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Trafficking of Migrant Workers from Romania: Issues of Labor and Sexual Exploitation

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Abstract

Part of a major research project on the forms of forced labor today developed by the ILO Special Action Programme to Combat Forced Labour (SAP-FL), this paper argues that trafficking for labor exploitation is an emerging issue in Europe and in particular in Romania. Features a detailed comparison of living conditions prior to the emergence of immigration, trafficking, and/or forced labor.

Keywords

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

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Issues of labour & sexual exploitation

Catalin Ghinararu

Mariska Van der Linden

Special Action Programme to Combat Forced Labour

DECLARATION/WP/33/2004

Working Paper

Working Paper

**Trafficking of migrant workers from Romania:
Issues of labour and sexual exploitation**

Catalin Ghinararu
Mariska N.J. van der Linden

International Labour Office
Geneva
October 2004

Foreword

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

This Working Paper was prepared by a team of Romanian researchers under the supervision of Dr. Catalin Ghinarau, and by Mariska N.J. van der Linden who carried out the final data analysis. It is part of a major research project on the forms of forced labour today developed by the ILO Special Action Programme to Combat Forced Labour (SAP-FL). In Europe, research has focused on the forced labour outcomes of human trafficking, covering countries of origin, transit and destination. The results will inform SAP-FL's growing knowledge base on the modern forms of forced labour as well as country-based and sub-regional technical cooperation activities.

The authors of this study pioneered a difficult field of research. Not only is trafficking research as such a sensitive issue because of its criminal and “hidden” nature, but the authors were also exploring a relatively new subject, namely trafficking for labour exploitation. In recent years, trafficking for sexual exploitation in the area of former Yugoslavia has raised the attention of the media and policy makers. Indeed, the political instability in the Western Balkans has been a major pull factor for trafficking of mainly women and minors into the growing sex industry of the region.

This paper, however, argues that trafficking for labour exploitation is an emerging issue in the region and in particular in Romania. The conclusions of the study are preliminary. More research would be necessary to understand fully the complex issues related to trafficking for labour exploitation as opposed to sexual exploitation, as well as the differences between “victims of trafficking” and “successful migrants”.

The results were first discussed during a tripartite workshop in Bucharest in April 2003. It became evident that abusive recruitment mechanisms play a major role in perpetuating vulnerabilities at later stages of the trafficking cycle. A training programme on the monitoring of private recruitment agencies was therefore developed and tested with a reference group in Romania in early 2004.² Hence, the research has already led to concrete activities for the progressive elimination of trafficking in human beings and its forced labour outcomes. It is hoped that it will now stimulate yet more action of this kind.

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

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

² SAP-FL/ILO (forthcoming) *Trafficking for Forced Labour: How to Monitor the Recruitment of Migrant Workers. Training Manual*, Geneva: ILO.

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Executive summary

Objectives of the study

The main objectives of this research were to investigate forced labour and services³, resulting both from trafficking and non-trafficking related migration, in the context of irregular migration from Romania. The study, based on questionnaires completed with returned migrants in Romania, focus-group interviews with selected migrants, and interviews with experts, focussed on the profiles of trafficked and non-trafficked victims of forced labour as opposed to ‘successful’ migrants. The distinction between trafficked and non-trafficked victims of forced labour was adopted for the purpose of the study to differentiate between those deceived from the out start of the migration project by a recruiter from those that were deceived and coerced at a later stage in order to investigate the existence of degrees of victimhood and routes into forced labour.

Recruitment methods of both victims of trafficking and other migrants were investigated as well as ways in which the forced labour employment situation in the country of destination was exited. In addition, the study aimed to establish objective criteria of forced labour as an outcome of human trafficking as well as irregular migration. Though criteria for forced labour exist, it is as yet unclear whether they should be used in combination or individually, and which criteria are more or less pertinent.

Main Findings

Risk factors related to trafficking, according to this study, are multiple. Trafficked victims of forced labour tend to be mostly female, as well as the youngest and least educated of the migrants interviewed. Though non-trafficked victims of forced labour are also predominantly female, they are more educated than trafficked victims of forced labour. Furthermore, they are about five to six years older than trafficked victims of forced labour, as is the case for successful migrants.

Moreover, trafficked victims of forced labour experienced the most abusive relations before migrating. However, non-trafficked victims of forced labour felt the most family pressure. This may be linked to the fact that non-trafficked victims as opposed to trafficked victims of forced labour more frequently take care of their children personally.

The pre-migratory conditions of all migrants were inadequate. All participants perceived their living standards to be worse than those of others in their surroundings. This perception was strongest for trafficked victims of forced labour, followed by non-trafficked victims of forced labour, and followed finally by successful migrants. Housing conditions appeared to be particularly problematic.

The most important reasons to find employment abroad were the lack of resources at home, the lack of employment prospects, the lack of social services and the potential for a better life abroad. Once again, this perception was most pronounced in the case of trafficked victims of forced labour, followed by non-trafficked victims of forced labour, and least by successful migrants.

This study underlines the central place of the intermediary in the recruitment process. Though the intermediary plays the largest role in the recruitment of trafficked victims of forced labour, he/she is also appealed to by non-trafficked victims of forced labour and successful migrants. However, non-trafficked victims of forced labour appealed mostly to agencies to find employment abroad, whereas successful migrants used their social connections abroad. Yet, none of the sources of information investigated in the study, including government information, were considered as important as the intermediary.

³ In this study the term ‘forced labour’ will be used to imply both forced labour and forced services.

Trafficked victims of forced labour were most frequently maltreated during the journey to the country of destination. Non-trafficked victims of forced labour were also mistreated, though not as much as trafficked victims of forced labour. Successful migrants were rarely badly treated during the trip abroad.

The preferred countries of destination were Italy and Greece. However, trafficked victims of forced labour most often ended up in Former Yugoslavia. The remaining migrants were more or less evenly spread out over Western Europe. Once arrived in the country of destination, trafficked victims of forced labour most often worked in the sex-industry. Successful migrants tended to be active in construction. Non-trafficked victims of forced labour had an intermediary position between the other two types of migrants, in the sense that they worked chiefly in the sex industry, as well as in construction.

Though all migrants received financial compensation for their work, this was especially so for successful migrants. Trafficked victims of forced labour were often paid in kind, particularly in the form of food and shelter. Non-trafficked victims of forced labour, once again, occupied an intermediary position between the two other categories of migrants. Regarding how the money earned was spent, trafficked victims of forced labour were more likely to spend it on debt repayment compared to non-trafficked victims of forced labour and successful migrants.

All three categories of migrant were working considerably more than a regular five day, forty hour week, thus all participants were exploited while working abroad. However, victims of trafficking were by far more exploited in this sense than the other migrants. In addition to this, trafficked victims of forced labour tended to stay an average of three months longer than their non-trafficked counterparts in forced labour situations. Indeed, trafficked victims were kept in forced labour for about ten months on average, whereas non-trafficked victims tended to remain for about seven and a half months in forced labour situations. Successful migrants worked abroad for about seven and a half months, roughly the same duration as non-trafficked victims of forced labour.

A similar pattern was observed for working conditions. These were unsatisfactory for all types of migrants, but even more so for trafficked victims of forced labour and particularly with regards to safety. Although non-trafficked victims of forced labour also found their workplaces dangerous, it was not to the same extent as trafficked victims of forced labour. Successful migrants did not generally find their workplaces dangerous.

Despite the highly unsatisfactory working conditions, the workplaces of migrants in general were not frequently publicly inspected. Still, police raids were somewhat more common in the workplaces of trafficked victims of forced labour. The relationship between trafficking, sex work and crime probably explains these frequent raids.

The investigation of forms of coercion used by the employer/trafficker demonstrates that trafficked victims of forced labour are situated at the most negative pole of the forced labour spectrum, particularly when they are female. Trafficked victims of forced labour are more prone to violence on the job, both against oneself and others, receive more threats related to violence, whether against oneself or others than any other migrants considered in this study. Moreover, trafficked victims of forced labour are more prone to debt-bondage situations. Though non-trafficked victims of forced labour also experienced these forms of coercion with a noteworthy intensity, these did not amount to the severity of coercion experienced by victims of trafficking.

The most serious form of coercion, as perceived by the participants, was the 'restriction of freedom of movement'. Over half of both trafficked and non-trafficked victims of forced labour considered this form of coercion as the most serious one preventing them from leaving their work abroad. In addition, a smaller

proportion of trafficked and non-trafficked victims of forced labour, though not experiencing very strict restrictions of movement, were only allowed to go where they wanted if accompanied by a minder or a colleague.

A Principal Components Analysis showed that the forms of coercion explored in this study fall in two categories. The first component embodies methods of coercion that the trafficker/employer used him/herself to keep the migrant in a forced labour situation. It could therefore be called '**direct restraint**' as the source of intimidation is perceived to be the trafficker/employer. This component includes the forms of coercion such as violence against the migrant and others, threats of violence against the migrant and others, debt-bondage, withholding of wages and the restriction on freedom of movement.

The second component is composed of two variables related to threats of being reported to the police as well as to threats of deportation. This component could be called '**indirect restraint**' as the source of intimidation is not perceived to be the trafficker/employer, but the authorities of the country of employment.

The large majority of migrants were unaware of organisations or people able to assist them. Of those who were aware of assistance, most did not attempt to contact the relevant organisations or persons, the main obstacle to this being the language barrier. This points to the serious lack of information for migrant workers about assistance abroad.

This study shows that a substantial number of migrants quit their employment abroad simply because they 'decided to leave'. This was mostly the case for successful migrants, but it also played a relatively important role in the case of trafficked and non-trafficked victims of forced labour. This means that, even in forced labour situations, the migrant still has a certain amount of agency, which points to the idea of forced labour as a process. As the person gives in to coercion and perceives to have less and less viable alternatives to the forced labour situation, the trafficker/employer has more and more control over him/her. As such, though diminishing with time, the victim of trafficking has a certain agency, and may decide to end the forced labour situation.

Furthermore, the differentiation between trafficked victims of forced labour, non-trafficked victims of forced labour and successful migrants sheds some light on the concept of forced labour as a process. Indeed, on a forced labour continuum, trafficked victims are at the extreme negative pole, with the least agency. Successful migrants are the best off, while non-trafficked victims of forced labour are situated between the other two groups. Therefore, those that have been deceived at the outset of the migration project by a third party have the highest degree of victimhood and should be a priority target for preventive anti-trafficking actions in the country of origin.

Yet, since both those who are subject to coercion at the outset of the migration project as well as those subject to coercion at a later stage are victims of severe exploitation, the academically interesting distinction between trafficked versus non-trafficking victims of forced labour becomes obsolete at a policy and legislation level. The conception of trafficking as a cross-border phenomenon, maintained by many actors in the field of trafficking, is not conducive to concerted action that encompasses all victims. Indeed, it should not matter when or where the coercion started, but that a person was subjected to it.

The results obtained in this research study demonstrate the vulnerability of migrant workers. Though there is a hierarchy of vulnerability and abuse in forced labour situations, all migrants are vulnerable and at risk. Even seemingly successful migrants may suffer human rights violations while employed abroad. Abuses are therefore not restricted to trafficking but encompass migration as a whole.

Way ahead

Much has been done in Romania to combat trafficking. For example, it has one of the most comprehensive anti-trafficking laws. Moreover, the Romanian police have taken an active part in operations such as *Mirage* which have led to the abolishment of over 200 trafficking networks. However, the practice of trafficking human beings for the purpose of forced labour still exists, as demonstrated by this study. Furthermore, the issue of forced labour outcomes of irregular migration that are not directly related to trafficking has not been fully considered. Thus much remains to be done in Romania.

First and foremost, in order to tackle the roots of the forced labour outcomes of migration, migration management should be improved. This includes the monitoring of recruiters, awareness raising amongst potential migrants and especially amongst high risk groups as well as the creation and sustained functioning of adequate legal channels for labour migration.

On the law enforcement side, the adequate implementation of anti-trafficking legislation should be assured through improved cooperation between relevant ministries and organisations, as well as capacity building. Relevant officials and organisations should be trained in anti-trafficking legislation and methods of identifying traffickers and victims of trafficking, including the identification of those who use the legal disguise of private recruitment agencies. Furthermore, law enforcement officials should be trained on how to deal with victims of trafficking.

At a state level, the programme for assistance and reintegration of victims should be further developed and implemented. This programme should include relevant agencies and NGOs. Cooperation should be sought with organisations in countries of destination that offer assistance to migrants.

I. Introduction

The structure of this research paper will commence with a short introduction to the situation in Romania. In this section, the socio-economic situation of the country will be considered, as well as the aspects pertaining to labour emigration. Then, the methodology of the study will be looked at.

The results section constitutes the main body of the paper. It is divided into three separate parts. The first part will examine vulnerability factors on both a micro and a more macro level. Then the organisation of the trip abroad and job placement will be investigated. Recruitment in particular shall be considered in this part of the paper.

Next a closer look will be taken at employment in the country of destination. This section will not only consider working conditions and forms of coercion that keep the migrant in the forced labour situation, but also ways of exit from forced labour.

In order to better understand the problem of trafficking in Romania, it needs to be put into context. This implies looking at the legislative framework. In the final section the existing literature on trafficking and responses to trafficking will be reviewed.

1.1. Socio-economic situation in Romania

Thirteen years ago the fall of communist regimes in Central and Eastern Europe restored the freedom of movement for millions of individuals. The transition from communism to democracy entailed significant institutional changes, which have not all yet been completed. Nonetheless, Romania joined the NATO in April 2004 and is aiming to join the European Union in 2007.

The Lehman Brothers/Eurasia stability index⁴ indicates improvement in the areas of government, society, security and the economy. Romania has climbed up the scale of the index throughout the transition years, from a position of 'high moderate stability' to "medium high stability".

Romania is currently occupying rank 72 in the Human Development Index (HDI) (UNDP 2003). The HDI value of Romania in 2001 was 0.773. The HDI trend for Romania has been relatively stable for the past fifteen years, hovering between 0.782 in 1985 and 0.765 in 1995. The adult literacy rate was high at 98.2% in 2001, though combined primary, secondary and tertiary gross school enrolment ratio was lower at 68%. The average educational attainment of the labour force (15 and over) has increased since the mid-nineties but remains below the EU average.

Economically speaking, despite the global slow-down during the years 2000 and 2001, the economic growth of Romania remained above 4%. GDP per capita in 2001 was 1'728 US\$ and the GDP annual growth rate in 1990-2001 was -0.1% (UNDP 2003). However, despite economic growth signifying progress, Romanian salaries and purchasing power remain low and there is still extensive poverty in the country.

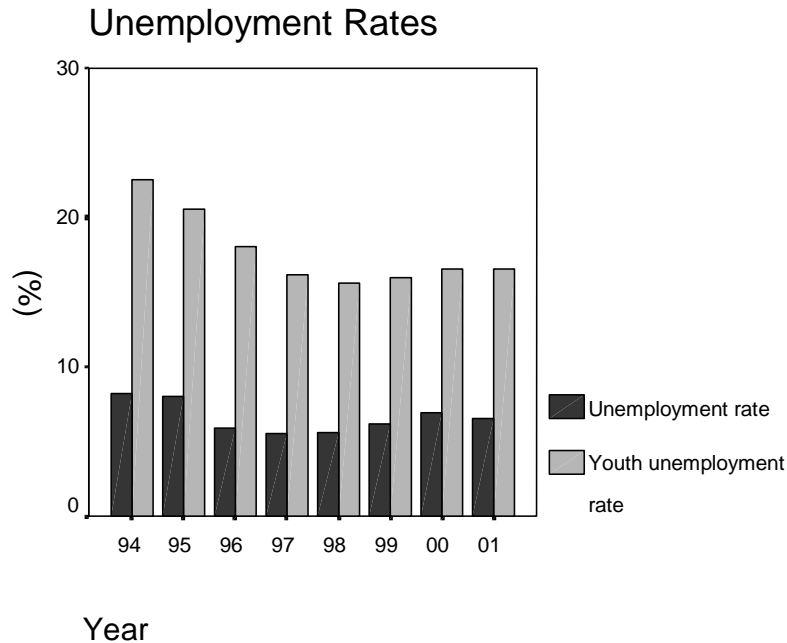
Romania's labour market shows a similar evolution to the economic situation. Even though progress has been made, many remain unemployed, in large part due to the privatisation of formerly publicly owned industries since the beginning of the transition period.

During the mid-nineties the unemployment rate had declined and stabilised at around 5.5%. It appeared to stop fluctuating in 2001 (Sârbu and Diamantopoulou 2002). However, the unemployment rate registered

⁴ The trend of the Stability Index has been established on the basis of the values indicated by the Economist

in October 2002 reached 8.2% and 7% during October 2003 (National Institute of Statistics 2003). Unemployment hit hardest in urban areas, youth suffering more than other age groups. In fact, the activity of the labour force in the age bracket 18-25 dramatically decreased, losing more than 7.5% over a period of six years.

Graph 1



Source: National Statistics Institute-NSI of Romania

1.2. The migration-trafficking nexus

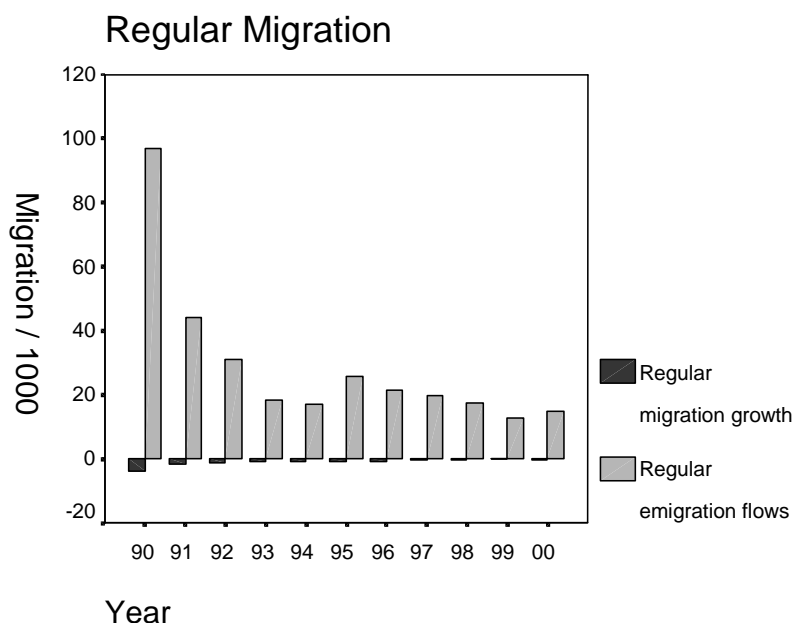
There are several push and pull factors behind migration. People leave their country for reasons of economic deprivation, high unemployment levels, lack or bad quality of social services such as medical care and education, a lack of social order and control leading citizens to feel unsafe, etc. The push factors are complemented by pull factors. Western countries are often perceived to be rich and full of opportunities. Technological advances have made travelling easier and a revolution in global communications is broadcasting to people in poorer countries images, often heavily distorted, of how much better life could be in a richer country.

In addition to this, successful migrant workers that return to the country of origin are able to have a life style that those remaining cannot afford. For example, returning successful migrants often build their own houses. Push and pull factors combine to create a situation of relative deprivation for Romanians, where, even if perhaps not living in absolute poverty, they feel that their living standards are below the acceptable.

The push and pull factors in the country of origin create a supply of migrant workers ready to answer the demand for cheap labour in the West, created to a large extent by economic restructuring (Stalker 2000). The need for cheap labour, resulting in practices such as subcontracting and outsourcing, as well as contributing to a large extent to the creation and sustained functioning of the ethnic niche, finds its solution in the shape of, mostly irregular, migrants, many of them employed in the informal economy.

Driven by push and pull factors, migration flows from the poor East to the wealthy West of the European continent have increased to unprecedented levels. As the former Communist regime was imposing tight emigration restrictions on its citizens, its collapse triggered an impressive outflow of people, with almost 100'000 Romanian citizens leaving the country for various purposes in 1990. This resulted in a migration rate of -4.1 per 1000 inhabitants (National Statistics Institute 2003), indicating a population decline. Youth emigration, which, albeit a decreasing trend, represents between 30 and 40% out of the overall migration outflow (ibid.). As one can see from the graph below, emigration has been steadily decreasing throughout the nineties. Still, the graph below only represents the legal emigration from Romania.

Graph 2



Source: National Statistics Institute-NSI of Romania

National statistics do not give a precise account of irregular migration. However, the gap between general emigration trends and official figures of migrant workers abroad points to extensive irregular migration (ICMPD 1997). Indeed, most analysts consider irregular emigration to be much higher than regular emigration.

The nature of migration has been influenced by a modification in visa-regime. Since 2002, Romanian citizens are able to obtain Schengen visas. This allows them to travel to Austria, the Benelux, France, Germany, Italy, Portugal and Spain. The new visa regulations have reportedly decreased the amount of trafficking as there is less recourse to intermediaries for travel documents and illegal border crossings (Limanowska 2003). In addition, countries such as those belonging to Former Yugoslavia are now less attractive to Romanian migrants than Schengen countries.

Several bilateral labour agreements concluded with European countries may have added to a decrease in trafficking as well. The Romanian government has signed ten bilateral labour agreements so far with the following countries: Switzerland, Hungary, Germany, Portugal and Spain. However, these agreements are thought to be over-regulated and too restricted (Ghinararu 2004). As such, there is a reported lack of legal channels for labour migration abroad, leading to the use of informal channels.

1.3. Trafficking in human beings

Romania is a source and transit country for victims of trafficking coming mainly from Moldova and Ukraine to Bosnia, Serbia, Macedonia, Kosovo, Albania, Greece, Italy, and Turkey (US Department of State 2003). Not much data is available on the number of victims of trafficking. There are several reasons for this. First of all, there is no centralised registry or agreed on methodology in Romania for collecting and analysing the incidence of trafficking. Secondly, and more importantly, most victims do not report to the police or seek assistance. However, very high numbers of trafficked persons have been estimated over the last years.

The most reliable data on victims of trafficking comes from the Regional Clearing Point (2003). The data have been derived from those victims of trafficking that have been identified and assisted (only including those who are receiving assistance in Romania, not in other countries), thus probably grossly underestimating the number of victims. The minimum number of Romanian and foreign victims of trafficking in Romania between January 2000 and May 2003 is 818. The minimum number of Romanian victims of trafficking for the same period is 778. Most victims were identified by law enforcement bodies in Ex-Yugoslavia, specifically in the FYR of Macedonia and Bosnia-Herzegovina and were enrolled in voluntary repatriation programmes.

Over the past years the issue trafficking has gained importance in Romania (Limanowska 2003). For example, there were several newspaper reports on trafficking rings in France led by Romanians (see for example Tomiuc 2002). Reportedly the Roma minority are over-represented amongst the traffickers, this is, however, a sensitive issue and available evidence is contradictory.

Some information has come to light on men and trafficking. Private recruitment agencies continuing to function after license expiration were involved in this (Limanowska 2003). Unfortunately no victims of trafficking were identified as the men did not request any assistance.

More information has been acquired concerning internal trafficking, triggered by the growing visibility of the sex industry and increased knowledge of the related work conditions. Many of the women who have been internally trafficked are eventually caught up in international trafficking circuits.

II. Methodology

The research was carried out during the period between the 15th of December 2002 and the 23rd of February 2003. The research method employed a mixed-methods approach and was based on the ILO Rapid Assessment Survey) especially elaborated for research on trafficking in South Eastern Europe as well as on interviews with experts and focus groups with selected migrants. The actual research was done by a team consisting of members of the ESTUAR foundation.

2.1. Aims of the study

The major aim of the study was to better understand the emigration flows from Romania, particularly with trafficking and non-trafficking related forced labour outcomes. This distinction was adopted in order to better investigate possible existing differences between those deceived at the outset of the migration project, i.e. in the country of origin, and later coerced during employment (trafficked victims of forced labour) and those that were not deceived yet became victims of forced labour later on in the migration project. This distinction will shed light, amongst other reasons, on the importance of international border crossing in defining of a victim of trafficking. It will also contribute to knowledge on different degrees of victimhood related to forced labour outcomes of migration and routes into it. In addition, these two groups of participants will be compared against those returned migrants that were not subject to any coercion at any stage in the migration project ('successful migrants') in order to answer question such as: Do different groups of participants desire to work abroad for the same or for different reasons? What makes one person more at risk of trafficking? What makes a person more likely to become a victim of forced labour yet without having been deceived from the out start? In order to answer these questions, this study will examine the vulnerability factors associated with trafficked and non-trafficked victims of forced labour.

This research will also look at job placement abroad and the recruitment channels the participants used. For example, whether appealing to an intermediary (individual) or an agency (official, semi-official or a seemingly official organisation) to provide a job abroad and organise transport to the destination country plays a significant role in the distinction between victims of trafficking/forced labour and successful migrants.

Next, the research examines the employment conditions in the country of destination. More specifically, it looks at the different forms of coercion used by employers/traffickers. There are several objective criteria that permit classification of employment situations as forced labour. These include physical violence or the threat of it, threats of reporting the irregular status of the migrant to the police resulting in deportation, social and/or physical isolation, debt bondage, forced drug use, starvation, the confiscation of identity documents, and the withholding of wages or underpayment for non-compliance with the employer. However, it is as yet unclear how many of these criteria are needed to classify a situation as 'forced labour', how pertinent they are, if other criteria exist, and, last but not least, if forced labour resulting from trafficking and forced labour resulting from irregular migration in general are more prone to specific types of coercion.

A final objective of this research is to look at how participants exited forced labour situations. Did they escape on their own or were they helped by a third party? This question will be answered by considering the assistance participants received in the employment country.

The scope of this study does not include the trafficking of minors. Nonetheless, the sample does contain some minors and participants who were minors at the moment of migration. These will not receive specific attention, but will be regarded as part of the trafficking and migration phenomenon in general⁵.

⁵ For more information, see the IPEC Rapid Assessment study on child trafficking from Romania (in press).

2.2. Sampling

The criterion for choosing migrants was that the person had migrated at least once (86% of the participants had migrated abroad at least once for employment. The others had migrated more than once). Participants were contacted using snowballing and were chosen at seven different starting points, out of which two are located in the problematic North Eastern region of Romania. This is an area characterized by a higher than average poverty rate, bordering the Republic of Moldova (currently the poorest nation of Europe) and widely credited with a high propensity towards irregular migration as well as vulnerability to trafficking practices.

- Bucharest (24 respondents)
- Botosani (North east of Romania – 20 respondents)
- Cluj (North of Romania – 22 respondents)
- Constanta (South east of Romania – 22 respondents)
- Iasi (North east of Romania – 24 respondents)
- Ploiesti (South of Romania – 24 respondents)
- Timisoara (South west of Romania – 24 respondents)

2.3. Sample characteristics

The most crucial variable of this study is the one differentiating trafficked from non-trafficked victims of labour, as well as from successful migrants (i.e. those not having experienced forced labour situations in the country of employment).

Trafficked victims of forced labour VS Non-trafficked victims of forced labour VS Successful migrants

The criteria used to establish whether a participant was trafficked or not were based on the definition of trafficking in human beings of the 2000 Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. For the purposes of the Protocol, ‘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, servitude or the removal of organs (art. 3).

Since there is no consensually agreed upon definition of ‘exploitation’ and since there is a definition of ‘forced labour’, the latter concept has been used in this research to signify severe labour exploitation. Forced labour has been defined by the ILO Forced Labour Convention 1930 (No. 29) as follows:

All work or service which is exacted from any person under the menace of penalty and for which the said person has not offered himself voluntarily (Art. 2).

The ‘menace of penalty’, as mentioned in the definition, is seen to include not just penal sanctions, but may also take the shape of the loss of rights or privileges (ILO 2003a). Moreover, the idea of work or service being offered voluntarily implies that the person providing the services or doing the work, is doing so with his/her freely given consent. Consent is considered to become irrelevant if coercion, persuasion or deception is used in order to place the person in forced labour. In addition, for freely given consent to be considered as such, it must also be free to be revoked. The workers’ right to choose their own employment remains inalienable (Ibid.).

Thus, the definition of ‘trafficking’ as given in the Palermo Protocol and the ILO definition of ‘forced labour’⁶ allowed the distinction between trafficked victims of forced labour, non-trafficked victims of forced labour and successful migrants to be made. Questions of the survey pertaining to forced labour, as well as to deception during the initial recruitment by an intermediary in the home country have been used to concretely differentiate between the three categories of migrants that are of interest in this study.

□ Questions on forced labour/exploitation:

Which of the following factors were very serious, serious, not serious or not applicable in preventing you from leaving your work?

1. Use of violence against me
2. Use of violence against others close to me
3. Debts to employer/intermediary
4. Lack of freedom of movement
5. Withholding of wages
6. Threats of violence against me
7. Threats of violence against others close to me
8. Threats of being reported to the police
9. Threats of deportation

If the participant considered at least one of these factors serious or very serious in preventing him/her from leaving her employment, than he/she is considered to have been in a situation of forced labour and highly likely to be under the control of the trafficker/employer.

□ Questions on deception:

1. What destination had you agreed on with the organizers of your journey? Was this where you went?
2. Did the terms and conditions of your work correspond to what you had agreed on?

If the participant had been deceived as to the destination country and/or the conditions of employment, then, for the purpose of this research, he/she is considered to have been deceived by an intermediary from the outset.

Those participants that had been **both deceived at the outset of the migration project and coerced** at the final employment stage are considered victims of trafficking for the purpose of this study. In this case, it is assumed that the purpose of deceptive recruitment was to put the migrant in a forced labour situation without his/her consent. If the participant was not deceived from the outset yet still experienced coercion

⁶ The ILO definition of Forced Labour explicitly refers to forced labour and services. In this study the term ‘forced labour’ will be used for the purpose of simplicity, though implying both forced labour and forced services.

during final employment, this participant is categorised as a ‘victim of forced labour’. However, it is very important to note here that this distinction is made for the purpose of the study in order to achieve some of the aims set out above as well as being interesting from a sociological point of view. The Palermo Protocol is relatively open to interpretation meaning that both of the groups of victims defined by this research could be considered as ‘victims of trafficking’ according to the Protocol. Furthermore, at a practical level, many organisations will define a migrant as a ‘victim of trafficking’ regardless of whether he/she was deceived, coerced or persuaded with intention to put him/her in forced labour from the outset. Often the label is given based on the forced labour situation a migrant found him/herself in.

It must be noted that, due to the lack of data for some respondents, the number of victims of trafficking considered in this research is a minimum. If data on deceptive recruitment were missing, for example, but the person had still experienced forced labour, the participant was not included in the category of victims of trafficking. Thus, the number of victims of trafficking in this research may be under-estimated.

Using the composite variables of forced labour and deception, we find that 37 (23.1%) participants out of a total of 160 were trafficked victims of forced labour. 22 (13.8%) participants were non-trafficked victims of forced labour, thus they became victims of forced labour/exploitation in the country of employment without having been deceived by an intermediary from the outset with the purpose of putting them into a forced labour situation. A 101 (63.12%) of the participants were successful migrants. The latter did not experience forced labour situations in the destination country, though this does not exclude other forms of, possibly severe, exploitation.

2.4. Limitations of the study

This study encountered numerous methodological obstacles⁷. From the onset, the fact that there is no agreed upon definition of labour exploitation constituted a problem. Forced labour has been taken as a substitute for labour exploitation for two reasons. The first is that the Palermo Protocol mentions forced labour as a criterion for defining the purpose of human trafficking. The second reason is that the ILO has a Forced Labour Convention 1930 (No. 29) with a supervisory mechanism in the form of an ILO committee of experts which has dealt with trafficking under the convention since it entered into force in 1930. As such, the concept of forced labour has a consensually agreed upon definition. It can be regarded as the most extreme form of labour exploitation. Nevertheless, it is hard to distinguish between forced labour and other forms of severe exploitation.

Apart from definitional problems, there were problems associated with the design of the study. A major flaw is the fact that the interviewees were all returned migrants. Though this is probably the best way to approach the sampling difficulties involved in a study on a covert and underground topic, it nonetheless implies that the results are less representative. A good example of this is the time spent in forced labour abroad. Basing the period of forced labour on returned migrants means that only those who managed to exit it are considered, not those remaining in forced labour and who are perhaps not able to exit it. Thus the time spent in forced labour is likely to be grossly underestimated.

The sampling problems were aggravated by the fact that a snowballing method was used to identify interviewees for a more quantitative study. Many of the victims of trafficking were contacted via IOM shelters. Though time saving, this means that the representativeness of the findings is weak. Another factor is the difference in size of the two groups of participants. Comparisons between migrants and victims of trafficking are unlikely to yield representative results. Nonetheless, comparisons between the

⁷ For more information on the difficulties of researching trafficking, see Andrees, B. and van der Linden, M.N.J. (forthcoming) ‘*Designing trafficking from a labour market perspective: The ILO experience*’, International Migration Review, Geneva.

two groups will be made to provide indications as to the mechanisms behind emigration from Romania and to the risk factors associated with trafficking in human beings.

A problem associated with the questionnaire was that it is based on a definition of trafficking as a cross-border movement. Trafficked victims of forced labour were defined as those having experienced deceptive recruitment in the country of origin with the intent of being placed in forced labour in the country of destination. As such, the questionnaire does not distinguish internal trafficking. Some migrants may go to the country of destination without being trafficked, yet may be trafficked once they have already entered the destination country. This means that some of the migrants classified as non-trafficked victims of forced labour may in fact be trafficked victims of forced labour. This weakness in the study was only discovered in retrospect. Other studies on trafficking and forced labour commissioned by the ILO have brought to light that many victims of forced labour are recruited in the country of destination. They may travel to the employment country on their own without help from an intermediary or agency. Once arrived, they are recruited into forced labour, often through agencies. Unfortunately this study does not allow the investigation of this type of recruitment.

As to the actual interviewing, it is suspected that social desirability may have influenced the answers. It is generally known and accepted that returning migrants tend to exaggerate the good sides and underplay the more negative ones about their experience abroad. In the case of forced labour and trafficking – particularly for sexual exploitation – there is the risk of social stigma if the matter becomes public. When taking into account that forced labour and trafficking constitute highly sensitive topics, it should not be forgotten that pride, honour and shame may bias the way interviewees answer questions. Again, this could lead to an underestimation of the numbers of victims in this study, as well as the severity of the conditions under which they were made to work.

Though this study may have certain lacunae, it must not be forgotten that it is covering new ground. Trafficking in human beings remains an under-researched topic, and only few attempts have been made to look at the wider implications, in particular the forced labour outcomes in other sectors than the sex industry. It is hoped that the results of this study may give indications as to certain trends, and inspire future research on the matter.

Finally, considering the large number of obstacles that this study encountered, one may ask why it took up the challenge to attempt to distinguish between trafficked and non-trafficked victims of forced labour as the difference between these two categories is not always clear at a conceptual level and even harder to determine at a practical level. However, the distinction between trafficked and non-trafficked victims of forced labour has serious political consequences, as the emphasis on forced labour/exploitation not related to trafficking would require looking at migration as a whole instead of just at the crime of trafficking without putting it into context. It would also require an analysis of the restructuring of economic sectors that goes well beyond an analysis of the demand for sexual services. Since the ILO is primarily concerned with the outcome – in this case forced labour – it advocates protection for the victims and prosecution of those who benefit from forced labour regardless of how they have organised their journey or where they came from.

III. Results⁸

3.1. Vulnerability factors

Vulnerability factors are characteristics of a potential migrant's individual, social and structural environment that put him/her at risk of trafficking. In this section, first micro vulnerability factors will be considered. These include, for example, civil status and education. Then macro scale risk factors will be reviewed, such as unemployment and financial situation. However, first of all some existing data on victim profiles will be looked at in order to give a better overview of the limited literature available on vulnerability factors.

3.1.1. Existing information

The Regional Clearing Point (2003) found that the overwhelming majority of Romanian victims of trafficking were female, between 18 and 24 years old at the time of their return, and all were trafficked for the purpose of sexual exploitation. Furthermore, half of the identified and assisted victims of trafficking were from Romania's poorest region, Moldova, and 75% came from abusive families.

The National Clearing Point data on victims of trafficking converges with the findings of some other studies. The following risk factors were discovered in recent research (IOM 2003) on the profiles of Romanian women and girls that became victims of trafficking in Romania.:

- Living in a big city and being originally from poverty areas in Romania (Moldova and Muntenia) where a sense of community is absent
- Having suffered abuse, irrespective of whether living with family or in a home for children
- Poor parent-child communication
- Low sense of social belonging
- Lower level of education
- Group of friends that mainly value money
- Poor connection with the church
- Earnest desire for independence, especially in financial terms
- Precarious economic situation and lack of perspectives
- Believing in successful migrant stories

3.1.2. Demographic Characteristics of the Participants

Gender

The sample of the ILO rapid assessment survey consisted of 88 (55%) men and 72 (45%) women. Women were over-represented in the category of victims of trafficking: 25 victims out of 37 (67.6%) were female. Similar proportions are to be found in the category of non-trafficked victims of forced labour: 14 (63.6%) were female. On the contrary, men were over-represented in the group of successful migrants, which consisted of 68 (67.3%) of men.

⁸ This section uses, amongst other forms of presentation, percentages to illustrate the data obtained in the study for the purposes of clarity. However, since the results obtained are not representative, these figures should not be taken as such but rather as indicative of trends.

Graph 3



Age

The age of the sample ranged from 14 to 52 years old. The average age of successful migrants (M: 28.73, SD: 6.81) was higher than that of trafficked victims of forced labour (M: 23.37, SD: 5.12). However, non-trafficked victims of forced labour were more similar to successful migrants in this sense (M 29.63, SD 8.85).

The age range for successful migrants was 17-52 years old, whereas the age range for trafficked victims of forced labour was 14-24 years old, and that of non-trafficked victims of forced labour was from 17-33 years old. Thus all groups contained minors. In addition, it must be taken into account that the age considered is the age of the participants during the interview. Therefore the number of participants below the age of 18 while in forced labour and/or trafficking situations, must have been larger than the number of participants that were minors at the moment of interviewing.

Graph 4



Education

The data on the number of years of formal education show that successful migrants (M: 12.57, SD: 2.37) tend to have the most years of formal education, whereas trafficked victims of forced labour (M: 10.14, SD: 2.81) tend to have the least. Non-trafficked victims of forced labour (M: 12.00, SD: 3.74) occupy an intermediary position.

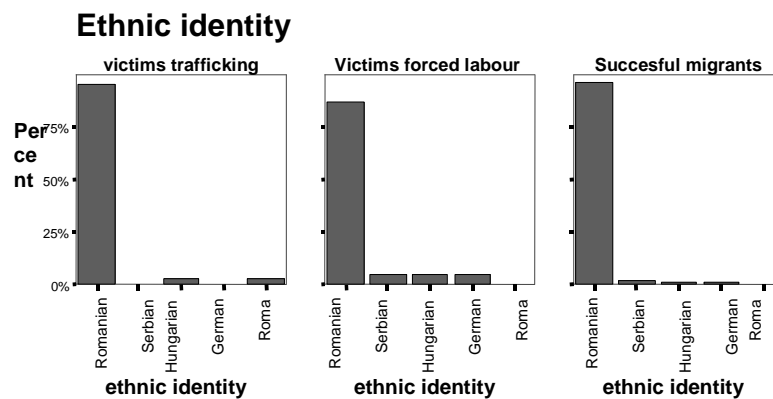
Graph 5



Ethnic identity

Though all participants in the research had Romanian citizenship, their ethnic backgrounds varied. The large majority of all three groups were ethnic Romanians (successful migrants 96%, non-trafficked victims of forced labour 86.4%, trafficked victims of forced labour 94.6%). Moreover, the distribution of the counties of origin of all participants was relatively even.

Graph 6



Civil and family status

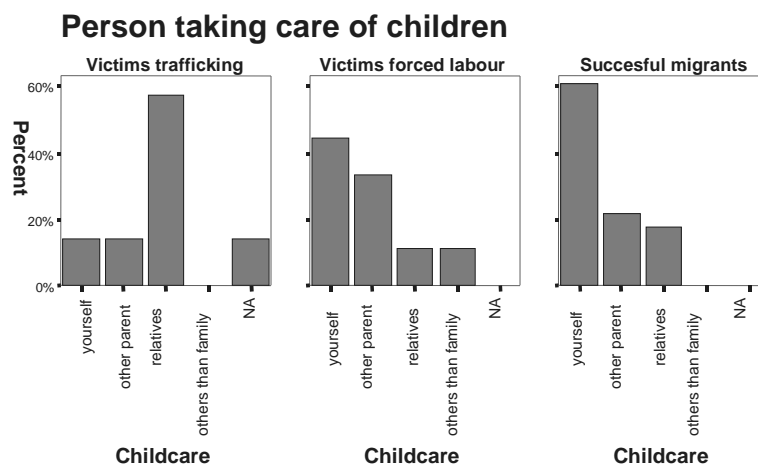
The civil and family statuses of the participants falling into the three categories investigated in this research are not significantly different. The majority were single (trafficked victims of forced labour 67.6%, non-trafficked victims of forced labour 40.9%, successful migrants 53.5%), except in the case of non-trafficked victims of forced labour, who tended to be married slightly more frequently (45.5%).

Moreover, the majority of participants did not have any children (trafficked victims of forced labour 75.7%, non-trafficked victims of forced labour 59.1%, successful migrants 76.2%). Those who had children, most frequently only had one (trafficked victims of forced labour 71.4%, non-trafficked victims of forced labour 66.7%, successful migrants 78.3%). In most cases the migrant him/herself was financially

responsible for the child(ren) (trafficked victims of forced labour 85.7%, non-trafficked victims of forced labour 66.7%, successful migrants 82.6%). However, fewer migrants in general had the financial responsibility for elderly family members (trafficked victims of forced labour 16.2%, non-trafficked victims of forced labour 40.9%, successful migrants 26.7%).

An exception to the similarities between the three groups of participants regarding family structure is the person taking care of the child(ren). Though those successful migrants who had children tended to take care of them themselves (60.9%), this task was more or less evenly distributed between the migrant and the other parent in the case of non-trafficked victims of forced labour (44.4% took care of their children themselves, in 33.3% of the cases the other parent had this responsibility). However, the children of trafficked victims of forced labour were predominantly taken care of by relatives other than the partner (57.1%).

Graph 7



Summary

The above section on demographic characteristics of successful migrants as well as trafficked and non-trafficked victims of forced labour, points to some of the micro-vulnerability factors associated with forced labour. First of all, the results indicate that victims of forced labour in general, as opposed to successful migrants, tend to be more often women. The gender proportions are radically inversed for successful migrants.

Age-wise, trafficked victims of forced labour tend to be the youngest, whereas non-trafficked victims of forced labour and successful migrants tended to be five to six years older. However, the relations are slightly different in the case of education: Trafficked victims of forced labour tend to have the least amount of years of formal education, followed by non-trafficked victims of forced labour, successful migrants being generally the most educated category.

An interesting observation in this study is that almost all participants were ethnic Romanians. This is not in line with literature on trafficking claiming that discriminated groups are more vulnerable to trafficking. In the case of Romania, the Roma would constitute such a group. However, the findings in this research do not substantiate this preconception. This could be due to sampling bias, though it could also be a true product of the research. More research into this area could be undertaken in Romania.

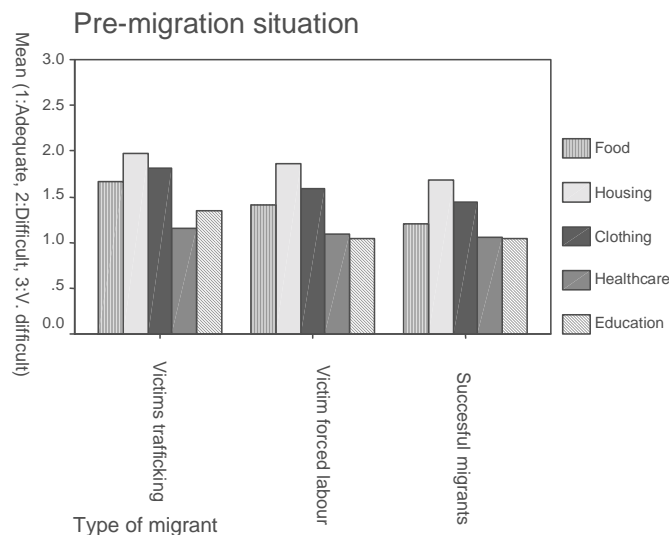
The civil and family statuses of all participants were very similar. An exception to this similarity is childcare. Whereas children of successful migrants were usually cared for by the migrant him/herself and the children of non-trafficked victims of forced labour were cared for either by the migrant or by the other parent, trafficked victims of forced labour tended to have relatives other than their partner take care of their children. This is perhaps linked to the fact that they tend to be younger. Nevertheless, it could also be associated with other vulnerability factors related to the medical, psychological and financial situation of the returned trafficked victim.

In general, this section on micro-vulnerability factors has demonstrated that out of the three groups of migrants investigated in this study, trafficked victims of forced labour tend to be the youngest, the least educated, and more often female. As such, they can be considered to be most at risk. Successful migrants tend to be older, more educated and are frequently men. Thus they are part of the less at risk social groups. Non-trafficked victims of forced labour occupy an intermediary position on the continuum of micro-vulnerability factors: In some ways they are more comparable to trafficked victims of forced labour, in others they are more like successful migrants.

3.1.3. Pre-migration situation

As can be seen from graph and table below, none of the mentioned aspects of the pre-migration situation – food, housing, clothing, healthcare, and education - are considered entirely adequate. The pre-migration situation of victims of trafficking is generally more difficult than the situation of migrants. The most problematic facets of the pre-migration situation for all three groups are those concerning housing, followed by clothing and food in a hierarchical order. Healthcare and education appears to be slightly more adequate for trafficked victims of forced labour than for the other two groups of participants.

Graph 8



What is noteworthy about the graph above is that, though none of the participants consider their pre-migration situation adequate with respect to the factors mentioned, this is especially so for trafficked victims of forced labour, followed by non-trafficked victims of forced labour. These findings can be seen more clearly when looking at the proportions of participants in each group that considered their pre-migration situation adequate (see table below). All factors, except for housing, are considered least

adequate by trafficked victims of forced labour. They are deemed more adequate by non-trafficked victims of forced labour and most adequate by successful migrants.

Table 1

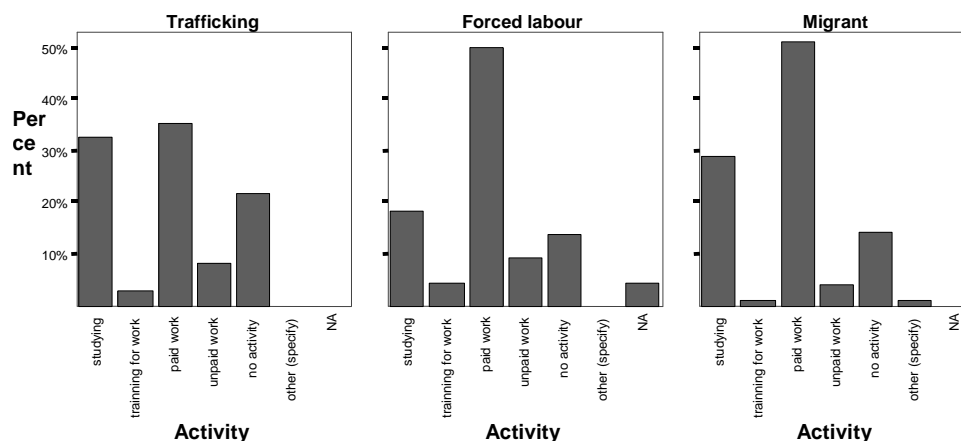
Pre-migration situation

		Type of migrant		
		Victims trafficking	Victims forced labour	Successful migrants
		Col %	Col %	Col %
Food	adequate	45.9%	63.6%	78.0%
Healthcare	adequate	78.4%	81.8%	90.0%
Clothing	adequate	37.8%	40.9%	62.0%
Housing	adequate	32.4%	22.7%	44.0%
Education	adequate	64.9%	77.3%	89.0%

A similar picture emerges when looking at how the participants found their pre-migration situation compared to other people living in the same area. Though few participants consider themselves as well-off compared to others (trafficked victims of forced labour 8.1%, non-trafficked victims of forced labour 13.6%, successful migrants 14%), trafficked victims of forced labour consider their situation more often poorer (43.2%) than others in their surroundings compared to non-trafficked victims of forced labour (27.3%), who, in turn, consider their situation more frequently poor than successful migrants (16%).

Graph 9

Pre-migration occupation



A likely reason that could explain why trafficked victims of forced labour feel that their pre-migration is so inadequate, even more than non-trafficked victims of forced labour and successful migrants, is that few of them were in paid activities before migrating (see graph above). Indeed, only 35.1% of trafficked victims of forced labour were in a paid activity before migrating, compared to 50.0% of non-trafficked victims of forced labour and 51.0% of successful migrants.

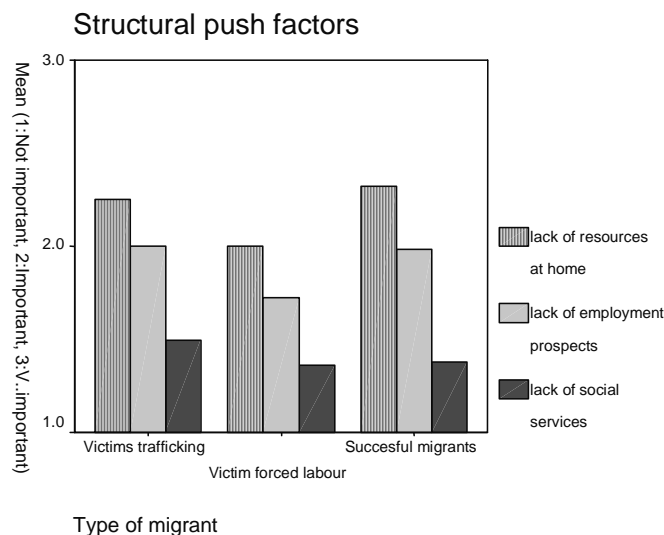
Summary

This section has shown that the pre-migratory conditions of all participants were unsatisfactory. Housing conditions appear to be particularly problematic. Furthermore, all migrants perceive their own standards of living to be worse than those of others in their entourage. Again, this perception is more pronounced in the case of trafficked victims of forced labour, followed by non-trafficked victims of forced labour and successful migrants in a decreasing order. This could possibly indicate that victims of trafficking experience higher levels of relative deprivation than migrants in general, probably resulting in a higher level of risk to being trafficked. Nonetheless, the data indicate that also non-trafficked victims of forced labour may experience more relative deprivation than successful migrants.

3.1.4. Push and pull factors

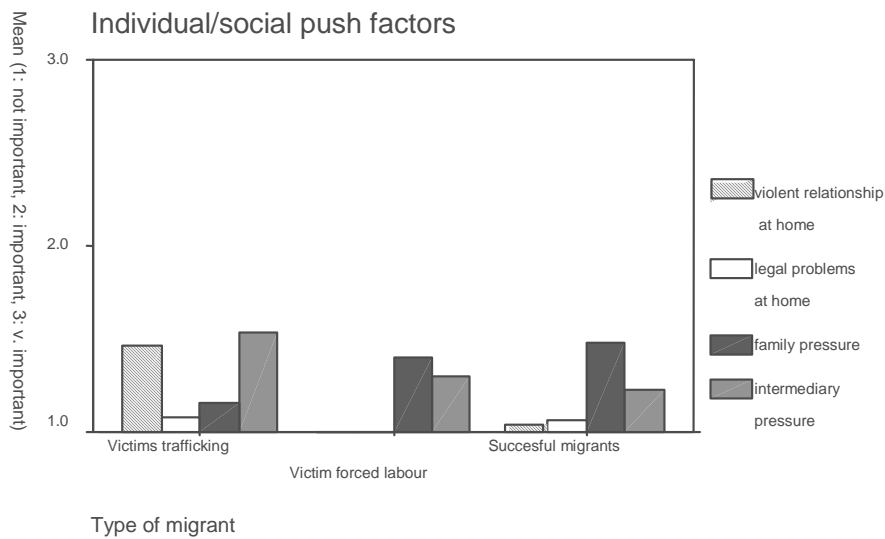
This section is based on questions pertaining to the degree of influence several factors had on the decision to migrate. Push and pull factors can be of several types. For reasons of convenience and clarity they have been divided into two main categories: structural and individual/social factors, though in practice they may overlap.

Graph 10



The above graph indicates that the importance of the structural push factors considered is the same for all three types of migrants investigated in this study. The most important structural push factor is the lack of resources at home (trafficked victims of forced labour M 2.26, SD 0.85, non-trafficked victims of forced labour M 2.22, SD 0.88, successful migrants). Secondly, the lack of employment prospects is deemed most crucial, followed by the lack of social services. These factors are likely to be related to the perception of lack of perspectives and economic precariousness that IOM (2003) distinguishes as a vulnerability factor.

Graph 11



The graph above, showing the more social and individual push factors, demonstrates that violent family relationships have a much higher influence on trafficked victims of forced labour (M 1.67, SD 0.91) than on either of the other two categories of migrants (non-trafficked victims of forced labour M 1.00, SD 0.00, successful migrants M 1.11, SD 0.42).

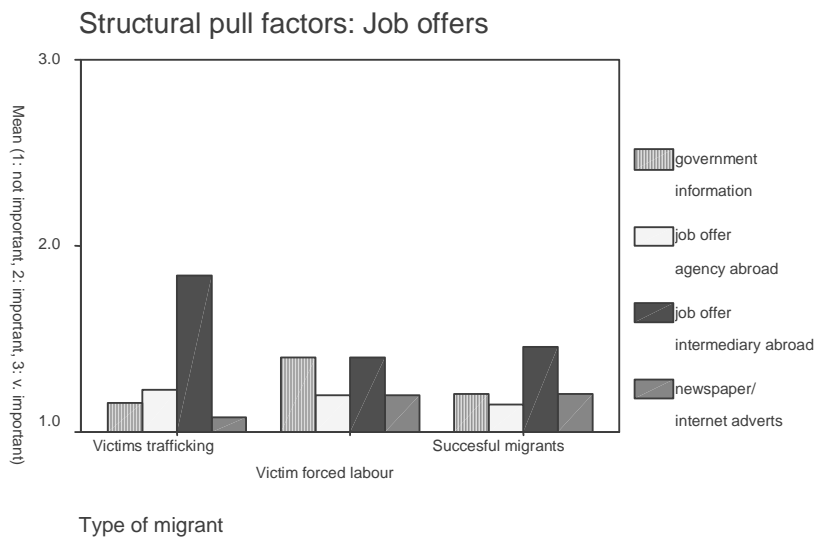
.... my father drank more and more and started sending me lots of 'clients'. He forced me to prostitute myself, to bring money to the family... One day I believed I was going to a party by car, but I soon found out that actually my father had sold me and that I was on my way to Former Yugoslavia instead...

(Woman – victim of trafficking)

However, trafficked victims of forced labour (M 1.20, SD 0.56) are less influenced by family pressure than non-trafficked victims of forced labour (M 1.54, SD 0.66) and successful migrants (M 1.57, SD 0.77), which appears slightly contradictory but is perhaps related to responsibility of caring for children investigated in the previous section.

Intermediary pressure had an influence on all participants, but more so in the case of trafficked victims of forced labour (M 1.92, SD 0.89), followed by non-trafficked victims of forced labour (M 1.38, SD 0.65) and successful migrants (M 1.48, SD 0.73) in a decreasing order.

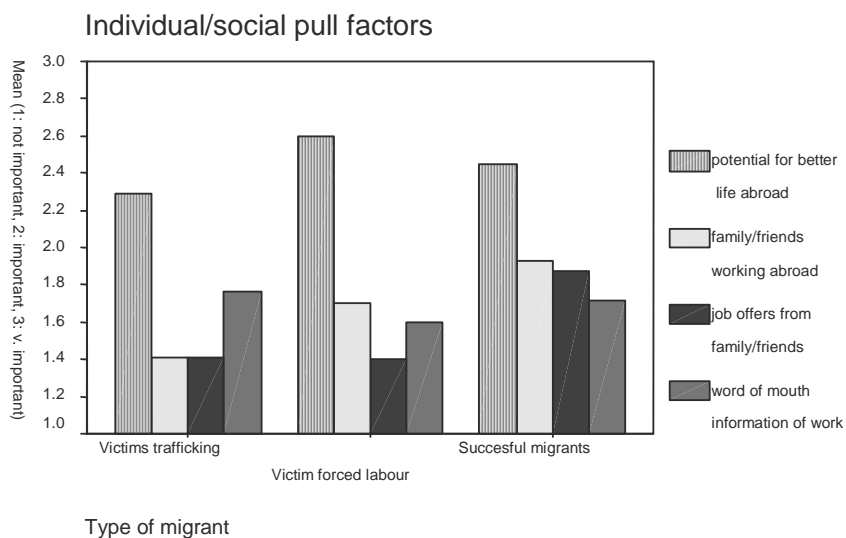
Graph 12



When looking at pull factors that are more structural and concern information about jobs abroad, it can be seen that trafficked victims of forced labour (M 2.29, SD 0.81) put a lot more emphasis on job offers by intermediaries than on any other sources of information. Nonetheless, job offers from intermediaries also played a prominent role in the decision of non-trafficked victims of forced labour (M 1.69, SD 1.85) and successful migrants (M 1.59, SD 0.78) to go abroad.

The second most important information source concerning job offers abroad varied for each group. Trafficked victims of forced labour (M 1.38, SD 0.62) considered recruitment agencies as relatively important, though the importance of agencies did match that of intermediaries. Non-trafficked victims of forced labour gave around the same weight to intermediary information about job offers as to government information (M 1.40, SD 0.84). Successful migrants gave more or less equal attention to information coming from government (M 1.30, SD 0.67), agencies (M 1.26, SD 0.64), and press advertisements (M 1.28, SD 0.63).

Graph 13



When taking into account individual/social pull factors of emigration, the above graph implies that for all types of migrant considered in this study the potential for a better life (trafficked victims of forced labour M 2.59, SD 0.61, non-trafficked victims of forced labour M 2.61, SD 0.70, successful migrants M 2.58, SD 0.66) is one of the most crucial reasons influencing the decision to leave the home country.

Having family and friends working abroad is deemed slightly less important in the decision making process by trafficked victims of forced labour (M 1.50, SD 0.62) than by non-trafficked victims (M 1.62, SD 0.77) and particularly compared to successful migrants (M 2.01, SD 0.76). This could indicate that the latter two groups of participants have more social networks abroad, constituting a protective factor against trafficking. Word of mouth information on work abroad and the job offers from family and friends abroad are factors considered less important than the perception of the potential for a better life abroad or having family and friends already working abroad.

Summary

The most important push and pull factors investigated in the section are the lack of resources at home, the lack of employment prospects, the lack of social services and the potential for a better life abroad. This desire is probably linked to the inadequate pre-migration situation of the participants. Thus the ultimate approach to the prevention of trafficking and forced labour outcomes of irregular migration would in the creation of the potential of a good life in the home country, i.e. in the development of the economy, local labour markets, and so on.

When taking into account individual/social push factors, trafficked victims of forced labour appear to be in more abusive relationships than other migrants. Indeed, the existing literature on victim profiles points in the same direction. However, non-trafficked victims of forced labour and successful migrants appear to be more influenced by family pressure. These findings may seem contradictory, but can perhaps be accounted for by the fact that those non-trafficked victims of forced labour and successful migrants that have children tended to be more involved in them (taking care of them personally) and so may have felt more responsibility towards them. However, these interpretations need much further research in order to have firm ground.

The data also point to the importance of the intermediary and the job offers and information about jobs abroad these provide. Though existing literature clearly illustrates the importance of intermediaries in the recruitment of trafficked victims of forced labour, they are also highly pertinent to the other migrants considered in this study. None of the sources of information are as crucial as the intermediary, not even the government. This most probably indicates a substantial lack of valid information of migration possibilities, or, if this information exists, a lack of access to it.

3.2. Organisation of travel and job placement

3.2.1. Existing information

Trafficking is inevitably linked to intermediaries using deceptive recruitment practices. Even those who are not strictly speaking traffickers can be involved in these kinds of practices. However, deceptive recruitment is not solely linked to trafficking for forced labour, though it certainly is the most severe type of deceptive recruitment as it leads to control of the trafficker over the victim. Non-trafficked victims of forced labour may also experience deceptive recruitment. Though in this case the person is not recruited with the intention of putting him/her in a forced labour situation, it makes the person more vulnerable to such outcomes.

A typical example of this type of recruitment is the charging of excess fees. For instance, Romanian migrant workers pay 3000 US\$ to be able to work in Israel for six months (Kav LaOved 2002). These expenses are for air fair (250 US\$), medical check-ups (100 US\$), the Israeli Contractor Association, representatives, mediators and contacts (2500 US\$). The mediation fees are said to reach up to 10 000 US\$ in a country where mediation fees are illegal. The large majority of Romanian workers do not have the financial back-up to pay the fees asked by intermediaries. As a result they accumulate debt and can end up in situations of debt bondage, making them particularly vulnerable to forced labour and trafficking.

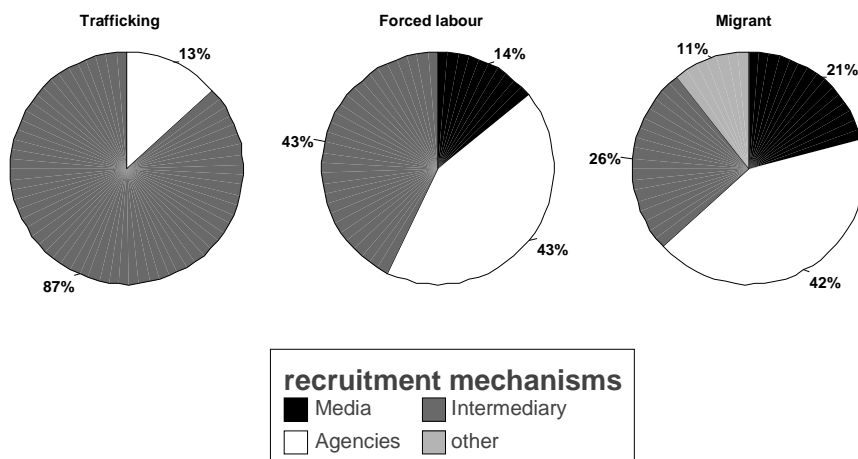
To tackle trafficking, as well as forced labour outcomes of migration in general, at the roots, it is essential to take into account the recruitment stage. This section will consider recruitment mechanisms for victims of trafficking and the other migrants, as well as the services provided by the recruiters.

3.2.2. Recruitment

54.1% of all migrants were aware of the recruitment methods that their employers/traffickers used (trafficked victims of forced labour 51.7%, non-trafficked victims of forced labour 38.9%, successful migrants 59.4%). As the graph below illustrates, those keeping trafficked victims in forced labour predominantly appeal to intermediaries⁹ to recruit workers (86.7%). Though the employers of successful migrants also appeal to intermediaries (26.3%), their use of different recruitment methods is more diversified and balanced. Employers of successful migrants also use, for example, agencies (42.1%) and media advertisements (21.1%).

Graph 14

Recruitment methods used by employers

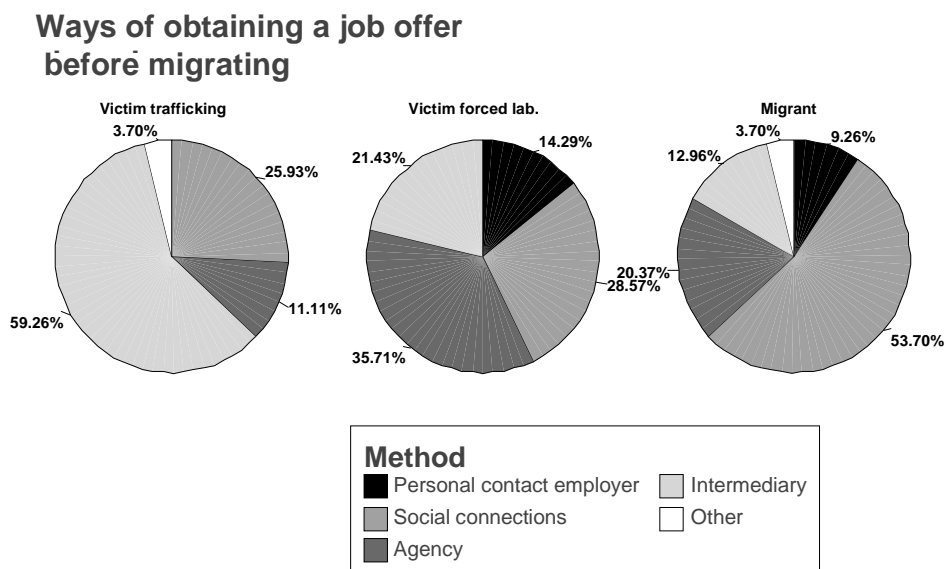


⁹ An intermediary is understood to be an individual recruiter, whether part of a network or not (e.g. a friend, a family member, a friend of a friend, etc). An agency is understood to mean one or more individuals recruiting legally, semi-legally, or under a façade of legality (e.g. private recruitment agency, tourist agency, matrimonial agency, etc.)

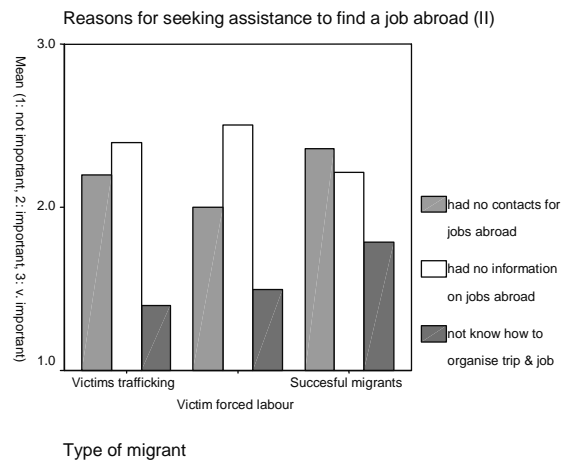
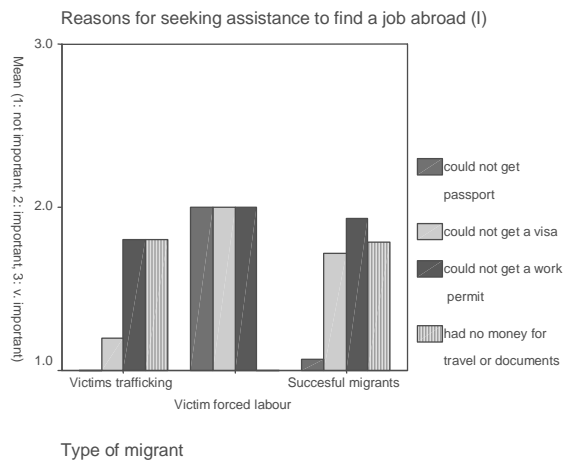
The pie charts below, illustrating the methods by which migrants obtained job offers, somewhat reproduces the methods of recruitment used by employers shown in the graph above. Trafficked victims of forced labour mainly obtained their job offers abroad from intermediaries (59.3%). Non-trafficked victims of trafficking appealed mostly to agencies (35.7%). Successful migrants obtained their job offers through friends and family (53.7%). This latter finding is in concordance with a previous finding indicating that having friends and family abroad greatly influences the successful migrant's decision to leave for work abroad.

Moreover, trafficked victims of forced labour never had any personal contact with their employer-trafficker concerning a job offer. This was not the case for non-trafficked victims of forced labour (14.3%) and successful migrants (9.3%), some of which did have personal contact with their employer concerning a job offer.

Graph 15



As illustrated by the two graphs below, the main reasons for all participants to seek assistance from intermediaries or agencies to find work abroad are the lack of contacts abroad (trafficked victims of forced labour M 2.20, SD 0.84, non-trafficked victims of forced labour M 2.33, SD 1.15, successful migrants M 2.36, SD 0.74) as well as the lack of information on jobs abroad (trafficked victims of forced labour M 2.40, SD 0.89, non-trafficked victims of forced labour M 2.50, SD 0.71, successful migrants M 2.25, SD 0.77). Once again, the importance of information on labour migration and actual job offers abroad is demonstrated by these data.



Summary

This section points to the importance of assistance from intermediaries and agencies in the recruitment process. Trafficked victims of forced labour are mainly recruited by intermediaries and non-trafficked victims of forced labour by agencies. Successful migrants mainly use their social connections or are recruited by an employer abroad using diverse methods of recruitment.

The fact that successful migrants mainly use their social connections abroad once again points to the importance of these in preventing trafficking and forced labour situations. The lack of information on labour migration and the lack of provision of job offers abroad in the home country incite potential migrants to seek assistance, thus exposing them to abuse. The most obvious way to impede this kind of abuse is therefore two-pronged: The efficient distribution of correct information to potential migrants, as well as improved migration management allowing potential migrants access to job offers from abroad.

3.2.3. The journey and destination

The main destination countries for the first trip abroad differed according to the different types of migrants. For trafficked victims of forced labour, the most important destination was former Yugoslavia (45.0%), followed by Italy (18.9%). This information points to the famous ‘Balkan route’, named so because large numbers of trafficked victims are taken to or through the Balkans. Compared to trafficked victims of forced labour, the other two groups of migrants were less focussed in one country during their first trip abroad and were more evenly spread out over several countries. Non-trafficked victims of forced labour went mainly to Turkey (22.7%), as well as to Greece and Germany (both 18.2%). Successful migrants tended to go to Greece (25.7%) and Germany (16.8%).

Those who were deceived as to the destination country were all trafficked victims of forced labour: 16 out of the 37 (43.2%) were deceived. Of these deceived victims 12 (32.4%) had been promised Italy as a destination, one (2.7%) was promised Greece and another Cyprus as a final destination, but all were taken to Ex-Yugoslavia instead. Moreover, one victim of trafficking had been promised England as a destination, but was instead taken to Japan. The realisation that one has been deceived can be very difficult to cope with for victims of trafficking.

...I was deceived. I should have left for Greece, but I arrived in Macedonia instead. Here I was kept in a hotel and forced to “work” in a bar... I couldn’t believe my ears when I found out that I had been sold and would be forced to prostitute myself. I had to pay the employer the price he paid for. When we didn’t want to “work” we were beaten and I have heard that some girls were killed when they tried to run or resist...

*(Woman trafficked for the purpose of sex work,
destination country: Former Yugoslavia)*

Maltreatment during the journey was not uncommon, particularly for trafficked victims of forced labour. 29.7% of these were beaten during the journey, compared to 13.6% of non-trafficked victims of forced labour and 1% of successful migrants. Though there is no information available on the person who beat the migrants, taken into account that it happened a lot more frequently to trafficked-victims of forced labour, it is highly probably that the abuse was carried out by the trafficker. This might also be the case for non-trafficked victims of forced labour, which, though not recruited deceptively, may end up in trafficking-like situations, thus illustrating the overlap between trafficking and other types of irregular migration, such as smuggling.

The idea that trafficking can overlap with other types of irregular migration is also supported by the data on the purchasing and selling of migrants. 22 (13.8%) of the participants interviewed had been sold directly to their employer either during their journey or their stay abroad. Of these, 18 (48.6%) were trafficked victims of forced labour and 4 (3.3%) were non-trafficked victims of forced labour, thus not deceptively recruited yet still becoming victims of trafficking for forced labour on the trip from the country of origin to the country of exploitation¹⁰. Of the participants that had been sold, only 4 (18.2%) had been sold once the rest had been sold and purchased repeatedly. Sometimes the selling and purchasing of migrants was allegedly done with the consent and cooperation of the person being sold, as illustrated by the quote below.

Some “professional” girls had deals with their pimps to sell them many times. The pimp would sell a girl for 3000 US\$, after which she would run away from her new owner and return to him. Then he resold her and she would run away again, and so on. They would split the money every time. It all depended on the courage of the girl and on her trust in the pimp...

(Man, successful migrant, destination country: Greece)

Summary

The data show that an important majority of victims of trafficking end up in former Yugoslavia. Though this is probably associated with the well-known ‘Balkan Route’, it could also be due to sample bias. The research contacted several victims through IOM shelters, which are linked to referral mechanisms in the Balkans. The distribution of the other migrants investigated in this study tends to be less concentrated on one country in particular, though Italy appears to be a preferred country of employment.

¹⁰ Being bought and sold, and thus treated as a commodity, is generally being perceived as a definite criteria of trafficking. However, the data indicate that some non-trafficked victims of forced labour in the study were also bought and sold. Though this is most likely due to an overlap between the different groups of migrants in this study, it could also be that these particular migrants were in fact victims of internal trafficking. The questionnaire was not sensitive enough to allow the identification of this particular category of migrants (cf. the Limitations section of the Methodology chapter).

The figures on the treatment of migrants during the journey point to the fact that all irregular migration can potentially lead to situations where the migrant finds his/her rights violated. Nonetheless, trafficked victims of forced labour find themselves in a more vulnerable position than other migrants. Non-trafficked victims of forced labour may also find themselves in trafficking-like situations during the journey, though not having been recruited with the intent of putting them in forced labour or service. This hints at the overlap between trafficking for forced labour and forced labour as an outcome of non-trafficking related irregular migration. Indeed, it appears that trafficked and non-trafficked forced labour are two points on a continuum of forced labour outcomes of migration and are hence not always clearly distinguishable.

3.3. Employment in destination country

3.3.1. Background information

Trafficking and forced labour outcomes in the West are linked to the demand for cheap labour and sexual services. A major factor influencing this demand is the restructuring of the economy, also affecting the industrial sectors that employ mainly irregular migrants in low-skilled occupations (see Stalker 2000 for example).

One of the results of the restructuring of the economy is that many industries and services have relocated to third world countries in order to reduce costs. Those industries/services that cannot be relocated only remain profitable by employing very cheap labour. Industries such as these include the textile and garment industries (the famous sweatshops), horticulture and agriculture, as well as domestic service. A well-known example of an industry employing migrant workers is the El Ejido agricultural area in Spain, which produces fruits and vegetables. During the harvesting season, 92% of the workforce is made up of migrants; roughly half are thought to be irregular (ILO 2003b).

The need for cheap labour, resulting in practices such as subcontracting and outsourcing, as well as contributing to a large extent to the creation and sustained functioning of the ethnic niche, finds its solution in the shape of, mostly irregular, migrants. Migrants are often willing to work longer and harder than native workers, and for lower wages. However, migrant worker rights are not always respected, particularly since large parts of the industries mentioned above are located in the shadow economy.

The sex industry, also employing many migrants, is equally situated to a large extent in the informal economy. Sex work is often seen as the foremost sector employing women victims of trafficking. Indeed, trafficking has traditionally been associated with the trade of women for the purpose of sexual exploitation, yet has been reshaped because of factors such as communication over the Internet and the use of private apartments. The sex industry continues to be a major sector receiving irregular migrants.

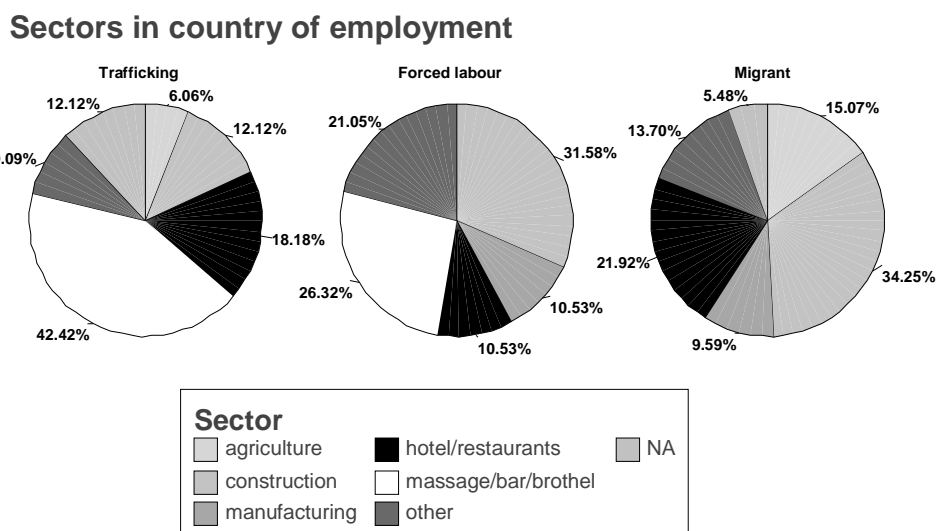
This section will investigate the sectors employing irregular migrants, the conditions the latter are working in, as well as the forms of coercion experienced by victims of forced labour. In addition, a closer look will be taken at the ways migrants exit forced labour situations.

3.3.2. Nature of employment abroad

Regarding the sectors of the employers of the migrants (see graph below), the majority of employers of trafficked victims of forced labour are active in jobs in massage parlours, bars and brothels (42.4%), comprising a part of the service sector. Although there was also a relatively high percentage of non-trafficked victims of forced labour (26.3%) working in this sector, they were mostly present in construction (31.6%). Successful migrants were also predominantly present in construction (34.2%),

though there was a relatively high proportion of successful migrants working in hotels and restaurants (21.9%).

Graph 16



The main activities of migrants while in employment abroad reflect the image, not surprisingly, portrayed by the sectors in which their employers were active.¹¹ A relative majority of trafficked victims of forced labour were performing tasks related to sex work (45.9%), though some were also active as machine-operators, in seaming (10.8%) or construction (10.8%). Non-trafficked victims of trafficking were mostly doing activities related to sex work (27.3 %) and construction (27.3%), as well as personal care work (13.6%). Successful migrants were less focussed in one specific activity and performed a variety of tasks, including construction work (19.8%), child- care and personal work (14%), as well as agricultural work (12.8%).

Working time and conditions

Trafficked victims of forced labour spent a considerably larger amount of time in forced labour in the country of destination. They spent an average of 9.79 months (SD 7.20) in forced labour, whereas non-trafficked victims of trafficking (M 7.46, SD 6.33) and successful migrants (M 7.33, SD 6.77) stayed around three months less in forced labour.

Apart from spending longer periods of time in forced labour, trafficked victims also worked more days and hours per week (see the two graphs below). Though the majority of all three categories of participants worked 7 days a week, this majority was largest in the case of trafficked victims of forced labour (78.4%), followed by non-trafficked victims of forced labour (63.6%), and finally successful migrants (41%).

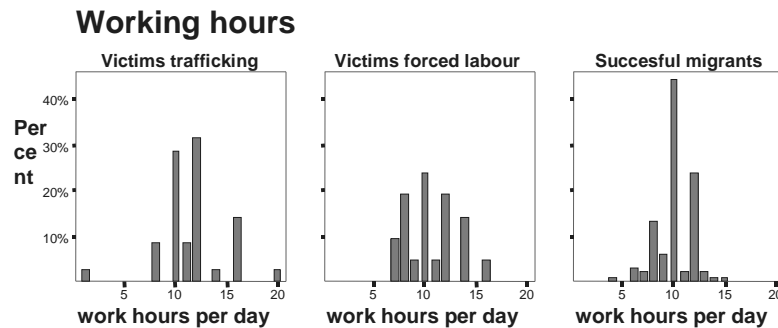
¹¹ Only when 10% or more of a category of migrants had performed these activities were the latter mentioned.

The picture drawn by the data on working hours is similar. Most trafficked victims of forced labour worked either 12 hours a day (31.4%), or 10 hours a day (28.6%). The majority of non-trafficked victims of forced labour worked 10 hours a day (23.8%), as is the case of successful migrants (44.3%).

Graph 17



Graph 18



As such, all migrants were exploited: None were working regular 5-day weeks and 8-hour working days. However, trafficked victims of forced labour were the most severely exploited group in this research. Successful migrants were the least exploited; non-trafficked victims of forced labour once again occupied an intermediary position.

...In the morning, between eight and one o'clock I was cleaning in a hotel, and from four in the afternoon to two o'clock in the morning I was working in a bar... I realized I was exploited. I worked hard and I was paid better than in Romania, but not as well as Italian employees... I decided to leave when I was physically aggressed by a consumer from the bar and by my employer...

(Woman, non-trafficked victim of forced labour, destination country: Italy)

Regarding working conditions in the workplace, these were clearly the worst for trafficked victims of forced labour, though generally unsatisfactory for all migrants. The factor that most clearly distinguishes between the three groups of participants is danger. 67.7% of trafficked victims of forced labour considered their workplace abroad dangerous. Non-trafficked victims of forced labour also found their workplace dangerous (54.5%), though successful migrants did not find their workplace dangerous (78%).

The majorities of all three groups of migrants did not find their workplace unhealthy. However, this majority was a lot larger for successful migrants (84%) than for trafficked victims of trafficking (51.4%), non-trafficked victims of forced labour once again occupying a position in between those of the other two groups (68.2%).

The perception of the cleanliness at the workplace mirrors that of the health aspects. Majorities of all groups of migrants did not find their workplace unclean. However, this majority was significantly smaller for trafficked victims of forced labour (51.4%) than for non-trafficked victims of forced labour (77.3%) and successful migrants (76%).

'The conditions were tough. Many things to do. You were so busy that you couldn't tell that you were exhausted. Breaks were too short... My boss told me that if I didn't like something, I could leave anytime. He always said that there were many people who would take my place to make some money.'

(Man- successful migrant;
destination country: Italy)

Despite the working conditions, only a few of the victims of trafficking and migrants had their workplace publicly inspected; many were not actually aware of whether their workplace had been inspected or raided by the police (see graphs below¹²) Public inspections of the workplace were few and did not vary greatly between the different groups of participants in the study (trafficked victims of forced labour 18.9%, non-trafficked victims of forced labour 22.7%, successful migrants 14%).

However, there was a notable difference between the three groups regarding police raids. These were considerably more frequent in the case of trafficked victims of forced labour (56.8%), than for non-trafficked victims of forced labour (18.2%) and successful migrants (8%). This is probably because of the association between crime, sex work and trafficking that has been found in other research.

Graph 19



Graph 20



Wages

As for wages, the data obtained in this research give little indication as to how much migrants earn as the question pertaining to this issue remained largely unanswered. Nonetheless, there is information on the ways in which they were compensated for their work as well on what migrants spend their earnings.

¹² DKN: Don't know.

Table 2

Compensation for work

			Type of migrant		
			Victims trafficking	Victims forced labour	Successful migrants
receiving money	yes	Col %	62.2%	81.8%	97.0%
receiving shelter	yes	Col %	83.8%	59.1%	54.0%
receiving food	yes	Col %	75.7%	40.9%	53.0%
receiving down payments on debts	yes	Col %	21.6%	0.0%	1.0%
receiving clothes	yes	Col %	32.4%	9.1%	8.0%
receiving alcohol	yes	Col %	43.2%	22.7%	6.0%
receiving tobacco	yes	Col %	43.2%	31.8%	5.0%
receiving drugs	yes	Col %	24.3%	9.1%	0.0%

All migrants received financial compensation for their work, though more so in the case of successful migrants (97%), then in the case of non-trafficked victims of forced labour (81.8%), and least in the case of trafficked victims of forced labour (62.2%). Furthermore, trafficked victims of forced labour were more often compensated in non-financial ways in general than the other two groups of migrants, but particularly the successful migrants. Non-financial compensation was predominantly given in the form of shelter and food for all migrants.

Table 3

Ways of spending wages

			Type of migrant		
			Victims trafficking	Victims forced labour	Successful migrants
spent money	yes	Col %	37.5%	44.4%	51.0%
saved money	yes	Col %	16.7%	44.4%	44.0%
sent money home to family	yes	Col %	37.5%	44.4%	33.0%
repaid debts	yes	Col %	25.0%	11.1%	13.0%

The table above illustrates how migrants spent their money. Trafficked victims of forced labour spent less money and also saved less money than the other two groups of migrants. This may be due to the fact that they receive less money for their work compared to non-trafficked victims of trafficking and successful migrants. About the same proportions of all three groups sent money home to their families. What is notable is that trafficked victims of forced labour spent money on repaying debts with a ratio of 2:1 compared to the other two groups of migrants. This most likely points to debt bondage mechanisms, often used to keep trafficked victims of forced labour in slavery-like conditions.

Summary

The data on employment abroad has revealed that trafficked victims of forced labour are over-represented in the sex work industry. This is no surprise; the same information is abundant in research on trafficking and it is well known that trafficking is predominantly related to sex work and women. Non-trafficked victims of forced labour are present mainly in the sex work industry as well as construction. Once again,

they fall between trafficked victims of forced labour and successful migrants. Successful migrants are over-represented in construction, though also present in a diverse number of sectors. This is contrary to trafficked victims of forced labour, who tend to be concentrated in a fewer number of sectors.

All three categories of migrants were working considerably more than a regular five-day, forty-hour week. Thus all of them were exploited in this sense. However, the exploitation of trafficked victims of forced labour was a great deal more severe than that of non-trafficked victims of forced labour and successful migrants. Trafficked victims of forced labour also tended to stay longer in forced labour situations: Almost 10 months, compared to a little over 7 months for non-trafficked victims of forced labour and successful migrants.

Working conditions were the worst for trafficked victims of forced labour. This was especially apparent when considering the estimated level of danger in the workplace. Trafficked victims of forced labour overwhelmingly found their workplace dangerous. Non-trafficked victims of forced labour also found their workplace dangerous, but not to the same extent as trafficked victims. Successful migrants generally did not find their place of work dangerous.

Taking into consideration the high levels of danger at the work place, it is somewhat surprising to note the low level of public inspections. However, police raids were a lot more common in the case of trafficked victims of forced labour. This is most probably linked to their over-representation in sex work, often associated with crime.

Compensation received for work done differed according to the category of migrants. Trafficked victims of forced labour received less financial compensation and more payment in kind compared to the other groups of migrants, especially compared to successful migrants. Payment in kind was predominantly in the form of shelter and food.

The financial compensation was spent in various ways by the migrants. However, trafficked victims of forced labour more often used the money earned on repaying debts than the other two groups of migrants.

3.3.3. Forms of Coercion

Introduction

This section investigates some of the main forms of coercion used to keep victims of forced labour in severe exploitative conditions. The forms of coercion explored include the use of violence, threats of violence, debts to the employer or trafficker, lack of freedom of movement, the withholding of wages and threats of being reported to the authorities and of deportation. All forms of coercion investigated are to be interpreted as being used with the intent of keeping the victims in a forced labour situation. For example, the form of coercion ‘violence against me’ should be considered as the use of violence by an employer/trafficker with the aim of the continued severe exploitation of the victims.

A Multiple Components Analysis showed that the forms of coercion investigated can be categorised into two components: ‘Direct restraint’ and ‘Indirect restraint’. The first component includes forms of coercion that emanate directly from the trafficker/employer, such as violence of the employer towards the victims, of the employer threatening the victim with violence if the latter refuses to comply with the former’s wishes.

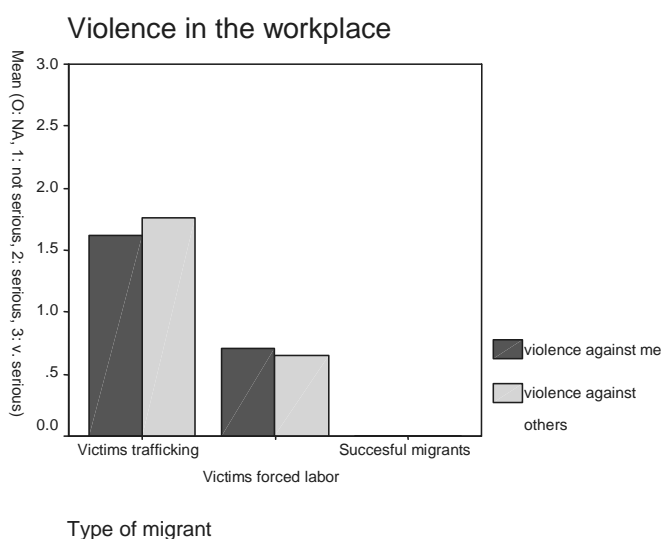
The most important form of coercion was found to be the ‘lack of freedom of movement’. Because of its importance, this variable is explored in more depth. In addition, the confiscation of ID documents,

considered a prominent form of coercion in trafficking situations, is also given extra attention in this section.

This section on forms of coercion experienced by migrants in forced labour situations also analyses the data according to gender. The reason for this is that being female is generally considered a potential risk factor for violence and abusive relationships. As such it is interesting to see if this association also exists within a forced labour context. Indeed, the results show that this is the case.

Main types of coercion¹³

Graph 21

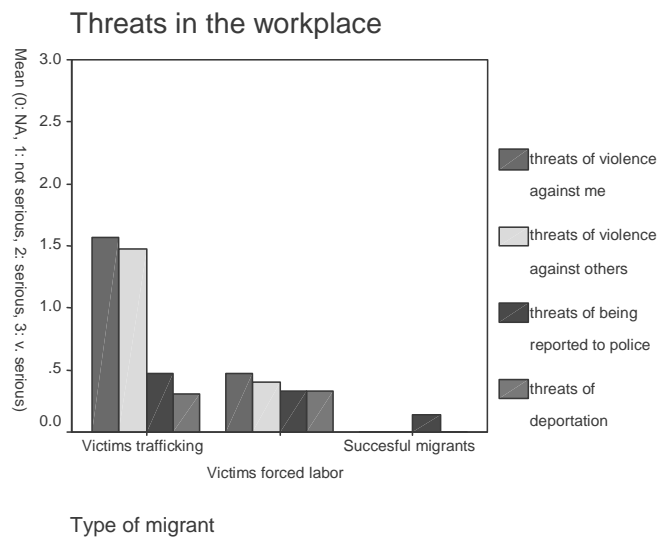


The above graph illustrates that trafficked victims of forced labour are more prone to experiencing violence at the workplace than non-trafficked victims of forced labour. Nevertheless, the only group not experiencing violence at the workplace are the successful migrants.

40.5% of trafficked victims of forced labour considered the violence they experienced at the workplace as very serious. Violence against others was equally high at 37.8%. The numbers for non-trafficked victims of forced labour were somewhat lower: ‘Violence against oneself’ was considered very serious in 18.2% of cases, ‘violence against others’ also in 18.2% of cases. Successful migrants did not perceive themselves to have experienced any kind of violence at the workplace.

¹³As detailed in the method, the distinction between victims of forced labour (trafficked or not) and other migrants is based on whether they were subject to coercion while abroad or not. Therefore, none of the participant in the category of ‘other’ or ‘more successful migrants’ experienced any coercion. Yet this group has been included in the analysis to provide the reader with more clarity.

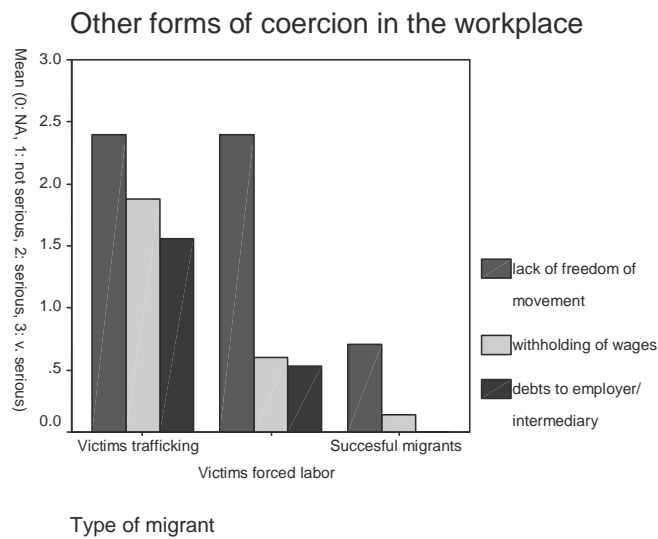
Graph 22



For trafficked victims of forced labour serious threats at the workplace are mainly related to violence, either aimed at the victims of trafficking him/herself, or at others (e.g. other people at the workplace, but also loved ones). 40.5% of trafficked victims of forced labour considered the threats of violence against themselves and others as very serious. Non-trafficked victims of forced labour considered threats related to violence considerably less important than victims of trafficking. Indeed, non-trafficked victims of forced labour evaluated threats of violence against oneself very serious in only 13.6% of cases, and threats of violence against others were perceived as being very serious in only 9.1% of cases. None of the remaining migrants deemed these threats serious.

Threats of being reported to the police and of deportation (these two threats are very much related since reporting to the police of the irregular status of the migrant is likely to lead to deportation) are not seen to be serious for any of the migrants. Hence, it appears that threats at the workplace are linked a lot more to violence than to other types of threats. This may be linked to the perception of danger in the work place, especially pronounced in the case of trafficked victims of forced labour.

Graph 23



The most important form of coercion at the workplace is the lack of freedom of movement. 62.2% of trafficked victims of forced labour deemed the lack of freedom of movement very serious. 54.5% of non-trafficked victims of forced labour were of the same opinion. Successful migrants considered the lack of freedom of movement neither pertinent to their case nor serious.

The withholding of wages for non-compliance with the employer' demands, as well as debt-bondage, appear to be coercion mechanisms mostly used in trafficking situations. 40.5% of trafficked victims of forced labour perceived the withholding of wages to be a very serious factor in preventing them from leaving the workplace. Compared to non-trafficked victims of forced labour, this type of coercion is very high. Only 4.5% of victims of forced labour reckoned the withholding of salary a very serious factor preventing them from leaving their employment. None of the successful migrants experienced the withholding of wages as a form of coercion preventing them from leaving the workplace.

Debt-bondage, though less significant than the withholding of wages, was nevertheless experienced as a serious factor preventing the leaving of employment by 32.4% of trafficked victims of forced labour. Debt-bondage, defined as debts by the migrant to either the employer or recruiter, was considered either not serious or not applicable by the remaining participants.

A Principal Components Analysis with a Varimax rotation shows that the forms of coercion so far explored in this section fall in two categories. The first component, explaining 49.28% of the variance, is composed of the following variables: 'Violence against me', 'violence against others', 'debts to the employer/intermediary', 'lack of freedom of movement', 'withholding of wages', 'threats of violence against me and threats of violence against others'. It appears that this factor embodies the most commonly used criteria of forced labour and could therefore be called **'direct restraint'**.

The second component explains 22.54% of the total variance. It is composed of two variables: 'Threats of being reported to the police', as well as 'threats of deportation'. As already mentioned, these two variables are bound to overlap since reporting to the police of the irregular status of the migrant frequently results in deportation. Thus this factor could be called **'indirect restraint'**.

Table 3

Rotated Component Matrix^a

	Component	
	1	2
violence against me	.919	.102
violence against others	.938	-.125
debts to the employer/intermediary	.741	.277
lack of freedom of movement	.564	.287
withholding of wages	.469	.370
threats of violence against me	.871	.344
threats of violence against others	.927	-.116
threats of being reported to the police	5.438E-02	.930
threats of deportation	7.655E-02	.842

Extraction Method: Principal Component Analysis.
Rotation Method: Varimax with Kaiser Normalization.

a. Rotation converged in 3 iterations.

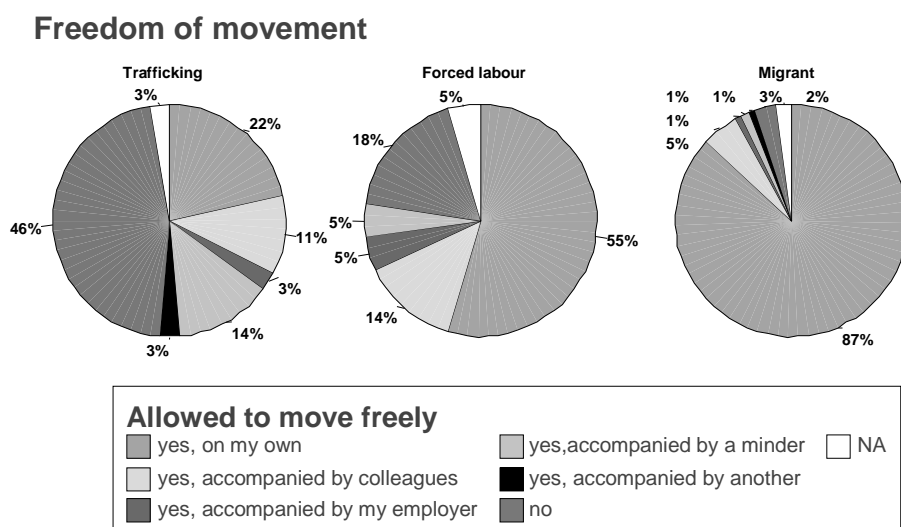
Lack of freedom of movement

As already noted above, 62.2% of trafficked victims of forced labour and 54.5% of non-trafficked victims of forced labour were subjected to lack of freedom of movement. 45.9% of trafficked victims of forced labour were not allowed to go where they wanted. Moreover, a significant number of trafficked victims of forced labour were only allowed to go where they wanted if accompanied by a second person in the form of a colleague (10.8%) or a minder (13.5%). 21.6% of victims were allowed to go where they wanted on their own.

A majority of non-trafficked victims of forced labour (54.5%) were allowed to go where they pleased. 18.2% of this group of participants was not allowed to go anywhere on their own. A minority of non-trafficked victims of forced labour were allowed to go as they pleased provided they were accompanied.

A large majority (87%) of successful migrants were allowed to go as they pleased. Small minorities, not surpassing 5% were not free to go as they wanted, or only when accompanied by another person.

Graph 24



Confiscation of identity documents

In the literature on trafficking and forced labour, confiscation of identity and travel documents takes a prominent place. Of the 28 trafficked victims of forced labour that replied to the question ‘Did your employer keep your ID documents?’ 60.7% had their ID documents kept by their employers and did not have access to them (men 45%, women 55%). 10.7% of victims of trafficking did not have their ID documents kept by the employer (the remaining percentage constituted the ‘non-applicable’ category, which was ticked, for example, when the participants had no ID documents).

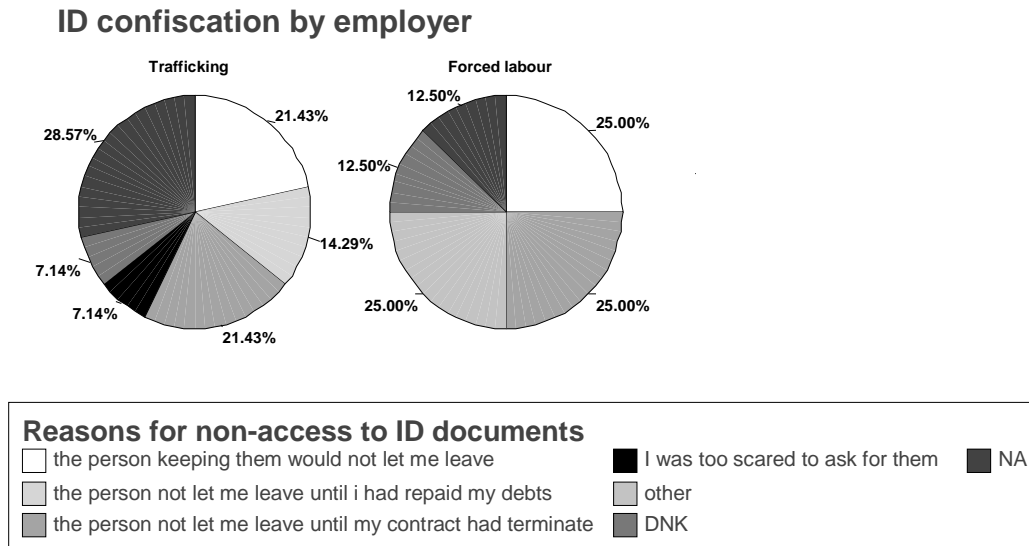
The main reasons why employers kept ID documents of trafficked victims of forced labour were that he/she wanted to prevent the worker from leaving (21.4%). More specifically, ID documents were detained because the person keeping the ID documents refused to let the victim of trafficking leave until the contract had terminated (21.4%).

Non-trafficked victims of forced labour unfortunately replied to the question on ID documents in very small numbers. Only 9 replied to the question pertaining to who was keeping the ID documents. Of the 9 non-trafficked victims of forced labour, the ID documents of 66.7% were in the hands of the employer, half of this group not having access to their ID documents. The ID documents of the remaining 33.3% of non-trafficked victims of forced labour were not in the possession of their employer.

The main reasons for detaining the ID documents of the non-trafficked victims of forced labour were that the person keeping them would not let the victims of forced labour leave (25%), and, in particular, the person keeping the ID documents refused to let the non-trafficked victim of forced labour leave until he/she had terminated the employment contract (25%). Finally, 25% of those who replied to this question were too scared to ask their employer for their ID documents.

Five successful migrants not having experienced forced labour, replied to the question pertaining to ID documents. Only one had his/her documents in possession of the employer, The reason for this was that the successful migrant was not allowed to leave until his/her so-called contract had terminated.

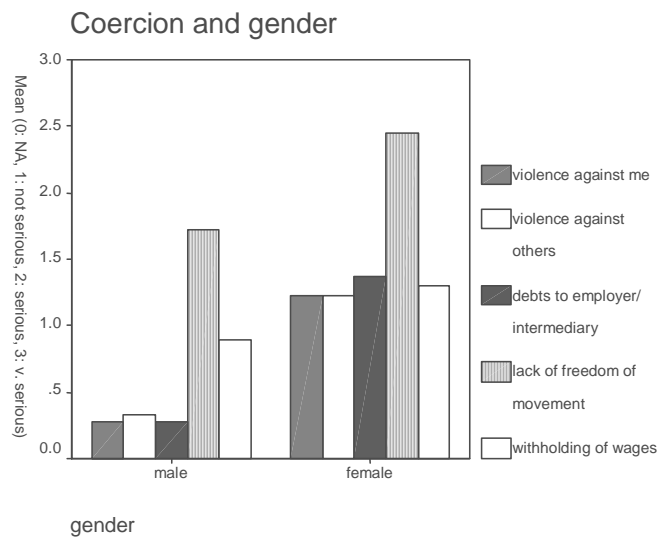
Graph 25



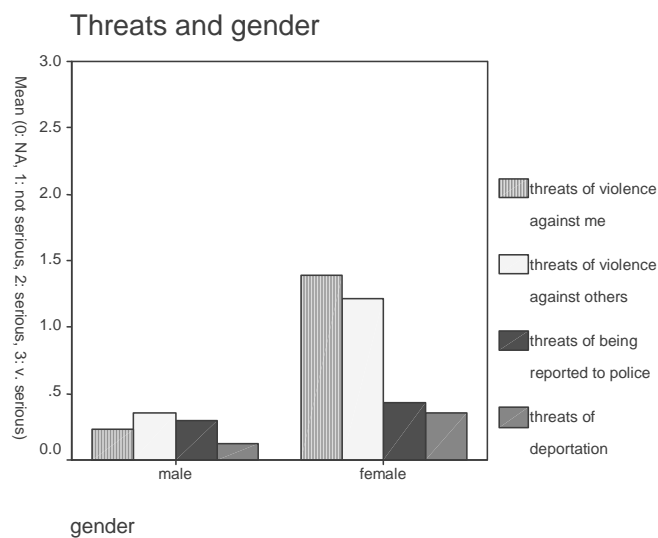
Coercion and gender

The graphs below illustrate the percentage of respondents perceiving the different forms of coercion investigated in this study prevented them from leaving their jobs. They show that women are significantly more prone to all types of coercion so far considered compared to men. This is especially so in the case of ‘lack of freedom of movement’ (men 33.3%, women 71.1%), ‘violence against me’ (men 5.6%, women 48.6%), and ‘threats of violence against me’ (men 5.6%, women 47.2%).

Graph 26



Graph 27



Summary

This section on forms of coercion points once again to the fact that trafficked victims of forced labour are more vulnerable and experience worse employment situations abroad than other types of migrants. Trafficked victims of forced labour are more prone to violence on the job abroad, are more likely to experience violence against others, and receive more threats related to violence than any other migrant investigated in this study. Debt bondage was also observed more often in the case of trafficked victims of forced labour than in the case of other migrants.

Nevertheless, non-trafficked victims of forced labour are not far behind on this indecent work continuum. Non-trafficked victims of forced labour in general also experience forms of coercion such as violence and threats of violence. Though they experience these less than trafficked victims of forced labour, they encounter them considerably more often than other migrants.

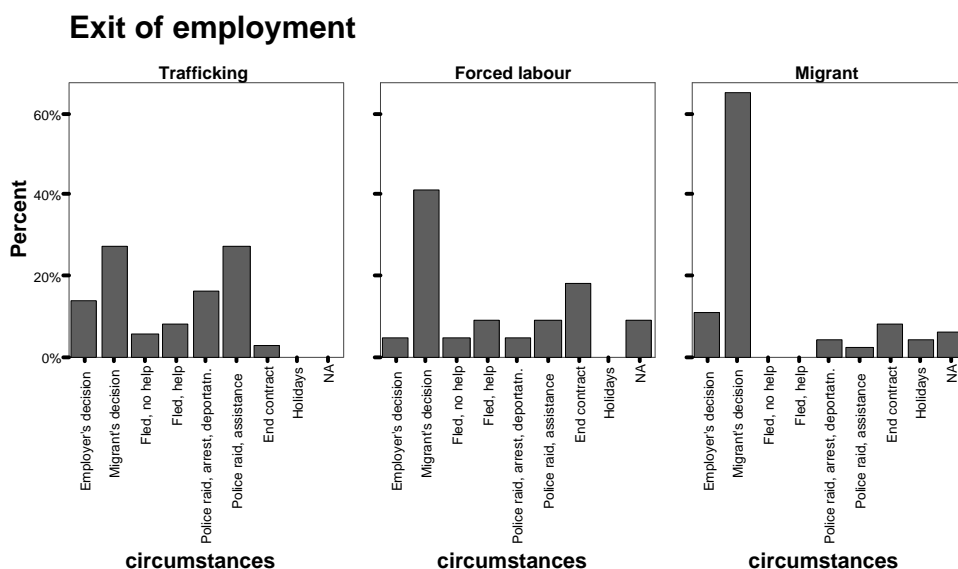
Moreover, women are more subject to coercion while in employment abroad than men. Thus the link between gender and violence is also present in a migration context. Women appear not only more vulnerable in the country of origin, but also in the country of employment.

Objective criteria of forced labour appear to fall into two factors: The main one can be termed ‘direct constraint’ and includes criteria such as violence and threats of violence. A second, and less important factor is the one that could be called ‘indirect constraint’. The most important single variable indicating forced labour is ‘lack of freedom of movement’, particularly pronounced in the case of victims of trafficking.

3.3.4. Exit

The main reason for successful migrants (65%) and non-trafficked victims of forced labour to leave their employment abroad (see graph below) was that they had made a decision to leave (40.9%). This reason had a lot less influence on the decision of trafficked victims of forced labour to leave their job (27%), though it remains one of the main motives in combination with referral to assistance after a police raid (27%).

Graph 28



The majority of migrants were unaware of workers’/migrants’ associations or any other organisations or individuals that could provide them with help (trafficked victims of forced labour 83.8% (31), non-trafficked victims of forced labour 86.4% (19), successful migrants 78% (78)) to exit the highly indecent work situation¹⁴. Of those who were aware of available assistance, the majority did not try to contact the relevant persons/organisations, especially so in the case of trafficked victims of forced labour (trafficked

¹⁴ The percentages given in this section are based on the answers of only a few participants. As such, the percentage has been supplemented by the actual count of participants, shown in brackets after the percentage. In some extreme cases of low response rates, only the count is given.

victims of forced labour 80% (4), non-trafficked victims of forced labour 33.3% (1), successful migrants 68.4% (13)).

Only 2.7% (1) trafficked victim of forced labour, 9.1% (2) non-trafficked victims of forced labour and 12.87% (13) migrants tried to seek assistance. Therefore there is unfortunately almost no information available on the reasons why trafficked and non-trafficked victims of forced labour may have sought assistance.

However, there is some information available on successful migrants and the reasons they had to seek assistance while employed abroad, though only based on 6 participants. In a decreasing order, the following reasons were mentioned: Just to visit (2); assistance to escape¹⁵ (1), advice on improving conditions (1), advice on regularising immigration status (1) and advice on health/housing (1). In addition, one non-trafficked victim of forced labour tried to contact assistance to ask for help to escape.

Again, largely due to the major unawareness of assistance sources, little information is available on reasons why participants deliberately did not contact relevant persons/organisations. Only 18 (11.25%) participants replied to the question concerning this topic, of which 4 were trafficked victims of forced labour, 1 was a non-trafficked victim of forced labour and 13 were successful migrants (see table below).

Table 4

Reasons for not contacting

			Type of		
			Victims trafficking	Victims labour	Successful migrants
no	yes	Coun	2		11
not	yes	Coun			1
too	yes	Coun	1		
no ID	yes	Coun	1		
scared of being	yes	Coun		1	
scared of being	yes	Coun		1	1
not think they could	yes	Coun	1		

16

Successful migrants that answered the question pertaining to reasons for not having sought assistance, gave as a main reason that assistance was not needed. Most of the reasons given by trafficked and non-trafficked victims of forced labour ('too scared', 'no ID documents', 'scared of being arrested' and 'scared of being deported') point at coercion, deception and persuasion used by the trafficker/employer to keep the migrant in a forced labour situation. Perhaps surprisingly, none of the migrants considered not being unable to speak the language of the destination country (not represented in the table above) as a reason for not contacting assistance.

14.4% (23) participants attempted to contact the police or other authorities (including embassies). The majority of these migrants were 59.4% (22) of trafficked victims of forced labour. Only 18.2% (4) of non-

¹⁵ This information appears contradictory since a successful migrant should not have to escape his/her employment, but be able to leave out of their free will. It is possible that this participant was incorrectly classified as a successful migrant due to a lack of data, and therefore in reality should be a victim of forced labour. On the other hand, it is possible that the classification was correct and that this particular results points at the overlap between the different categories of migrants investigated in this study.

¹⁶ Since the numbers are so low, the actual count has been given instead of percentages in order to avoid an over-estimation of the representativeness of the results in this section.

trafficked victims of forced labour tried to contact the police and just 7% (7) successful migrants. There were two main reasons to seek this kind of assistance for both types of migrants: Assistance to return home (6 trafficked victims of forced labour, 2 non-trafficked victims of forced labour and 2 successful migrants) and assistance to escape (6 trafficked victims of forced labour and 2 non-trafficked victims of forced labour).

Table 5

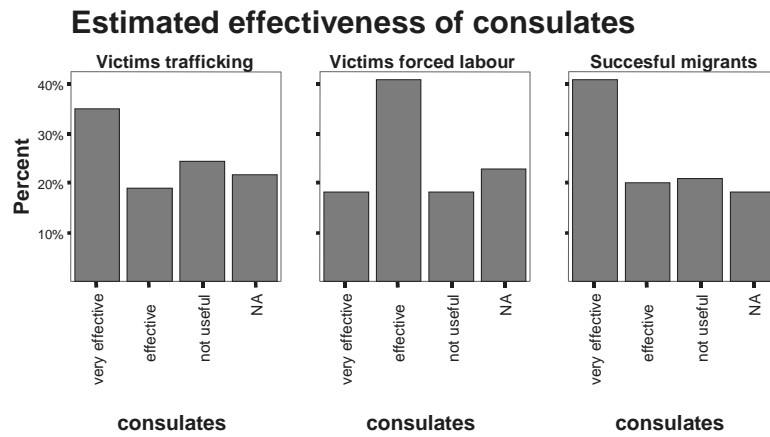
Reasons for not contacting the police/authorities

			Type of migrant		
			Victims trafficking	Victims forced labour	Successful migrants
no need	yes	Col %	39.1%	47.1%	77.3%
not able	yes	Col %	30.4%	0.0%	0.0%
too scared	yes	Col %	8.7%	5.9%	5.7%
no ID documents	yes	Col %	4.3%	5.9%	0.0%
illegally in the country	yes	Col %	4.3%	0.0%	8.0%
not speak the language	yes	Col %	4.3%	5.9%	2.3%
scared of being arrested	yes	Col %	4.3%	0.0%	3.4%
scared of being deported	yes	Col %	13.0%	17.6%	10.2%
the police are corrupt	yes	Col %	0.0%	5.9%	0.0%
not think they could help	yes	Col %	13.0%	17.6%	4.5%

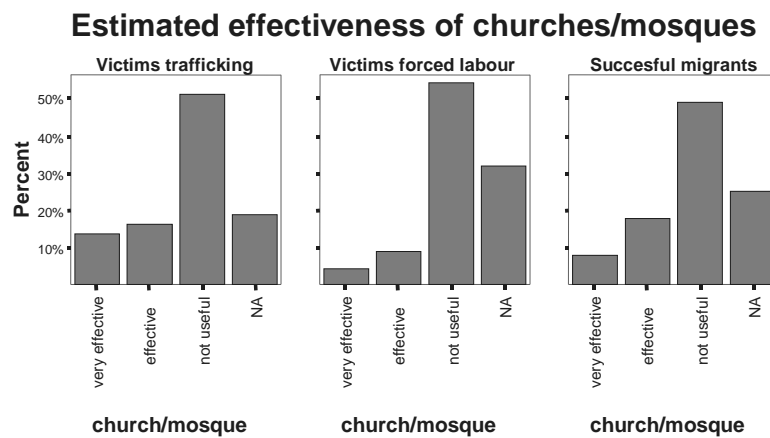
Out of a total of 160 participants, 127 (79.4%) did not contact the police; 22 (59.5%) were trafficked victims of forced labour, 17 (77%) were non-trafficked victims of forced labour and 88 (87.1%) were successful migrants. The reasons for not doing so varied only slightly according to the type of migrant. The main reasons for not contacting the police were that there was no need to do so (trafficked victims of forced labour 9, non-trafficked victims of forced labour 8, successful migrants 68) or, exclusively in the case of trafficked victims of forced labour (7) that they were unable to contact the police. This is easily explained by their lack of freedom of movement in the forced labour situation. Another important reason for not contacting the police was that migrants were scared of being deported (trafficked victims of forced labour 3, non-trafficked victims of forced labour 3, successful migrants 9).

When asked, based on their own experience, how effective some specified institutions could be as sources of information to workers abroad (see graphs below), local NGOs and migrant organisations (trafficked victims of forced labour 'very effective' 64.9%, non-trafficked victims of forced labour 'very effective' 31.8%, successful migrants 'very effective' 43%) were seen as being the most effective in general. However, consulates (trafficked victims of forced labour 'very effective' 35.1%, non-trafficked victims of forced labour 'very effective' 18.2%, successful migrants 'very effective' 41%) were also considered effective, especially so by victims of trafficking.

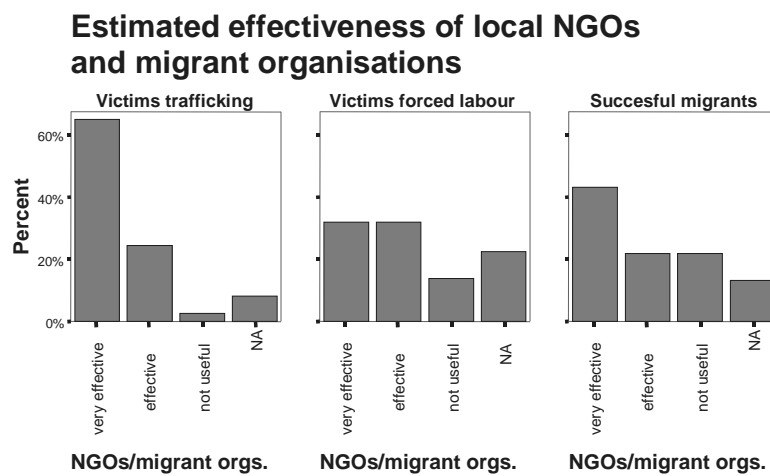
Graph 29



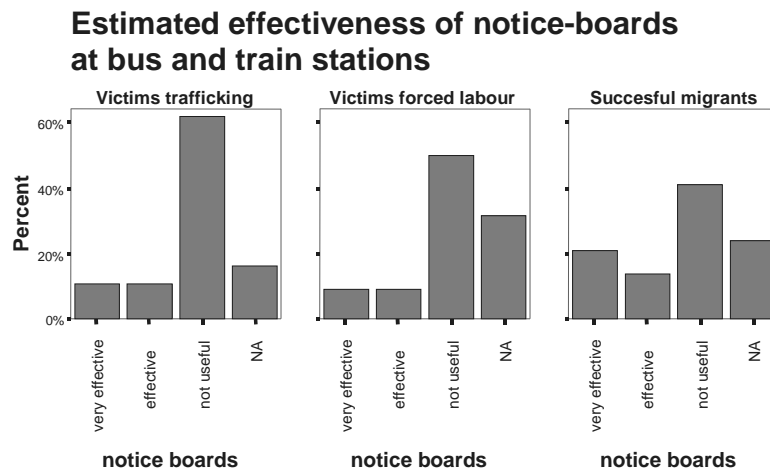
Graph 30



Graph 31



Graph 32



Most participants declared that they would not have liked to continue the work they had been doing during their last stay abroad, especially in the case of trafficked victims of forced labour (trafficked victims of forced labour 84.4%, non-trafficked victims of forced labour 52.6%, successful migrants 48%). Some successful migrants would have liked to stay in the country in order to find another job, but most trafficked and non-trafficked victims of forced labour did not (trafficked victims of forced labour 40.5%, non-trafficked victims of forced labour 40.9%, successful migrants 56%).

However, the majority of all three types of migrants would like to work abroad again in the future (trafficked victims of forced labour 78.4%, non-trafficked victims of forced labour 68.2%, successful migrants 86%). Yet all migrants, and trafficked victims of forced labour in particular, would organise future employment abroad differently (trafficked victims of forced labour 86.2%, non-trafficked victims of forced labour 66.7%, successful migrants 57%).

Summary

Once again, this section on exiting coercive employment abroad demonstrates the intermediary position of non-trafficked victims of forced labour. They are situated in between trafficked victims of forced labour and successful migrants on several variables, including the reasons behind exiting employment.

The most important reason for successful migrants and non-trafficked victims of forced labour to leave their job abroad was because they ‘decided to go’, implying a certain degree of free will. However, this reason was more important in the case of successful migrants. It also played a relatively important role in the case of trafficked victims of forced labour. These results appear contradictory when taking into account the forced labour criteria, as well as the predominance of the lack of freedom of movement in forced labour situations.

However, the fact that victims of forced labour, trafficked and non-trafficked, do leave forced labour situations out of their own free will points to the idea of forced labour as a process instead of as a state. As the person gives in to coercion and perceives him/herself to have less and less viable alternatives to the forced labour situation, the trafficker/employer has more and more control over the victim. This process can be envisaged as an ever-narrowing closed labyrinth. The migrant has possibilities to leave employment and may decide to do so, yet these possibilities become fewer as the forced labour situation lasts. As such, though diminishing with time, the victim of forced labour has a certain agency, and may

decide to leave the forced labour situation. At this point individual circumstances and personal traits come into play.

Few participants tried to seek assistance. The main reason for this appears to be the lack of awareness concerning assistance. Moreover, of those who did know about available assistance, many did not try to contact the relevant organisations. Though little information is available on the reasons behind this, the data indicate that successful migrants did not need assistance, whereas trafficked and non-trafficked victims of forced labour were scared to do so (lack of ID documents, fear of being arrested and/or deported) or believed that the organisations in the field would not be able to help them.

The information on assistance points first of all to a massive lack of dissemination of information on assistance for migrants abroad. This type of information could be given to migrants before departing their home country, or through outreach programs by organisations in the country of destination, as well as by labour attachés linked to embassies and consulates.

The importance of provision and dissemination of information is highlighted when considering that the majority of all three categories of participants desire to leave and find work abroad again in the future. Furthermore, their indication that they would organise it differently makes a strong case for improved migration management in the home country as well as increased monitoring of workplaces of migrant workers in the country of employment.

IV. Current responses to trafficking

4.1. Prevention

In the spring of 2001, the Ministries of Foreign Affairs, Interior, Justice, Education and Research, Labour and Social Solidarity, the Prosecutor's Office, as well as relevant international agencies and NGOs created a Committee which drafted a National Action Plan (NPA) to combat trafficking. The NPA is in line with the guidelines of the Stability Task Force against Trafficking in Human Beings and focuses on law enforcement and legal reform.

An Inter-Agency working group on trafficking in human beings was established to continue the development of the NPA. The inter-agency group comprises members of governments, international organisations and donors (ILO, IOM, UNHCR, UNDP, etc.). Most importantly, the working group has developed new anti-trafficking legislation in the shape of the Law on Prevention and Combat of Trafficking in Human Beings (Law No. 678/2001). This new law is compatible with EU law on trafficking and the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organised Crime, and specifies the responsibilities of each organisation involved. In the area of prevention, the NPA includes the activities of relevant organisations working on awareness raising, research, prevention and assistance, as well as enforcement and legal aspects.

Furthermore, all relevant ministries are part of an Anti-Trafficking Steering Committee. This committee has developed education material on trafficking that is used in schools, aimed at both teachers and students. Mass media campaigns have been used to raise awareness amongst the general public on trafficking issues. Related to this is a two-year ILO programme, which aims to prevent child labour and keep children in school. In addition, the ILO is currently working on preventing trafficking and forced labour by considering the role of labour market institutions in NPAs against trafficking, monitoring recruitment and job placement abroad, alternative livelihood schemes and victim reintegration. Social partners and other relevant actors are already being trained on these issues.

The new anti-trafficking law includes provisions for combating trafficking and those involved in it. It specifies investigation tools such as undercover operations, phone tapping and electronic surveillance. Furthermore, the anti-trafficking law includes the forfeiture of assets of traffickers and compensation for victims. In addition, the new trafficking legislation comprises prevention in the shape of education, information dissemination and labour market measures. The latter include the supporting of businesses hiring victims of trafficking as well as those most at risk.

The Romanian government has also organised national law enforcement structures to combat trafficking. The National Focal Point on trafficking is the main organ of these structures. It can be considered as a counterpart for the Regional Focal Point at the SECI centre. The National Focal Point incorporates a Trafficking in Human Beings Squad, part of the Anti-Organised Crime Division of the Ministry of Interior, which has forty representatives in fifteen countries.

Much action has been taken by the Romanian government, NGOs, and other actors to combat trafficking. Even though the new legislation is comprehensive, its implementation is somewhat hindered by the lack of regulatory measures. An example of this is the prosecution of traffickers. Though the law prescribes sentences ranging from three to twenty-eight years and the Prosecutor General's office assigned prosecutors throughout the country to prosecute, convict and sentence trafficking, the lack of regulatory measures has resulted in 250 cases against traffickers being initiated with unknown outcomes (Limanowska 2003). Another factor influencing efficient implementation of legislation is the corruption of officials. NGOs have cited corruption of some police officers (*ibid.*). For example, the pimps responsible for internal trafficking are often police informants or have informal connections or transactions with the police.

4.2. Victim assistance

According to law No. 678 victims of trafficking are entitled to different kinds of support: physical, psychological, social, legal and financial. Moreover, they are entitled to accommodation for ten days in shelters. Though this is a first step, ten days is not enough to allow for recovery (Giammarinaro 2003). Moreover, there is no provision of reintegration programmes.

It is believed that inadequate budget allocations and some changeovers in government agencies have negatively impacted the implementation of government drafted regulations on victim protection. Also, other new legislation on migration fails to protect victims of trafficking. For example, the Emergency Ordinance No. 112/2001, adopted in February 2002, allows for prosecution of victims of trafficking for illegal border crossing, though the latter is controlled by the trafficker. Most importantly, the new legislation does not include protective measures for children.

Unfortunately the system of support as stipulated by the law is not yet in place. As such, victims of trafficking receive support through organisations such as the IOM and NGOs such as Reaching Out and Salvati Copii (Save the Children). In fact, though the Ministry of Labour is responsible for reintegration programmes, the only functioning programmes are those created by NGOs and the IOM (Limanowska 2003).

V. Recommendations

The following recommendations, based on the results of this study and a validation workshop that took place in April 2003, are made with the goal of preventing and combating trafficking, as well as assisting

victims. They also aim to improve the management of migration in general, and thus protect all migrant workers.

5.1. General

In a broad sense, the socio-economic conditions of the country should be improved. After all, these are the structural factors driving emigration. More specifically, the functioning of the labour market should be ameliorated. This means not only improving adequate job supply in the country and the transmission of the job offers to the applicants by appropriate institutions, but also adapting education to make it more responsive to labour market demands.

In addition, the education system should be able to deliver qualifications that are recognised abroad so that migrant workers may occupy positions corresponding to their level of education. This would involve regional and international cooperation. However, this type of cooperation could be extended to other areas requiring development, the Stability Pact being a good example of this type of cooperation. The different actors involved in cooperation should not only include country representatives, but also civil society actors. Cooperation between the relevant tripartite partners in Romania and those in destination countries is especially recommended.

5.2. Legislation

At a legal level, though anti-trafficking legislation exists, its implementation needs to be assured. Furthermore, an institute could be established with the function of monitoring anti-trafficking legislation and its implementation. A re-invigoration of the inter-ministerial anti-trafficking group could go hand in hand with this, as well as increased cooperation between relevant actors at all levels of society.

The decriminalisation of victims of trafficking that have illegally crossed the border should be envisaged, as well as shifting the focus from the punishment of victims to the punishment of traffickers and others colluding with abusive recruitment practices. Most importantly, although a victim protection scheme has been prescribed by law, it is not being implemented correctly. A great effort should be made here, not only to aide criminal investigations, but above all to protect victims of trafficking.

5.3. Law enforcement

Law enforcement officials should be better trained on trafficking issues. Though training has been done in this area, it has been mainly focussed on the police and sometimes on judges and prosecutors. Relevant officials should also include labour inspectors. In addition, NGOs and social worker should be trained.

The training should encompass the recognition and identification of traffickers, victims of trafficking and trafficking situations, and the appropriate actions to be taken in different situations. A good start for this type of training would be to continuously revise and update the training programmes (Institute of Magistrate Curriculum) for judges and prosecutors in relation to new legislation and international standards.

Labour inspectors and police could collaborate together more efficiently to monitor recruitment, especially by focussing on recruitment agencies.¹⁷ The Ministry of Labour and social partners should also be involved in this through the establishment of standards of functioning, for example through licensing, codes of conduct, rating, awards and blacklisting, etc. Currently only a registration system is in place for PEAs, which must register as a private business.

¹⁷ For more information on this see SAP-FL/ILO (forthcoming) *Trafficking for Forced Labour: How to Monitor the Recruitment of Migrant Workers. Training Manual*, Geneva: ILO.

5.4. Migration management

Involving the Public Employment Service in the monitoring of recruitment means involving it more in labour migration related issues. Its staff should be trained to improve services (i.e. less bureaucracy and more transparency of procedures) so that legal channels become less cumbersome to use and more appealing to the potential migrant. The Public Employment Service should increase its visibility and presence at a regional, but especially at a local level. It should target the most disadvantaged groups.

In addition to giving the Public Employment Service a more prominent role in migration management, the role of the Office of Labour Force Migration (linked to the Ministry for Labour and Social Solidarity) should be strengthened, especially in rural areas. It could cooperate with the local authorities, the Public Employment Service and relevant NGOs

5.5. Awareness raising

Last but not least, there should be increased awareness raising on topics such as recruitment, migration and jobs abroad, as well as the dangers of trafficking and forced labour outcomes. Awareness raising is the most efficient means to prevent trafficking and forced labour, though it should be used in combination with the other strategies mentioned above. It can be done through media campaigns, education in schools, training of officials, civil society, and so on.

The information should be particularly targeted at those most at risk of trafficking, i.e. young, underprivileged women from poor, urban areas. However, awareness raising should not be restricted to potential migrants at the pre-migratory stage. Those migrants that have already made the decision to leave should be informed about the assistance that is available abroad, for example from labour attachés. Returning migrants should be made aware of the assistance available in Romania for returning victims.

Assistance to returning victims of trafficking should be further developed. A programme should be implemented for the assistance and reintegration of the victims at the state level. The amount of time a victim can stay in a state shelter should be increased (currently the maximum number of days allowed is ten).

Assistance to victims abroad should also be stimulated. The activities of labour attachés abroad can be increased.¹⁸ Also, the funding of NGOs involved in assisting victims of trafficking and potential migrants could be an option.

5.6. Complaint mechanisms

Efficient complaint mechanisms should be put into place for victims of labour exploitation abroad, as well as for victims of abusive recruitment practices in the home country. Currently complaints concerning abusive recruitment are made to the police as well as to labour inspectors but very few lead to compensation.

Trade unions could play a stronger role in this area. They could represent the worker in the home country, but they could also play an important role representing workers abroad. In collaboration with trade unions in employment countries, compensation for the worker could be obtained through judiciary procedures in the destination country. These could be undertaken by a local trade union and substantiated by evidence

¹⁸ In fact, Romania is currently creating more labour attaché positions abroad.

from the trade union in the home country. A good example of such cooperation is the collaboration between Romanian and Italian trade unions, though this could be strengthened.

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