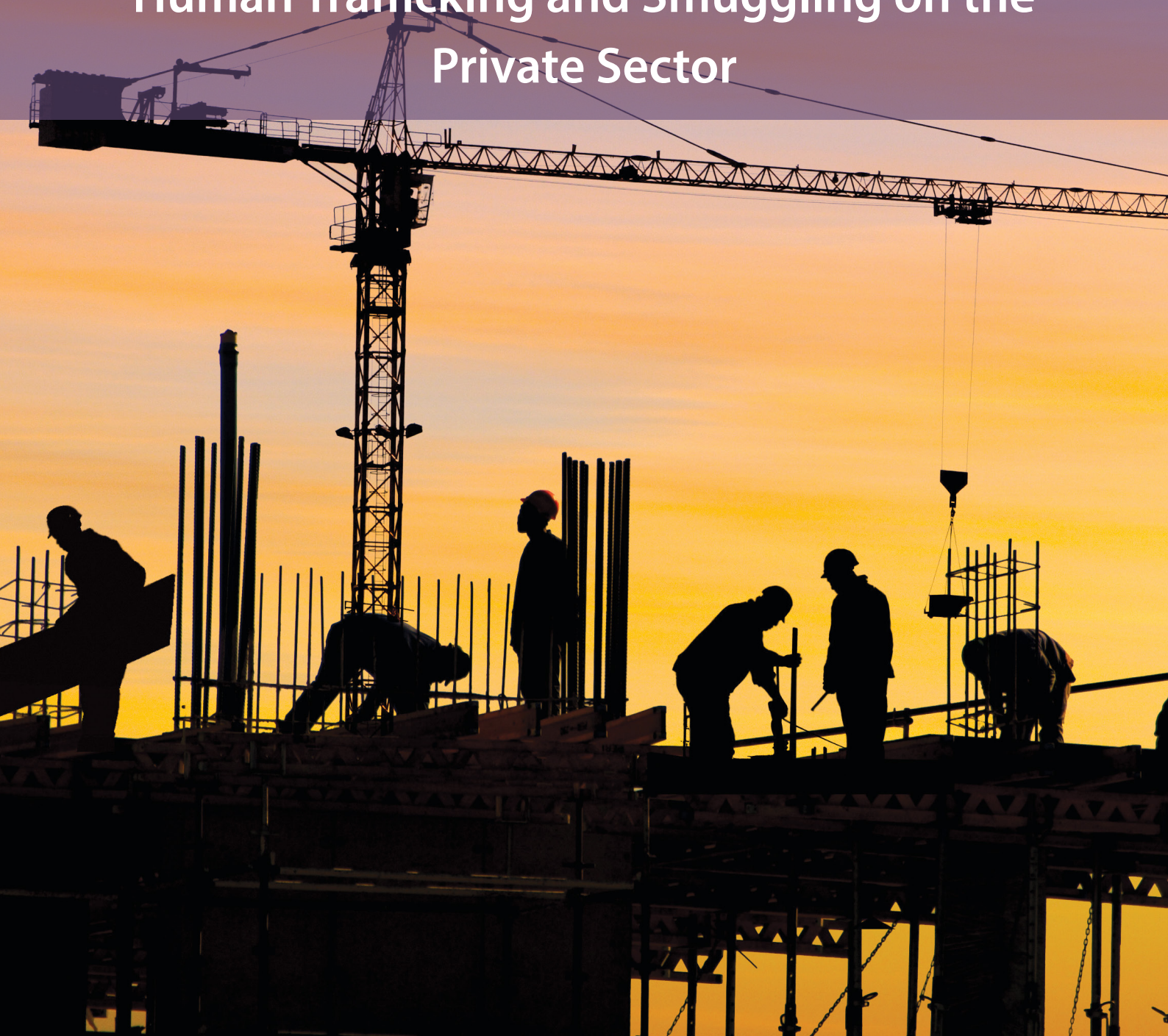
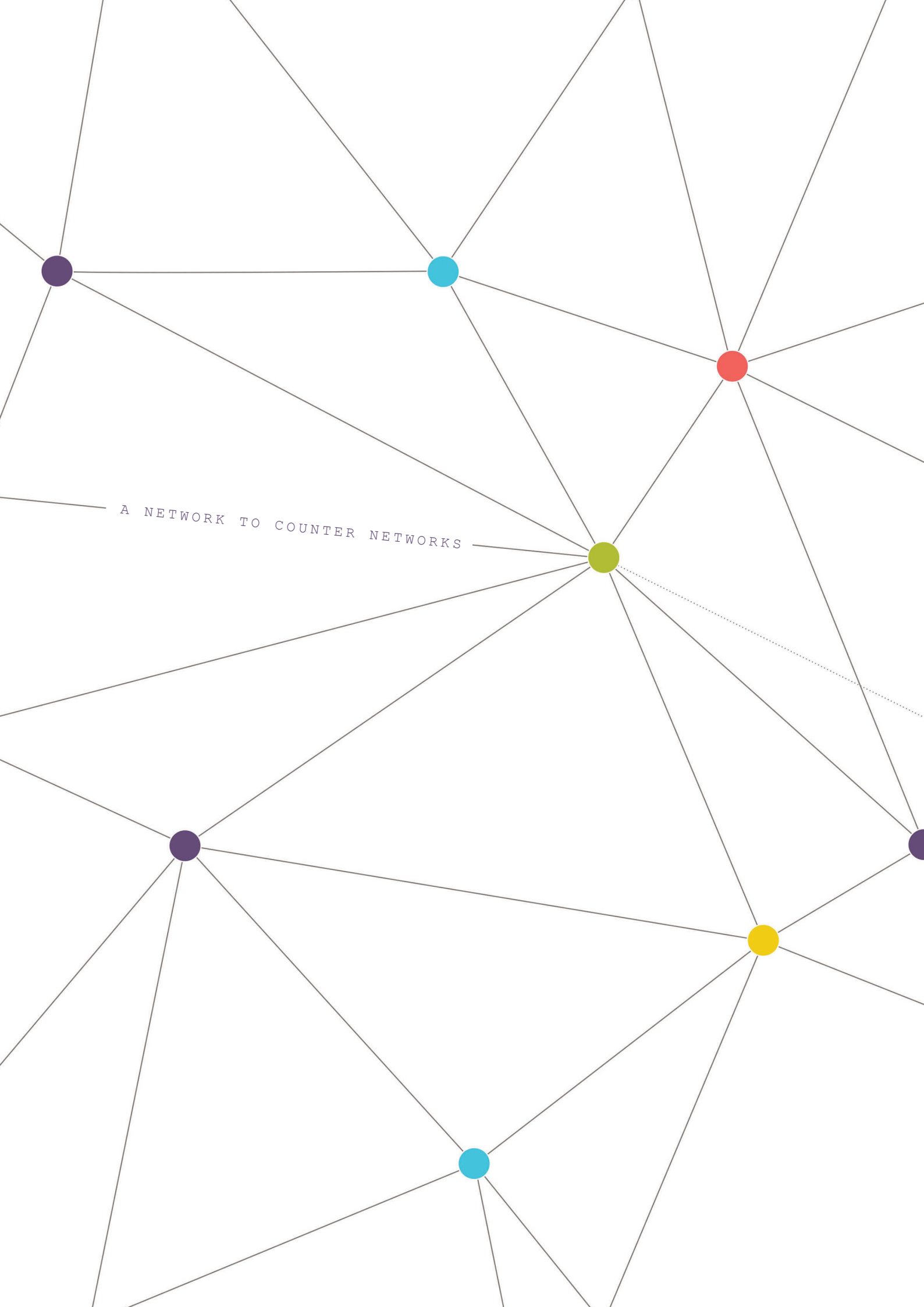


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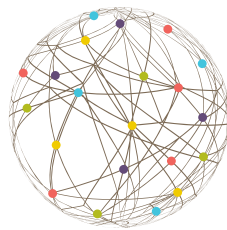
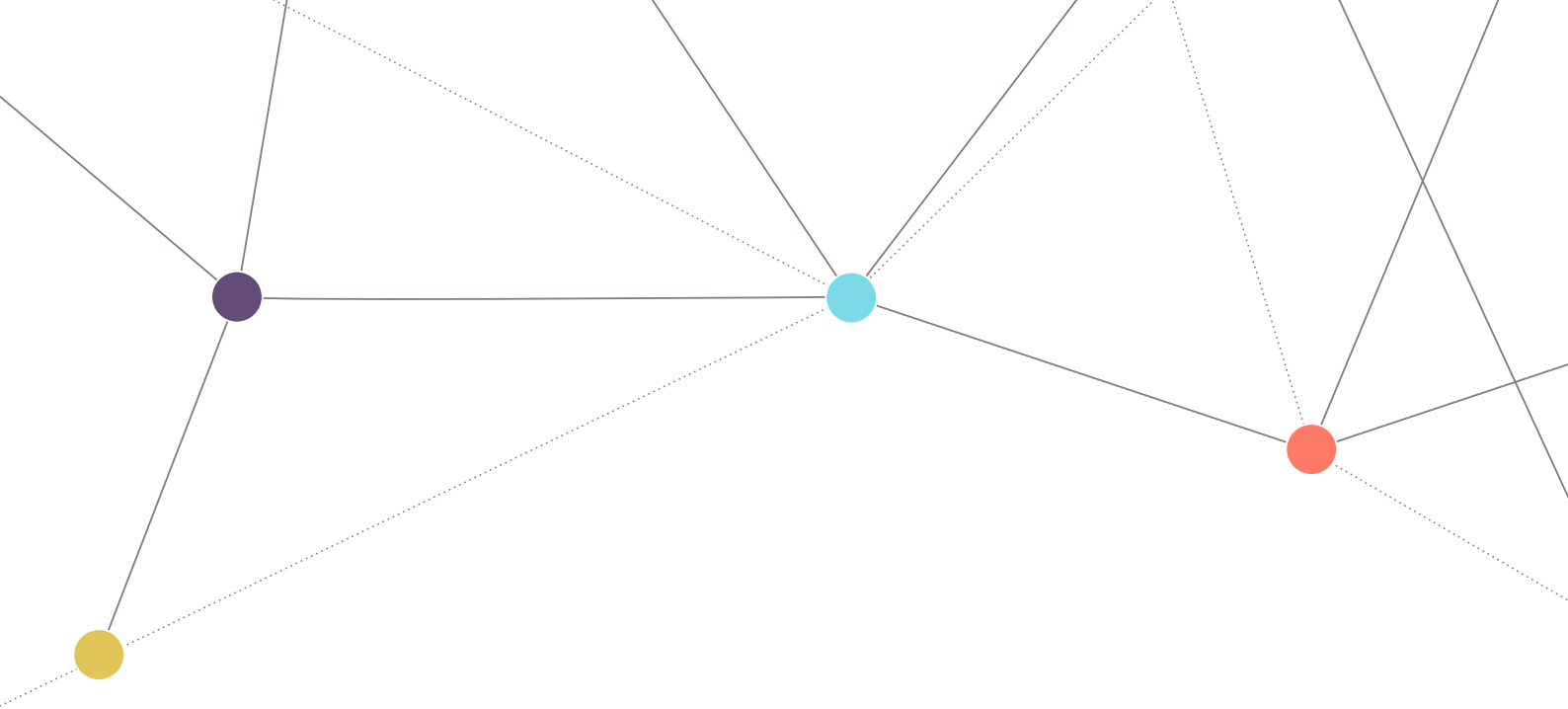
Understanding Illicit Trade: Impact of Human Trafficking and Smuggling on the Private Sector



May 2016



A NETWORK TO COUNTER NETWORKS



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This report has been drafted by Jessica Gerken and Livia Wagner, and was edited by Nigel Saperia.

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Introduction

This report is based on a 2014/2015 webinar series entitled “[The Private Sector and the Future of Illicit Trade: Next Generation Human Trafficking and Smuggling Challenges](#)”, hosted by the Global Initiative against Transnational Organized Crime and Babson College’s Initiative on Human Trafficking and Modern Slavery. The goal of the series was to highlight emerging human trafficking challenges and to identify promising anti-trafficking initiatives from the private sector.

This report studies five key areas of human trafficking:

Chapter 1 focuses on the exploitation of migrant workers in the USA. It shows the vulnerability of migrant populations to labour exploitation.

Chapter 2 highlights how recent technological developments have made significant progress in detecting crime in the area of online sexual exploitation of children.

Chapter 3 studies the persistence of human trafficking and exploitation in the area of global sports, particularly in the recruitment of young football players.

Chapter 4 looks at forced labour in the construction sector. Using the example of the kafala system that regulates the migrant work force in the Gulf countries, it is shown how flawed national regulation can put migrant workers at an increased risk of being trafficked and exploited.

Chapter 5 analyses the global market for illicit organs. Despite international and national legislation outlawing human trafficking and the trafficking of organs, private hospitals and other private health care businesses continue to offer illicit organs to private individuals without checking the provenance of the donated organs.

Taken together, the chapters demonstrate how we need to improve our understanding of criminal activities in the area of human trafficking and exploitation, how difficult it is to track the perpetrators and how hard it is to protect the victims. Though all the areas studied fall within the ambit of human trafficking, there are many fundamental differences in the type of crimes and each has its own complexities, implying that it is crucial to carry out research to understand the true extent of trafficking and exploitation, to study how to make these crimes more visible by using new technologies, and to seek cooperation between a diverse set of different actors who are working to counter the criminal networks involved.

The criminal networks concerned flourish for two principal reasons, weak implementation of national policies and fraudulent practices in the private sector. Creating national regulations and policies that may be implemented effectively is paramount. In many instances, not all facets of the offenses are recognised as tangible crimes, and nations often struggle to formulate policies and maintain effective oversight. However, it is not sufficient to rely solely on a national response. Most of the crimes involve the private sector, be it because some companies and businesses choose to ignore the issues or because they pursue unethical practices for their own benefit. The private sector needs to play a stronger role in ensuring ethical and fair practices, and to contribute its knowledge and expertise to help in the fight against human trafficking. All the following sections highlight the increasingly important role of the private sector as actor in enabling as well as in combating the different aspects human trafficking.

The webinar series on which this report is based was sponsored by Dentons and supported by TraCCC, the Terrorism, Transnational Crime and Corruption Center at George Mason University. The experts who contributed their expertise and insights were: **Silke Albert, Alejandra Ancheita, Debra Budiani-Saberi, John Carr, Steve Chalke, Ilias Chatzis, Declan Croucher, Francis L. Delmonico, James Esson, Rudolf Garcia-Gallont, May C. Gentile, Quinn Kepes, Laura Gómez-Mera, Monica Gorman, Courtney Gregoire, Houtan Homayounpour, Ray Jureidini, Mark Latonero, Marie-Laure Lemineur, Jean-Claude Mbvoumin, Lisa Delpy Neirotti, Fernando Ruiz, Dr. Louise Shelley, Sara Stefanski**. Short biographies of these experts may be found in Appendix 1.



Definition of Human Trafficking

According to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, human trafficking refers to '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.'¹ Thus, human trafficking is defined by three core elements: the act, the means and the purpose. It is a serious crime and a gross violation of human rights.

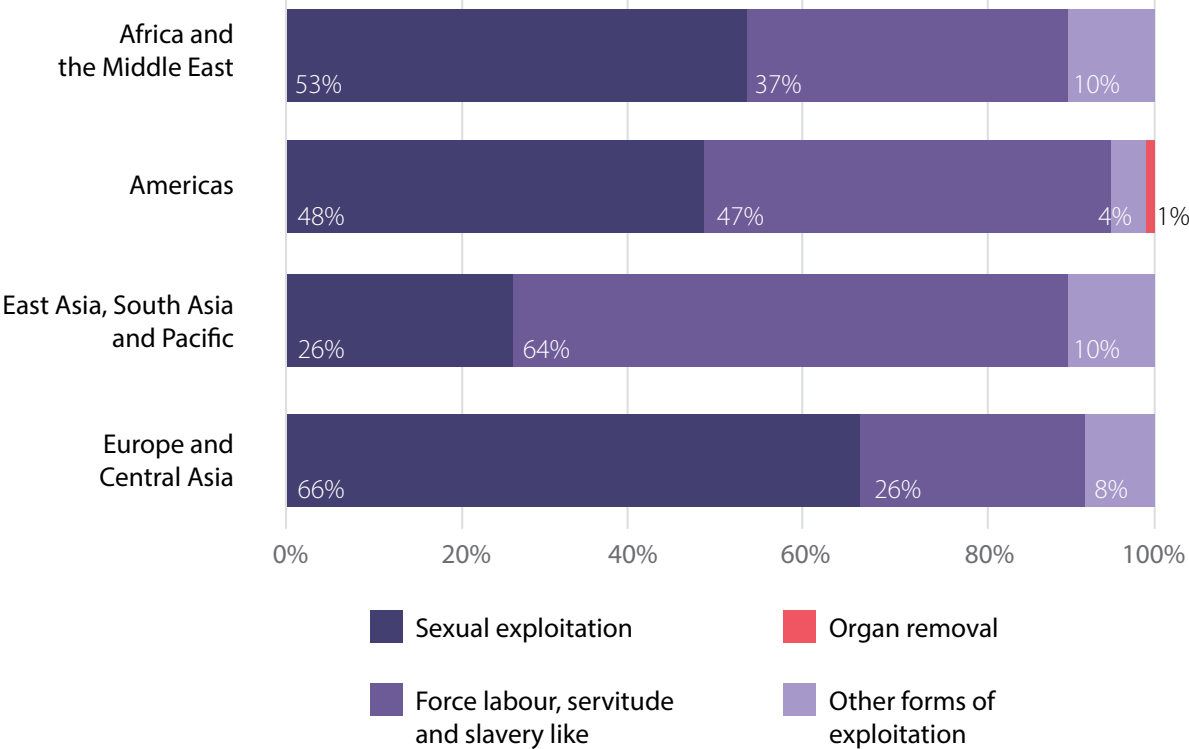
Despite being a clear human rights violation, the legal frameworks of criminalising the trafficking in persons is not globally uniform.² That means that human trafficking and the subsequent exploitation is a multifaceted, global problem. Each country may be the origin, transit, or destination, or a combination of these. The lack of precise data due to the hidden nature of these crimes is one of the major challenges in the fight against human trafficking.

The total number of trafficked persons remains unknown, however an estimated 20.9 million (ILO, 2012) people are in situations of so-called modern day slavery, or forced labour, at any point of time. 'While it is not known how many of these victims were trafficked, the estimate implies that currently there are millions of victims of trafficking in the world.'³ With sexual exploitation (53 per cent) and forced labour (40 per cent) being the most common forms of human trafficking, other forms such as organ removal and domestic servitude often remain underreported.⁴ Overall, the ILO estimated the profits generated by human trafficking to be USD 32 billion per year (as of 2010).

Criminals involved in human trafficking for the purpose of exploitation generally do not act on an individual basis, or as discreet groups, but form complex networks that may stretch over different countries and even continents. Indeed, 'the premeditation and organisation needed suggests that most instances of human trafficking and forced labour should be considered as organised crime, not simply the opportunistic or coincidental negligence of an employer.'⁵



Forms of exploitation among detected trafficking victims, by region of detection, 2010-2012 (or more recent)



Behind the on-going high levels of human trafficking and exploitation lies a business which annually generates billions of US Dollars for those involved, and leaves millions in situations of extreme vulnerability and suffering.



Chapter 1: Migrant workers in the USA

Migration, whether regulated or illicit, voluntary or involuntary, has become a global phenomenon and labour-motivated migration from developing countries to developed countries is a growing trend. Whilst migration is often needed and desirable, both for those who seek workers and for those who seek work, illicit and unsupervised migration has become a serious global challenge, leaving workers vulnerable and allowing criminal groups to exploit their situation. Policy responses have not always ameliorated the challenge of illicit migration nor offered greater protection to migrants. The supranational frameworks (ILO, Ruggie Principles, see appendix 3) are a case in point.

In the USA, labour-motivated migration affects not only illegal migrants but also guest workers who enter from Latin America, the Caribbean, Asia and Eastern Europe on temporary work visas. Research shows that human trafficking operations in the United States 'are carefully planned and orchestrated to make victims vulnerable and maintain their vulnerability and dependence. (...) The premeditation and organisation needed suggests that most instances of human trafficking and forced labour should be considered as organised crime, not simply the opportunistic or coincidental negligence of an employer.'⁶ Temporary migrant workers fall prey to organised crime groups that use the recruitment phase to exploit them - whilst unethical companies turn a blind eye on the issue.

Legislation is a significant and important way to influence private sector behaviour. One avenue is the control of labour migration by using different visa schemes for permanent and temporary workers in different sectors; another is legislation on fair and transparent business practices. This section will highlight both avenues and their opportunities and challenges with the examples of the H-2 US American visa scheme and that of the State of California's Senate Bill 657 respectively. It will then evaluate the business practices of US grocery retailer Safeway-Albertsons, looking at how the company monitors its supply chains in order to actively combat human trafficking and forced labour.

Visa Regulation

In the USA, incoming migration on a temporary basis is inherently desirable and necessary for seasonal work, both for the agricultural and non-agricultural sector. The visa scheme H-2 regulates, controls and caps the influx of migrant workers from a list of permitted countries.⁷ In the fiscal year 2013, a total of 151,792 temporary labour immigrants were recorded, 74,192 under H-2A and 57,600 under H-2B.⁸

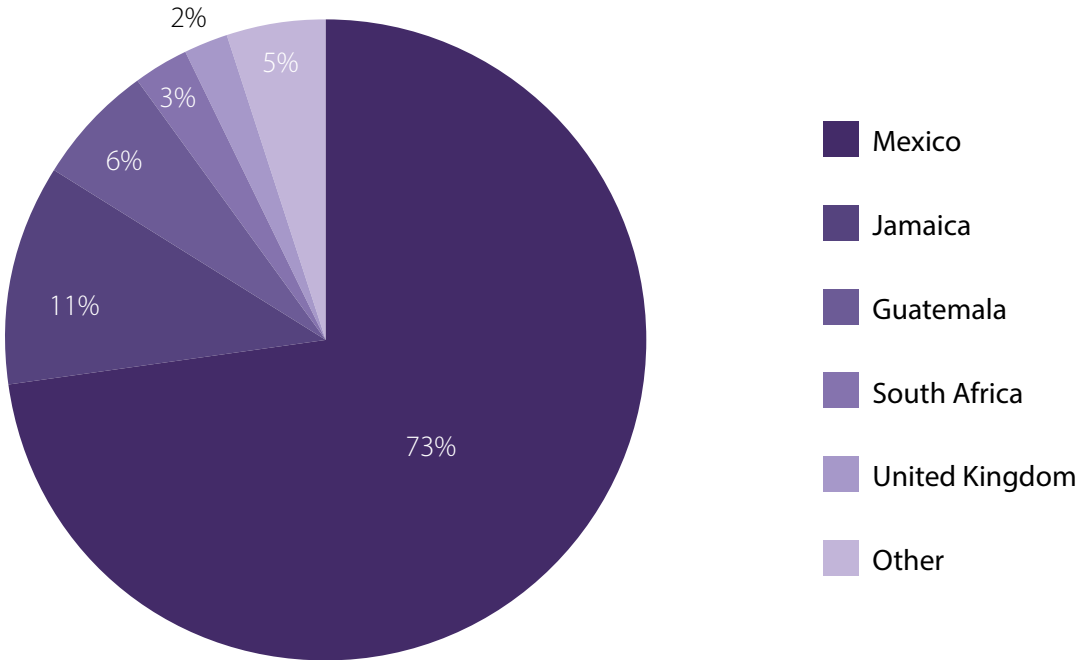
The U.S. **H-2 visa scheme** is a temporary, non-immigration scheme that allows foreign workers to enter the American job market for recurring seasonal need, intermittent need, peak-load need or one-time occurrence, as long as it does not disadvantage the native work force. The scheme has two visa types, H-2A covers the employment of foreign workers in the agricultural field and H-2B in the non-agricultural field. There is a statutory cap of 66,000 H-2B visa holders per fiscal year. Whilst the maximum authorised period of the H-2 visa is one year, the employer may extend the duration up to three years under oversight of the immigration authorities. Spouses of H-2 holders are eligible for a H-4 non-immigration visa under which they cannot be employed.

Source: http://www.workpermit.com/us/employer_h-2b.htm

According to U.S. Department of State data for fiscal year 2013, the majority of temporary migrants came from Mexico (though overall migration patterns have changed since then to favour India and China).⁹



Top Countries of Origin, FY 2013, US labour migration.¹⁰



The convenience and simplicity of the H-2 programme has led to abuses. It has been accused of side-lining the interests of workers due to the 'non-uniform, complex and often informal processes behind it.'¹¹ Organised crime groups and unethical recruiters are able to engage in abusive recruitment practices, and to deceive and exploit workers.¹²

Indian migrant workers were recently awarded USD14 million in damages after 'an India-based labour recruiter engaged in labour trafficking, fraud, racketeering and discrimination while using the H-2B program.'¹³ The Mexican human rights non-governmental organisation ProDESC has documented various violations of the labour rights of migrant workers from Sinaloa. Questions have been raised whether the protection and respect of workers' human rights has been an issue of secondary importance despite numerous conventions guaranteeing standards of protection.¹⁴

ProDESC (Proyecto de Derechos Económicos, Sociales y Culturales, A.C) is a non-governmental organization founded in 2005. Its founder and director, Alejandra Ancheita, is one of the 2014 final nominees for the prestigious Martin Ennals Award for Human Rights. The organization's primary mission is the defense of the economic, social and cultural rights of underrepresented workers and communities in Mexico. ProDESC achieves this goal through integral defense of workers and communities that systematically contributes to the enforcement, justiciability and accountability of these rights. Ultimately, its innovative strategies result in a higher quality of life for and the participation of workers and communities in their own development.

Source: <http://www.prodesc.org.mx/en/>



Research has shown that the U.S. government extensively regulates terms of employment but not recruitment, and the Mexican government does not enforce its laws and regulations regarding labour recruitment.¹⁵ -It has been recognised by the US Government Accountability office that the occurrence of abusive labour recruitment practices leave workers in vulnerable positions.¹⁶ According to Ancheita, the current standards present an opportunity for ambiguous conditions during the recruitment process, which is arguably the most exploitative phase of transnational labour migration. During the recruitment process, workers are especially vulnerable to empty promises and false information on potential jobs as well as illegal recruitment costs.¹⁷ The Mexican NGO Centro de los Derechos del Migrante, Inc. found that 58% of interviewed temporary workers under the H-2 visa have reported paying a supplementary recruitment fee, 47% took out a loan to cover pre-employment expenses, 52% were not shown contracts and one out of ten reported paying a fee for a non-existent job.¹⁸

Key recommendations to end illegal recruitment practices by unethical agencies are the introduction of a version of the W visa scheme, and increased oversight by both the Mexican and U.S. authorities.

The **W visa** scheme is a new avenue for temporary workers to enter the country after the 2013 Senate Immigration Bill 'Border Security, Economic Opportunity, and Immigration Modernization Act' or S.744. To date, S.744 has been passed by the Senate and sent to the House of Representatives for consideration. The W visa would provide 3-year visas, renewable for 3-year increments with the option to apply for permanent residency with employer sponsorship. Spouses would be allowed to obtain a visa and be eligible for work authorization opposed to previous practices under the H2 visa schemes. In addition, employers who commit labour violations, especially human trafficking, will be barred.

Source: <http://www.immigrationpolicy.org/special-reports/guide-s744-understanding-2013-senate-immigration-bill>

ProDESC has counselled individual workers since 2008 and assisted in the formation of the workers union Coalición de Trabajadoras y Trabajadores Temporales de Sinaloa (Sinaloa Temporary Workers' Coalition).¹⁹ Based on its research and work with temporary migrant workers, ProDESC has established a list of typical abuses that includes recruitment fees, fraud during the recruitment process, extortion and threats, discrimination, human trafficking and forced labour and other violations such as non-payment. ProDESC stresses the role of workers as an important source of expertise and knowledge, but notes that their empowerment has been hampered by fears of blacklisting by employers and recruiters for activism, and possible retaliation by organised crime groups against worker activists as well as NGO staff.²⁰ ProDESC has argued for stronger regulations and a more effective Mexican government response on recruitment.

Supply Chain Regulation

Labour exploitation during the recruitment process and during work placement is often made possible because businesses close their eyes to abuses that happen within their own supply chains. Therefore, another avenue to combat human trafficking and forced labour is to compel companies to adhere to standards ensuring human rights in their activities. One example of such legislation is the California Transparency in Supply Chains Act (S.B.657) of 2010.



Senate Bill 657 focuses on the role that consumers and businesses have in ‘inadvertently promoting and sanctioning’ modern slavery and human trafficking. The Supply Chains Act applies to companies that identify themselves as retail sellers or manufacturers on their California state tax returns, that do business in the State of California and that have annual worldwide gross receipts that exceed USD100 billion. Compliance with the SB657 requires disclosure in five business areas:

- The verification of product supply chains to evaluate and address risks of human trafficking and slavery. The disclosure shall specify if the verification was not conducted by a third party.
- Audits of suppliers to evaluate compliance with company standards for trafficking and slavery in supply chains. The disclosure shall specify if the verification was not an independent, unannounced audit.
- Direct suppliers to certify that materials incorporated into the product comply with the laws regarding slavery and human trafficking of the country or countries in which they are doing business.
- Procedures for employees or contractors failing to meet company standards regarding slavery and trafficking.
- Training on human trafficking and slavery, particularly with respect to mitigating risks within the supply chains of products, for employees and management who have direct responsibility for supply chain management.

Source: <https://oag.ca.gov/SB657>

Supply chains are essential to the production of products, but also may facilitate human trafficking and forced labour if transparency is lacking. The 657 legislation is a significant step by the State of California to combat modern day slavery and human trafficking. The resource guide that has been made available to aid the implementation of S.B.657 shows how serious the State is about this new legislation.²¹

Case Study: Safeway-Albertsons

An example of a private sector actor working successfully towards complying with S.B.657 is Safeway-Albertsons. Not only has the company complied with S.B.657 since its introduction in January 2012, Safeway-Albertsons has also started to increase its supply chain accountability by conducting internal research and risk evaluations.

Safeway-Albertsons, previously Safeway, Inc., is a US supermarket chain headquartered in California. Corporate social responsibility is a key element of its business philosophy: “Safeway-Albertsons ultimate goal is to be part of a supply chain that is free of human trafficking, forced labor, child labor and all human rights abuses”. Safeway-Albertsons has been ranked in the top tier of sustainable US retailers by Greenpeace. The Safeway leadership has taken steps to ensure sustainable sourcing and improve transparency in its supply chains in order to eliminate human trafficking and forced labour from its supply chain.

Sources: <http://suppliers.safeway.com/pdf/HumanTraffickingGuideline.pdf>

<http://www.greenpeace.org/usa/wp-content/uploads/legacy/Global/usa/planet3/PDFs/Carting-Away-the-Oceans-VIII.pdf>



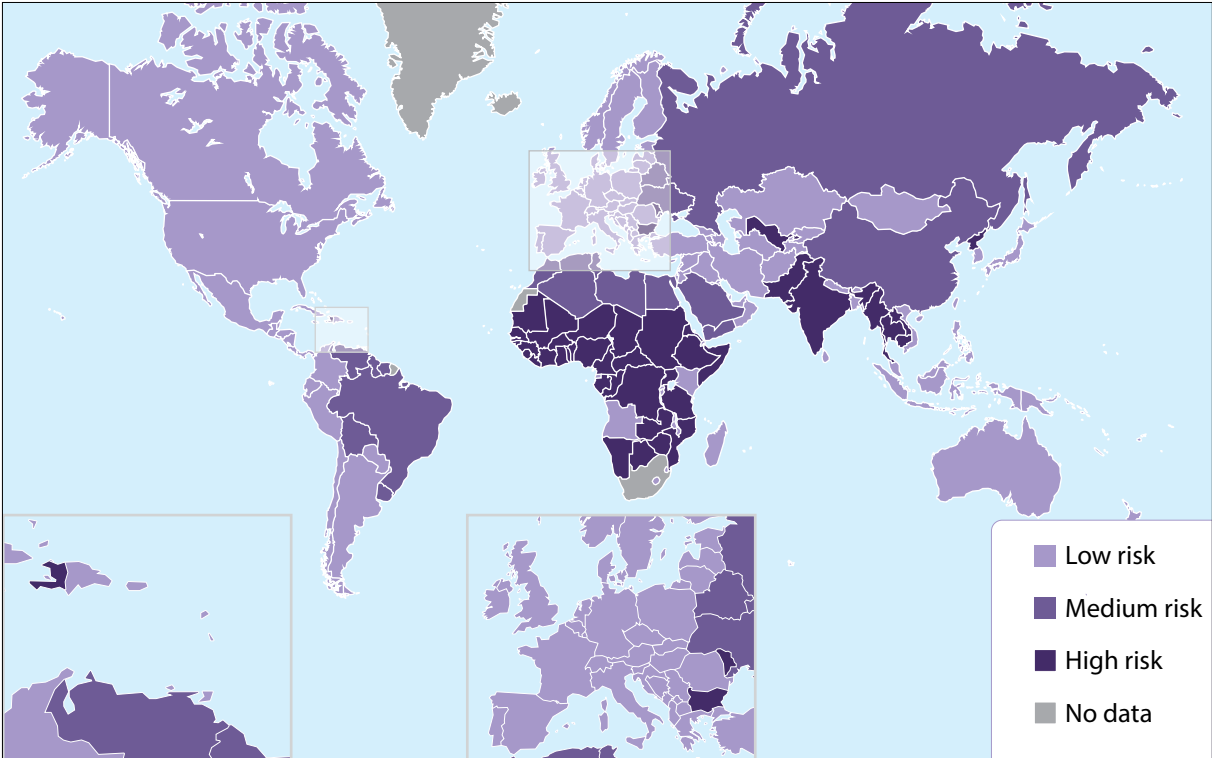
Safeway-Albertsons' first steps towards complying with S.B.657 were assisted by experts from the UN Global Initiative to Fight Human Trafficking (UN.GIFT)²² and the organisation End Human Trafficking Now!²³ Safeway introduced UN.GIFT's e-learning tool to their business leaders, managers and employees working in the area of supply chains, aiming to teach them about identifying and preventing instances of human trafficking and forced labour.

A key challenge for the private sector, according to Sara Stefanski, Sustainability Manager at Safeway-Albertsons, is the diverse nature of different supply chains. Supply chains can vary in length and complexity depending on how the food product is processed, and on the size and location of different production units. Tracing each product's supply chain to its end can be a considerable challenge, particularly given the frequency with which small suppliers come and go and that few suppliers achieve tier 2 and tier 3 sustainability rankings.²⁴ This remains one of the weak points that Safeway-Albertsons is still battling with and is a widespread issue in the industry. The more complex a product and the more countries involved in the production, the harder it is to establish transparency and oversight. This is precisely the area that S.B.657 is aiming to improve.

According to Shelley and Bain, little 'success in tracing supply chains has been identified in areas such as the production of consumer goods, food items, and construction.'²⁵ Domestic work, agriculture, construction, manufacturing and entertainment are the sectors where forced economic exploitation is the most profitable for organised transnational criminal groups.²⁶ Actors that work in the food sector consider the agricultural sector - a fundamental part of food retail and supply chains for food products - to be a key high risk area for human trafficking and forced labour.²⁷ ILO data shows that over half the cases of non-sexual labour exploitation occur in the agricultural sector.²⁸

A crucial step forward has been the creation of the Safeway-Albertsons S.B.657 survey on Human Trafficking and Slavery. In 2013, Safeway collaborated with a third-party consultancy, nContext²⁹, to conduct a thorough risk analysis based on its survey data. This risk analysis ranked the potential risk of human trafficking and forced labour by product, region of production, and other criteria.

Ranking of countries according to risk of forced labour and labour exploitation (Safeway-Albertsons).



Such surveys and evaluations are important tools by which private sector companies may assess their supply chains, identify risk areas, evaluate individual progress being achieved, and ensure that company standards are adhered to. Whilst these activities are proactive and voluntary at the moment, they could inspire broader norms within the industry that might at a later point be anchored in legislation and made compulsory.

Opportunities and challenges

This section has highlighted the importance of a campaign against trafficking involving governments, the private sector and NGOs, as well as the empowerment of those affected by labour rights abuses. Whilst temporary labour migration in the Americas has shown unique features such as a large illicit immigrant population and regular guest workers in the agricultural as well as non-agricultural sector, the violations of labour rights are not unique. Lessons learned in the Americas should be taken seriously by actors in other regions as well.

The example of Safeway-Albertson and its continued efforts in combating human trafficking and forced labour within its supply chain highlights the opportunities for the private sector to engage proactively. According to Christina Bain and Louise Shelley, 'more research, discussion, and the inclusion of more actors are needed to focus on how to address this issue through a business lens.'³⁰ Yet, fears of litigation, harm to corporate reputation and consumer boycotts for past behaviour' can negatively affect the willingness to open up, increase transparency of business practices to customers and share experiences and efforts with competitors.³¹ Safeway-Albertson's experienced challenge of supplier non-response to their study is a clear example of this reluctance to open up.

There is an inherent desirability for "good business" to enhance transparency for consumers beyond fear of reputational risk if standards are violated. Being transparent about past labour violations can be a sensitive issue for companies despite recent improvements and successes. Nonetheless, the inclusion of the private sector, especially in its role as an employer, is an important step to work through obstacles facing workers who raise their voices and become active in claiming their labour rights. Intimidation, threats and blacklisting are serious concerns that hinder workers and NGOs from coming forward.

Other challenges remain. The discussion of the H-2 visa scheme and cases of violations of human and labour rights that occur within the scheme shows that legislation needs to be improved in order to adapt to changing migration and labour patterns as well as to combat criminal groups that try to exploit job seekers. Even with revised visa schemes and new legislation aimed at improving transparency and labour conditions, bilateral efforts to ensure workers' rights from recruitment to placement have to be improved. The United States' willingness to discuss alternative visa schemes is a timely and well-placed effort. Pro-active retailers like Safeway-Albertson give hope that other companies will follow suit but there remains much to be learnt regarding human trafficking and forced labour in supply chains.

Alejandra Ancheita and Gisele Lisa Bonnici propose recommendations both for nations and private actors in their work *Quo Vadis*.³² Highlighted within these recommendations are the areas of recruitment and contracting, social security, oversight, monitoring and compliance with standards. Nations can create bilateral agreements to actively guarantee a suitable labour migration process from recruitment to living and working conditions that protect both the native and migrant workforce. In the area of recruitment, eliminating contractor intermediation and formalising the hiring process is a crucial recommendation. Private recruitment agencies should be registered in all applicable countries, eliminate additional fees and stress their own obligations towards transparency and minimum standards. Whilst countries that receive migrant workers should carry out inspections to monitor compliance of national and supranational standards, private businesses should be motivated to do so as well. Overall Ancheita and Bonnici's recommendations tackle the observed 'power imbalance or differential both between employers and workers, as well as between countries with a labor force demand and countries with an ample labor force supply' in all spheres.³³

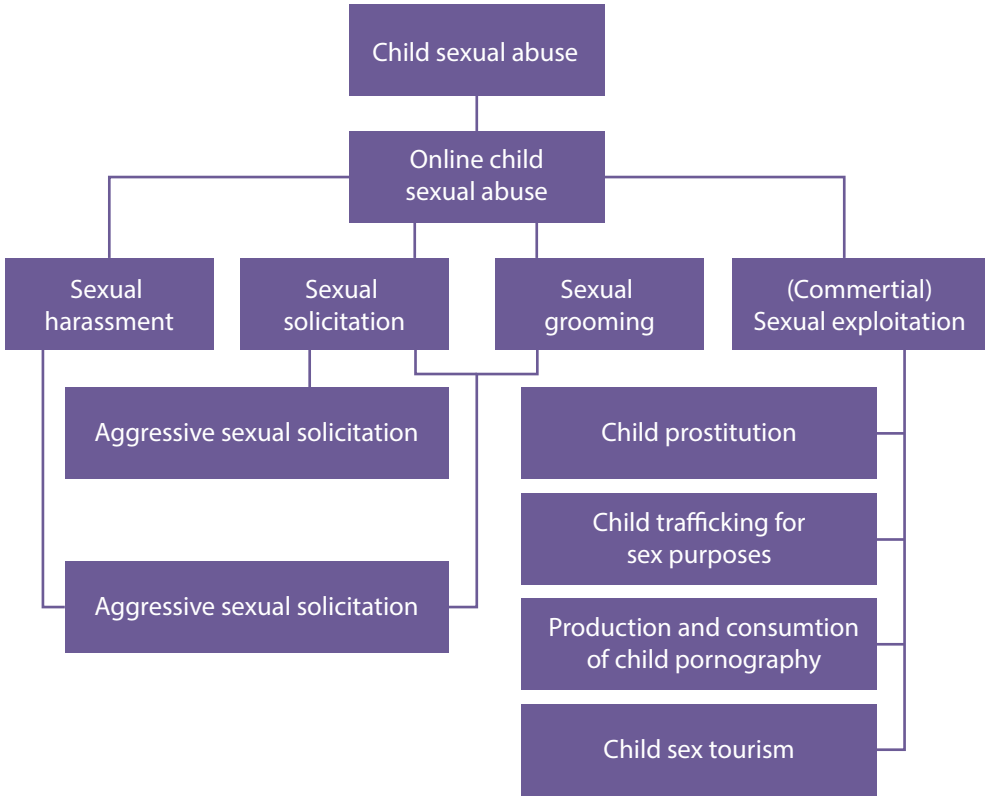


Chapter 2: Online sexual exploitation of children

Online sexual exploitation of children is possibly one of the most heinous of transnational, organised crimes. The criminal networks that perpetuate this industry employ a number of different forms of criminal practice, including perpetuating exposure of minors to illegal or other harmful materials, enabling sexual exploiters direct contact with children³⁴, facilitating networking between child abuse perpetrators³⁵ facilitating the exchange of illegal images of the sexual exploitation of children.

The European Union uses three categories to explain the harm created by Information and Communication Technology (ICT) facilitated criminal behaviour: "online harm from content", "harm from contact" and "harm from conduct".³⁶

What is child sexual exploitation?



Source:³⁷ UNODC

According to the International Centre for Missing and Exploited Children (ICMEC), at least 1.8 million children are used in commercial sex, many sold into sexual slavery by poor families and others abducted and trafficked into brothels.³⁸ Many are then exploited online in a commercial manner. The annual revenue from commercial online sexual exploitation of children is some USD 3 billion.³⁹ The principal countries producing and distributing child pornography are the Philippines and Mexico, but child online exploitation offenders sit around the globe, and their criminal networks ("rings") have been busted across the UK, the US and numerous other countries. During a recent worldwide police operation, Europol identified 670 suspects and 230 abused children in 30 countries with up to 70,000 members.⁴⁰

Efforts to combat the online sexual exploitation of children occur on several fronts. The twofold nature of the crime – both a cyber crime and a traditional, physical crime⁴¹ - requires a dual response. Whilst technology can revolu-



tionise law enforcement and hold perpetrators accountable for the production or exchange of illegal material, an additional ground-based effort must target cultural obstacles and protect abused and/or vulnerable children from exploitation. Collaboration between the private sector, civil society, and law enforcement is crucial to successfully combat online sexual exploitation of children.

Being a criminal activity, online sexual exploitation of children remains hidden from the internet as it is commonly used. The content accessible through mainstream search engines (Google, Yahoo, Bing) only represents 5% of the complete online content of the world wide web: the rest is hidden in what is called the deep web and the dark web.⁴² The dark web is the place where most illegal advertisements and photographic material can be found, and it is also the place where law enforcement could play its most important role in combating a crime of unprecedented and ever growing extent.

Embedded within the deep web, the **dark web** (also: dark net) is a part of the World Wide Web that is hidden and requires special software to access – allowing for great but not total anonymity. It is the preferred place for illegal transactions and activities such as drug and weapon sales for assassinations, but also an underground platform for political activists, whistle blowers and journalists trying to avoid government oversight. Financial transactions through the dark web use the crypto currency Bitcoin, a borderless peer-to-peer currency that offers greater anonymity than regular financial transactions.

Source: IFL Science

The Internet Watch Foundation finds two predominant methods of distributing child sexual abuse material, cyberlockers (free-hosting file stores image hosting sites) which are hot-linked into numerous third party sites⁴³ and hacked third party sites infused with commercial child sexual abuse material. In the latter, pages form a “cluster” and so-called gateway sites link to a second group of pages that actually display illegal material. A third group of pages have direct links to payment mechanisms (using bitcoin). This final group of pages are hacked websites of small businesses and organisations, generally located in Northern American and EU countries.⁴⁴

The latest, and most disturbing trend, is live video streaming between offenders and victims. Exploited children are connected to live chats where perpetrators approach them and, in return for a fee, ask children to get undressed whilst they watch. Europol’s research shows that ‘live streaming for payment is no longer an emerging trend but an established reality. It is of particular concern in the context of emerging markets due to increased Internet adoption there.’⁴⁵

Until now, criminal justice systems and law enforcement agencies have struggled to keep up with the rapid evolution of cybercrime.⁴⁶ John Carr, one of the world’s leading authorities on children’s use of the internet, saw as early as 2006 that there were inherent difficulties in dealing with online sexual exploitation, due to the ‘highly devolved, decentralised nature of the internet’ and the dispersed management and control of online payment mechanisms.⁴⁷ In short, what makes it so difficult to uncover and trace the crimes perpetrated online is the unprecedented amount of illicit data that penetrates the depths of the internet where tracking is difficult due to greater privacy.

Recent technological advances have started to change this. One example is “Sweetie”, an online animated tool created by Terre des Hommes Netherlands. The software is ‘aimed at identifying and deterring millions of potential offenders’ and constitutes a preventive approach.⁴⁸ Sweetie has helped to identify over 1000 perpetrators from 71 countries around the globe, whose profile has then been forwarded to Interpol and Europol. There have been numerous arrests and convictions of British, Dutch, Belgian and Australian nationals since 2013 thanks to Sweetie.⁴⁹



Several private sector actors have collaborated with NGOs and provided technical know-how and tools to facilitate counter-trafficking activities. LexisNexis developed a national (US) database of social service providers as well as an online resource centre for attorneys who work with human trafficking victims. It also offers technological advice to a range of counter-trafficking NGOs and has established the Human Trafficking Awareness Index. JP Morgan Chase has developed and adapted tools for detecting money-laundering for use in countering human trafficking schemes which involve hidden financial transactions. Banks and technology companies generally have succeeded in shutting down many commercial sites marketing images of child sex abuse on the internet. Indeed, 'technological applications for detecting money laundering have proven useful in detecting other illicit transactions.'⁵⁰ Further cooperation between civil society and the private sector include a USD 11.5 million Google grant funding projects with Polaris Project, Slavery Footprint, and the International Justice Mission, and Palantir Technologies' cooperation with the National Centre for Missing and Exploited Children (NCMEC).⁵¹

Two recent developments promise to revolutionise law enforcement capacities on a global scale by tackling the challenges of filtering through the masses of online material efficiently and penetrating the dark web.

Microsoft's PhotoDNA: identifying the problem and providing a solution

The rise of the internet has dramatically changed the way child abusive material (CAM) can be shared and distributed. In 1995, INTERPOL knew of only some 4,000 individual child abuse images online.⁵² Today, the number of illegal images has surged into the billions, and live video streaming of child sexual abuse presents another main online distribution method. It is estimated that of a total of 1.8 billion pictures uploaded to the internet every single day, 720,000 are of illegal nature⁵³, which makes finding a single child sexual abuse image much harder than finding the proverbial needle in a haystack. In 2009, Microsoft partnered with the National Center for Missing and Exploited Children (NCMEC) and Dartmouth College to develop PhotoDNA, a technology to improve capacities to filter images.

Microsoft's PhotoDNA

PhotoDNA is a technological advancement that helps filter masses of images to find those that classify as child exploitation. Every match can then trigger action to disrupt online child exploitation and remove those images. PhotoDNA is a "hash" matching technology, 'it works by converting images into a grayscale format, creating a grid and assigning a numerical value to each tiny square. Those numerical values represent the "hash" of an image', its photographic DNA signature'. The advantage of this technique is that images can be detected and matched even if they are altered as the focus lies on the characteristics of the image rather than the file.

Input

Convert to GrayScale, Sownscale and split into Numbins⁶ regions of size QuadSize²

Calculate Intensity derivatives for each pixel in the region

Create a histogram adding the absolute value of each derivatives on it's corresponding bucket for all pixels in a patch

Source: [Microsoft News Center. Microsoft's PhotoDNA](#)



In 2014, 58 individuals were arrested as a consequence of Microsoft notifications to NCMEC. Today, Microsoft PhotoDNA is licensed for free to over 70 organisations around the globe and has become an industry standard, being used by Facebook, Twitter and Google as well as implemented in Microsoft's own products.⁵⁴ These companies use PhotoDNA to filter images from their platforms and delete them as soon as they are detected. This software is available both for online service providers and for law enforcement agencies - an important step towards sharing technology to collaboratively combat child sexual exploitation on a global level.

DARPA's Memex: a domain-specific search that sees through the dark web

The United States Defense Advanced Research Projects Agency's (DARPA) interest in child online exploitation is based on the linkages between criminal activities from one area to another: 'the kinds of groups that do human trafficking are often using the proceeds of that to do other things that run counter to national security interests.'⁵⁵

DARPA launched the Memex programme in September 2014. Memex is able to quickly search and organise information on the dark web as well as the internet. It collects data and information around victims of human trafficking with geospatial informatics capabilities, manages photos of potential terrorists and finds other places they exist on the web, collects and analyzes data from research papers to create shared knowledge around an issue or topic and crawls the web for court documents to help identify human traffickers.

Unlike Microsoft's PhotoDNA, Memex does not classify and filter images but aims to uncover linkages between advertisements and contact details that can be found within the dark web. Memex creates an index which along with configurable interfaces for search and analysis, enables new opportunities to uncover and defeat trafficking enterprises. Its creation revolutionises how law enforcement agencies can address and counter online child abuse (and other illegal activities). It is able to map advertisements of young women and track the movements of those posting the ads. It can also help to finding associated information such as an email address that belongs to a phone number - something that was not otherwise possible for law enforcement practitioners. Memex is already in use and helps law enforcement agencies in the United States to combat sex trafficking.

Tackling the social and cultural sphere: education and protection

Whilst technology can revolutionise law enforcement and hold perpetrators accountable for the production or exchange of illegal material, an additional ground-based effort must target cultural obstacles and protect abused and/or vulnerable children from exploitation.

Marie-Laure Lemineur from ECPAT International has identified social behaviour and the political, economic, social and cultural context as the two broad areas of challenges that face NGOs combating online sexual exploitation of children. She believes that a "social tolerance" to certain forms of sexual abuse poses a huge challenge: 'Parents, children and authorities fail to grasp the implications of using children for the production of pornography. The impact it may have on a child's life is often ignored, and some parents actually consider child pornography images as "mere photographs or films" which do not harm the children, particularly those involving only nudity (images showing the actual molestation of their children do receive stronger reactions though). There is an urgent need to make parents and children more sensitive to the issue generally, especially since it also suggests that a large number of child pornography cases remain unreported, as they are considered "innocuous".'⁵⁶

In some countries, online sexual performances by children in exchange for money may not be seen as unacceptable due to a lack of economic alternatives, for instance children in Thailand and the Philippines using internet



cafes to chat with foreign men.⁵⁷ These social attitudes can be difficult to address and require social awareness campaigns by the government or civil society organisations. The case of the rise of the so-called selfie-culture (self-portrait photographs taken with smartphones by young people themselves) shows the increased danger for children when their self-generated, at times 'sexually explicit (nude or semi-nude), images or video' material end up in the wrong hands.⁵⁸

ECPAT

ECPAT (End Child Prostitution, Child Pornography & Trafficking of Children for Sexual Purposes) is a global network dedicated to protecting children. The NGO coordinates research, advocacy and action in 77 countries. Recognising the challenges that access to modern communication technologies pose, ECPAT advocates for strong legal frameworks and technical measures to eliminate commercial sexual exploitation of children.

Source: www.ecpat.net

The First World Congress against Commercial Sexual Exploitation of Children (CSEC), held in Stockholm in 1996, was a landmark in the recognition of the problem of sexual violence against children. The Philippines, a 'sending, transit and destination country for trafficking in children for sexual purposes' signed the Stockholm Declaration and Agenda for Action in 1996 and reaffirmed its commitment in Yokohama in 2001. Its five-year 2000-2004 National Plan of Action against CSEC and the subsequent National Plan of Action for Children (2005-2010) further highlighted the need for 'prevention, protection and reintegration of children from all forms of abuse and exploitation'.⁵⁹ However, monitoring and allocating financial resources remain challenges.⁶⁰ Brazil, another country where exploitation material is produced, declared a "war against child pornography on the Internet" in 2008 and 'announced the creation of a web site to centralise complaints about child pornography on the internet, as a further step towards fighting the phenomenon which is growing globally, alongside child trafficking and sex tourism'.⁶¹ Also, legislation was amended to increase punishment for imprisonment for offences such as the purchase and possession of pornographic materials.

In 2012 the International Centre for Missing and Exploited Children's (ICMEC) found that out of 196 reviewed countries, only 69 countries had legislation sufficient to combat child pornography offences whilst 53 countries had no legislation at all to specifically address child pornography. The remaining 74 countries did not define child pornography in their national legislation, did not criminalise the possession of child pornography, or failed to address cyber-related offences.⁶² This reflects social and cultural differences worldwide where sexual online exploitation is not defined thoroughly or accepted as an offence everywhere. Even where legislation is in place, implementation often remains an issue. Developing countries are less able to devote resources into the policing of crimes like online sex abuse that demand high tech tools.

The control of illicit activities on the internet will likely remain a challenge in the future. Criminal networks are quick to find new methodologies whilst remaining out of reach of law enforcement. Legislation and implementation need to adapt quickly to technological advances and create a uniform response in which many actors can participate. Sharing technological advances and making them accessible to less developed countries will be important. It is crucial that technology companies from the private sector share their expertise with law enforcement agencies and NGOs to counter trafficking.

UNODC notes that private sector actors are key in preventing online sexual exploitation of children as they constitute 'the main driving force among technological development worldwide'.⁶³ It is crucial that other private sector



actors join these efforts; UNODC suggests 'self-regulation by internet service providers, self-monitoring by travel and tourism companies and the creation of financial and technological coalitions or coordination groups.'⁶⁴ However, whilst self-regulation and self-regulation are a basis for corporate social responsibility of individual actors, the real change can only be facilitated by a joint cooperation between nations and the private sector i.e. standard setting that can be passed into binding legislation that applies for all private sector actors.



Chapter 3: Human trafficking in football

Human trafficking through the recruitment of young athletes has been recognised as a threat by the International Convention on Children's Rights (UN 1989)⁶⁵, which condemns child exploitation (Article 32), the European Parliament resolution on the future of professional football in Europe (March 2007)⁶⁶, and the International Federation of Association Football's (FIFA) Regulations on the Status and Transfer of Players.⁶⁷

The vast majority of trafficking of athletes is linked to football. Foot Solidaire's Founder and Director Jean-Claude Mbvoumin, himself a former professional football player from Cameroon, estimates that as many as 15,000 African children and adolescent are trafficked through sports⁶⁸, often illegally recruited by structured criminal networks.

African footballers tend to leave their countries at a much younger age than European and Latin American players – being 18.6 years on average, compared to 21.4-22.3 years of age.⁶⁹ However, some 'are recruited even younger, sometimes as young as 10 years old',⁷⁰ Indeed FIFA Circular No. 1468 (March 2015)⁷¹ reduced the age limit for international transfer certificates from 12 to 10 years old. Concerns have surfaced that European clubs and speculators 'take ownership or executive control of African-based academies to sidestep certain regulations, such as the ban on the international transfer of minors, in order to sign African talent at an early stage and then profit from their subsequent sales to rich, typically European, clubs.'⁷² When FIFA discovered that these unethical practices amount to 500,000 minors being moved from club to club, the organisation was shocked to observe a modern form of "slavery" in its own ranks.⁷³

Illicit recruitment agents also use the world of football to make money: 'they fake contracts, lure young African players to come to Europe under illegal conditions, and then they just leave them.'⁷⁴ FIFA's new regulation on Working with Intermediaries which abolishes the compulsory football agents' licensing system⁷⁵ only makes their task easier. Unknowing parents spend large sums of money without any safety net to send their talented children for trials at European clubs, where they are then left alone.⁷⁶ Key practices include intermediaries purporting to be football agents or talent scouts demanding money in exchange for securing a trial, and the trafficking of the young player into Europe where he may or may not attend trials and receives at best an insecure contract.⁷⁷ This is the point where the nongovernmental organisation Foot Solidaire becomes active to assist and protect trafficked athletes.

The Swiss-based nongovernmental organisation Foot Solidaire was founded in France in 2000 to provide protection to young football players aspiring for a professional career. Responding to increased migration of young African footballers to Europe and Asia, Foot Solidaire recognises exploitative activities during the recruitment process by clubs and scouts, the conditions of young athletes' stay during their employment and occurrences of trafficking. Foot Solidaire not only provides direct support to young players but also connects national and private actors via a network of Ambassadors and educational workshops.

Source: Foot Solidaire. Webinar presentation.

One part of the problem is the vulnerability of 'unemployed and precariously employed youth in their twenties and early thirties who see themselves as entrepreneurs'.⁷⁸ Young African athletes are not completely oblivious to the danger of being exploited, but a professional career in football, especially with a European club, is a promising chance to lift young athletes and their families out of poverty. Thus, the chance is often perceived as worth taking or even considerably pushed for by the families of players.⁷⁹



The illegal activities and harm caused by trafficking, exploitation and abuse that young athletes experiences in the hands of organised criminal groups is a serious issue that demands greater attention and regulations.⁸⁰ The International Olympic Committee (IOC) stresses in Rule 6.2 of its Principles of Good Governance on the Protection of Athletes that 'Measures should be taken to prohibit exploitation of young athletes; Athletes should be protected from unscrupulous recruiters and agents' and, thirdly, that 'Cooperation with the government of the countries concerned should be developed'.⁸¹

FIFA, the international governing body of football, has put in place several guidelines and regulations to protect young athletes from abuse and exploitation. For instance, Article 19 FIFA RSTP 2009⁸² determines that international transfers of players is only permitted if the player is older than 18. However, there are exceptions, when the player's parents move to the country in which the new club is located for reasons not linked to football, when the transfer occurs within the European Union (EU) or European Economic Area (EEA) territory, or when the player lives no further than 50km from a national border and the new club is also within 50km of the border. Unfortunately, these exceptions leave scope for abuse.

A more effective FIFA measure was the ban on third-party ownership (TPO), a practice that has given criminal groups room to exploit and abuse vulnerable young players.⁸³ In the past, teams in countries such as Brazil, Portugal and Spain sold equity in players in exchange for future earning potential, allowing outside investors to buy a percentage of player's future transfer fees. FIFA banned TPO in January 2015, though Brazil, Portugal and Spain are now strongly fighting the ban.⁸⁴

However, sanctions in sport are more often than not mainly symbolic as organisations such as FIFA cannot truly control all clubs throughout Europe. According to Foot Solidaire's founder Mbvoumin 'it is about a change of attitude in the entire football world' if not in the sporting world in general.⁸⁵ James Esson highlighted that international regulations mostly target trafficking within football.⁸⁶ Intermediaries that act as recruitment agents or talent scouts, but are truly unlicensed criminals (i.e. individuals practicing trafficking through football), remain less targeted in policy responses.

Overall, it is necessary to understand the inherent complexities of human trafficking and exploitation that occur in and around sports. Only then can strict legal frameworks that capture all aspects of trafficking and exploitation be established, with the participation of all actors in the sporting world ranging from governments and private actors to civil society organisations and the athletes themselves. The Special Advisor to the United Nations Secretary-General on Sport for Development and Peace defines 'sports and play as powerful tools in the advancement of development and peace objectives'.⁸⁷ Instead of being a hub for illegal activities and exploitation, sports should become a sphere that protects all actors and individuals involved in it.

In fact, the world of sports has the power to do more than protect. If sports teams, players and promoters were to use their undoubted influence as icons to insist upon ethical supply chain management from their suppliers, that would contribute greatly towards motivating those suppliers. For example, if FC Barcelona were to say "we don't buy (X Brand) shoes because they use exploitative labour" that would be a huge awareness raising and advocacy action. Sports teams and players have a terrific voice and they insufficiently use it on this issue.

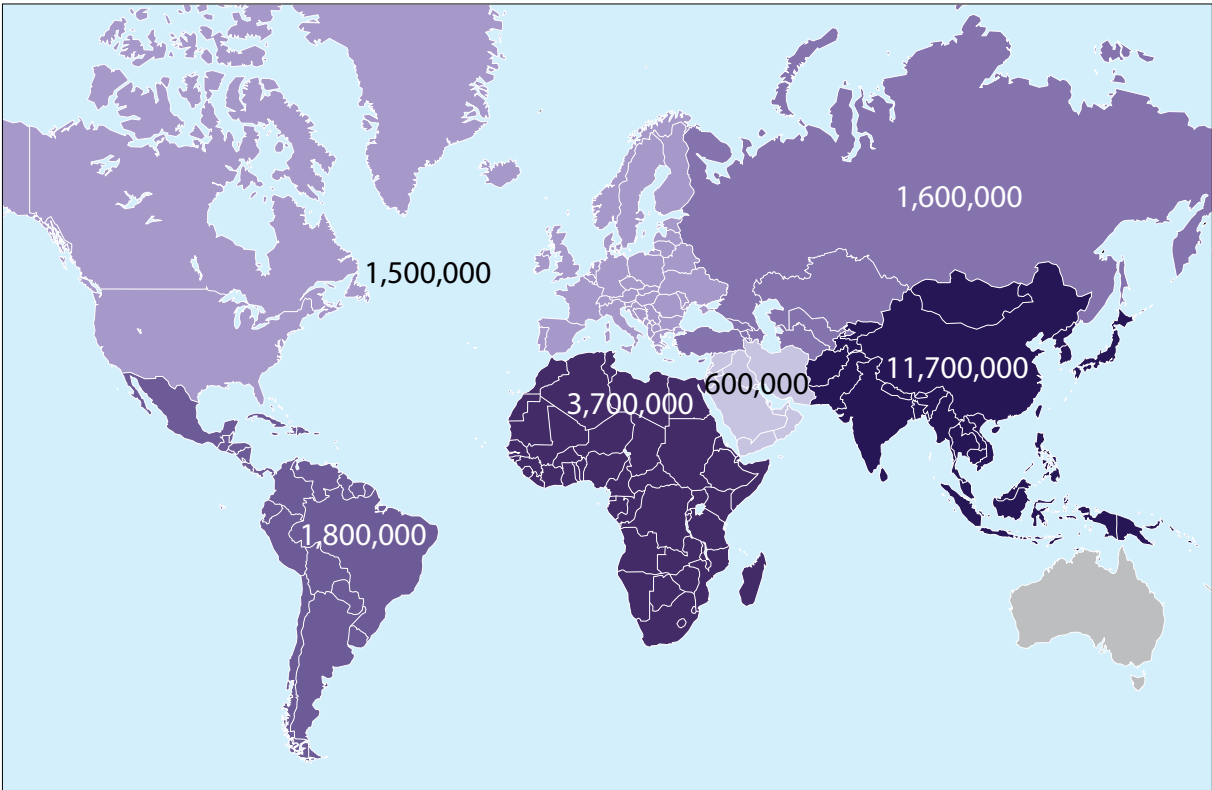
Participants also discussed whether mega sports events such as the Olympics, the World Cup and the Super Bowl were associated with a rise in human trafficking. Though Texas Attorney General Greg Abbott famously described the Super Bowl as "the single largest human trafficking incident in the U.S.", the assertion has never been sufficiently supported by accurate and reliable evidence. Without an evidence basis, it is hard to catalyse policy makers to seriously address the challenge.



Chapter 4: Labour exploitation and the construction industry

Forced labour is prevalent in many economies around the world. According to estimates by the International Labour Organization (ILO), around 21 million people are victims of forced labour worldwide and around half of them are moved either internally or internationally for work.⁸⁸ Forced labour describes ‘situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities.’⁸⁹ Forced labour is a truly global problem; it affects every country in one or another way, even developed economies and the European Union.⁹⁰ The Global Slavery Index estimates 36 million people to be enslaved in 167 countries.⁹¹

Regional distribution of forced labour⁹²



This section focuses on the construction industry and the scope for labour exploitation within it.

Especially in the Middle East, migrant workers form the large majority of the private sector work force. Their employment is regulated by the kafala system, which has a huge impact on the vulnerability of these labourers not only during their work placements but also during their recruitment phase. Whilst both international and national actors such as the ILO and countries with a high population of migrant workers have started to think about labour rights and the protection of workers, the private sector has to be involved, too. Ways to achieve greater cooperation between organisations, nations and the private sector include regulating recruitment and ensuring that best practices are translated into binding regulations for all private sector actors.

Forced labour has to be addressed first by companies as around 68% of victims of forced labour are found in the private sector.⁹³ The construction sector often relies on temporary low-skilled migrant workers – one of the most vulnerable groups to exploitative practices. The private sector has to ensure legal compliance with international



conventions, manage risks and reputation and 'face new and growing expectations that production will comply with social and human rights criteria.'⁹⁴

A global picture.⁹⁵

Low-skilled temporary migrant workers often account for the majority of construction workers. In China alone, they account for roughly four fifths of the workforce, often without written contracts. In India, most of the construction workers in urban areas are migrants from other Indian regions. In the USA and Canada, migrant workers from Central and South America are highly dependent of their employer and constrained by their temporary visas. Often, the biggest issues are safety at work and wage theft by unscrupulous subcontractors.

Source: The Chartered Institute of Building (2015).

The Middle East is an outstanding example to analyse forced labour issues because the region 'hosts millions of migrant workers, who in some cases exceed the number of national workers substantially', particularly in Qatar (94 per cent of workers are migrants), Saudi Arabia (above 50 per cent) and also Jordan and Lebanon.⁹⁶ Moreover, the Middle East is not only 'particular significant in respect of the sheer scale of labour migration' but also and especially for 'the prevailing regulatory system, which can be conducive to forced labour and trafficking.'⁹⁷ A common feature of countries in the Middle East and North Africa (MENA) region is the extreme segmentation of the labour market into a national work force predominantly in the public sector and a migrant work force in the private sector.⁹⁸

Evolution of foreign component of total population in the GCC, 1975-2008 (%).⁹⁹

	1975	1985	1997	2008
Saudi Arabia	25	23	31	27
Kuwait	52	60	66	68
Bahrain	21	35	39	51
Oman	17	22	28	31
Qatar	59	60	67	87
UAE	70	79	76	81

Share of national workers in private sector employment in the GCC, 2003.¹⁰⁰

	Total of all workers (000s)	% nationals (% foreigners)
Saudi Arabia	4,315	46 (54)
Kuwait	1,071	3 (97)
Bahrain	254	30 (70)
Oman	158	48 (52)
Qatar	252	3 (97)
UAE	99	1 (99)

The construction sector in the UAE has been booming in the past recent years, and 'is primarily driven by hefty spending on mega infrastructure and tourism investments.'¹⁰¹ With projects such as the World Expo 2020 in Dubai and FIFA World Cup 2022 in Qatar, there is a need for a big workforce that cannot be met by local workers, who in any case prefer public sector employment. To advance the rapid construction and development of infrastructure by means of



short-term labour immigration has been a conscious political decision by the elites of the Gulf Cooperation Council (GCC).¹⁰² However, it is difficult to obtain detailed employment data broken down into the different sectors and areas, and data becomes more and more unreliable. According to data collections from 2009, the construction sector depends heavily on migrant labour, resulting in 89.8 per cent to 99.8 per cent of foreign employment.¹⁰³

To understand occurrences of labour exploitation and forced labour in the GCC countries it is key to analyze the kafala system, the visa sponsorship system that regulates the short-term labour immigration in the region. The kafala system has been heavily criticised for creating a problematic power dynamic between employers and employees, further facilitated by recruitment agents.¹⁰⁴

The **kafala system**, also sponsorship system, guarantees a flexible stock of 'temporary' foreign labourers within the GCC. In principle, temporary workers are recruited by a sponsor, the kafeel. Their presence is of a temporary "guest" nature connected to their sponsor or employer and their rights and pay levels are limited. The kafala system gives legal responsibility for the residency and employment of workers to employers. The absence or weakness of labour law coverage and national legislation, and restricted avenues to litigate against employers and employment agents result in a situation where migrant workers are especially vulnerable to abuses and exploitation. Whilst domestic workers belong to the group most at risk, construction workers also face deceptive and unethical recruitment, withholding of wages and personal documents, and abusive living and working conditions. Because the kafala system heavily restricts the mobility of workers, these find themselves trapped in these situations.

The labour exploitation of migrant workers occurs in two steps; first, during a deceptive recruitment phase that requires high recruitment fees from workers¹⁰⁵ and second, during an often exploitative work placement where 'workers are subjected to routine violations of terms of employment by employers.'¹⁰⁶ Fraudulent sponsors and private employment agencies not only charge illegal recruitment fees but deceive foreign workers by recruiting for non-existent jobs, then auctioning off the workers' visas to the highest bidder, leaving them stranded in the destination country, often in debt, with no job, and forced to look for irregular work.¹⁰⁷ Even if the migrant worker remains in his job, he is 'completely dependent upon the kafeel for his livelihood and residency. The power that the kafala system delegates to the sponsor over the migrant worker has been likened to a contemporary form of slavery.'¹⁰⁸ In about half the cases, the sponsor significantly reduced or even withheld salary payments, challenging workers' ability to repay loans they took on to pay recruitment and travel fees.¹⁰⁹ In the construction sector, typical hardships include 'highly leveraged debt due to excessive recruitment fees, unpaid or late wages, confiscation of passports, vulnerability to imprisonment because of improper visa or work permit paperwork, death and injury on the job, and heat-related illness. The recent economic crisis has exacerbated these phenomena.'¹¹⁰

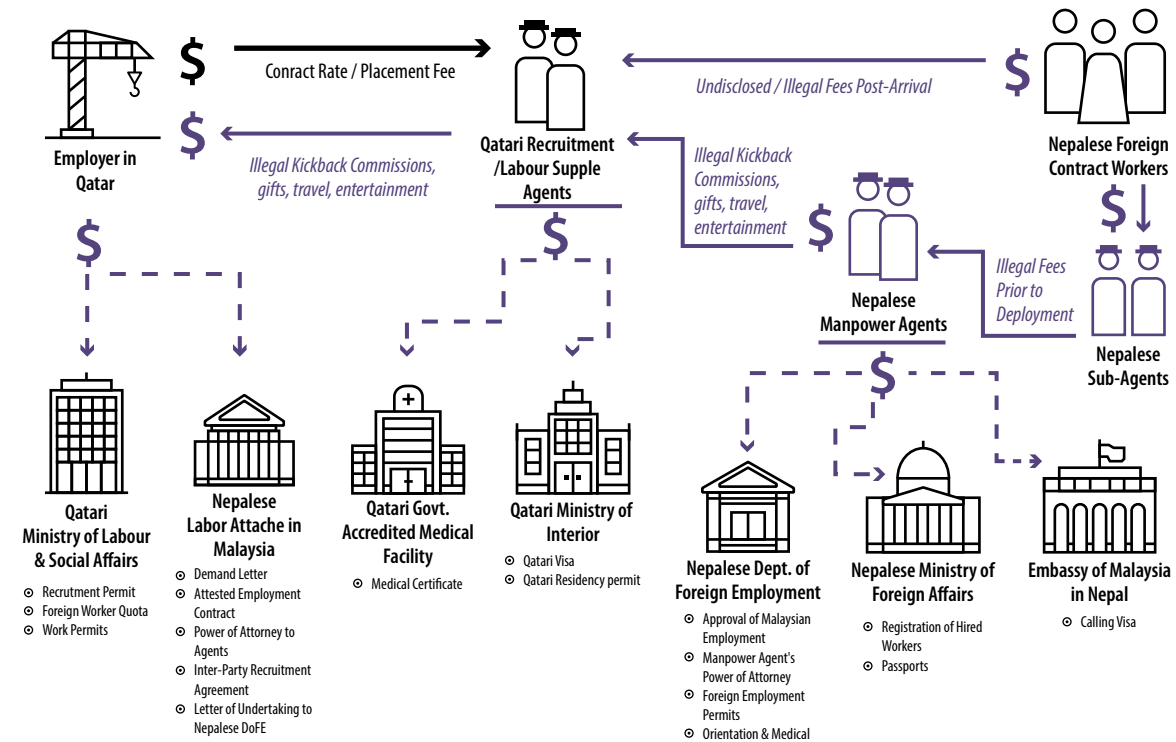
Dr. Ray Jureidini highlighted that the kafala system conditions the relationship between the nation and its citizens; it delegates responsibility and authority to private citizens and minimises national involvement with the huge foreign worker presence.



The Qatari recruitment corridor

Verité created a dynamic graphic that visualises the different steps and elements during a recruitment process of a migrant worker from Nepal to Qatar, a country with high migrant labour rate. The graphic shows the financial flows between the employer in Qatar, a Qatari recruitment agent, a Nepalese agent and the foreign contract worker himself.

Migrant Worker Recruitment Case Study: Nepal to Qatar



The image of the “Qatar recruitment corridor” shows the administrative and financial hurdles that face a migrant worker. Qatari employers with labour shortages will usually seek approval to recruit workers from abroad from the Qatari Ministry of Labour & Social Affairs and then use the services of a local recruitment (labour supply) agent. This agent in turn contacts a licensed Nepali manpower agent. Work contracts are usually auctioned off between these actors. Contracts are often sold to highest bidders or existing contacts in countries of origin. These payments are part of the possible recruitment fees, ranging from 300-500USD, and are illegal.

The Qatari employer also needs to approach the Nepalese governance representative in Doha and present a series of documents. Only at that point when authorisation is approved and the employer has ordered manpower can the Nepalese manpower agent start the actual recruitment process. In reality, the process is already well under way in Nepal, with many Nepalese workers waiting in warehouse type facilities hoping for work placements abroad. These workers may already have paid fees and surrendered their papers. In other cases, informal subagents will need to identify interested workers in provinces and villages. Workers are charged fees that are cash payments either to Nepalese sub-agents, manpower agents or any combination. Whilst certain service fees are permissible under Nepalese laws, in most cases workers have to borrow to pay fees that greatly exceed the official rate. Next, the Nepalese manpower agent interacts with Nepali government departments to attest and approve paperwork and permissions. Fees for exit visas, accompanied by fees or even bribes for registration, training and medical testing are common. At this stage, Nepali workers may have paid up to USD1,500-2,000 without having left the country yet.

Once the workers arrive in Qatar, they are met by the recruitment agent who will take away their passports. They will be told that they will be charged for food, accommodation, and any Qatari administrative costs that have been paid by the employer and the recruitment agent. Those sums are usually deducted from their wages over time. Finally, there are some additional formalities to be completed such as registrations for Qatari residence permits and medical certificates, perhaps another USD1,000. The entire journey will result in payments by the migrant worker up to USD3,000.

Contract substitution is another major problem. Often, migrant workers sign contracts promising a specific pay for a certain amount of hours before they travel to their destination country but once they arrive they are forced to sign a different contract, often in a language they do not understand.¹¹¹

Kafala reform

After much international attention and criticism, the GCC countries accepted the need to reform the kafala system. Bahrain and Kuwait 'have made the greatest attempt to reform the kafala in their respective countries.'¹¹² In 2009, Bahrain announced that migrants' work visa would be sponsored by government authorities rather than employers to 'reduce the lopsided power balance between employers and migrant workers.'¹¹³ However, there is little consistency. Qatar and Saudi Arabia intend to maintain the status quo.¹¹⁴ In a press conference in May 2014, Qatar officials announced a plan to make it easier for migrant workers to leave the country or change jobs, saying that 'the kafala system would be eliminated, starting by changing the name of the law'.¹¹⁵ A year later, 'a draft law amending existing legislation was presented to the Advisory (Shura) Council'.¹¹⁶ However, the changes proposed fall short of recommendations by human rights activists.

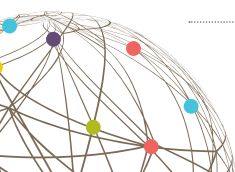
One promising project has been the Qatar Foundation's Mandatory Standards of Migrant Workers' Welfare for Contractors & Sub-Contractors that aims to 'set forth minimum mandatory requirements with respect to recruitment, living and working conditions and general treatment of Workers engaged in construction and other projects'.¹¹⁷

Equally, the origin countries of migrant workers need to take on a more pro-active role. First they must ensure that recruitment practices in their own territories are ethical and fair, implementing stricter control of recruitment agencies, banning unethical or unlicensed recruiters, or avoid private recruitment agents completely in favour of government-to-government recruitment.¹¹⁸ Secondly, they should lobby that workers remain under protection throughout their placements. Bilateral discussions between host and origin country are crucial to establish relations of trust and a comprehensive regulation can ensure standardised recruitment practices that protect workers throughout the employment cycle.

Verité, a leading NGO working towards ensuring 'that people around the world work under safe, fair, and legal conditions', stresses the phase of recruitment as critical in determining whether labour will be fair or exploitative.¹¹⁹

Verité is a NGO that sees itself as a global advocate for workers and workers' rights. Verité's Help Wanted Initiative aims to clarify and publicize the ways in which labour broker practices can create hiring traps and to provide concrete approaches by which private sector, civil society, and governmental institutions can address this key point of leverage to reduce the risk of a worker ending up a victim of modern-day slavery.

Source: Verité. Help Wanted Initiative.



Generally, the recruitment phase is accepted as the phase where exploitation and abuse are rooted. Brokers, 'middlemen in the recruitment, hiring and/or management of labourers,' 'operate at the core of the global economy' and may prevent a direct relationship between employers and employees.¹²⁰ As there is often very little regulation, brokers 'are often left to operate in a grey area where applicability of worker protections to their activities is unclear at best and nonexistence at worst. It is crucial for private actors to become pro-actively engaged in the welfare of workers employed in their businesses.'¹²¹ Verité recommends that employers ensure that brokers employ fair hiring techniques and that they protect migrant workers from exploitation not only after they have begun working but also before they set foot on the worksite i.e. during the recruitment process.¹²²

Verité also names a couple of companies such as Next, Apple and Nike that demonstrate promising efforts and practices in promoting responsible recruitment and fair labour throughout their production supply chains.¹²³ Possibly the construction sector is lagging behind apparel manufacturers because their brand image might be less central to their business. In addition, 'contractors are often oblivious to unscrupulous labour agents or subcontractors that are withholding money, or forcing employees to work at a lower than previously agreed rate.'¹²⁴

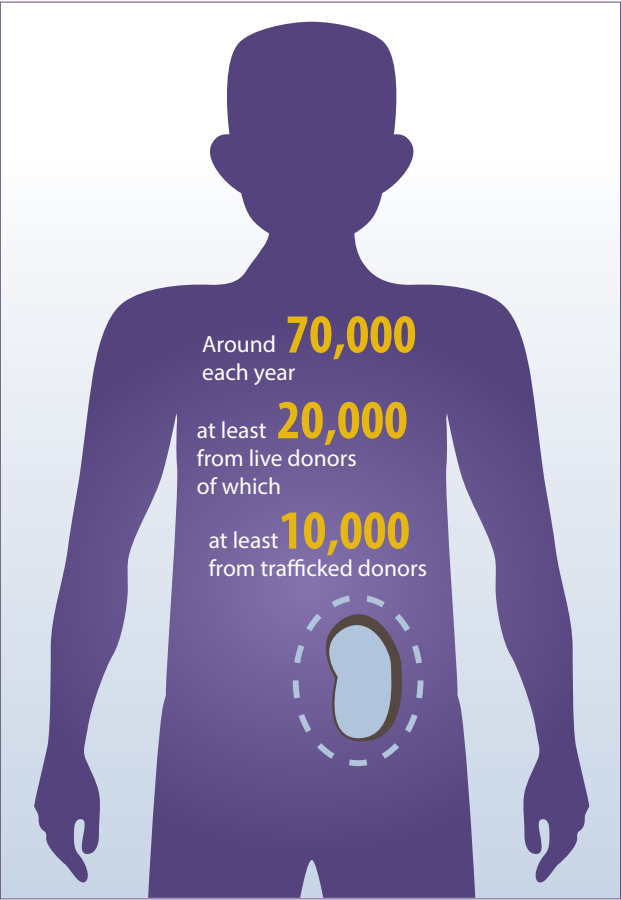


Chapter 5: Responding to the global black market in illicit organs

The global shortage of organs for transplant, and a culturally motivated preference for live organ transplants over organs from the deceased, has fuelled a growing illicit organ trafficking industry. The World Health Organization (WHO) estimates that 5-10 per cent of the 65,000 kidney transplants carried out globally every year are illicit.¹²⁵ Further, the crime, 'a hidden, underground activity (...) seems to be greatly underreported'.¹²⁶ The industry is estimated to generate profits as large as USD 1.2 billion per year.¹²⁷ It involves the "donor" who sells his or her organ, a buyer, various middle men connecting these two, the transplant practitioners who undertake the medical procedure and the facility in which they operate.

The United Nations Trafficking in Persons Protocol defines organ trafficking as part of human trafficking, i.e. '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 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*'.¹²⁸ It is a transnational organised crime with rising financial gains that requires international action. The necessary involvement of professionals from the medical sector makes this crime unique within the context of human trafficking.

There is an important differentiation to be made between the trafficking of persons for the purpose of organ removal and the trade of the organs themselves. The Council of Europe and the UN concluded that 'trafficking in human beings for the purpose of organ removal was a small part of the bigger problem of trafficking in organs, tissues and cells (OTC). Both crimes – despite often being confused and treated interchangeably – are of different nature and require different solutions. 'Trafficking in OTC occurs when there is (a) the illicit removal, preparation, preservation, storage, offering, distribution, brokerage, transport or implantation of organs, tissues or cells (cells for the purpose of therapeutic transplantation); and (b) the possession or purchase of organs, tissues or cells with a view to conducting one of the activities listed in (a); solely for financial or other economic gain (for this or a third person's benefit).¹²⁹ OTC is a purely commercial transaction of the organ itself. Whilst some trafficking in OTC may originate in trafficking in human beings, it generally does not need to involve the basic combination of action, means and purpose laid out in the UN Trafficking Protocol. Nonetheless, Budiani-Saberi stresses that despite the claim that OTC 'is not itself a form of human trafficking', 'almost all organ removals for commercial transplants do not



Source: WHO, *Organs Watch*



involve the independent movement of an organ', and 'even if an organ moves independently, a human may have been trafficked to remove that organ'.¹³⁰

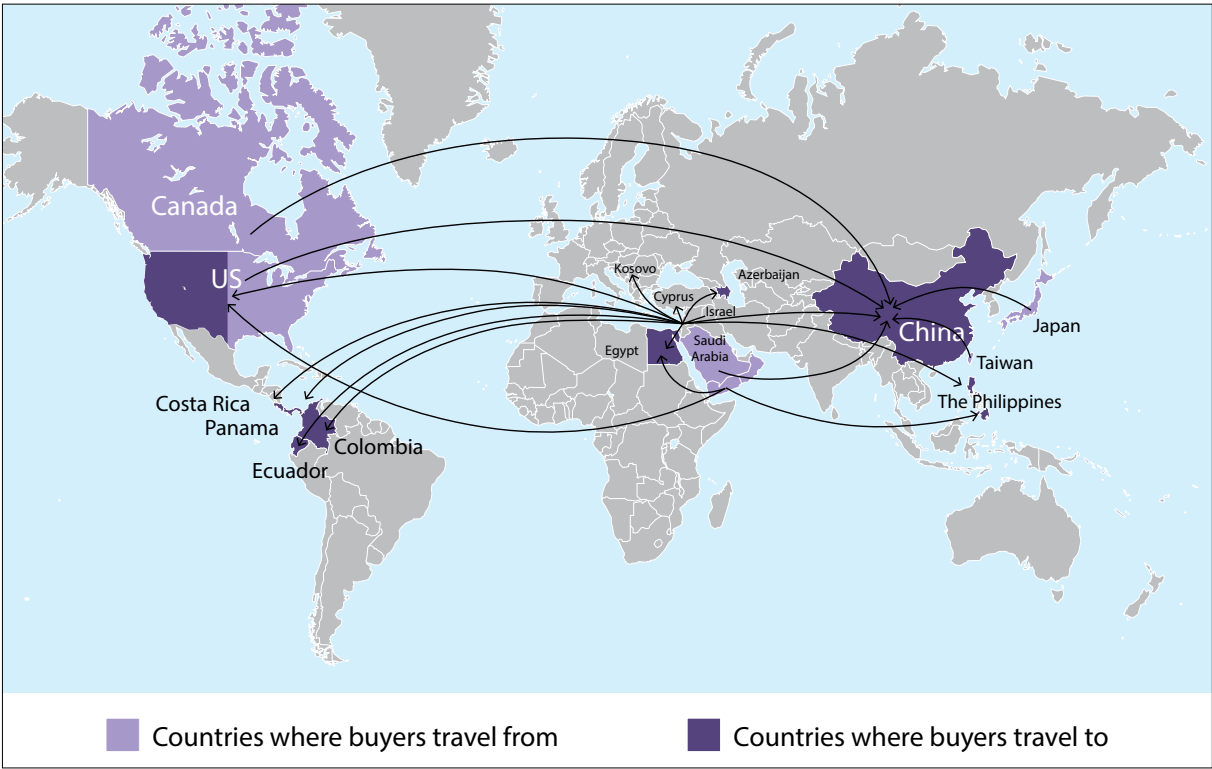
Research by the Coalition for Organ-Failure Solutions shows that unequal distribution of wealth, economic vulnerability and the shortage of organs for transplantation purposes combine to create situations where individuals are trafficked and exploited for their organs.

The NGO organisation Coalition for Organ-Failure Solutions (COFS) advocates for a human rights-based and victim-centered approach. COFS provides research, policy advocacy, victim assistance services and awareness raising campaigns. Their work in identifying victims significantly helps us to understand the often changing and different ways victims might be exploited. COFS' work highlights the need to focus on assisting victims after their exploitation.

Source: Coalition for Organ-Failure Solutions.

Interviews with victims of kidney removal in India show 'they were recruited, transported, transferred, harboured or received by means of fraud, deception, the abuse of power on positions of vulnerability (particularly for individuals engulfed by debt) and, more rarely, by coercion'.¹³¹ Whilst victims may be both men and women, a unifying feature is the debt bondage that pushes victims into situation where they perceive an organ donation as the only option.¹³² In that sense, the global distribution of wealth plays a significant structural factor in human trafficking for the exploitation of organs. Socio-cultural circumstances add to these dynamics, with many female victims experiencing 'pressures (...) from within the family, and especially from their husbands, to sell a kidney for the sake of the family'.¹³³

Main routes of the organ trade.¹³⁴



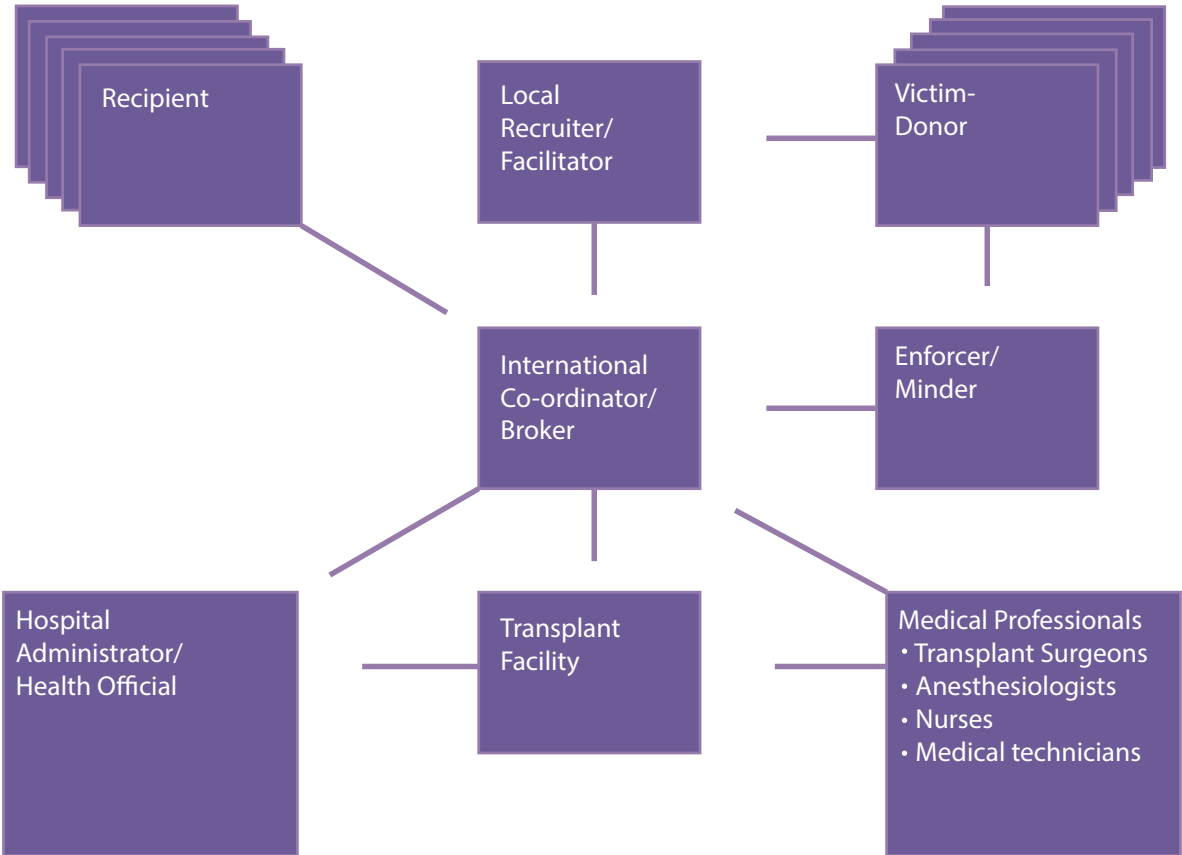
COFS case studies from the field (especially India and Egypt) highlight the abusive measures that exploiters use to trap and convince victims to donate organs. Victims are usually unaware of the risks involved in the medical procedures, do not receive post-operation follow up and are sometimes not even paid. And whilst donors agree to the procedure, many victims felt like they had no other options that to sell their kidney. All these aspects are fully consistent with the description of human trafficking as agreed on in the UN trafficking protocol.

Budiani-Saberi and Delmonico stress that even if ‘selling kidneys may be a consideration of “autonomy” in academic debate’ and it has been the organ donor who actively advertised the sale of his organ, the coercive reality of circumstances and experience of the sale of an organ by a desperate, poor person is exploitation and often involves trafficking.¹³⁵ During the “recruitment process”, potential organ suppliers will not be told about the risks and consequences of the removal of an organ, but rather be persuaded through the prospects of a better life, being told ‘out-right lies such as e.g. that a removed kidney can grow again, that two kidneys are not foreseen by nature, that there are two kidneys, a smaller and a bigger one and that the small one would be removed, etc., knowing that the person may not be knowledgeable at all about these things.’¹³⁶ Consent, in that sense, becomes irrelevant where any of the means outlined in the Trafficking in Persons Protocol have been used.¹³⁷ Thus, ‘the buying and selling of organs in the global markets has become an ethical issue for transplant clinicians everywhere in the world’ who bear a responsibility for the medical care of those exploited even if they had no part in the organ trade themselves.¹³⁸

The UNODC report on “Trafficking in Persons for the Purpose of Organ Removal” identifies a range of possible actors in the crime: recruiters (brokers, organiser and similar), medical professionals, other private and public sector facilitators (such as medical facilities), organ recipients, and of course, victims of trafficking in persons for organ removal.

Basic transnational modes of the trafficking of human beings for organ removal.¹³⁹

Alternative diagram for basic modes of THB/OR with a transnational dimension



All nations are required to criminalise trafficking in persons for organ removal (as well as any other purpose) according to the United Nations Convention against Transnational Organized Crime and the supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Other international and regional instruments also define and prohibit crimes of this type, such as the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography¹⁴⁰, and the Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims¹⁴¹.

Regional efforts to combat organ trade and human trafficking for the purpose of organ removal include the Asian Task Force on Organ Trafficking of 2007.¹⁴² The international working group put forward a set of recommendation particularly for the Asian context. Similarly, the Council of Europe (CoE) Convention on action against trafficking in human beings¹⁴³ is an initiative limited to its jurisdiction in Europe.

Unfortunately, 'legal instruments intended to combat human trafficking for organ removal leave gaps because sometimes the three components of this problem (actions, means, and purpose) are difficult to prove'. Further, significant loopholes in national legislations and their implementations persist, resulting that the trade of organs and the connected trafficking of persons is not ebbing.¹⁴⁴

The Declaration of Istanbul constitutes a non-state response to illicit trade in organs. It was developed in 2008 by professional organisations such as The Transplantation Society and the International Society of Nephrology, representatives of scientific and medical bodies from around the world, as well as scientists and ethicists as a response to a request of the WHO that professionals engage in the issue of transplant tourism. The declaration advocates that unethical practices should be prohibited around the world.¹⁴⁵ It has been endorsed by more than 125 professional organisations around the world and reinforces WHO efforts to combat organ trafficking, despite not being legally binding. It has been the first international document to define organ trafficking, transplant commercialism and transplant tourism.¹⁴⁶

Combating transplant tourism, defined as 'an activity that involved organ trafficking and interfered with the ability of the organ-providing country to care for its own patients', the Declaration of Istanbul draws a line between transplant tourism and travel for transplantation – a debatable distinction that may be challenged in the future.¹⁴⁷ Nonetheless, the Declaration and its executive institution, the Declaration of Istanbul Custodian Group (DICG), have achieved significant successes in 'organizing and encouraging cooperation among professional bodies and relevant international, regional, and national governmental organizations' to move away from organ commercialism.¹⁴⁸

What is remarkable about TOC and human trafficking for the purpose of organ removal is the intrinsic role the private sector plays in these crimes. Often, without the private sector, these crimes could not proceed at all: 'transplant surgeries are performed at private for-profit hospitals.'¹⁴⁹ The Declaration of Istanbul has been an important first step to raise awareness amongst professional organisations around the world to collaborate with the WHO to stop unethical practices.

Private hospitals and health clinics, which in many countries fall outside the ambit of regulation, can be complicit in the illicit organ trafficking industry. The issue is that in many countries private sector hospitals are not regulated by ministries of health at all, falling outside the net of oversight and control. This is problematic as it incentivises private sector medical centres, and hospitals 'can generate USD 80,000 or more per operation by selling kidney transplant packages to international patients.'¹⁵⁰ Even where laws are in place to include private sector hospitals, poor law enforcement fosters unethical practices in private hospitals. Rudolf Garcia-Gallont, a leader in vascular and organ transplantation in Guatemala and part of DICG, said that in these situations hospitals are not free to do as they please - but neither are they called on to report abuses. In addition, public sector professionals may participate in illegal activities on the side.



The private sector is also present in the role of broker, which includes 'health insurance agents, travel agents, transplant surgeons, transplant coordinators, kidney patient organisations' and others. However, 'so-called organs brokers were in fact human traffickers and the modus operandi involved mobile surgeons, brokers, patients, and sellers from different nations who met up for clandestine surgeries involving cut throat deals that were enforced, when needed, with violence'.¹⁵¹ The area of so-called transplant tourism is ripe with actors from the private sector that achieve immense financial gains through package deals that sell organs to wealthy buyers.

Precisely because the private sector is often a major collaborator in the illicit trade of organs and the associate form of human trafficking, it is crucial to bring it as a key partner in the fight to eradicate organ trafficking and human trafficking for the purpose of organ exploitation.

Furthermore, there are serious challenges to meet victims' needs. Budiani-Saberi, a Medical Anthropologist, the Executive Director and Founder of the Coalition for Organ-Failure Solutions, who also presented her work at the webinar session, and Mostafa stress that the majority of victims remain unidentified and usually do not receive any necessary medical treatment after their organ removal.¹⁵² Victims' needs start during their exploitation but do not end when the crime has been conducted. Their protection (privacy, protection from further harm, legal assistance, non-punishment for being involved in crimes (i.e. organ selling) while being trafficked and other forms of support (medical follow-up, health education, income generation, counselling, legal assistance, shelter) - especially after the medical procedure remains overlooked and neglected when focusing on breaking criminal networks. NGOs have played a leading role in terms of highlighting the need of prevention as much as the necessity of follow-up care of victims of organ exploitation.¹⁵³



Conclusion

This report has highlighted how different forms of human trafficking and exploitation persist despite supranational frameworks, national regulations and non-governmental efforts. These crimes are unacceptable in today's world where all nations agree to ensure and protect human rights. Each of the five sections focused on a different form of exploitation of human trafficking, but there were common themes.

The first section dealt with migrant workers on temporary contracts in the USA. Three clear points emerged, that it is important to get the work permit system right, that unethical recruitment agents are the source of many problems, and that many abuses can be prevented or mitigated if business monitor their supply chains.

The second section discussed online sexual exploitation of minors. The principal message was that the chances of successfully fighting internet crime were greatly improved if private sector companies at the forefront of technological advance lent their assistance.

The third section, concerning the trafficking of minors in football, laid much of the blame on recruitment agents and looked to the sports clubs to monitor their supply chains and the governing bodies to ensure the permit systems for young players prevented abuses.

The fourth section, like the first, dealt with migrant workers on temporary contracts, this time employed on construction sites in the Arab Gulf. Again flaws in the visa system (kafala) were key, and again recruitment agents greatly magnified the problem.

The final section dealt with a qualitatively different problem, that of illicit organ transplants. Once more, third party agents, particularly recruitment agents looking for organ donors, were identified as a significant source of abuses. It was also noted that illicit organ transplants relied on private hospitals and clinics not asking questions about the source of the organs – in other words failing to control their supply chain.

The clear messages emerging from this webinar series are then:

- third party agents, be they recruitment agents or organ brokers, are at the root of many human trafficking abuses and need to be subject to regulation;
- it is critical to get the visa and work permit systems right;
- the private sector can greatly reduce the scope for abuses by monitoring their supply chains and lending technological assistance where appropriate.



Annex I: Speakers' biographies

Silke Albert is a crime prevention expert with UNODC's Anti-Human Trafficking and Migrant Smuggling Unit, and has worked on human trafficking and related issues since 2001. She oversees the tools and publications produced by UNODC, including their assessment toolkit on human trafficking for organ removal.

Alejandra Ancheita is a trained Mexican lawyer and activist. She is also the founder and CEO of ProDESC (The Project of Economic, Cultural, and Social Rights), a NGO that fights for the rights and standards of living of the migrants, workers, and indigenous communities in Mexico. Ms Ancheita is the laureate of the 2014 Martin Ennals Award.

Debra Budiani-Saberi is a medical anthropologist and Executive Director of the Coalition for Organ-Failure Solutions (COFS). COFS conducts research on organ trafficking practices, offers assistance to victims and raises awareness to combat the crime. She has also worked with the Office of the High Commissioner for Human Rights, WHO and UNODC and has been published widely on the subject in medical journals and various media.

John Carr is a UK-based world expert on young people's use of the Internet and an advisor on combating Internet-enabled child sex abuse. Amongst other he is a Senior Expert Adviser to the United Nations (International Telecommunication Union) and has been an Expert Adviser to the European Union and the European Network and Information Security Agency. In June, 2012, John was appointed as a Senior Visiting Fellow at the London School of Economics and Political Science.

Steve Chalke MBE, now author, speaker, TV and radio presenter, businessman, social entrepreneur, founded Stop The Traffik in 2007, a global coalition working in nearly 100 countries and with tens of thousands of activists around the world. It campaigns to end people trafficking through preventing the sale of people, prosecuting the traffickers and protecting the victims. Through this work, Steve is also a UN GIFT Special Advisor for Community Action against Human Trafficking.

Ilias Chatzis is the Chief of the Human Trafficking and Migrant Smuggling Section of UNODC coordinating all policy and technical assistance to UN Member States in combatting these crimes. A national of Greece and a qualified lawyer, Mr Chatzis has held a number of senior legal positions within UNODC as well as other international organizations prior to his appointment including in the Terrorism Prevention Branch and Anti-Organized Crime Unit.

Declan Croucher works for Vérité, an expert NGO on human trafficking and forced labor. He has a background in global human resources concerning multinational manufacturers in the electronics, building and renewable energy sectors. His current work is focused on helping companies and their advisors detect and prevent forced labor and human trafficking in global supply chains through risk assessments, code of conduct and compliance plan development, communications and training, reporting and internal control mechanisms, investigations, monitoring and evaluation of program effectiveness.

Francis Delmonico is a Professor of Surgery at Harvard Medical School at the Massachusetts General Hospital, where he is director of Renal Transplantation. He is also the past President of the Transplantation Society and has advised the WHO on organ donation and transplantation since 2006.

James Esson, a Geography PhD at University College London, has researched the exploitation of West African youth in the football industry in Europe, and is an expert on illicit crime in sports. His research investigates the irregular migration of West African youth to Europe via the football industry, and seeks to show how understanding migration through the lens of football provides important insights into the wider conception of mobile African male bodies in development, migration, and trafficking debates.

Rudolf Garcia-Gallont is a leader in vascular surgery and organ transplantation in Guatemala, and part of the



custodian group committee in the Declaration of Istanbul. He performed the first pediatric kidney transplant in Guatemala in 1988 and the first successful cadaveric transplant in 1995.

Dr. Mary C. Gentile is Creator and Director of Giving Voice to Values (GVV), Senior Research Scholar at Babson College, Senior Advisor at Aspen Institute Business & Society Program, and an independent consultant on management education and leadership development. Due largely to her work with GVV, Gentile has been awarded several prestigious leadership awards and was named to the “Top 100 Thought Leaders in Trustworthy Business” in 2013 and 2014, amongst others.

Laura Gomez-Mera is a Political Science Professor at the University of Miami, with a doctorate from Oxford University. Ms Gomez-Mera is researching the politics of international cooperation in the fight against human trafficking, with a particular focus on sex, labor and organ trafficking.

Monica Gorman is the Vice President of Global Compliance at New Balance where she leads corporate responsibility efforts across Asia, Europe, the Middle East & Africa, and the Americas. Previously, she worked as Senior Director of Corporate Responsibility for Gap Inc.

Courtney Gregoire is a senior attorney at Microsoft Digital Crimes Unit, which fights technology-facilitated crime against vulnerable populations including children and the elderly, and is board member of the International Center for Missing and Exploited Children. From 2009 to 2012, Ms Gregoire served as Director of the National Export Initiative for President Obama.

Houtan Homayounpour is a senior program officer on the Special Action Program Combatting Forced Labor in the International Labour Organisation and member of the UN Inter-Agency Coordination Group Against Trafficking in Persons (ICAT). Prior to joining the ILO, worked at the Canadian Ministry of Health in Ottawa.

Ray Jureidini is a professor of Migration Ethics and Human Rights at the Center for Islamic Legislation and Ethics at Hamad Bin Khalifa University in Doha, Qatar. Mr Jureidini is an Australian sociologist who has researched migration and human rights in the Middle East for many years and authored several reports on the subject.

Quinn Kepes oversees Verité’s annual Emerging Markets Research Program, under which he supervises the work of field researchers in 25 focal countries for the New York City Employees’ Retirement System (NYCERS), manages Verité’s research project for the U.S. Department of Labor on the causal factors of forced labor, as well as the formulation of policy recommendations to combat this phenomenon in seven countries in Latin America, Asia, and Africa. Furthermore, he is the research manager for a Verité project to determine the ways in which Nepalese immigrants are trafficked to India, Israel, Malaysia, the United Arab Emirates, and the United States.

Mark Latonero leads the Technology and Human Trafficking Initiative at the University of Southern California’s Annenberg School, which conducts research and development on counter-trafficking efforts. His research focuses on the intersections between data, technology, human rights, human security, and international development - with an eye on addressing human trafficking.

Marie-Laure Lemineur is the head of Global Program Combating Sexual Exploitation of Children Online (ECPAT-International), based in Bangkok, and an expert on human rights education and the protection of children from abuse and exploitation, with a civil society perspective on the issues involved. She authored and co-authored several publications on online child pornography and human rights education.

Jean-Claude Mbvoumin was a Cameroonian former professional soccer player who founded Foot Solidaire in 2000 to protect young African players from exploitation by criminals and operators in the game. Based in France and Switzerland, the non-profit organisation fights for improved conditions for young African players seeking football careers in Europe, Asia, Latin America and the United States, as well as lobbies governments, football associa-



tions, clubs and other stakeholders to mobilize against the abuse of these players and to establish better recruitment practices.

Lisa Delpy Neirotti is an Associate Professor and the Director of Sports Management Programs at The George Washington University, who focuses on policy developments protecting athletes. Since 1984, she has attended 17 consecutive Olympic Games, 4 World Cups, and hundreds of other major sport events as a consultant, volunteer, or researcher, and works with a number of sports organisations to conduct research studies.

Fernando Ruiz is the leader of Focal Point Twins, Europol's division on online exploitation of children, and formerly head of a similar division for the Spanish police. Previously, he was Head of the Child Sexual Exploitation Team in the Central High Tech Crime Unit of the Spanish National Police, and worked as Cybercrime Coordinator within the Spanish Desk at Europol.

Dr. Louise Shelley is a University Professor as well as the Founder and Director of the Terrorism, Transnational Crime and Corruption Center (TraCCC) at George Mason University in Virginia. Her research focuses on the relationship among terrorism, organised crime and corruption as well as human trafficking, transnational crime and terrorism. She served on the Global Agenda Council on Illicit Trade and Organized Crime of the World Economic Forum (WEF) and was the first co-chair of its Council on Organized Crime. She presently co-chairs a group on human trafficking within the Global Agenda Councils of the WEF.

Sara Stefanski is a Sustainability Manager at Safeway USA, an American retail company that aims to take the lead in improving the areas of environmental sustainability, community impact and responsible business practices. She is responsible for developing, implementing and managing supply chain policy on sustainable sourcing as well as policy surrounding human trafficking risks. She also leads analysis of KPIs and metrics across supply chain for internal and public reporting.



Annex 2: Resources

International Conventions

International Labour Organization. Conventions. Available at: <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12000:0::NO::>

C29 – Forced Labour Convention, 1930. Available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029

P029 – Protocol of 2014 to the Forced Labour Convention. Available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029

C105 – Abolition of Forced Labour Convention, 1957. Available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C105

International Labour Organization (ILO, 2015). Combating Forced Labour. A Handbook for Employers & Business. Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_101171.pdf

International Labour Organization. International labour standards on labour migration. Available at: <http://www.ilo.org/global/topics/labour-migration/standards/lang--en/index.htm>

R203 – Forced Labour (Supplementary Measures) Recommendation, 2014. Available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:3174688:NO

United Nations Human Rights Office of the High Commissioner (UNOHCHR) (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework. Available at: http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

Raymond, Janice G. (2001). Guide to the new UN trafficking protocol. Available at: http://www.no-trafficking.org/content/pdf/guide_to_the_new_un_trafficking_protocol.pdf

Forced labour

Ancheita Pagaza, A.C. & Bonnici, G.L. (2013). Quo vadis? Recruitment and Contracting of Migrant Worker and their Access to Social Security - The Dynamics of Temporary Migrant Labor Systems in North and Central America. INEDIM, pp. 67-74. Available at: <http://estudiosdemigracion.org/inedim2013/documentosypub/publicaciones/reclutamientoconportada.pdf>

Anti-slavery. <http://www.antislavery.org>

Harris, K.D. (2015). The California Transparency in Supply Chains Act: A Resource Guide. Available at: <https://oag.ca.gov/sites/all/files/agweb/pdfs/sb657/resource-guide.pdf?>

International Labour Organization (ILO). Forced labour, human trafficking and slavery. <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

Responsible Recruitment. <http://www.responsiblerecruitment.org/>



UN Global Initiative to Fight Trafficking. <http://www.ungift.org>

Vérité. Forced Labor and Human Trafficking. Available at: <http://www.verite.org/forced-labor>

Online Child Exploitation

CEOP. <https://www.ceop.police.uk>

European Commission. A Global Alliance against Child Sexual Abuse Online. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/index_en.htm

National Society for the Prevention of Cruelty to Children (NSPCC). <https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-sexual-exploitation/what-is-child-sexual-exploitation/>

Organised criminal infiltration into global sports

Fair Labor Association. <http://www.fairlabor.org/>

Foot Solidaire. www.footsolidaire.org

Human Trafficking Search. <http://www.humantraffickingsearch.net>

Organ Trafficking and Human Trafficking for Organ Removal

Asian Task Force on Organ Trafficking (2008). Recommendations on the Prohibition, Prevention and Elimination of Organ Trafficking in Asia. Available at: <http://www.jcb.utoronto.ca/publications/documents/Asian%20Task%20Force%20on%20organ%20trafficking%20.pdf>

Declaration of Istanbul on Organ Trafficking and Transplant Tourism. <http://www.declarationofistanbul.org/about-the-declaration/structure-and-content>

OSCE (2013). Report on Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region: Analysis and Findings. <http://www.osce.org/secretariat/103393?download=true>

United Nations Office on Drugs and Crime (2015). Assessment Toolkit: Trafficking in Persons for the Purpose of Organ Removal. https://www.unodc.org/documents/human-trafficking/2015/UNODC_Assessment_Toolkit_TIP_for_the_Purpose_of_Organ_Removal.pdf

United Nations Special Rapporteur on Human Trafficking (2013). Thematic Report on Trafficking in Persons for the Removal of Organs. <http://www.ohchr.org/Documents/Issues/Trafficking/A-68-256-English.pdf>



Annex 3

Supranational frameworks: from international labour standards to the Ruggie principles

The International Labour Organization shaped many international labour standards which are safeguarding workers' rights worldwide. All these standards are applicable, in principle, to all workers alike whether native or migrant. Eight fundamental rights conventions apply to all workers: Forced Labour Protocol and Recommendation, Abolition of Forced Labour (Convention No. 29 and No. 105), Elimination of Child Labour (Convention No. 138 and No. 182) Trade Union Rights (Convention No. 87 and No. 98) and Equality and Non-discrimination in Employment and Occupation (Convention No. 100 and No. 111).¹⁵⁴ In addition, 'standards of general application, such as those addressing protection of wages and occupational safety and health, as well as governance conventions concerning labour inspection, employment policy¹⁵⁵ and tripartite consultation¹⁵⁶; and instruments containing specific provisions on migrant workers such as the Private Employment Agencies Convention¹⁵⁷, 1997 (No. 181), the Domestic Workers Convention, 2011 (No. 189)¹⁵⁸ and social security instruments' outline all aspects of international standards.¹⁵⁹ To protect vulnerable migrant workers the ILO created migrant specific instruments. These are Migration for Employment Convention (Revised), 1949 (No. 97), Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) amongst others.

Supranational frameworks do not only target states, however. The so-called Ruggie principles, a range of UN Guiding Principles on Business and Human Rights¹⁶⁰ proposed by UN Special Representative on business and human rights John Ruggie, are the authoritative reference point for private sector businesses. According to the Ruggie principles, '[b]usiness enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved'.¹⁶¹ Independently from states' abilities or willingness, and national laws and regulations, the Ruggie principles demand that businesses ought to respect and protect human rights, and make on operational policy commitments to them.



¹ **UN General Assembly**, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000. Available at: <http://www.refworld.org/docid/4720706c0.html>

² 'More than 90 per cent of countries among those covered by UNODC criminalize trafficking in persons. (...) countries still lack legislation altogether, whereas 18 others have partial legislation that covers only some victims or certain forms of exploitation.' In: **UNODC** (2014). *Global Report on Trafficking in Persons*, p. 12. Available at: https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

³ **UNODC** (2012). *Global Report on Trafficking in Persons*, p. 1. Available at: https://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf

⁴ **Ibid.** p. 9.

⁵ **Bales, K. & Lize, S.** (2005). *Trafficking in Persons in the United States*, p. 5.

⁶ **Ibid.** p. 5.

⁷ List of permitted countries. **United States Department of Homeland Security**. *Working in the United States - Temporary Workers - H-2B Non-Agricultural Workers*. Available at: <http://www.uscis.gov/working-united-states/temporary-workers/h-2b-non-agricultural-workers/h-2b-temporary-non-agricultural-workers>

⁸ **United States Department of State - Bureau of Consular Affairs**. *Nonimmigrant Visas Issued by Classification and Nationality (Including Border Crossing Cards): Fiscal Year 2013*.

⁹ **Chishti, M., Hipsman, F. & Pierce, S.** (23 April 2015). *Recent Court Decisions Put a Sharp Spotlight on U.S. H-2B Temporary Worker Visa Program*. Migration Policy Institute. And: **Chishti, M. & Hipsman, F.** (21 May 2015). *In Historic Shift, New Migration Flows from Mexico Fall Below Those from China and India*. Migration Policy Institute.

¹⁰ **United States Department of State - Bureau of Consular Affairs**. *Nonimmigrant Visas Issued by Classification and Nationality (Including Border Crossing Cards): Fiscal Year 2013*. Available at: <http://travel.state.gov/content/dam/visas/Statistics/Non-Immigrant-Statistics/NIVDetailTables/FY13NIVDetailTable.pdf>

¹¹ **Centro de los Derechos del Migrante, Inc.** (2013) *Recruitment Revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change*, p. 11.

¹² **United Nations Office on Drugs and Crime (UNODC)** (2015). *The Role of Recruitment Fees and Abusive and Fraudulent Practices of Recruitment Agencies in Trafficking in Persons*, pp. 5-10.

¹³ **Chishti, M., Hipsman, F. & Pierce, S.** (23 April 2015). *Recent Court Decisions Put a Sharp Spotlight on U.S. H-2B Temporary Worker Visa Program*. Migration Policy Institute.

¹⁴ **Ibid.**

¹⁵ **Gordon, Jennifer** 'Roles for Workers and Unions in Regulating Labor Recruitment in Mexico' (January 2015), p. 3.

¹⁶ **United States Government Accountability Office**. GAO-15-154. 'H-2A and H-2B Visa Programs - Increased Protections Needed for Foreign Workers' (March 2015). Available at: <http://www.gao.gov/assets/670/668875.pdf>

¹⁷ These circumstances have been highlighted by **Ancheita Pagaza, A.C. & Bonnici, G.L.** (2013). *Quo vadis? Recruitment and Contracting of Migrant Worker and their Access to Social Security - The Dynamics of Temporary Migrant Labor Systems in North and Central America*. INEDIM.



- ¹⁸ Data collected until 2013. **Centro de los Derechos del Migrante, Inc.** (2013) Recruitment Revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change, p. 5.
- ¹⁹ **Gordon, Jennifer** 'Roles for Workers and Unions in Regulating Labor Recruitment in Mexico' (January 2015), pp. 4-7
- ²⁰ **Gordon, Jennifer** 'Roles for Workers and Unions in Regulating Labor Recruitment in Mexico' (January 2015), p. 10.
- ²¹ **Harris, K.D.** (2015). The California Transparency in Supply Chains Act: A Resource Guide.
- ²² **UN Global Initiative to Fight Human Trafficking.** <http://www.ungift.org/>
- ²³ **End Human Trafficking Now! Campaign**, closed in 2013
- ²⁴ Chartered Institute of Procurement & Supply (CIPS). The three tiers of sustainability. Available at: <http://www.cips.org/en/Supply-Management/Opinion/2013/July/The-three-tiers-of-sustainability/>
- ²⁵ **Shelley, L., & Bain, C.** (2015). Human Trafficking: Fighting the Illicit Economy with the Legitimate Economy. *Social Inclusion*, 3(1), p. 141.
- ²⁶ **International Labour Organization.** Forced labour, human trafficking and slavery. Available at: <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>
- ²⁷ **Safeway-Albertsons** 'Supply Chain Accountability: Eliminating Human Trafficking and Forced Labor' (August 2015). Available at: <http://suppliers.safeway.com/pdf/HumanTraffickingGuideline.pdf>
- ²⁸ **International Labour Organization** (20 May 2014). ILO says forced labour generates annual profits of US 150 billion. Available at: http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_243201/lang--en/index.htm
- ²⁹ **nContext.** <https://ncontext.com/>
- ³⁰ **Shelley, L., & Bain, C.** (2015). Human Trafficking: Fighting the Illicit Economy with the Legitimate Economy. *Social Inclusion*, 3(1), p. 140.
- ³¹ **Ibid**, p. 142.
- ³² **Ancheita Pagaza, A.C. & Bonnici, G.L.** (2013). Quo vadis? Recruitment and Contracting of Migrant Worker and their Access to Social Security - The Dynamics of Temporary Migrant Labor Systems in North and Central America. INEDIM.
- ³³ **Ibid**, p. 67.
- ³⁴ **ECPAT International** (2013). Our Children at Risk Online: The Example of Thailand. Available at: http://www.ecpat.net/sites/default/files/Our_Children_At_Risk_Online_ENG.pdf
- ³⁵ **U.S. Department of Justice**, Office of Community Oriented Policing Services (May 2006). Child Pornography on the Internet. Available at: <http://www.popcenter.org/problems/pdfs/ChildPorn.pdf>
- ³⁶ Summarised by: **United Nations Office on Drugs and Crime (UNODC)** (May 2015). Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children, p. 8. Available at: https://www.unodc.org/documents/organized-crime/cybercrime/Study_on_the_Effects.pdf
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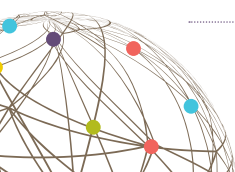
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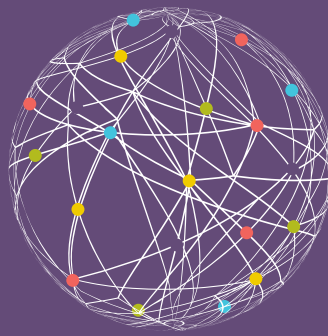
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