

In cases of labour exploitation in an intercultural context a degree of ambiguity can also creep in. What is acceptable or common in one country may be unacceptable or even illegal in another. Take the example of the Colombian domestic worker who moved with her diplomatic employer to Washington DC. In a conflict over permission to leave the house during weekdays she complained that her employer had not adapted to the rules of the country of residence. “They tell me that I can go out on Sunday and nothing more. They said I have to work as if I were in

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Colombia” (HRW, 2001, p. IV-8). The employers found that, whilst the nature of the employment relationship had basically remained the same, their legal obligations had changed with the change of residence.

Some irregular migrants may feel that regular work does not serve their interests. They are not interested in social benefits and working time limitations: they want cash, much of it, and they want it now. They are not used to having a European-style social safety net and even consider that they don't need it (e.g. no need for an old-age pension when the expected norm back home is that your children look after you in old age).

“Chain exploitation” has been cited as another factor. Irregular migrants may not mind severe exploitation because (1) they know that the exploitation is limited in time; (2) the boss himself was exploited upon arrival in the host country, and such an exploitative relationship is seen as the price to pay for success (defined as setting up one's own workshop and importing new recruits from the home country), and (3) they need the boss' network of suppliers and clients once they are ready to set up their own business (Guillaud, 2003; Giese, 1999)<sup>21</sup>.

When migrants are willing to live for a set period of time away from their family, housed under substandard conditions (as seasonal agricultural workers do), it is difficult enough for 'normal' workers (who live with their families and expect decent housing conditions and prevailing social benefits) to compete at the wages offered. But what if these workers are willing to do so for years on end? Who in Europe can compete with the irregular migrant from Wenzhou, China who declared upon his return to his home town:

“I was in Holland... from 1984 to 1992. It was a very hard time! I went to work every day, regardless of how tired or sick I was. No free weekend. No holiday. In order to save money, I ate and slept in the restaurant...I just wore any used clothes given by my sister and my boss. I didn't see my wife and two sons for eight years....until 1992, when I discovered that the guilders I had saved could be changed to 700,000 yuan. I was very happy...The money would be enough for the rest of my life in the village...Now everyday is a holiday for me....Who here would know how pitiable I was in Holland. Here I am just a lucky and rich man!” (Li, Minghuan, 1999, p. 192)

## **5.1 Sexual exploitation**

Sexual exploitation is the best known type of exploitation in Europe. Victims are mainly women in the 18 to 35 age range. Both native and foreign women can find themselves sexually exploited in clubs or brothels through the use or the threat of force, debt bondage and isolation (or a combination of these). Victims are recruited through friends and acquaintances; former prostitutes returned to their country of origin; newspapers and recruitment bureaux; training courses; bars, discos and night clubs; marriage of convenience; threats and violence; illegal immigration networks; and from the local sex scene (Europol 2001)

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<sup>21</sup> Says Giese: “The boundaries between benevolence and profiteering, mutual assistance and exploitation, and chain migration and human trafficking are fluid and often indistinct; it is only rarely possible to tease them apart” (Giese, 1999, p.211).

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Unless one considers *all* prostitution to be sexual exploitation (see above) it cannot be said that the presence of foreign prostitutes is by itself proof of trafficking and exploitation. Many women enter prostitution voluntarily (but through imprudence may fall victim to traffickers-Okolski 2001). In other cases there is coercion. However, coercion may not always be so easily recognizable to the untrained eye. Criminals have adopted many ways of reducing or annihilating the will of the persons exploited, which are not often visible to law enforcement and even not perceived as such by the victims themselves (e.g. deceit, abuse of authority, debt bondage) (Europol, 2001a).

There is considerable debate over the extent to which trafficked women knew beforehand that they would end up in prostitution (percentages vary considerably; see e.g. Lazaridis, 2001; Scanlan, 2002; Skeldon, 2000). But few would have imagined the conditions of work to be so deplorable (no control over working hours; no freedom to refuse clients' sexual demands; physical or sexual violence). Europol distinguishes three types of situations. The most numerous group are the women who have previously worked in the sex industry in their home country. They know that they will work as prostitutes, and indeed often approach the traffickers to arrange the travel. Only on arrival in the West when their exploitation begins, do they realise they have been duped into working under slave-like conditions with little chance to keep the money they earn. The second biggest group are the deceived women who are recruited to work in the West in the service or entertainment industries, i.e. there is no mention whatsoever of having to provide sexual services. Often the recruitment is done through seemingly legitimate employment agencies. The final, and smallest, group are the women who are kidnapped. They were unwilling victims from the start. They may have already been working in the sex industry in the home country but they had no intention of going abroad. "These victims are often sold amongst networks or individual pimps- sex slaves in the truest sense of the word" (Europol, 2001, pp.19-20)

A difficult but fundamental question arises when women 'freely' enter into prostitution but basically do so out of despair due to a combination of socio-economic and family circumstances that seem to leave them no other option. Does this count as forced prostitution?

## 5.2 Labour exploitation

### Box 3: The El Monte Sweatshop

On August 2, 1995, a multi-agency task force led by the California Department of Industrial Relations raided a fenced seven-unit apartment complex in El Monte, California, a small community near Los Angeles. In the complex, surrounded by razor wire, they found a garment factory. Locked inside the factory were 72 Thai workers, mostly women and mostly illegal immigrants.

The workers were kept under slave-like conditions. They worked up to 18 hours a day for little pay, and slept with up to eight in two-person bedrooms. Armed guards and threats of physical violence were used to prevent them from leaving.

The factory had been in operation for six years. It made clothes for brand-name manufacturers that were sold in some of the biggest retail stores in America.

Then Secretary of Labour Robert Reich described El Monte as "the worst case of slavery in America's recent history" (Source: various)

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The El Monte sweatshop discovery served as a wake up call to many Americans. It provoked considerable public outrage. Many questions were being raised. How extensive is this phenomenon? Is this an isolated case or is it one of many? Why was it not discovered earlier? How many resources are available for labour inspection and how much priority does such inspection have? And, more fundamentally, whose responsibility is it to avoid this type of situation?

The latter debate is not free from ideological undertones. Retailers claimed that this was first of all the responsibility of the public authorities but these pointed out that successive budget cuts had greatly reduced their capacity to enforce the law. Others saw the responsibility with the retailers and the brand name owners<sup>22</sup>. The manufacturers' quality control inspectors either knew or should have known about these poor labour conditions. The President of the US International Mass Retailers Federation was quoted as saying "We are retailers. We don't have investigators. We don't have police powers. We negotiate with suppliers"<sup>23</sup>. In Europe, such a clear-cut case of a sweatshop has yet to be uncovered. But sweatshop-like conditions reportedly exist in ethnic enclaves.

In ethnic enclaves clear cases of exploitation exist by European standards. Yet the workers involved need not necessarily see it that way. Chinese workers in Paris were found to work 10 to 14 hours a day (and even more) for no more than one thousand Euro per month. They slept at their place of work. The 2001 French parliamentary inquiry into modern forms of slavery noted that "these are clear cases of exploitation but, strangely enough, the victims do not experience it as such" (Assemblée Nationale 2001, p.14-translated from the French original). Ghinararu et al (2003, p. 33) found in their survey that many of the respondents were working seven days a week and ten hours a day but did not see this as exploitation. "These people see their capacity of working overtime and during holidays as their only comparative advantage on a foreign labour market [and a]...unique opportunity for saving...".

Should Western European official labour standards be enforced when workers agree to work at a lower standard? Most people would agree that they should. But this is an open question for the thousands of Europeans currently active in the 'informal', or underground economy which in some southern European countries makes up a significant slice of the total economy (see section 2.2.2).

And is the situation of the irregular migrant workers in ethnic enclaves fundamentally different? On the surface, the difference seems more a matter of degree than of principle; the irregular migrants work in the underground economy as many others do. There is a sizeable difference though. The irregular migrants are *also* foreigners *and* they are irregular *and* they may be heavily indebted. In such circumstances non-enforcement of the law may give the migrants the impression that exploitation is tolerated.

Some argue that wages paid in Chinese ethnic enclaves -while low- are higher, and prospects for enhancement better than in China and that this would somehow compensate for the poor working conditions. Gao (2003) for one, views this argument as fundamentally flawed. The key factor here is the irregular status of the workers. Workers in China can defend themselves for

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<sup>22</sup>On the broader responsibilities of production organisers in subcontracting see e.g. van Liemt, 2000

<sup>23</sup> Quoted in <http://multinationalmonitor.org/hyper/mm1095.03.html>

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their rights to salary, to health and rest. Their rights are guaranteed by the law. Irregular migrants do not have the same level of protection. She also asks whether the whole situation is fair to those people who left their home behind, debt on their back, have taken risks to cross borders and to be transported in sometimes cruel conditions to arrive in countries of which they dreamed as paradise, only to end up in the same miserable working conditions as they had back home (Gao, 2003, pp. 9-10).



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## Conclusion

We know relatively little about the trafficking of human beings in Europe. There is considerable anecdotal evidence but attempts at rigorous, systematic evidence gathering on which to build solid analyses and conclusions are comparatively few. There is a great need for more and better data on the number of people trafficked, on organised crime involvement, on financial flows and on the extent of labour and sexual exploitation. Systematic data collection is also essential for assessing the effectiveness of the different measures taken to curb human trafficking.

International cooperation and awareness-raising are key components of any strategy to combat human trafficking. The ‘Palermo Protocol’<sup>24</sup> that was adopted by the UN in 2000 should act as a catalyst for international cooperation and coordination. Awareness-raising makes it easier for authorities in home, transit and host countries to recognize trafficking situations early on and to take effective action. Public discussions and information campaigns make women considering employment abroad aware of the risks involved and of what to do if smuggling turns into trafficking<sup>25</sup>.

Economic factors also play a role. The smugglers and traffickers, those who employ irregular migrants and those who exploit trafficked people all make a calculation of the costs and benefits as they see them. Attempts to stem or regulate the flows must either lower the benefits or raise the costs.

In home countries, the desire to escape from poverty is a powerful ‘push’ factor. Higher economic growth should take away some of the pressure. But equally important are a stable environment, fair competition, transparent state administration and, more generally, confidence in the opportunities for personal development and achievement.

This paper has focused on host country ‘pull’ factors. Europe is an attractive place. It offers political stability and high wages. Respect for the law is the expected standard. European host countries regulate migratory flows by stopping suspected irregular migrants in the street; through controls at the workplace; or through strict border controls. Each method has drawbacks. Street controls are controversial from a human rights perspective. Employers resist control at the workplace because it disrupts production. Border controls do not stop the people who enter legally and become irregular only after overstaying their visa. A particularly worrisome feature of tight controls is that they raise the costs of being smuggled, thus making it more attractive for organised crime to become involved.

We have drawn attention to two further ways in which demand for irregular migrants can be weakened. One is relocation. Activities which are no longer competitive at prevailing wage rates often make intensive use of irregular migrants. Relocating them reduces demand for these people. The other is a strict enforcement of labour and employment laws. A lax enforcement of

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<sup>24</sup> The United Nations Protocol to Prevent, Suppress and Punish Trafficking

<sup>25</sup> This can take the form of simple, practical advice of the type given by the Angora Crisis Center in Irkutsk, Russia: keep your passport and visa with you at all times; know the name and address of your employer, the salary, the living conditions, and the length of your contract; leave copies of your passport with your parents and friends; agree on a warning signal to convey that your phone is being tapped; and before you depart, call the embassy in the country of destination and ask for detailed information about immigration and labor laws there (Stoecker, 2003).

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these laws offers ideal conditions for absorbing irregular migrants. Employers have an economic incentive to employ irregular migrants and to exploit trafficked people because these are paid less, work longer hours and are less inclined to organise. A strict, across-the-board enforcement of minimum labour standards does not target irregular migrants or trafficked people directly but it does take away this economic incentive.

Europe is now making available considerable financial and human resources to effectively monitor its external borders and control the inflow of people. Carbon dioxide scans, heart-beat monitors and X-ray machines are used to indicate whether lorries have any living creatures on board. Thermal imaging cameras are being used for border security and to combat the smuggling of human beings. Armed personnel from different EU countries patrol the Mediterranean together.

Open internal borders oblige European Union governments to reach agreement on issues on which so far they have held divergent views (enforcement of the labour law, definition of exploitation, long-term manpower needs, feelings of solidarity with poor non-Europeans). This will take time. In the short run controls will be tightened.

A situation with tighter controls may satisfy many but it makes many others feel uncomfortable. The critical voices associate strict controls with totalitarian regimes rather than with liberal European democracies. Regulated immigration is the norm in most countries. But can Europe morally afford to re-establish an Iron Curtain?

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## Annex 1: Smuggling fees into and in Europe

Route	Price	Source
China-France	Euro 20-25,000 <sup>26</sup>	A
China-Germany	USD 20,000	B
China-Italy	Euro 10,300	N
China-UK (over land) <sup>27</sup>	Euro 14-16,000	C
China-UK (by plane) <sup>28</sup>	Euro 30-45,000	C
China-UK	USD 35-40,000	D
China-Hungary	USD 10,000	D
Sri Lanka-Germany	EUR 7,500	L
Sri Lanka-UK	GBP 10,000 <sup>29</sup>	E
Iraq-Denmark	USD 12,000	B
Iraq-France (Sangatte)	USD 5,000	F
Afghanistan-France (Sangatte)	USD 7,500	F
Syria-France (Sangatte)	USD 6,000	F
Philippines-Italy	USD 5,000-13,500	G
Libya-Italy	USD 900	Q
Morocco-Southern Spain (Moroccans) <sup>30</sup>	USD 200-350	H
Morocco-Southern Spain (non-Moroccans) <sup>31</sup>	USD 1,000-1,200	H
Morocco- Southern Spain <sup>32</sup>	USD 1,500-2,000	H
Morocco-Spain (Canary Islands)	USD up to 3,000	H
Iran-Netherlands	USD 4-6,000	K
Moscow- Prague	USD 200+	M
Germany-Denmark	USD 1,100	B
Hungary-Vienna	USD 800	D
Hungary-Germany	USD 1,300	D
Kosovo-Germany	Euro 1,250-2,500	D
Kosovo-Austria	Euro 1,250-2,500	D
Albania-Italy	USD 800	I
Albania-Greece	GBP 200	O
Istanbul-Italy	USD 1,500-2000	P
Calais-Dover	USD 1,000	J

Sources: A: Assemblée Nationale 2001; B: Europol, 2001; C: NRC-Handelsblad, April 2001; D : Juhasz, 2000; E: Morisson, 2000; F: Laacher, 2002 ; G: Aronowitz, A.A. 2001. *Illegal practices and criminal networks involved in the smuggling of Filipinos to Italy* (Turin, UNICRI, mimeo); H Lahlou, 2002 ; I: Hein, 1998 ; J: Le Nord Littoral, April 2003; K: Koser in *International Migration* Vol 38(3) Special Issue 1/2000; L: Okolski 2000; M: Giese, 1999; N: Europol, 2001a; O: Lazaridis, 2000; P: İçduygu et al, 2002; Q: Le Temps, Juillet 2003

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<sup>26</sup> Includes housing and work upon arrival

<sup>27</sup> Trip takes approx. 18 months

<sup>28</sup> Trip takes approx. 1-2 months

<sup>29</sup> Top of the market. Routes through Africa, Russia and Central Asia are cheaper but take longer

<sup>30</sup> By slow boat

<sup>31</sup> By slow boat

<sup>32</sup> Express service by ‘Zodiac’



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