Operational indicators of trafficking in human beings

Results from a Delphi survey implemented by the ILO and the European Commission

International Labour Office

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What is trafficking? *From legal definition to operational indicators*

Human trafficking is defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), supplementing the United Nations Convention against Transnational Organized Crime (the so-called Palermo Protocol). Operational indicators of human trafficking are needed because key terms used in the Palermo Protocol require further elaboration.

In particular, there are questions concerning what is meant by terms such as “coercion”, “deception”, “fraud”, “abuse of power or of a position of vulnerability”, “control over another person” and “exploitation”. Without further clarification there is a risk that interpretations of these terms may continue to diverge widely from one country to another or even within countries, from one researcher or practitioner to another. Without clear operational indicators there is also a risk that researchers and practitioners may not recognize trafficking when they see it – or see trafficking where it does not exist.

The Palermo Protocol defines trafficking as:

(a) “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”.

(b) “The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;”
(c) “The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article;”
(d) “Child” shall mean any person under eighteen years of age”.

http://untreaty.un.org/English/TreatyEvent2003/Texts/treaty2E.pdf

European context and the need for harmonised indicators

Responding to requests from the European Council's Hague Programme on strengthening freedom, security and justice in the EU, the European Commission adopted a decision to set up an expert group on the policy needs for data on crime and criminal justice [2006/581/EC].

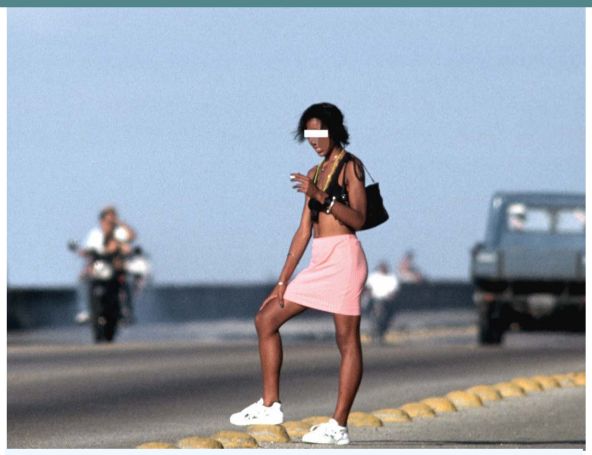
The mandate of this group includes assisting the Commission in implementing the EU Action Plan for 2006-2010 [COM(2006)437]. The mandate of this group includes assisting the Commission in: (i) establishing cooperation between Member States and others in the implementation of the EU strategy to measure crime and criminal justice; (ii) identifying the policy needs for data on crime and criminal justice; and iii) identifying the needs for – and/or developing – common indicators and tools designed to measure crime and criminal justice.

In accordance with its powers to create separate sub-groups, the expert group decided in April 2007 to call for an expert sub-group on “trafficking in human beings”. The objective of this sub-group was to “develop harmonised definitions and associated indicators that will facilitate greater comparability of data across EU member states on the crime area under consideration”.

In follow up to the sub-group’s recommendations, a joint European Commission-ILO project was established to implement the Delphi methodology to reach consensus among European experts on what indicators should be used to characterize the various elements of the definition of trafficking for data collection purposes.

A European consensus on operational indicators and their appropriate combination is necessary for harmonizing both qualitative and quantitative research. For qualitative research, better indicators will provide guidance to researchers and practitioners on the evidence that should be gathered when interviewing possible victims.

They will also guide labour inspectors when they attempt to find out whether a specific worker should be considered a victim of trafficking (whether or not the case has been prosecuted as such). With regard to quantitative estimates, these indicators can guide national statistical offices in their attempts to produce national estimates, particularly in countries of origin when interviewing a representative sample of returned migrants.



The Delphi Methodology

The methodology used to reach consensus on the indicators of human trafficking is called the Delphi method. This method was developed in the 1950s and has since been widely used in the social, medical and political sciences.

The objective of the Delphi methodology is to produce a result based on consensus from a wide group of experts. In the present context, this involved two successive electronic surveys of experts in the fight against human trafficking: a first survey in April 2008 to collect indicators from the expert group; and a second one in July 2008 to establish a rating of the indicators. Experts were selected from the 27 EU Member States from police, government, academic and research institutes, NGOs, international organisations, labour inspectorates, trade unions and judiciaries.

The sets of indicators

The result of the surveys consists of ***four sets of operational indicators*** for adult and child victims of trafficking for labour and sexual exploitation. Each set is a structured list of indicators relevant to the following dimensions of the trafficking definition:

Deceptive recruitment (or deception during recruitment, transfer and transportation): 10 indicators
Coercive recruitment (or coercion during recruitment, transfer and transportation): 10 indicators
Recruitment by abuse of vulnerability: 16 indicators
Exploitative conditions of work: 9 indicators
Coercion at destination: 15 indicators
Abuse of vulnerability at destination: 7 indicators

Within each set, each indicator is qualified as either ***strong***, ***medium*** or ***weak***. However, a single indicator can be strong for children and at the same time be medium for adults, or strong for sex exploitation and weak for labour exploitation. The definitions of all 67 indicators are presented in a separate document that can be accessed at ***www.ilo.org/forcedlabour***.

How to use the indicators

The final set of indicators resulting from the survey can be easily translated into a practical assessment guide for organisations that have contact with potential victims or questionnaires for researchers or people in charge of designing surveys on trafficking. One indicator can be translated into one or more questions, the answers to which can be used to determine the presence or absence of the indicator.

For each potential victim, each of the six dimentions of the trafficking definition is assessed independently from the others. The result of the assessment is positive if the dimension is present for the potential victim, negative if not. In order to be assessed as positive, a dimension must include at least:

- Two strong indicators, or
- One strong indicator and one medium or weak indicator, or
- Three medium indicators, or
- Two medium indicators and one weak indicator.

After an assessment is done for each dimension, the final analysis involves combining the six elements to identify the victims of trafficking. In the case of children, in accordance with the Palermo Protocol, the presence of deception and coercion is not necessary to characterize a case as trafficking.

A full scale test of these indicators took place in Moldova in the second half of 2008. A special module on labour migration was introduced into the regular Labour Force Survey and a sampling process was designed to capture a large number of returned migrants to which the additional module was then administered. Questions captured information about the recruitment process, conditions of work, living conditions and the possibility to leave the job. Responses were then matched against the Delphi indicators of trafficking.

The final analysis of the dataset gave the ratio of migrants to victims of deceptive or coercive recruitment, exploitation, and coercion at destination. Based on the results, migrants were qualified as successful migrants (no deception, no exploitation, no coercion), exploited migrants (exploitation without deception or coercion), victims of deception and exploitation (without coercion) and victims of trafficking for forced labour (deception, exploitation and coercion).

Similar tests are planned for 2009 on administrative datasets in Western Europe.

Indicators of trafficking of adults for labour exploitation

INDICATORS OF DECEPTIVE RECRUITMENT

Strong Indicator

Deceived about the nature of the job, location or employer

Medium Indicators

Deceived about conditions of work
Deceived about content or legality of work contract
Deceived about family reunification
Deceived about housing and living conditions
Deceived about legal documentation or obtaining legal migration status
Deceived about travel and recruitment conditions
Deceived about wages/earnings
Deceived through promises of marriage or adoption

Weak Indicator

Deceived about access to education opportunities

INDICATORS OF COERCIVE RECRUITMENT

Strong Indicator

Violence on victims

Medium Indicators

Abduction, forced marriage, forced adoption or selling of victim
Confiscation of documents
Debt bondage
Isolation, confinement or surveillance
Threat of denunciation to authorities
Threats of violence against victim
Threats to inform family, community or public
Violence on family (threats or effective)
Withholding of money

INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY

Medium Indicators

Abuse of difficult family situation
Abuse of illegal status
Abuse of lack of education (language)
Abuse of lack of information
Control of exploiters
Economic reasons
False information about law, attitude of authorities
False information about successful migration
Family situation
Personal situation
Psychological and emotional dependency
Relationship with authorities/legal status

Weak Indicators

Abuse of cultural/religious beliefs
General context
Difficulties in the past
Difficulty to organise the travel

INDICATORS OF EXPLOITATION

Strong Indicator

Excessive working days or hours

Medium Indicators

Bad living conditions
Hazardous work
Low or no salary
No respect of labour laws or contract signed
No social protection (contract, social insurance, etc.)
Very bad working conditions
Wage manipulation

Weak Indicators

No access to education

INDICATORS OF COERCION AT DESTINATION

Strong Indicators

Confiscation of documents
Debt bondage
Isolation, confinement or surveillance
Violence on victims

Medium Indicators

Forced into illicit/criminal activities
Forced tasks or clients
Forced to act against peers
Forced to lie to authorities, family, etc.
Threat of denunciation to authorities
Threat to impose even worse working conditions
Threats of violence against victim
Under strong influence
Violence on family (threats or effective)
Withholding of wages

Weak Indicator

Threats to inform family, community or public

INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION

Medium Indicators

Dependency on exploiters
Difficulty to live in an unknown area
Economic reasons
Family situation
Relationship with authorities/legal status

Weak Indicators

Difficulties in the past
Personal characteristics

Indicators of trafficking of adults for sexual exploitation

INDICATORS OF DECEPTIVE RECRUITMENT

Strong Indicator

Deceived about the nature of the job or location

Medium Indicators

Deceived about conditions of prostitution
Deceived about content or legality of work contract
Deceived about family reunification
Deceived about housing and living conditions
Deceived about legal documentation or obtaining legal migration status
Deceived about travel and recruitment conditions
Deceived about wages/earnings
Deceived through promises of marriage or adoption

Weak Indicator

Deceived about access to education opportunities

INDICATORS OF COERCIVE RECRUITMENT

Strong Indicators

Abduction, forced marriage, forced adoption or selling of victim
Debt bondage
Threats of violence against victim
Violence on victims

Medium Indicators

Confiscation of documents
Isolation, confinement or surveillance
Threat of denunciation to authorities
Threats to inform family, community or public
Violence on family (threats or effective)
Withholding of money

INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY

Medium Indicators

Abuse of difficult family situation
Abuse of illegal status
Abuse of lack of education (language)
Abuse of lack of information
Control of exploiters
Difficulties in the past
Difficulty to organise the travel
Economic reasons
False information about law, attitude of authorities
False information about successful migration
Family situation
General context
Personal situation
Psychological and emotional dependency
Relationship with authorities/legal status

Weak Indicator

Abuse of cultural/religious beliefs

INDICATORS OF EXPLOITATION

Medium Indicators

Bad living conditions
Excessive working days or hours
Hazardous work
Low or no salary
No respect of labour laws or contract signed
No social protection (contract, social insurance, etc.)
Very bad working conditions
Wage manipulation

INDICATORS OF COERCION AT DESTINATION

Strong Indicators

Confiscation of documents
Debt bondage
Forced tasks or clients
Isolation, confinement or surveillance
Threats of violence against victim
Violence on victims

Medium Indicators

Forced into illicit/criminal activities
Forced to act against peers
Forced to lie to authorities, family, etc.
Threat of denunciation to authorities
Threat to impose even worse working conditions
Threats to inform family, community or public
Under strong influence
Violence on family (threats or effective)
Withholding of wages

Indicators of abuse of vulnerability at destination

Medium Indicators

Dependency on exploiters
Difficulty to live in an unknown area
Economic reasons
Family situation
Personal characteristics
Relationship with authorities/legal status

Weak Indicator

Difficulties in the past

Indicators of trafficking of children for labour exploitation

The Palermo Protocol specifically states that, in the case of children under 18, there is no need to prove "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" in order to establish the crime of trafficking. Nevertheless, it was decided to retain indicators of deception, coercion and abuse of vulnerability in order to analyse trafficking in children with harmonised tools within Europe

INDICATORS OF DECEPTIVE RECRUITMENT

Strong Indicator

Deceived about access to education opportunities
Deceived about the nature of the job, location or employer

Medium Indicators

Deceived about conditions of work
Deceived about content or legality of work contract
Deceived about family reunification
Deceived about housing and living conditions
Deceived about legal documentation or obtaining legal migration status
Deceived about travel and recruitment conditions
Deceived about wages/earnings
Deceived through promises of marriage or adoption

INDICATORS OF COERCIVE RECRUITMENT

Strong Indicators

Abduction, forced marriage, forced adoption or selling of victim
Debt bondage
Threats of violence against victim
Violence on victims

Medium Indicators

Confiscation of documents
Isolation, confinement or surveillance
Threat of denunciation to authorities
Threats to inform family, community or public
Violence on family (threats or effective)
Withholding of money

INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY

Medium Indicators

Abuse of cultural/religious beliefs
Abuse of difficult family situation
Abuse of illegal status
Abuse of lack of education (language)
Abuse of lack of information
Control of exploiters
Difficulties in the past
Difficulty to organise the travel
Economic reasons
False information about successful migration
Family situation
General context
Personal situation
Psychological and emotional dependency
Relationship with authorities/legal status

INDICATORS OF EXPLOITATION

Strong Indicators

Excessive working days or hours

Medium Indicators

Bad living conditions
Hazardous work
Low or no salary
No access to education
No respect of labour laws or contract signed
Very bad working conditions
Wage manipulation

INDICATORS OF COERCION AT DESTINATION

Strong Indicators

Confiscation of documents
Debt bondage
Forced into illicit/criminal activities
Forced tasks or clients
Isolation, confinement or surveillance
Threats of violence against victim
Under strong influence
Violence on victims

Medium Indicators

Forced to act against peers
Forced to lie to authorities, family, etc.
Threat of denunciation to authorities
Threat to impose even worse working conditions
Threats to inform family, community or public
Violence on family (threats or effective)
Withholding of wages

INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION

Medium Indicators

Dependency on exploiters
Difficulties in the past
Difficulty to live in an unknown area
Economic reasons
Family situation
Personal characteristics
Relationship with authorities/legal status

Indicators of trafficking of children for sexual exploitation

Exploitation is inherent to the situation of children under 18 used or offered for prostitution or pornography and there is no need for indicators to prove it. The indicators of additional exploitation below are given to characterize other elements of exploitation children may suffer. In addition, the Palermo Protocol specifically states that, in the case of children, there is no need to prove "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" in order to establish the crime of trafficking. Nevertheless, it was decided to retain indicators of deception, coercion and abuse of vulnerability in order to analyse trafficking in children with harmonised tools within Europe.

INDICATORS OF DECEPTIVE RECRUITMENT

Strong Indicator

Deceived about the nature of the job or location

Medium Indicators

Deceived about access to education opportunities
Deceived about conditions of prostitution
Deceived about content or legality of work contract
Deceived about family reunification
Deceived about housing and living conditions
Deceived about legal documentation or obtaining legal migration status
Deceived about travel and recruitment conditions
Deceived about wages/earnings
Deceived through promises of marriage or adoption

INDICATORS OF COERCIVE RECRUITMENT

Strong Indicators

Abduction, forced marriage, forced adoption or selling of victim
Debt bondage
Isolation, confinement or surveillance
Threats of violence against victim
Violence on victims

Medium Indicators

Confiscation of documents
Threat of denunciation to authorities
Threats to inform family, community or public
Violence on family (threats or effective)
Withholding of money

INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY

Medium Indicators

Abuse of cultural/religious beliefs
Abuse of difficult family situation
Abuse of illegal status
Abuse of lack of education (language)
Abuse of lack of information
Control of exploiters
Difficulties in the past
Difficulty to organise the travel
Economic reasons
False information about law, attitude of authorities
False information about successful migration
Family situation
General context
Personal situation
Psychological and emotional dependency
Relationship with authorities/legal status

INDICATORS OF ADDITIONAL EXPLOITATION

Strong Indicator

Hazardous work

Medium Indicators

Bad living conditions
Excessive working days or hours
Low or no salary
No social protection (contract, social insurance, etc.)
Very bad working conditions
Wage manipulation

INDICATORS OF COERCION AT DESTINATION

Strong Indicators

Confiscation of documents
Debt bondage
Forced into illicit/criminal activities
Forced tasks or clients
Isolation, confinement or surveillance
Threats of violence against victim
Under strong influence
Violence on victims

Medium Indicators

Forced to act against peers
Forced to lie to authorities, family, etc.
Threat of denunciation to authorities
Threat to impose even worse working conditions
Threats to inform family, community or public
Violence on family (threats or effective)
Withholding of wages

INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION

Strong Indicator

Dependency on exploiters

Medium Indicators

Difficulties in the past
Difficulty to live in an unknown area
Economic reasons
Family situation
Personal characteristics
Relationship with authorities/legal status

ILO Special Action Programme to Combat Forced Labour

The ILO established the Special Action Programme to Combat Forced Labour (SAP-FL) in 2001 to spearhead ILO activities against forced labour, including human trafficking. It is a broad-based programme working in close co-operation with governments, employers and workers, civil society and other international organisations.

SAP-FL aims to address all aspects of forced labour, and it has successfully:

- raised global awareness and understanding of modern forced labour;
- assisted governments in developing and implementing new laws, policies and action plans;
- developed and disseminated guidance and training materials on key aspects of forced labour and trafficking; and
- implemented innovative programmes which combine policy development, capacity building and direct support for both prevention of forced labour and identification and rehabilitation of its victims.

Contact

ILO Special Action Programme
to Combat Forced Labour

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Website: www.ilo.org/forcedlabour

Key ILO Publications

- A global alliance against forced labour, ILO, Geneva, 2005.
- Eradication of forced labour: General survey concerning the Forced Labour Convention (No. 29), and the Abolition of Forced Labour Convention (No. 105), ILO, Geneva, 2007.
- ILO action against trafficking in human beings, ILO, Geneva, 2008.
- Human trafficking and forced labour exploitation: Guidance for legislation and law enforcement, ILO, Geneva, 2005.