



IJM

INTERNATIONAL JUSTICE MISSION

Justice Review

A Journal on
Protection and
Justice for the Poor



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Justice Review: A Journal of Protection and Justice for the Poor

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Not all individuals pictured are actual victims; images taken with consent.

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INTRODUCTION

I AM PLEASED to introduce this second edition of *IJM Justice Review*, a compendium of studies of forced, trafficked labour commissioned by International Justice Mission. This edition includes substantial summaries of full-length prevalence reports on bonded labour in Tamil Nadu, India; child labour slavery in Ghana; and trafficked labour in Thailand's fishing industry. It also includes studies of the capacity of the Cambodian and Thai governments' criminal justice systems to address labour trafficking. Links to the majority of the full-length reports are included.

IJM staff work in 17 offices in 11 countries in the developing world, partnering with local law enforcement to provide protection and rescue to victims of violent crime and to bring perpetrators to justice in local courts. We address cases of forced labour slavery, sex trafficking, child sexual assault, property grabbing, abusive detention and police brutality.

IJM works on three different forms of labour trafficking: cross-border trafficking, child slave labour and bonded labour. The three differ with respect to those vulnerable to exploitation. In the case of Ghana, we serve children; in India, whole families suffering in bonded labour; and in the Gulf of Thailand, men who are trafficked across borders to work. But all three forms share the signal characteristics of slavery everywhere: violence, deception, and arduous and uncompensated labour.

The inclusion of anti-slavery targets in the United Nations 2030 Sustainable Development Goals¹ brings the issue into global prominence. As national governments, international development institutions and civil society strive to make SDG 8.7 a reality, it is essential that there be sound data collection and analysis of slavery in all its forms. We have collected these recent IJM studies of trafficked and bonded labour in hopes of contributing to discussions among policy makers, international organisations, NGOs and corporations about labour exploitation in global supply chains and ways to end it.

We are eager to learn from the experiences of others and invite your feedback.



Sincerely,

Gary A. Haugen
Founder and CEO
International Justice Mission

¹2030 Agenda for Sustainable Development. (<https://sustainabledevelopment.un.org/post2015/transformingourworld>)



Justice System Transformation

// A model for protecting the poor from violence

THROUGHOUT THE DEVELOPING WORLD, fear of violence is part of everyday life for people in poverty. In fact, in developing and middle-income countries, poor people often name violence as their “greatest fear” or “main problem.”¹

Much of that violence is experienced by vulnerable people who are exploited in trafficked or forced labour settings. They are victims of modern-day slavery, where their labour is coerced,

underpaid or unpaid, conditions are abusive and unsafe, and they are not free to leave the workplace. The International Labour Organisation and Walk Free Foundation released a joint estimate of global slavery at 40.3 million people, of whom 24.9 million are victims of forced labour slavery.²

Although forced labour is prohibited by law virtually everywhere, those laws do not actually have meaning for adults and children suffering in forced labour slavery. Under-resourced, undertrained and corrupt law enforcement officials do not or cannot arrest and charge criminals who traffic and exploit labourers or gather evidence that could hold them accountable in courts of law.

The State Department's 2017 Trafficking in Persons Report stated: "Effective anti-trafficking law enforcement efforts are inherently challenging and even the most effective governments struggle to address the crime comprehensively. Worldwide convictions of human traffickers listed in this Report were fewer than 10,000, while estimates of the number of victims of human trafficking remain in the tens of millions."³

The vast majority of those convictions were for sex trafficking; convictions for perpetrators of labour slavery number in the hundreds.

COLLABORATION

International Justice Mission works collaboratively with local governments to rescue child and adult victims of forced labour slavery in a number of its overseas programmes. In India, IJM and its partners collaborate with authorities in Tamil Nadu, Karnataka and Delhi to rescue bonded labourers, secure benefits and restore them to their communities.⁴ In Ghana, IJM collaborates with local police to rescue child slaves from fishing boats on Lake Volta and assists in the investigation and prosecution of slave owners and traffickers.

IJM has a new partnership with the Government of Thailand to rescue and restore victims of forced labour in the fishing industry; in Cambodia, IJM collaborates with local authorities to identify and rescue victims of forced labour, including those who were trafficked outside of Cambodia and victims exploited within the country.

In each of IJM's anti-labour trafficking programmes, collaboration with local authorities on hundreds of real-time cases not only provides tangible, hands-on support to local law enforcement officials and brings relief to victims, but it also identifies gaps and weaknesses in the justice system. Once those gaps and blockages have come to light, IJM implements system reform programmes to develop the capacity of local law enforcement officials to address them.

IMPROVED PERFORMANCE

System reform projects build the practical, technical and resource capacities of police, prosecution service, courts and supporting social services to address specific types of crime, such as labour trafficking. By improving justice system performance and (as a result) deterring the crime, these improvements benefit all people vulnerable to the crime in the community, not only IJM clients.

- In southern India, IJM's earliest collaboration with local authorities (in the early 2000s) revealed that few knew India's laws prohibiting bonded labour, and almost none had experience in enforcing it.
- In Ghana, IJM has provided training to officials in the Department of Social Welfare on trauma-focused care for boy slaves rescued from fishing boats. IJM and the DSW collaborated on the creation of a protocol to monitor the well-being of rescued children after they are reintegrated into their homes and community.
- In Cambodia, anti-trafficking training modules developed by IJM were formally incorporated into the Cambodian National Police Academy; all new police recruits will now receive expert instruction on combatting both labour and sex trafficking.



Successfully reforming a “broken” justice system means securing major shifts in the knowledge, attitudes, behavior, and capacity of criminal justice system actors and institutions. But the value of behavior changes is limited if they are not sustained. Throughout each programme, IJM seeks to build social demand, an important tool to sustain improvements and political will.

MEASURABLE RESULTS

IJM centres the design, management and evaluation of its Justice System Transformation programmes on evidence. The design of new programmes is based on baseline assessments of the scale of a violent crime, such as forced labour, and the nature and effectiveness of the public justice system’s response to it.

IJM collaborates with the local government to agree on the scope and focus of the Justice System Transformation programme; sets results, milestones and targets; and collects, analyses and uses data to track progress and amend the programme when required. IJM evaluates the impact of the programme through end-line assessments of the scale of the crime and the public justice system’s response.



Labour Trafficking in the Thai Fishing Industry

// Prevalence and the criminal justice system response

IN THE LAST 10 YEARS, much attention has been drawn to the problems of exploitation, abuse and labour trafficking in the Thai fishing industry. This \$7 billion dollar industry employs about 354,000¹ fishermen, the vast majority of whom are migrant workers from neighbouring countries, and many of whom are unregistered or have unclear legal status. All fishermen are vulnerable to trafficking and abuse simply because the nature of working on boats—the dangerous, labour-intensive work, the isolation and the lack of government oversight while at sea—allows these crimes to happen.²

¹P. Amis and C. Rakodi. (1995). Urban Poverty: Concepts, Characteristics and Policies. *Habitat International*, 19.4, 403-405.

²http://www.alliance87.org/global_estimates_of_modern_slavery-forced_labour_and_forced_marriage.pdf

³U.S. Department of State Trafficking in Persons Report. (<https://www.state.gov/j/tip/rls/tiprpt/2017/>)

⁴Bonded labour is a form of slavery in which adults and children labour in largely uncompensated conditions to pay off debts. The practice, though prohibited by Indian law, nonetheless victimises as many as 14 million of India’s poorest, including those belonging to scheduled castes or tribal groups.

Human trafficking is deemed to occur when an *act* occurs through certain *means* for the *purpose* of exploitation.

However, unregistered migrant fishermen are particularly vulnerable, because they also lack official recognition by the government.³ As public awareness of the labour abuses within the Thai fishing industry has grown, the Thai government and international businesses that import Thai seafood products have been under significant international pressure to increase efforts to combat forced labour and improve accountability within the Thai fishing industry.

To do this, however, it is important to understand the nature and extent of the problem and the efforts that have already been implemented to address it. A number of research studies have explored the extent and types of exploitation experienced by migrant workers in the Thai seafood industry, as well as the Thai government's response to forced labour within the industry. However, there are still gaps in the literature.

Only one study has sought to determine the prevalence of forced labour among fishermen on Thai boats, a group that is particularly hard to reach since they spend much of their time at sea. The authors of that study acknowledge that because of a number of methodological limitations, their findings probably significantly underestimated the extent of the problem.⁴

Furthermore, no studies have focused specifically on efforts by the Thai Criminal Justice System to respond to forced labour in the fishing and seafood industries and on identifying areas for criminal justice system improvement.

Thus, International Justice Mission commissioned three independent organisations to conduct separate studies to try to fill these gaps in the literature. IJM's goal is that governments, businesses, nongovernmental organisations and other stakeholders can better target efforts to drive improvement in the Thai fishing industry and hold perpetrators of forced labour accountable for labour trafficking crimes. Funding for these studies was provided by Walmart Foundation. The full version of the first study, including citations, can be found at www.ijm.org/thai-fishing-study.

STUDY 1: NOT IN THE SAME BOAT

Labour abuse across Thailand's diverse fishing industry

METHODOLOGY

The first study contracted by IJM aimed to determine the prevalence of labour trafficking and exploitation among migrant fishermen in certain high-risk provinces in Thailand—exploring the characteristics of those who have experienced labour abuses and to understand the modes of abuse.

In 2016, IJM partnered with the Issara Institute to survey Burmese and Cambodian men, who had worked on Thai fishing boats within the last five years (2011-2016) and who were housed in communities in or around ports and piers in five specific provinces in Thailand (Nakhon Si Thammarat, Pattani, Ranong, Samut Sakhon and Songkhla).

Using a four-stage sampling strategy, a sample of 260 fishermen was randomly selected from the five provinces. Twelve of the 260 survey respondents had worked on a Thai fishing boat more than five years ago (before 2011). These respondents were, therefore, removed from the analysis of the five-year prevalence of labour trafficking, leaving a total sample size of 248 respondents.

The research team used an in-depth survey instrument, which included both closed and open-ended questions to learn about the fishermen's experiences. All surveys were conducted in the native language (Burmese or Khmer) of the fishermen and were completed between March and July of 2016.

The research team drew from the definitions of human trafficking established by both the United Nations Palermo Protocol⁵ and the Thai Anti-Trafficking in Persons Act B.E. 2551 (2008)⁶ to

determine whether or not a respondent had been trafficked.

According to these documents, human trafficking is deemed to occur when an *act* (recruitment, transportation, transfer, harboring and/or receipt of an individual for work) occurs through certain *means* (the threat or use of force, coercion, deception or other abuse of power or vulnerability) for the *purpose* of exploitation (including sexual exploitation, forced labour, slavery or similar practices).

A person is considered trafficked only if he/she has experienced all three elements (act, means and purpose) of trafficking. Using nine key questions in the survey, each respondent in the study was determined to be not trafficked, possibly trafficked (experienced the act + means or the act + purpose of trafficking) or trafficked (experience the act + means + purpose of trafficking).

KEY FINDINGS

The extent of the problem

- **Act:** Because the study included only migrant fishermen, all of whom had been transported to or been received in Thailand from another country to work, 100% of the sample had, by definition, experienced the act element of trafficking.
- **Means:** About 44% of respondents had experienced the *means* element of trafficking, including deception about the nature of the work (6.5%), forced detainment prior to beginning work (3.6%), being forced to continue work (31.5%) and/or being physically abused at work (14.1%).
- **Purpose:** About 81% of fishermen who had worked on a Thai boat in the last five years had experienced the *purpose* element of trafficking, including never being paid for their work (9.3%), getting paid significantly less than what they agreed to (46%), excessive and unfair deductions from their wages (46.0%), and/or being forced to work 14 or more hours per day (73.4%).
- **Prevalence:** By combining the above elements of trafficking, the study found that 37.9% of fishermen surveyed had been trafficked in the past five years. Another nearly half (49.2%) of respondents were suspected trafficking victims, who had experienced either coercion (means of trafficking) or exploitation (purpose of trafficking). Only 12.9% reported having fair labour conditions at sea and experiencing no exploitative recruitment.

Characteristics of trafficked and exploited fishermen

Vessel type: Migrant fishermen on single trawlers were more likely to be trafficked than fishermen on purse seiners.⁷ This may be because trawlers tend to fish farther from shore for longer periods of time than purse seiners and are thus less likely to have contact with authorities. Purse seiners also use a much larger crew, which may be harder for a captain to control and exploit than a smaller trawler crew.

The nature of exploitation⁸

- **Debt bondage:** The process of finding work—which typically requires the use of a broker—often plunges migrant workers into debt, creating debt bondage that psychologically enslaves them to their work. In this study, 76.2% of respondents accrued debt (to an employer, broker and/or net supervisor) prior to beginning work. Furthermore, 53.1% of respondents did not know how much debt they had accrued or for what they had been charged.
- **Restricted freedom of movement:** Employers used a number of methods to restrict their fishermen's freedom of movement while onshore. It was common practice for employers to hold employees' "pink card" migrant registration documents.

The process of finding work often plunges migrant workers into debt, creating debt bondage that psychologically enslaves them to their work.

Nearly 75% of the respondents reported that they were forced to work 16 or more hours/day.

Although 78.9% of respondents were registered with the Thai government, only 11.2% had access to their registration documents. Without access to their registration documents, migrant workers are in danger of arrest whenever they are on shore, making it difficult for them to leave their job and seek new employment.

In Sichon, a port area in Nakhon Si Thammarat, workers reported that brokers would wait for fishermen as they got off boats and immediately lock them in their rooms so they could not run away. In Pattani, workers reported that brokers and police worked together to watch fishermen and restrict their movement, fining them heavily if they were found too far from shore. Furthermore, Thai law requires that migrant workers obtain a letter of permission from their employer before they can leave one job and look for another. Over 30% of respondents reported that they could not leave a job they disliked because they could not obtain this letter from their employer.

- **Excessive working hours:** Despite the passage of Ministerial Regulation concerning Labour Protection for Sea Fishery Work BE 2557 (2014), which created legal minimum rest periods of 10 hours/day and 77 hours/week for crew on fishing boats, more than 90% of the respondents in this study reported that they had to work seven days/week, and nearly 75% reported that they were forced to work 16 or more hours/day.
- **Low wages:** Study respondents reported an average monthly wage of 5,957 Thai Baht (THB) (-US\$170)/month, compared to the legal monthly minimum wage in Thailand of 9,000 THB (-US\$257). Just under half (45%) of respondents received lower wages than they had agreed upon, and 9.6% of respondents were never paid. Furthermore, employers deducted an average of 13,192 THB (-US\$377)/month for various expenses. Of respondents, 39.2% reported deductions from their pay that were unclear, unfair or excessive. Fishermen on pair trawlers tended to receive lower wages and were much more likely to be denied payment altogether compared to those on purse seiner or single trawlers.
- **Physical and psychological abuse:** Physical and psychological abuse were found to be widespread throughout the industry. About 18% of all respondents were physically abused, and 35.8% of respondents had violent working conditions, characterised by experiencing and/or witnessing physical abuse. Furthermore, 6.2% of respondents witnessed the murder of a crewmate at the hands of a supervisor, and another 14.2% of respondents heard specific stories of such murders aboard their boats. Witnessing and hearing rumors of such abuse, even if one does not experience it directly, is a form of psychological abuse that can be used by supervisors to control and instill fear in workers.

Respondents' experiences of abuse differed greatly depending on the type of boat they worked on. Only 13.5% of fishermen on purse seiners reported being abused, compared to 16.9% of fishermen on single trawlers and 29.4% of fishermen on pair trawlers.



STUDY 2: ELIMINATING GHOST SHIPS FROM THE SEAFOOD SUPPLY CHAIN

Using big data and weak signal analysis to end human trafficking and illegal fishing

METHODOLOGY

The goal of the second study was to conduct a preliminary assessment of Thailand's port systems using large, publicly available datasets to determine the likelihood of finding victims of human trafficking in each province. This assessment is based on the assumption that the commercial fishing ecosystem consists of many complex but identifiable interrelationships in dynamic equilibrium. In provinces where these relationships appear to be out of balance, there is likely an unidentified outside factor impacting the ecosystem, such as "ghost ships." These are unregistered fishing vessels that operate outside the protection of the law and reportedly often engage in human trafficking and IUU fishing—illegal, unregulated and unregistered fishing.

IJM contracted with Novametrics to use big data and weak signal analysis to rate each port system in Thailand, by province, for vulnerability to human trafficking. The study team looked at the relationships between hundreds of port characteristics (e.g. fish landings, port capacity and exports) to determine which variables were correlated with one another and seemed to reflect an indirect relationship. About a dozen such key relationships were identified.

For example, there is a roughly linear relationship between the tons of marine trash fish catch brought into a port and the tons of fishmeal it produces. It would be expected that "clean" port systems (those free from human trafficking and IUU fishing) would have values of marine trash fish catch and fishmeal production that fall along the line of expected values, while ports with values far from this line would be considered suspect.⁹

Thus, the study team compared the difference between the actual and expected (i.e. "on-the-line") values for each of these relationships and then summed the absolute value of each of the differences across each province to calculate a raw score of potential vulnerability to human trafficking for each province. A higher raw score indicates a larger difference from expected values and a correspondingly higher likelihood that the port system hosts human trafficking.

These raw scores were then combined with estimates of the number of employed fishermen and unregistered migrant fishermen to calculate the estimated number and prevalence of unregistered migrant fishermen, who may be vulnerable to human trafficking, in each province.

This data was also used to identify characteristics of port systems that may be linked to human trafficking.

KEY FINDINGS

Rating of the port systems for vulnerability to human trafficking

- The provinces with the five highest raw scores of potential vulnerability to human trafficking were Songkhla (8.40), Samut Sakhon (7.50), Narathiwat (7.10), Trang (6.59) and Pattani (6.06). These are provinces that seem most likely to be using trafficked fishermen, based on the presence of anomalies in the big data.
- The provinces with the five lowest raw scores of potential vulnerability to human trafficking were Surat Thani (2.92), Chonburi (2.94), Phetchaburi (3.24), Chanthaburi (3.30) and Samut Songkhram (3.67). These are the provinces assessed as least likely to be using trafficked fishermen.
- In four of the five provinces with the highest composite scores (Songkhla, Samut Sakhon, Trang and Pattani), human trafficking has been reported in the past. This seems to provide validity to the findings of this study.

Anti-human trafficking interventions are best implemented in the provinces with the highest absolute number of unregistered migrant fishermen.

Estimated number and prevalence of unregistered migrant fishermen

- The prevalence of unregistered migrant fishermen, who are likely to be vulnerable to human trafficking, was assumed to be directly related to the raw score for vulnerability to human trafficking. Thus, the same provinces that had the five highest raw scores had the five highest prevalence rates of unregistered migrant fishermen. These five provinces included Songkhla, Samut Sakhon, Narathiwat, Trang and Pattani.
- The five provinces with the highest absolute number of unregistered migrant fishermen, who are likely to be vulnerable to human trafficking, are Samut Sakhon, Pattani, Songkhla, Phuket and Trang. The absolute number of unregistered migrant fishermen is determined in large part by the size of the fishing industry. When considering locations in which to implement an anti-human trafficking intervention, the study suggests it is best to start in the provinces with the highest absolute number of unregistered migrant fishermen, since this is where the most people in need of help will likely be.

Characteristics of ports that reflect the presence of human trafficking

Five port characteristics were identified as being indicative of the presence of human trafficking when found in combination. These characteristics include the following:

- High volume of trash fish and large number of fishmeal plants. Since trash fish are less profitable than other types of catch, this may reflect an area in which the fishing industry is operating at marginal profit.
- High proportion of large vessels. This may reflect an area in which there is a high demand for labour and an efficient market for forced labour.
- High catch volume with large vessels targeting trash fish. Similar to the first two characteristics, this likely reflects an area in which there is a high demand for labour but only marginal profitability.
- High production of fishmeal for the amount of landed trash fish catch. This may reflect the presence of unreported landed catch from unregistered vessels.
- Relative importance of fishing to the province's GDP. This may be indicative of a lack of other income-producing activities in a province, which thus drives the fishing industry even if it is only marginally profitable.

These findings link and align directly with findings on labour trafficking and exploitation by vessel type from the IJM and Issara Institute study on Prevalence of Labour Trafficking and Exploitation on Thai Fishing Vessels, summarised above, which found that migrant fishermen were more likely to be trafficked and exploited on trawlers—a large vessel that produces a high volume of trash fish.

Despite demonstrations of political will from upper levels of the Thai government, the necessary resources to combat trafficking and forced labour had not yet been allocated.

STUDY 3: LABOUR TRAFFICKING IN THAILAND

A review of the Thai criminal justice system's response

METHODOLOGY

The purpose of the third study was fourfold: 1) to determine the current interest, understanding, prioritisation, political will and capacity for a criminal justice response in Thailand to labour trafficking in the Thai fishing and seafood industries; 2) to compare how cases of labour trafficking in the fishing industry *should* move through the Thai Criminal Justice System (CJS), according to Thai law, to how they currently do move through the CJS; 3) to identify areas of strength and challenges to the CJS response to trafficking in the Thai fishing and seafood industries; and 4) to understand stakeholders' current perception of and confidence in the Thai CJS's ability to address trafficking in the fishing industry.

To achieve these aims, IJM contracted with Meredith Dank of the Urban Institute Justice Policy Centre and with Christine Chan Downer to conduct a qualitative study of the Thai CJS. Data were collected through semi-structured interviews and focus groups with 72 stakeholders, including local, provincial and national-level Thai government officials; international organisation and foreign government stakeholders; NGO stakeholders; Burmese, Cambodian and Thai labour trafficking survivors; and other relevant stakeholders.

The research team used stratified purposeful sampling to engage a range of key stakeholders with firsthand knowledge of the Thai CJS, and employed a convenience sample to identify survivors. Interview and focus group questions were tailored to the types of stakeholder and their area(s) of expertise.

The study team conducted most of the semi-structured interviews in-person in Thailand, Myanmar, Cambodia and Washington, D.C., from October 2015 to May 2016. Three interviews were conducted by phone, due to limitations associated with scheduling and travel. The team took detailed transcription-level notes during all interviews and focus groups. These transcriptions were later coded for key themes.

KEY FINDINGS

Political Will

- The majority of stakeholders interviewed agreed that there is political will from the upper levels of the Thai government to combat forced labour in the fishing and seafood industries and that it has been made a top priority. However, political will was considered to be less strong in the mid- and local-level government.
- Despite these demonstrations of top-level political will, the necessary resources to combat trafficking and forced labour had not yet been allocated.
- Many stakeholders believed that the top-level political will arises mainly from a desire to protect the seafood export industry and to maintain a good image internationally. Yet they worried that the political will would not translate into significant, sustainable progress without continued international pressure. In particular, this included pressure from the U.S. State Department's Trafficking in Persons (TIP) Report and the European Union's "yellow card" designation for Thai seafood imports.¹⁰

Legal Framework and Implementation

The study acknowledged many strengths of the Thai CJS response to forced labour, including:

- a formalised criminal justice system;
- a comprehensive legal framework that outlaws all forms of human trafficking and assigns anti-trafficking responsibilities to a variety of Thai ministries and departments; and
- specialised anti-trafficking units and divisions within several CJS agencies, including anti-

trafficking units with the Department of Special Investigation and the Royal Thai Police, the Office of Attorney General human trafficking prosecution unit, and the Human Trafficking Division of the Criminal Court in Bangkok.

A number of challenges, however, have limited these efforts from yielding substantive improvement in the apprehension and prosecution of perpetrators of forced labour in the Thai fishing and seafood industries or the identification or treatment of labour trafficking victims in Thailand. These challenges include:

- complicity among some government workers, which prevents an effective and transparent CJS response;
- lack of sufficient cooperation and coordination between local Thai law enforcement authorities and Thai prosecutors;
- lack of proactive investigations and meaningful prosecutions for trafficking crimes in Thailand, which leads traffickers to assess there is little risk of being caught or facing consequences for their crimes; and
- lack of resources for the government to implement the legal, regulatory and bureaucratic framework it has created so that it can successfully combat forced labour.

Victim Services

- Stakeholders reported that victims of forced labour in the fishing and seafood industries are typically identified by NGOs, rather than by the Thai government. This is primarily due to a lack of government resources for victim identification and distrust and avoidance of the Thai government by migrant workers.
- In practice, victims of human trafficking identified by Thai authorities are not consistently provided with the services they are entitled to by Thai laws and policies, such as psychosocial counseling, employment assistance and qualified interpretation assistance. Rather, as Thai government officials pursued the prosecution of some trafficking cases, stakeholders reported that some victims were kept in shelters against their will for long periods of time.
- The majority of survivors interviewed expressed a desire for financial compensation and assistance with collecting back wages, but there are few government or NGO resources to assist them with those efforts.

RECOMMENDATIONS

Based on the results of these three studies, IJM proposes the following recommendations for stakeholders involved in responding to forced labour in the Thai fishing and seafood industries:

For businesses

- Big businesses (both international and domestic) that purchase Thai seafood products can use their economic influence to encourage the Thai government to comprehensively combat forced labour in the fishing industry by holding traffickers accountable, and support the government in its anti-trafficking efforts.
- All businesses should require and work closely with suppliers to establish systems that allow seafood supply chains to be traced all the way to fishing vessels, where labour trafficking and exploitation often occur.
- Multi-national corporations can use their buying power to work with suppliers to ensure that they operate fully within the law and to promote lawful, healthy, safe work environments.

Lack of meaningful prosecutions for trafficking crimes leads traffickers to assess there is little risk of facing consequences for their crimes.

Businesses should work closely with suppliers to trace seafood supply chains all the way to fishing vessels, where labour trafficking and exploitation often occur.



For on-the-ground organisations (e.g. NGOs, local businesses, fishing associations)

- Distribute practical information, such as: job training in migrant workers' languages; information on workers' rights to fair pay/treatment and to leave a job and pursue civil or criminal actions against employers if treated poorly, so that migrant workers are empowered even in high-risk working environments.
- Provide workers with appropriate communication channels (such as Issara Institute's Inclusive Labour Monitoring) through which they can voice complaints, and then respond appropriately to complaints by ensuring that proper assistance and restitution is provided to exploited fishermen and that offending supervisors are penalised.
- Train local businesses and fishing associations on how to more effectively recruit and manage fishermen. This will help meet the needs of the industry to obtain and retain a low-cost workforce, while also helping to protect migrant workers at risk of exploitation and trafficking.
- Recognise and incentivise boat owners and captains who regularly provide safe working environments in which workers' rights are respected.

For the Thai government

General recommendations

- Significantly boost resources (including personnel, trainings and time) dedicated to investigating and prosecuting labour traffickers and exploiters.
- Augment efforts to investigate and prosecute trafficking offenders, including complicit officials. The creation of a specialised anti-corruption court in October 2016 was a good start toward this goal. Also, consider the creation of oversight mechanisms for national-level CJS actors to supervise local-level investigations and prosecutions of suspected trafficking crimes.

Investigation and prosecution recommendations

- Increase the capacity and resources of national-level units—including the Anti-Human Trafficking Centre of the Department of Special Investigation, the Anti-Trafficking in Persons Division of the Royal Thai Police and the Office of the Attorney General's specialised prosecutorial unit—to handle a greater proportion of trafficking cases.
- Emphasise to law enforcement officials, especially those at the local level, that identifying and prosecuting a large number of human trafficking cases is primarily indicative of a *successful* criminal justice system, not of high crime rates or poor trafficking prevention efforts.
- Implement the existing Ministry of Interior regulation, which requires that trafficking cases be completed within six to 12 months of the first hearing of a case.

Victim identification, treatment and assistance recommendations

- Scale up audits and investigations to identify labour trafficking and exploitation victims, especially in the places where victims are likely to be found. This should include regular audits of the ports and piers in Songkhla and Samut Sakhon and of trawlers in all provinces, as two of these studies identified these provinces and these vessels as having a large number of vulnerable fishermen.
- Not all victims of labour abuses will be victims of human trafficking. When auditing fishing vessels, ensure that they are compliant with all the working and pay conditions set forth in the Ministerial Regulation Concerning Labour Protection in Sea Fishery Work, BE 2557 (2014), and ensure that employers make appropriate reparations to *all* of the labour abuse victims.
- Increase resources for victim assistance and make sure that victims receive appropriate services, including psychosocial support, alternatives to government shelter homes, medical assistance, job placement and witness protection.
- Throughout the CJS process, from victim identification through assistance provision and prosecution of their offenders, use qualified interpreters to communicate with victims and vulnerable populations.

Training local businesses and fishing associations on how to more effectively recruit and manage will help to meet the needs of the industry to retain a low-cost workforce, while also helping to protect migrant workers at risk of exploitation and trafficking.

Recommendations for regulation and awareness

- Migrant workers are a necessary part of the Thai fishing industry, but border crossing and recruitment present vulnerabilities for these workers. In recognition of this problem, develop a clear and easy system, including recruitment regulation and broker licensing, so migrant labourers can legally enter Thailand to work in the fishing industry and be protected from exploitative recruiting practices.
- Improve fishing industry supervisors' knowledge of their responsibilities and migrant workers' awareness of their rights by publicly promoting the regulations already set forth in the Ministerial Regulation Concerning Labour Protection in Sea Fishery Work, BE 2557 (2014).

¹This estimate comes from the Raks Thai Foundation. However, other estimates put the number of employees between 170,000 (Thailand Department of Fisheries) and 505,000 (Thailand National Statistics Office). Estimates are widely varied because the vast majority of fishermen are unregistered migrants, who cannot easily be counted.

²ILO (2013). *Caught at Sea: Forced Labour and Trafficking in Fisheries*. Geneva, Switzerland: ILO.

³ILO & ARCM (2013). *Employment Practices and Working Conditions in Thailand's Fishing Sector*. Bangkok, Thailand: ILO.

⁴Chantavanich, S., Laodumrongchai, S., & Stringer, C. (2016). Under the Shadow: Forced Labour among Sea Fishers in Thailand. *Marine Policy*, 68, 1-7.

⁵Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000). (<http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>)

⁶The Anti-Trafficking in Persons Act BE 2551 (2008). (<http://www.notip.org.cn/UserImages/00001163.pdf>)

⁷Single and pair trawlers and purse seiners are boats that use different methods and types of nets to catch fish. Purse seiners tend to use larger crews, catch fish closer to shore and return to shore more frequently compared to trawlers.

⁸Findings in this section represent analysis of the entire sample of 260 interviewed fishermen, including the 12 respondents who were excluded from the prevalence analyses because they had not worked on a boat since 2010 or were missing some data.

⁹Trash fish refers to young fish or small species that are not caught for direct human consumption, but rather used to produce fishmeal.

¹⁰"Yellow cards" are issued to countries that are not doing enough to combat IUU fishing. If a yellow card country is not able to improve its legal frameworks and enforcement mechanisms in a timely manner, it is issued a "red card," which results in a trade ban that restricts access to EU markets. (http://europa.eu/rapid/press-release_IP-15-4806_en.htm, retrieved 3/29/2017)



Child Trafficking Into Forced Labour, in Ghana

// A mixed-methods assessment

INTERNATIONAL JUSTICE MISSION has worked in Ghana since 2014, supporting Ghanaian authorities to rescue children, arrest and prosecute traffickers, and provide care to survivors so that they can recover and thrive. In early 2015, IJM assisted law enforcement in a rescue operation of young boys, leading to a conviction in 2016. To date in 2017, IJM has assisted its law enforcement partners to rescue 100 children off Lake Volta.

Data collectors interviewed or observed 771 children engaged in fishing activities on Lake Volta.

IJM assists survivors by providing case management services and collaborating with local partners to ensure that they receive counseling and health care, continue their education, and recover in a safe place. IJM also works to raise awareness of child trafficking with local churches and engage them to support a strong response by local law enforcement and courts.

IJM carried out two studies of forced child labour in fishing on Ghana's Lake Volta, including an operational assessment in 2013 to provide a prevalence rate of trafficked children in IJM's project area, and a qualitative study in 2015. The purpose of the studies was to document the scope and nature of child trafficking in Lake Volta's fishing industry.

The following is a description of the study methodology, a summary of key findings and recommendations to address forced child labour on Lake Volta. The full study, including a discussion of limitations and citations, may be found at ijm.org/studies by typing in the country name.

METHODOLOGY

For the 2013 operational assessment, data collectors conducted interviews with children and/or adults in a total of 982 occupied boats (canoes.) Data collectors completed the operational assessment over the course of 17 days, spanning June and July of 2013 on the southern region of the lake.

Data collectors interviewed or observed 771 children engaged in fishing activities on Lake Volta. The assessment team included two primary data collectors, an additional person present for translation and a data manager. They interviewed for 12 hours on most days. Data collectors captured information for all boats spotted out on the water. The study team would pull up next to it and converse with the children and/or adults, often through a translator.

The questions posed were semi-structured because of the necessity of assessing the safety of children on the boats. The goal with each boat was to interview children individually. A "complete" interview included: age and sex of each child, trafficking status, place of origin (where the child was born), payment for work, length of time working on lake, and injuries. If a child or groups of children were alone when approached, the assessment team conducted a more detailed interview. When children were nonresponsive—if they looked at adults on the boat in deference or fear—data collectors attempted to collect information from the adult.

Given the active nature of the trafficking situations, the experienced data collectors made judgment calls about the extent to which they should ask questions and which questions to ask. Safety of the children and the assessment team was paramount. When approaching each boat, in addition to making observations and interviewing, data collectors would also capture the GPS coordinates of the interview location on the water using a hand-held GPS device. The team also used this device to send key data from the interview, including the coordinates, to the data manager in real-time.

To complement the operational assessment, IJM conducted a qualitative study in early 2015 to determine the nature of forced labour trafficking of children (both boys and girls) into the fishing industry on Lake Volta. Using the quantitative data obtained from the 2013 operational assessment, IJM identified the three most prevalent areas in which trafficking occurred in southern Lake Volta (hereafter referred to as "destination communities") and the three most frequently cited communities of origin (hereafter referred to as "source communities").

IJM drafted the methodology with input from Ghanaian partners—including the contracted local Ghanaian research firm, Participatory Development Associates, which was tasked with data collection. PDA has experience conducting trafficking research, working with youth, and conducting focus group discussions and key informant interviews in rural locations within Ghana. PDA staff also had the necessary language capacity—a critical need for data collection, particularly given the sensitivity of the subject matter.

In developing the methodology, the study team determined that the targeted populations for data collection should be: 1) community members who possibly participated in child trafficking into the fishing industry and could provide greater insights into the nature, mechanisms, experiences, drivers and cultural factors for child trafficking; 2) key informants in the community who could triangulate the information provided by potentially participatory community members; and 3) key local professionals who worked on anti-trafficking interventions and/or were tasked with anti-trafficking interventions.

The findings presented in this report are drawn from the operational assessment and from 32 focus groups (with 233 participants in total), 51 key informant interviews, five survivor accounts, and six community profiles from both source and destination communities.

KEY FINDINGS

Demographics

Findings from mixed methods used to collect data in 2013 and 2015 reveal that the majority of children (both boys and girls) working in the fishing industry were 10 years old or younger. Ten years old was the most frequently observed age in the 2013 operational assessment; it was also the age most frequently referenced by stakeholders in the 2015 qualitative study.

Female children only made up 0.4% (3/771) of the children observed on the lake in boats. The low percentage observed is a reflection of the fact that girls' tasks are generally not on the water. Across destination and source communities, respondents had similar descriptions of girls' roles in the fishing industry: processing, preserving and selling the fish; doing household chores; and cooking for their hosts and/or other children.

In 2015, source communities reported that girls leave for Lake Volta at slightly younger ages than boys, with five years old being the most commonly cited age.

In 2013, 20.5% of children observed or interviewed while they were working on Lake Volta were 6 years old or younger. In 2015, 21.3% of those commenting mentioned 0-6 years old as the ages that boys work in Lake Volta's fishing industry.

Prevalence rate

The 2013 operational assessment found that more than half (57.6%, 444/771) of children working on southern Lake Volta's waters were trafficked into forced labour. Data collectors classified more than one-third (37.2%, 287/771) of children as "suspected" trafficked if they exhibited a physical appearance and mannerisms consistent with trafficked children. For example, indications of a trafficked child included fear (no eye contact, diving inside boat to hide, physically shaken), deference to owner (never answering questions directly, looking at owner for cues), injuries and/or scars, and poor clothing and grooming compared to other children or adults in the boat.

About one-fifth (20.4%, 157/771) of children were classified as "confirmed" trafficked if an interview was conducted and statement evidence was offered to the data collectors either by the child or an adult on the boat. The remaining 42.4% (327/771) of children observed or interviewed did not meet the trafficking criteria. The 57.6% prevalence rate in this study should be interpreted as a conservative estimate of the trafficking on southern Lake Volta. Field notes from the data collectors indicated that the "not trafficked" children observed could possibly have been trafficked.

The majority of boys and girls working in the fishing industry were 10 years old or younger.



PREVALENCE OF CHILDREN TRAFFICKED INTO FORCED LABOUR, BY TRAFFICKED STATUS

STATUS	NUMBER OF CHILDREN	PERCENT
Trafficked	444	57.6%
Suspected	287	37.2%
Confirmed	157	20.4%
Not Trafficked	327	42.4%
TOTAL	n = 771	100.00%

Note: The 57.6% prevalence rate in this study should be interpreted as a conservative estimate of the trafficking on southern Lake Volta. Field notes from the data collectors indicated that the "not trafficked" children observed could possibly have been trafficked.

Inexperienced or young children were at the greatest risk of drowning—especially when they were tired or hungry and forced to dive off the boat.

The 2015 study also revealed that both boys and girls have physically demanding and sometimes hazardous roles in Lake Volta's fishing industry. Both boys and girls worked long hours, often obtaining little sleep and working during hazardous times (such as at night).

Injuries

Key informants described fishing as "hazardous" and stated that "almost all" children are injured in the course of fishing. Overwhelmingly, stakeholders reported three main causes of injury:

Fish. Both boys and girls were injured by fish, either in the water or when cleaning. Many noted that fish can prick or shock children while in the water, with some saying that this results in swollen feet or hands.

Stumps, stones and other objects. Children could hit objects in the water, resulting in injuries such as cuts, bruises, sores and drowning (i.e., death). One respondent noted that broken bottles in the Lake can cut children when they dive. Open wounds can also become infected and frequently are not treated immediately.

Falling in or off the boat. Many also noted that children can fall in or out of the boat, with some stating that injuries sustained can result in children becoming disabled.

Several expressed that new, inexperienced and/or young children were at the greatest risk of drowning. Some stated that this risk was heightened when the children were tired or hungry and forced to dive. Others noted that drowning was a risk after being beaten or falling into the lake. In both destination and source communities, NGOs and social workers were more likely than community groups to posit that drowning occurs; however, both NGOs and social workers were frequently unable to estimate the frequency of drownings because the cases were not reported.

Health

During the course of the operational assessment on southern Lake Volta, data collectors observed that a large number of children displayed one or more of the following symptoms of bilharzia (infection caused by a parasitic worm in the water): 1) severe skin rash manifesting in lesions and resulting scars; 2) abdominal distention from enlargement of the bladder, intestines, liver and colon due to the presence of these worms; or 3) fever and lethargy. NGOs that work with trafficked children and conduct medical screenings reported that bilharzia was the most common health issue.

Traffickers use girls for sexual exploitation and forced marriage as a means of controlling the older boys. Key informants noted unusually high rates of teenage pregnancies as evidence of potential sexual abuse.

Numerous children also displayed severe infections of the feet, toes, legs, fingers, hands and arms from work-related injuries and exposure to unsanitary conditions. NGOs' medical assessments also revealed malaria, hepatitis and typhoid fever. Although hepatitis and typhoid were not reported by other stakeholders, malaria was the second most frequently reported health issue, with references by young men's groups, medical providers and NGOs, as well as a teacher and law enforcement officer.

Key informants observed that children trafficked into the fishing industry demonstrate signs of trauma. To support this assessment, a few key informants reported that they observed the following indicators of trauma: nightmares and flashbacks; withdrawal from other people, isolating themselves and difficulty approaching others; being timid or easily frightened; reluctance to make eye contact; dejected expressions and body language; weeping; mistrust of others demonstrated by unwillingness to share their actual names; fear and expectation of being beaten in situations that would not warrant physical discipline; behavioral issues; and begging for money to run away from their master.

Violence

Children in the fishing industry on Lake Volta overwhelmingly experienced violence. The majority of descriptions of physical violence involved children being beaten with paddles. Other common examples included children being thrown into the lake, caned, slapped or beaten with ropes. A law enforcement officer who had previously worked in fishing reported that some children were "tortured with the rough ropes used to tie bamboo." A few noted that beatings can result in children developing hunchbacks or having eye problems, and can even lead to death.

Descriptions of physical violence against children displayed a lack of awareness on the part of the abusers of the limitations of children to perform difficult tasks in the fishing industry. One young men's group explained, "When the child is not able to do the hard labour, the master gets bitter since he has already paid some money to the mother. Out of frustration, he can hit the child with a stick, paddle or any other thing."

An NGO respondent located in a source community further explained this cultural context and went on to differentiate between the severity of violence faced by children in the fishing industry and children staying at home: "When kids complain that they are being abused at the lake, it is very hard for that to be taken seriously because parents will think that for a child to be hit is necessary. It is understood that hitting a child is a necessary discipline.... Among middle-income countries, Ghana is the seventh most violent according to UNICEF.... Physical violence is culturally acceptable here."

While destination community focus-group discussants were uncomfortable discussing sexual violence against both boys and girls, key informants in destination communities were able to provide more information. These key informants were divided in their estimations of the scale of sexual violence against girls in the fishing industry: Some estimated it as 20-40%, others at 90-100% and still others were unable to provide an estimate. Some mentioned that sexual abuse is hidden and even raped girls who are provided with medical services lie about what they experienced. When key informants were unable to estimate the prevalence of sexual violence, the majority noted unusually high rates of teenage pregnancies as evidence of potential sexual abuse.

Girls in the fishing industry were vulnerable to multiple forms of victimisation. About half of the young men's groups affirmed that traffickers use girls for sexual exploitation and forced marriage as a means of controlling the older boys.

Stakeholders confirmed that many children want to leave their situation of exploitation, with one young adult group positing that 80% of children want to leave the fishing industry. The desire to leave was almost always linked to physical violence and mistreatment or to wanting to attend school.

Many cited significant barriers to children leaving their traffickers. The top barriers were: (1) lack of funds for transportation; (2) that children do not know how to get home, especially if they were taken when they were very young; (3) that traffickers will physically stop them through search parties and will then punish them for running away; and (4) fear.

Education

Data collectors in the 2013 operational assessment attempted to ask questions about attending school, but they were not able to obtain responses in many of the interviews, or they believed the child or adult provided untruthful answers. As a result, the time of day that a child was observed working on the lake served as the proxy measure for trafficked children's school attendance. Nearly half of trafficked children (48.9%, 217/444) were interviewed or observed on the lake from 8 a.m. to 2 p.m.—typical Ghanaian school hours.

The 2015 qualitative study also found that children in the fishing industry were frequently prevented from attending school, either because of the long work hours or because their trafficker would not allow them. Thirteen respondents provided unsolicited statements that fishermen will send their biological children to school and hire other children to work in the fishing industry.

The study thus demonstrated that access to education was one of the key differentiators between trafficked and nontrafficked children.

Source community respondents pointed out that, upon return, trafficked children are behind their peers. Key informants indicated that children who return from the lake as adults are in primary school. Teachers and young adult groups shared that those who return from Lake Volta and enroll in primary school feel ashamed or uncomfortable with being behind educationally.

Aspects of trafficking

Data collection in 2013 and 2015 found that children trafficked into the fishing industry had contractual agreements for their exploitation, which were frequently between the trafficker and the child's parent/guardian.

In the 2015 qualitative study, respondents across destination and source communities identified relatives as the primary facilitator for the recruitment of children into the fishing industry on Lake Volta. Family friends and relations often overlapped with the next most frequently cited types of recruiters: fishermen and middlemen/agents. Others noted the strong kinship and ethnic ties between destination and source communities.

The majority reported that recruiters made arrangements with parents, with only a few stating that recruiters approached children directly in the source community. Overwhelmingly, parents seemed aware of the recruiter's intentions and the fact that their child was going to work in the fishing industry on Lake Volta. But some parents did not know the specific location to which their children were taken. Parents might also be deceived as to the length of time their child would be fishing and the amount owed to the parent.

Two to three years was the most frequently cited length of time that children spend working in the fishing industry, which was followed closely by responses of 10 years and more. In particular, stakeholders reported that girls may not return to source communities after becoming pregnant or getting married while working in the fishing industry. Respondents cited four to five years as another frequent tenure.

Stakeholders agreed that parents and guardians were the negotiators and recipients of the payment for children working in fishing, with only a few mentioning that some children might receive some of the money. This was supported by the fact that many young adults were unaware of the terms of their contracts and stated that they did not receive any money. Several survivors noted that they only received a piece of cloth at the end of their service (instead of payment).

Relatives were identified as the primary facilitators for the recruitment of children into the fishing industry.



Children in the fishing industry were frequently prevented from attending school. Nearly half of trafficked children were observed on the lake during typical Ghanaian school hours.

By exploiting trafficked children, fishermen could send their own biological children to school and provide better accommodations and clothing for their own family.

The amount the parents received before the child left for Lake Volta—either as an advance or as the full payment—ranged from a small token (e.g., an alcoholic drink, specifically schnapps; a piece of cloth or less than 100 GHS) to 1,000 GHS, with most responses falling into 100-500 GHS. In 2015, payment per child per year ranged from 10-1,000 GHS (\$3.33-333.33 USD), with the amount frequently falling at or below 50 GHS per year (\$16.67 USD).

Some stakeholders noted the benefits of receiving upfront payments and/or an initial advance, stating that the end-of-contract amount was not always fulfilled. A source community men's group stated that parents received 500-1000 GHS (\$166.67-333.33 USD)—all upfront—if the child was taken for light fishing, as this is an illegal method. Others explained that fishermen would use the advance given to the parents as a form of debt bondage, saying that the harvest earnings did not cover the advance amount in the agreed number of years in the contract. A few also said that parents might borrow money from the fishermen, particularly for funeral payments, that then required additional years to be added to their child's service.

The 2015 study found that while many perpetrators might be low-income fishermen themselves, they did not use trafficked children merely to survive. In fact, exploiting trafficked children enabled them to send their biological children to school and provide better accommodations and clothing for their own family. One male survivor accounted that, "We were more or less like house slaves, because their own children did nothing."

Thus, several factors distinguished trafficked from nontrafficked children, including: access to education, working conditions (such as working longer hours and being assigned more intense, hazardous or difficult tasks), and improper clothing and shelter.

More than 40 respondents declared that children were easy to exploit, which was most frequently described as being "obedient," "easy to control" and "respectful." A few expanded that this obedience came from being easily intimidated, as one young men's group described: "You cannot treat an adult anyhow you want to. He may disagree with you, and this might end up in a confrontation. But as for a child, he/she obeys the moment you lift a rod."

Push and pull factors

The qualitative study revealed that poverty renders parents and guardians vulnerable to trafficking their children to work in Lake Volta's fishing industry and is the primary push factor for children being trafficked. Stakeholders overwhelmingly reported two main pull factors: 1) children are a source of cheap labour, and 2) they are easy to exploit.

There are several norms and practices—driven by factors such as poverty and large, single-parent families—that contribute to the prevalence of child trafficking. Fostering children is an overwhelmingly prevalent practice in destination and source communities. It is common for poor families to send children to other communities to be raised by more well-to-do relatives. This practice is typically not exploitative, but it lends itself to abuse by traffickers.

More than 50 respondents explained that fishermen prefer to hire children because children are cheaper than adults. Many expounded that children work without being paid, whereas adults will require minimum wage. Many others said that children don't understand financial transactions and will not negotiate a fair share of the fisherman's earnings as one interlocutor suggested: "The adults want a fair share of the money made per catch, but the child has no clue. That is why most of them like to use children."

While the vast majority explained that traffickers can make a profit by using children, a few highlighted that some fishermen are struggling to provide for their own families and cannot afford to hire adults to help them in their work. Therefore, poverty can be both a push and a pull factor.

RECOMMENDATIONS

The recommendations below are suggested for Ghanaian stakeholders and larger international communities that are implementing programmes, formulating policy or protocols, or conducting research related to children trafficked into forced labour.

Prioritise the arrest, prosecution and conviction of perpetrators of child trafficking into forced labour and the related psychosocial support of trafficked children.

Currently on Lake Volta, labour traffickers recruit and exploit children with impunity. In fact, when communities were asked how they believed trafficking into forced labour could be stopped, one of the most frequently cited solution was law enforcement. In particular, young adult groups emphasised that the practice of child trafficking will not end without perpetrators being arrested and held accountable under Ghanaian law.

To prioritise the arrest, prosecution and conviction of traffickers and related psychosocial support for trafficked children, it is necessary to resource, equip and empower government agencies tasked with anti-trafficking interventions such as the Anti-Human Trafficking Unit, Department of Social Welfare, and the Ministry of Gender, Children and Social Protection. The qualitative study findings demonstrate that these agencies currently do not have the resources necessary to perform their mandate. For example, some officials clearly stated that they could not follow up on actual reports of trafficking because of the lack of transportation. Even when government officials did follow up, they lacked resources to respond adequately. For example, the Department of Social Welfare lacked shelter space, which led to the trafficked child running away.

Similarly, qualitative study findings demonstrate that government agencies tasked with anti-trafficking interventions were often disempowered from prioritising the arrest, prosecution and conviction of traffickers. Respondents described that relevant stakeholders—such as the police—were disempowered from engaging in future anti-trafficking interventions when the community responded negatively to an intervention. Stakeholders must have sufficient high-level and community support in order to effectively engage in anti-trafficking efforts.

Reduce vulnerability through increased access to education and through economic empowerment.

A frequently cited solution for ending child labour and trafficking was increasing access to education, which included: increasing the demand for education; ensuring that children in remote locations have access to schooling; and educating source communities on both the benefits of education and the devastating downstream effects of child labour at the expense of such education.

Another solution frequently mentioned by stakeholders was economic empowerment and alternative livelihoods. Given that poverty was the primary push factor for child trafficking, economic empowerment should be deployed in tandem with other solutions to ensure child protection.

Ensure that trauma-informed care is provided to survivors of trafficking.

Children who work on Lake Volta experience trauma that, if not well managed, may interfere with their overall development. Therefore, this phenomenon should not be treated simply as a labour issue, and interventions should be infused with trauma-informed care. Moreover, anti-trafficking stakeholders—particularly shelters provided by the Department of Social Welfare and by NGOs—should be equipped to deal with the sometimes challenging behaviors that are consistent with trauma reactions and poor social development.

Government agencies tasked with anti-trafficking interventions currently do not have the resources necessary to perform their mandate.

Provide reintegration support.

Trafficked children require comprehensive reintegration support to ensure that they are not re-trafficked. This should involve parental and community leader education in both prevention of trafficking and support for returned survivors. Reintegration services should include appropriate education channels—as older children may feel uncomfortable participating in primary education with much younger students—and/or access to vocational training or economic empowerment opportunities. The second most commonly reported service need for successful reintegration was counseling or therapy, demonstrating that it is imperative to address trauma in survivors.

Provide appropriate services for trafficked children.

All trafficked children experience trauma and require services. However, it should be noted that girls may have experienced sexual violence, sexual exploitation, forced marriage or underage pregnancy. About half of young men's groups affirmed that traffickers use girls for sexual exploitation and forced marriage as a means of controlling the older boys.



Bonded Labour in Tamil Nadu State, India

// Prevalence and Migrant Labourers' Experiences

INTERNATIONAL JUSTICE MISSION has been invested in cases of bonded labour in India since the early 2000s. The current manifestation of bonded labour involves labourers pledging themselves to work in order to repay an advance received. In most cases, their debts are not settled until the end of a specified employment season, until the owner decides they have paid the debt in full, or not at all. This practice compels the labourer to stay to repay the

debt; during this period of time, a broker often also manipulates the labourer's account, adding costs for transportation to the worksite, food and housing. Consequently, labourers often find that they cannot ever fully repay the amount of the advance.

In Tamil Nadu, IJM focuses its bonded labourer intervention efforts specifically in four districts surrounding Chennai: Kancheepuram, Thiruvullar, Thiruvanamalai and Vellore.

IJM collaborates with the government in Tamil Nadu by working with officials to tackle individual cases of bonded labour. The organisation works with the government to deliver capacity-building programmes and, upon request, provides input on government-initiated programmes and procedures. In partnership with local authorities, IJM works to identify and rescue victims of bonded labour and to ensure that the rescued survivors receive the necessary government schemes (benefits) and services so that they are appropriately rehabilitated from their labour exploitation.

Additionally, IJM supports the prosecution of each case to ensure that India's laws are appropriately applied and consistently implemented. To complement its support to the government and to individual victims in bonded labour cases, IJM's office in Tamil Nadu launched an initiative in 2010 to strengthen front-line responders, including members of the District Administration and police, in developing appropriate responses and monitoring mechanisms. Specifically, this initiative aims to strengthen these responders' ability to effectively address bonded labour cases, as well as to support the state government in developing appropriate response and monitoring mechanisms.

A full version of the study, including citations, can be found by emailing contact@ijm.org with "Tamil Nadu Prevalence Study" in the subject line.

METHODOLOGY

The research project was undertaken by International Justice Mission and National Adivasi Solidarity Council. Qualitative and quantitative data were collected through individual interviews with manual labourers in 11 different industries, including rice mills, match and fireworks factories, brick kilns, textiles, rock quarries, fish farms, regular farming, plantations, tree-cutting units, and the sugarcane industry.

A structured interview tool was used to gather information from respondents to understand if they worked in bonded labour conditions. Secondary sources of information were obtained from a review of existing literature as well as Supreme Court judgments, government orders and media articles relating to bonded labour.

Using a stratified cluster sampling strategy, 66 local enumerators interviewed 8,973 manual labourers at their worksites between September and November 2014. Each team had a field supervisor, photographer/GPS device manager and one member who covered interactions with any worksite supervisor. The enumerators were fluent in Tamil, Hindi, Odiya, Telugu, Kannada and English.

The sample included 31 districts across the State of Tamil Nadu, India (excluding Chennai). Ultimately, the final sample included 2,125 worksites—1,936 of which were in village *panchayats* and 189 of which were in town *panchayats*.

RESEARCH OBJECTIVES

The research aimed to answer the following questions:

- What is the estimated number and percentage of labourers in Tamil Nadu found to be working under conditions of bonded labour?
- Are there any geographic or industry-based concentrations of bonded labour?
- What are the demographics of the labourers found to be bonded in this study and are any significantly correlated with being bonded?
- Are there any correlations between bonded labour elements?
- What are the current living and working conditions of the labourers interviewed?

The survey instrument captured information on the type, physical location (including GPS coordinates) and working population size of the worksite, as well as the interviewed labourers' demographic information, freedom of movement, freedom of employment, wage amount and any receipt of an advance. Statistical analysts used SAS procedures to create weighted population-level estimates, based on the sampled labourers' data and taking into account worksite-size estimates.

Also, being from the villages and districts surveyed, enumerators had on-the-ground knowledge of bonded labour, allowing them to record their own observations and views on each worksite, interview and labourer's situation. This information, along with the narrative text of the labourers, was coded and analysed qualitatively to identify themes. The study also assessed and verified the quality of the data multiple ways, including documentation of labourer response bias, cross-checking of survey responses against enumerator observations and comments, enumerator validation of response plausibility, and auditing of sampled *panchayat* towns and villages.

RESULTS

Quantitative study results

Bonded labour is the most widely used method of enslaving people in India. New research that has emerged in recent years estimates that South Asia has the highest number of people living in slave-like conditions. However, there is little research derived from interviews with current labourers in India estimating prevalence within the country or state that could better equip national, state and district level officials to make relevant decisions.

Therefore, the purpose of this study was to statistically describe the extent and characteristics of bonded labour in Tamil Nadu, India. Civil societies are of the opinion that Tamil Nadu is the leading state in India to enforce the Bonded Labour System (Abolition) Act of 1976. State and district officials have been appreciated for their efforts to swiftly respond to bonded labour cases, build capacity of officials, and proactively pursue instances of bonded labour.

Even though the practice of bonded labour is illegal in India, the study results estimate that 463,000 (or 29.9%) of manual labourers working in the 11 industries surveyed in this study in Tamil Nadu were bonded. All industries included in this study employed at least some bonded labour, with the lowest labour force prevalence of bondage being 7.7%.

Demographics of bonded labourers in Tamil Nadu

Although there were more female (872,800) than male (674,600) manual labourers estimated in the surveyed industry groups, the prevalence of bonded labour was much higher among males (36.5%) than among females (24.8%). Of all manual labourers aged 30 and under, 46.3% were bonded.

Migration and restricted freedom of movement or employment

Migrant labourers (those who travel to another areas for work—both inside and outside the state) were bonded at more than three times the rate of those working in their home districts.

Estimates of minimum wage payment and receipt of advance debt

A total of 36.9% of all labourers were paid less than minimum wage. But 60.8% of bonded labourers were paid below the minimum wage. The top three offending industries for labourers receiving an advance and being paid below minimum wage for their industry were match and fireworks (69.1%), brick kilns (54.3%) and rice mills (53.9%).

Bonded labour prevalence

The highest bondage rates were found in brick kilns (63.7%), textiles (61.9%) and rock quarries (59.2%). The textile industry alone has an estimated 237,900 bonded labourers currently working in Tamil Nadu.

New research estimates that South Asia has the highest number of people living in slave-like conditions.



The lack of continuous and sustainable income for these manual labourers results in further vulnerability, exploitation and even forced migration.

The lack of continuous and sustainable income for these manual labourers results in further vulnerability, exploitation and even forced migration.

Qualitative data analysis

Five primary findings arose from interviews and secondary sources:

Insufficient livelihood security

There were two main reasons noted for livelihood insecurity: payment of low wages and discontinuous income due to weather patterns/dependence. The lack of continuous and sustainable income seemed to be the largest concern for these manual labourers, resulting in further vulnerability, exploitation and even forced migration.

Lack of economic opportunities

In many situations, given their education and skills, labourers felt as if the industries or worksites that were present in their surrounding villages were their only options. In addition, inter-state migrants were heavily exploited. In agricultural industries, the mechanisation of parts of the production lifecycle emerged as a challenge to some labourers.

Poor, sub-standard, or harmful living and working conditions

In some industries, harmful working conditions were due to the actual products being handled or manufactured. On some worksites, the number of hours worked was noticeably harsh. Worksites might be located in areas of the state with limited infrastructure, thus making them risky area for manual labour; this included lack of adequate sanitation, potable water for drinking and cooking, or proper road or transportation accessibility.

Violence

At 132 worksites, enumerators documented violence—whether physical, psychological or verbal—as well as whether labourers were forced to work. These worksites were predominantly in the textile industry, but also included brick kilns, farming units, tree-cutting units, plantations, match making and firework units, rock quarries, fish farms, and rice mills.

Exploitative child labour

The number of actual worksites with observable forced or exploitative child labour was low, but the total number of labourers in these worksites reached the thousands and both adults and children experienced dire conditions. At some worksites, however, almost all workers were children. In the study, children working under exploitative conditions were documented as receiving low or no wages.

RECOMMENDATIONS

The study revealed clearly that bonded labour is pervasive across Tamil Nadu, both in terms of the geographic coverage of the state and through all surveyed industries. The issue of bonded labour goes beyond an employment issue; it is, at its heart, a crime that strikes at fundamental human freedoms and one that demands a government response.

The state should prioritise effective implementation of the Bonded Labour System (Abolition) Act of 1976 and other related criminal laws, including Indian Penal Code 370, to establish proper accountability mechanisms that will ensure sustainable eradication of this widespread crime. In addition, the state should empower vulnerable communities through awareness- and knowledge-building activities and encourage bonded labour reporting.

The state should enforce the minimum wage for each industry and create more sustainable opportunities and safeguards for labourers working to support themselves and their families. Given the high percentage of labourers who were bonded outside of their home district, the central and state governments should support safe migration within and between districts and states across India.

In addition to the above policy and programmatic recommendations, the current survey brings to light future research opportunities for studying the nature, scale, manifestations and consequences of bonded labour.



Labour Trafficking in Cambodia

// A review of the public justice system's response

INTERNATIONAL JUSTICE MISSION has worked in Cambodia for the past 14 years in collaboration with the Cambodian justice system to investigate and prosecute cases of child sex trafficking. Historically, IJM focused on the three geographic areas in Cambodia with the largest commercial sex markets for children: Phnom Penh, Siem Reap and Sihanoukville.

During that time, IJM experts collaborated with the Anti-Human Trafficking and Juvenile Protection police, Department of Social Welfare social workers, and court officials to provide technical support and mentorship on individual sex trafficking cases. The IJM Cambodia team assisted in propelling hundreds of cases through the public justice system pipeline—providing investigations support, rescuing more than 500 victims, ensuring the conviction of over 200 criminals, representing trafficking survivors in their civil court cases, and ensuring that survivors receive high-quality aftercare from our staff and our aftercare partners throughout Cambodia.

In early 2016, IJM ended its anti-sex trafficking programme because the organisation had witnessed a significant reduction in the prevalence of minors in exploitation, and the Cambodian government was reliably and professionally responding to remaining cases of child sexual exploitation. The organisation's Cambodia field office transitioned to working in collaboration with Cambodia's police, prosecutors and courts to investigate and prosecute cases of cross-border and domestic labour trafficking—leveraging its successful anti-trafficking model and strong relationships with government officials and partner NGOs.

In early 2016, IJM launched a new two-year project as part of USAID's Asia Countering Trafficking in Persons programme implemented by Winrock International. IJM now collaborates with the government for the rescue and rehabilitation of victims, prosecution of offenders, and strengthening of public justice officials, ensuring that justice is accessible to victims of labour trafficking.

Data indicates that labour trafficking within the Southeast Asia region remains a pervasive, prevalent and far-reaching problem. Accordingly, specific attention is needed to ensure that improvements in the public justice system's ability to address sex trafficking are sustained, grown and expanded to enable the public justice system to combat *all forms* of trafficking in persons.

Cambodia is a source, transit and destination country for men, women and children subjected to labour trafficking. Recent studies estimate that as many as 256,800 Cambodians live in conditions of modern slavery, many of whom have been identified in the fishing and seafood industries, manufacturing sector, and in forced marriages.

Hundreds of thousands of Cambodian labourers migrate domestically and internationally each year to pursue high-risk jobs in poorly regulated markets, which increases their vulnerability to forced labour. A 2013 study by the United Nations Inter-Agency Project on Human Trafficking reports at least 20% of the 10,000 deportees who return to Cambodia from Thailand each month are trafficking victims (24,000 returning victims per year).

To inform the new casework and efforts aimed at increasing the government's capacity, IJM conducted a review of the Cambodian criminal justice system's response to labour trafficking, identifying strengths and gaps. The full-length report, "Labour Trafficking in Cambodia: A Review of the Public Justice System's Response," can be found at <http://www.ijm.org/studies> by typing in the title.

METHODOLOGY

"Labour Trafficking in Cambodia" presents a synthesis of data from qualitative, in-depth interviews with stakeholders, a review of casework data from IJM's Labour Trafficking Project, and a desk review of relevant literature including reports, programme evaluations, assessments, and empirical studies. It presents findings, conclusions and recommendations that are supported by a comparison of data across different sources.

IJM launched its labour trafficking casework project in February 2016. The data reviewed for this assessment has been based on nine months of labour trafficking casework. While this casework has provided valuable insights into the current functioning of the public justice system, it is a

relatively short time frame, and many of the cases opened by the IJM Cambodia team have not yet reached trial stage.

FINDINGS AND RECOMMENDATIONS

Victim identification

In early 2016, the National Committee for Counter Trafficking in Persons (formerly known as the National Committee for Counter Trafficking, or NCCT) released The Guidelines on Forms and Procedures for Identification of Victims of Human Trafficking for Appropriate Service Provision ("the Victim Identification Guidelines"). These guidelines were developed by a committee established by the NCCT, led by the Cambodian Ministry of Social Affairs, Veterans and Youth Rehabilitation with participation from other relevant ministries and technical support from a USAID-funded anti-labour trafficking initiative.

Recommendations: As government and nongovernment practitioners begin to use the Victim Identification Guidelines, it will be important for the NCCT to incorporate feedback and work to refine and adapt the guidelines accordingly. Likewise, training currently underway should continue to be provided to officials likely to be "first responders" in trafficking cases (such as local police, government social welfare officials, border officials, customs officers, NGO staff, etc.), to ensure that first responders are able to use the guidelines to promptly and accurately identify victims, and then refer victims to police officers with the Anti-Human Trafficking and Juvenile Protection unit for full forensic interviews, as well as to social services and other departments, as appropriate.

Criminal investigations

Trafficking crimes (also known as trafficking in person crimes, or TIP crimes) are complex and require specialised training to investigate. Leading such investigations is the Anti-Human Trafficking and Juvenile Protection unit—part of the Cambodian National Police. The AHTJP has partnered with experienced anti-trafficking experts over the past two decades, enhancing the sophistication and expertise of the officers who participated in the courses. However, as experienced officers transfer or retire and new officers join the police force, continued training is needed in order to maintain the knowledge and skills of the police force as a whole.

Recommendations: Institutionalisation of TIP training curricula and the development of a cadre of expert trainers within the Cambodian National Police is essential in order to maintain the level of specialisation and professionalism of the AHTJP. At the time of this report, the Police Academy of Cambodia was partnering with IJM and the International Organisation for Migration to develop and institutionalise a national-level TIP curriculum for all recruits as well as a specialised, more in depth course for members of the AHTJP.

Specialised TIP training should also be provided to anti-trafficking officers who may not have gone through training courses in the past two to three years, as well as border police and other units who are likely to encounter victims of trafficking. Priority for specialised TIP trainings should be given to officers in key labour trafficking source provinces, such as officers who are likely to conduct interviews with TIP victims and investigate TIP cases, newer recruits, and female officers. Training offered to law enforcement should be delivered in Khmer so that material is accessible to all officers.

Law enforcement interactions with victims and witnesses

Victim and witness cooperation are critical elements of the successful investigation and prosecution of TIP cases. With investigations largely reliant on victim testimony in order to identify perpetrators and move cases forward, it is critical that victims (many of whom suffer psychological effects of trauma) are treated with sensitivity by the various public justice system officials they interact with throughout the criminal investigation process.

With investigations largely reliant on victim testimony, it is critical that victims are treated with sensitivity by public justice system officials.

Perpetrators of labour trafficking crimes often provided “under-the-table” payouts to victims to persuade them or their families to drop criminal complaints.

Recommendations: The AHTJP should develop guidelines that describe the process for conducting victim interviews—including victim-friendly practices and sound forensic interview techniques—then ensure that those guidelines are included in all trainings. Police and NGOs should work proactively to reassure victims and encourage them to participate in trial. Courts should work to ensure that trial judgments for victim compensation are enforced speedily and effectively. See page 58 for more on victim compensation.

Proactive investigation of cases

Stakeholders frequently expressed the need for increased operational funding for the investigation of labour trafficking cases by law enforcement. Due to the nature of the crime and the transient and migratory behaviors of many victims, investigations often require travel to source and transit provinces as well as destination countries to conduct interviews, meet with government agencies and gather intelligence. All stakeholders reported that law enforcement officers experience delays and difficulties in accessing their operational budgets to conduct labour trafficking investigations and frequently request support from partnering agencies for some of the associated costs.

Recommendations: To increase law enforcement’s ability to sustainably and proactively address trafficking crimes, increase operational funding and improve mechanisms for more expedient access to budget to cover travel and costs associated with investigating cases.

Undercover investigative authority

Stakeholders reported that law enforcement’s investigations into trafficking crimes are often significantly hampered by lack of clear guidance on undercover investigative authority. While law enforcement in Cambodia use undercover investigative techniques to investigate drug trafficking crimes, Cambodian law is currently unclear as to the legality of its use in human trafficking operations.

Undercover investigations involve law enforcement officers interacting with a person, group or location that is the focus of a legally authorised investigation for the purpose of gathering information and/or evidence of criminal activity, while not being identified as a police officer. Police will first try to gather as much intelligence and evidence as possible through surveillance. When surveillance proves insufficient for gathering the necessary evidence, then undercover techniques become essential.

Undercover investigations, including the use of audio and video technology, are extremely effective for targeting crimes that are complex, hidden, and often involve criminal networks and organisations, such as human trafficking. Undercover authority can be used appropriately and ethically by police when clear guidelines and limitations on police power are established, and when authority is given only to specialised units. If the police show inappropriate conduct, entrapment or a lack of evidence in their investigation, the court can dismiss the case. Cambodia already has these controls and accountability procedures in place for the AHTJP, to ensure that they conduct investigations appropriately.

Recommendations: The Minister of Justice should issue a written guideline clarifying the current legal framework and permitting and prescribing the use of undercover investigative authority in trafficking cases, in consultation with the Ministry of Interior and the National Committee for Counter Trafficking in Persons. Guidance should be provided to law enforcement and courts on the use of this investigative authority as quickly as possible.

Prosecuting offenders

Casework and stakeholder interview data indicated that TIP cases often stall due to difficulties for police, prosecutors and investigating judges in effectively collaborating. Stakeholder feedback and casework experience suggests that a lack of clear processes and guidelines for prosecutors and



Aftercare for survivors of trafficking is an essential component of an effective public justice system response.

investigating judges on how best to collaborate with law enforcement in gathering evidence and following up on cases seriously hampers the quality of cases when presented at trial.

Recommendations: Ministry of Interior and Ministry of Justice leaders should draft and implement guidelines or *prakas* for effective police-prosecutor collaboration in trafficking cases. The guidelines/*prakas* should be specific as to how criminal procedure and trafficking laws should be implemented in practice.

Out-of-court or extra-judicial settlements

Stakeholders cited multiple cases in which perpetrators of labour trafficking crimes such as recruitment agencies provided “under-the-table” pay-outs to victims to persuade them or their families to drop criminal complaints. In some instances, public justice system officials or the parties’ lawyers had assisted in brokering meetings between the two parties to discuss the pay-off.

While this approach may provide minimal but immediate financial support for victims or their families, it does not provide adequate compensation for victims and it is a significant impediment to the justice system. Allowing perpetrators to pay what are often token amounts to impoverished victims outside of the legal process, rather than holding them accountable for their crimes, creates no deterrence and allows or even encourages criminals to continue to exploit vulnerable Cambodians. The pay-off amounts are typically well short of the wages owed the victims and in no way provide any recompense for the pain and suffering caused.

Recommendations: Justice system officials and NGO staff must actively discourage out-of-court pay-offs that result in the dropping of criminal charges. Prosecutors and judges should actively inquire into the reasons a victim has withdrawn a complaint of trafficking and seek to prosecute anyone attempting to unduly influence or pressure the victim into doing so.

Capturing and tracking accurate trial data

Data on arrests, charges and convictions (and acquittals) in trafficking cases is minimal at present. This data is essential for understanding the changing dynamics of the crime over time, assessing the quality and efficacy of the criminal justice process, and making appropriate resourcing decisions.

Recommendations: The Ministry of Justice should provide regular updates on trafficking cases to the National Committee for Counter Trafficking in Persons and other stakeholders—including charges, convictions and acquittals for each province—and implement simple and user-friendly practices for tracking basic data in each courthouse.

Knowledge and application of the TIPSE law

Stakeholders cited that in their experience, many investigating judges and prosecutors have a firm understanding of the TIPSE law (Law on Suppression of the Kidnapping and Trafficking of Human Persons and Exploitation of Human Persons). However, due to the complexity of labour trafficking crimes, it may be difficult for court personnel to understand the specifics of how the TIPSE law can be applied to labour trafficking cases.

Recommendations: In order to ensure that all court personnel have a nuanced understanding of how the TIPSE law applies to labour trafficking cases and the roles and responsibilities that prosecutors and investigating judges have in ensuring successful prosecutions of traffickers, training on TIPSE law and practice should be Institutionalised in the judicial academy and provided to existing court personnel. The Ministry of Justice should develop guidelines for courts’ handling of trafficking cases in order to create greater consistency in application of the law and in the prosecution of offenders.

Victim-friendly and trauma-informed practices

Data showed that one significant impediment to successful prosecutions in trafficking cases lies

in prosecutorial and judicial treatment of victims and witnesses. While some prosecutors and judges utilise victim-friendly and trauma-informed procedures to protect and empower victims as they go through court proceedings, these practices have not been Institutionalised consistently in all courts.

Recommendations: The Ministry of Justice should implement best practices for victim and witness treatment in all First Instance courts, Institutionalise training in the Judicial Academy, and provide training to all prosecutors and judges. Best practices include preparing victims well for trial and using screens or a video link for victim testimony, which minimizes multiple examinations and the number of times victims are asked to provide their testimony. The Bar Association of Cambodia should provide similar training to lawyers.

Aftercare

Aftercare for survivors of trafficking is an essential component of an effective public justice system response. Trafficking survivors remain extremely vulnerable to re-victimisation unless they are quickly provided a safe and sustainable living and working environment, and are given opportunities to address trauma and other psychosocial impacts arising from their experience.

Recommendations: To strengthen social services’ ability to sustainably and proactively support victims of trafficking, increase both human resources and operational funding for the Ministry of Social Welfare, Veterans and Youth and improve mechanisms for MOSVY personnel to access and manage operational budgets so projects can be implemented and assistance can be provided to victims of trafficking.

Migrant/deportee assistance

The MOSVY operates the Poipet Transit Centre at the Thai/Cambodia border in Poipet, which has provided assistance to women and children deported from Thailand who are identified as victims of trafficking. The Poipet Transit Centre has struggled to maintain full operations due to lack of funding, but new funding has recently been allocated. The majority of labour trafficking victims deported from Thailand and identified in Poipet are men, often having been exploited on construction sites or in the fishing industry in Thailand. Frequently, victims are not identified in Thailand and instead are treated as illegal migrants. These deportees are only identified as trafficking victims once they return to Cambodia.

Recommendations: The MOSVY should identify a sustainable source of funding to ensure long-term operational capacity for the Poipet Transit Centre. The Centre should provide services to men as well as women and minors and should accept individuals who are identified either in Thailand or in Cambodia as trafficking victims. The Poipet Transit Centre should also assist individuals identified as vulnerable to or victims of trafficking with medical care, shelter and food, then provide safe and affordable transportation to their homes and refer them to additional services for aftercare in their home provinces.

Additionally, Transit Centre staff should proactively screen for and identify victims of trafficking by using the NCCT Victim Identification Guidelines among deportees and other vulnerable returnees from Thailand. As funding allows, MOSVY should consider establishing further transit centres at other border crossings, such as Koh Kong, Battambang, Svay Rieng, etc.

The specific needs of labour trafficking survivors

Stakeholders reported that district-based MOSVY officials are proficient at responding to referrals and connecting trafficking victims with assistance, particularly for victims of sex trafficking and bride trafficking. Stakeholders noted that officials could grow in responding to and referring services for victims of labour trafficking, particularly male victims. As more victims of labour trafficking are identified, district-based officials will need to replicate improvements in provision of services for sex trafficking survivors, applying them to survivors of all forms of trafficking in persons.

Frequently, Cambodian labour trafficking victims are not identified in Thailand and instead are treated as illegal migrants.



Victims of trafficking suffer loss in many forms, including lost wages and physical and psychological harm.

Many stakeholders considered NCCT to be one of the Cambodian government's most significant achievements in recent years in the fight to combat trafficking.

In addition, the data shows that there is a lack of resources to support the needs of labour trafficking victims as they reintegrate into communities and recover from the abuse.

Recommendations: Guidelines from MOSVY are needed to outline best practices and minimum standards for community-based care for trafficking survivors. These guidelines will also enable district-based officials to expand their capacity and services available to better support labour trafficking victims, both for short-term crisis care and for longer-term aftercare services.

Inter-agency coordination

Stakeholder data, other research and casework experience have shown that inter-agency coordination is essential for a holistic and consistent public justice system response to trafficking. This coordination must include data-sharing, shared strategy and direction, agreed processes and protocols for interaction, and collaboration on individual cases and capacity-building efforts.

Cambodia made significant strides toward this end with the formation, in 2009, of the NCCT. Chaired by Samdech Kralahom Sar Kheng, Deputy Prime Minister, Minister of Interior, and Her Excellency Chou Bun Eng, Secretary of State of the Ministry of Interior and permanent Vice Chair of NCCT, many stakeholders considered this committee one of the government's most significant achievements in recent years in the fight to combat trafficking.

The committee demonstrates great skill and leadership in engaging both government agencies and civil society organisations in effective dialogue to bring about progress. There is still much work to be done to improve inter-agency coordination, however. In fact, one of the challenges that stakeholders reported in the response to labour trafficking is a lack of coordination and dialogue between government agencies. This is an area that NCCT is well-suited to address in its role.

Recommendations: The NCCT should continue to use its ability to unify key agencies by bringing additional government ministries into conversations for collaboration on labour trafficking issues, including the Ministry of Labour and the Ministry of Foreign Affairs. Continuing to hold formal and informal meetings between the various government stakeholders will enable them both to understand each group's areas of responsibility related to trafficking and to develop close ties between counterparts in different ministries or departments.

NCCT should continue to lead the Cambodian public justice system response by pushing forward critically needed initiatives such as:

- streamlining cross-border cooperation in victim identification and human trafficking investigations and trials;
- improving cooperation in identifying and repatriating victims through Cambodian Embassies in destination countries;
- increasing accuracy and coordination of essential trafficking data from embassies, borders, police, courts and social services; and
- securing undercover investigative authority for anti-trafficking law enforcement.

Coordination with the Ministry of Labour

Though not directly involved in a criminal justice response to trafficking, the Ministry of Labour and Vocational Training has an important role in ensuring that labour trafficking crimes are prevented, identified and processed through the public justice system. This assessment found that strong connections and collaboration between the MOLVT and various government ministries was a critical gap in the response to labour trafficking as a whole.

Cross-departmental collaboration and transparency, along with development and implementation of a formal referral mechanism between the MOLVT and law enforcement, is essential to an effective and coordinated government response. Developing universal minimum standards to protect the rights of workers would have a significant impact on how effectively the trafficking

law is enforced: It is easier to identify and show exploitation when there are clear standards for the employment of labourers.

Recommendations: The MOLVT should develop a universal minimum wage and other basic employment standards for the Cambodian workforce. The Ministry could also develop a standardised employment contract that would be compulsory for recruiting agencies. The MOLVT must be involved in the development of strategy, collecting and sharing information regarding labour trafficking, and formally referring suspected cases for prosecution. Joint trainings and workshops between the MOLVT and other government agencies would be an effective way to begin to increase inter-agency collaboration.

Labour migration data

One of the primary issues cited by stakeholders was a lack of data on Cambodians who have migrated for labour overseas. There is presently no formal, functioning government system to track data on migrant workers, such as recruitment contract details, contact information for migrants or their next of kin, return status, etc.

Recommendations: It is vital that better data is gathered on migrant workers leaving the country. This could be implemented through ensuring that recruitment agencies gather and report data, but the Ministry of Labour and Vocational Training should be responsible for ensuring that it maintains accurate information on the numbers of migrant workers leaving, their destination countries, companies, contract lengths, contact numbers, etc. This would be achieved through coordination with other agencies, including the General Department of Immigration.

Coordination with the Ministry of Foreign Affairs

Although also not directly involved in a criminal justice response to trafficking, the Ministry of Foreign Affairs and International Cooperation, like the Ministry of Labour, plays an essential role in ensuring that the issue of labour trafficking is effectively addressed. As the arm of the Cambodian government in destination countries, MFAIC has crucial responsibilities to ensure that the rights of Cambodian citizens abroad are protected—including ensuring the protection, rescue and care for Cambodian citizens affected by trafficking internationally.

Recommendations: Increase human resources and operational budgets for embassies and consulates to be able to respond to and provide assistance to trafficking victims, including assisting in identification and rescue of victims as appropriate, providing repatriation assistance, and ensuring coordination between government agencies on cross-border prosecutions. The MFAIC should consider stationing labour and police attaches in consular offices of common destination countries.

Structured collaboration through joint investigation teams

The effectiveness of country-to-country collaboration, despite numerous international agreements and structures (see above), remains dependent on individual relationships between officers and is slowed by bureaucratic hurdles. Highly focused and specific projects, operating within these international laws and existing cooperation mechanisms, would bring tangible results on the ground. Focused implementation models do exist in other regions that could potentially serve as examples to adapt.

Recommendations: Several effective legal instruments have already been created, including bilateral and multilateral MOUs, and ASEAN's Mutual Legal Assistance Treaties. The Ministry of Interior, Ministry of Justice, Ministry of Foreign Affairs and the NCCT should initiate discussions with stakeholders about establishing highly focused joint investigation teams with Thailand, Malaysia and China; and, if appropriate, begin outlining the more specific legal instruments required to create such a structure.

Studies have shown victim cooperation to be the single most important factor in the success or failure of a prosecution.

Victim compensation

Victims of trafficking suffer loss in many forms, including lost wages and physical and psychological harm. Having been identified as victims of trafficking, they are entitled to recompense for their losses. Where this does not happen, or where there is little prospect of it in the future, victims are unlikely to be motivated to fully participate in investigations and trials. Studies have shown victim cooperation to be the single most important factor in the success or failure of a prosecution.

Unfortunately, victims of trafficking in Cambodia seldom receive adequate compensation, harming their prospects for recovery and reducing the chance of successful prosecutions of offenders. All stakeholders highlighted the need for this to change and for victims to be properly compensated—either by enforcing court compensation orders post-trial or through a state-funded compensation scheme.

In late 2016, IJM aims to publish a comprehensive review of victim compensation schemes in use in other nations and a proposed scheme for victims of trafficking in Cambodia.

Recommendations: The NCCT should consider administering a fund for survivors of trafficking and host stakeholder meetings to brainstorm how this would be funded and run and the process for survivors to access the funds.



Global Supply Chains

// A critical step in eliminating labour slavery

IN RECENT YEARS, investigative journalists have riveted the world's attention on the issue of labour slavery. Today it is Thai shrimp; two years ago it was Bangladeshi textiles.

When the Rana Plaza fire killed 1,100 workers in Bangladesh, prominent American and British importers and retailers were named for sourcing from the factory. A few years earlier, consumers boycotted the iPhone when media exposed slavery in the Chinese factories

Even the most scrupulous corporations will risk purveying slavery-tainted goods if national governments of source countries do not take responsibility.

producing it and in the Democratic Republic of Congo, where raw materials were sourced.

As Target, Tesco, Gap, J.C. Penny, Apple, Nestle, Walmart and hundreds of other brands can attest, major corporations bear the weight of opprobrium when trafficked labour is exposed. Textiles, chocolate, electronics, fish, metals, bricks, flowers and dozens of other industries are rife with trafficked, forced, exploited and child labour. It is safe to presume that the next distressing revelation is just around the corner.

No one should question the responsibility of importers and retailers to do their utmost to identify and scrub their supply chains for slave-produced goods. But trafficking is a corrupt and usually hidden criminal activity that presents a huge challenge. Moreover, the nature of labour slavery in many industries is such that even the most scrupulous corporations will risk purveying slavery-tainted goods if national governments of source countries do not take responsibility for the problem.

It is governments, not corporations, who have the authority and the obligation to enforce national laws against forced labour, child labour, slavery and trafficking. It is local and national police, prosecutors and judges—not Target executives—who can investigate, arrest, prosecute and punish those whose presence is inevitable in every slavery situation: the perpetrators.

WAYS TO REDUCE EXPLOITED LABOUR

There are four mainstream approaches by importers and retailers for reducing exploited labour in global supply chains. They can be helpful, but none address the issue of criminals who recruit, exploit and profit from forced, child and slave labour with impunity.

Self-regulation

The most common approach is voluntary, self-regulating policies or codes of conduct. Fifty-four percent of Fortune 500 companies have policies targeting human trafficking; 68 percent have a commitment to using internal and external supply chain monitoring.¹ Some of the more robust policies have been developed in the area of labour recruitment, where practices such as document retention and recruitment fees are prohibited. Many businesses bring in third-party auditors to review their suppliers' operations for evidence of child, forced or bonded labour.

Self-regulation, codes of conduct and audits can serve as a compliance checklist or diagnostic tool, but they have significant limitations. Many audits, for example, only take place in the top tiers but do not include subcontractors further down the supply chain in low-value activities.

Many audits—including third-party audits—are scheduled and announced in advance; thus, violations can be hidden. Other limitations include the short timeframe of most audits and the limited number of workers interviewed during the audit process. Moreover, few audit firms have investigative powers, thus their capacity to verify the information they do receive is limited.

But the most serious deficiency of business codes is that they do not identify, investigate and restrain perpetrators engaging in exploitation. The reason is simple: Business personnel have no enforcement mechanisms to deter criminal activity by those who traffic workers and profit from labour slavery. Law enforcement is the sole purview of governments. Corporate self-regulation is not a substitute for local and national governments enforcing the law.

Regrettably, industry and consumers' heavy reliance on corporate self-regulation may have the unintended consequence of actually weakening the political will of states and public justice systems to address exploitative labour practices and criminal behavior.

Full-chain traceability

A second approach to exploited labour is corporations' attempt to achieve full-chain traceability for supplies—from raw materials to final product. Promoted by human rights and environmental

groups, full-chain traceability, in theory, offers boat-to-plate, field-to-garment, mine-to-finished product transparency so that customers have all the information about the product and can avoid companies that aren't able to show that their products are "slave free."

The transparency approach received a major boost with the 2012 passage of the California Transparency in Supply Chains Act. The law requires that any retailer or manufacturer operating in California with annual worldwide gross receipts exceeding \$100,000 must make annual website disclosures regarding its efforts to eradicate slavery and human trafficking from its direct supply chain. Companies must also disclose their efforts on processes for verification, audit, certification, internal accountability and training.

The Act does not require companies to undertake any initiatives other than disclosing what they are doing. Similarly, the United Kingdom Modern Slavery Act of 2015 requires companies with operations in the U.K. that supply goods or services of at least \$36 million pounds to make disclosures about steps they have taken to purge toxic labour from their supply chains.

The transparency movement is important in that it is motivating corporations to look more closely at their supply chains and thus is spurring innovation among the best of them. It may well be a stepping stone toward enforceable standards. But again, the approach entirely circumvents the issue of government responsibility for criminal behavior—by recruiters, traffickers and slave owners.

Standards and incentives

A third approach to eliminating slavery and child labour from production is establishing industry standards and then creating a market-based incentive, credentialing good actors and driving business toward them and away from tainted supply chains. Goodweave, an NGO working to eradicate child labour in the handmade rug industry, is a prominent example. Goodweave monitors, credentials, labels and markets adult-made rugs from Nepal, Afghanistan and India.

Training and education

Other approaches are preventative in nature, like training in management skills and in identifying and reporting signs of trafficking. Multilateral organisations such as the International Labour Organisation and International Organisation for Migration emphasise education of at-risk workers. Information on working conditions and recruitment practices can be obtained through crowd-sourcing feedback.

Unfortunately, trafficking is a corrupt, violent and hidden crime. Worker education, information sharing and advocacy are not protective if the local criminal justice system is not professionally and predictably investigating and prosecuting perpetrators.

WHO TRULY BEARS THE RESPONSIBILITY?

Clearly, there is important innovation and effort by the media, NGOs and corporations to scrutinise conditions of production, create market incentives for companies to adhere to good labour practices, and stigmatise industries that are plagued with slavery. But these approaches, valuable as they are, are unlikely to deter a practice as ubiquitous, violent, and as overwhelmingly profitable as labour slavery.

While corporations have a strong role to play in reversing incidence of trafficking in global supply chains, the U.N. Guiding Principles on Business and Human Rights places the responsibility squarely on the government to protect individuals from slavery and exploitation in its first foundational principle: "States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication."² What, then, should be the responsibility of investors, importers and retailers?

A crucial element of the landscape is the will and capacity of local and national authorities to enforce their laws against labour slavery.

Perhaps the first order of business for corporations is to be absolutely clear that labour slavery is quite different from other ethical issues, such as environmental or safety issues. Labour slavery—bonded labour, forced child labour and trafficked labour—is a violent crime. Trafficked labour is not an unfortunate, accidental outcome; rather, it is the actual purpose of individuals who are profiting from misery and are doing so without fear of apprehension.

Protecting workers from harm and exploitation and deterring the crime requires that corporate stakeholders—investors, importers, shareholders and retailers—know the landscape from which they are sourcing their supply. A crucial element of the landscape is the will and capacity of local and national authorities to enforce their laws against labour slavery.

Today, there is growing attention and effort by a range of actors toward the issue of forced labour in global supply chains. They each have a vital role to play: Local and international media are bringing issues of exploitation to light; NGOs are researching specific industries, gathering prevalence data and identifying victims; ethically disposed corporations are scrutinising their supply chains, releasing information publicly and attempting to improve procurement practices. But national governments, whose sovereign responsibility it is to protect the vulnerable and deter those who prey on them, are crucial players who all too often are simply missing from the conversation.

The inclusion of anti-slavery targets in the United Nations 2030 Sustainable Development Goals is an historic opportunity to bring the issue of trafficked labour squarely before national governments. And some national leaders are taking it very seriously. In India, for example, the Minister of Labour and Employment issued a 15-year strategy to “identify, release and rehabilitate an estimated 1.8 million bonded labourers; and to strengthen the prosecution machinery, reaching one hundred percent conviction rate for preventing creation of new bondages.”³

SDG 8.7:

Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms. — 2030 Agenda for Sustainable Development.⁴

Governments of slavery-burdened countries need help. Corporations and international donors should prioritise investment in functioning law enforcement, including anti-trafficking police units, special prosecutors and legal assistance for abused workers. Development agencies should help build government capacity to collect and analyze data on slavery.

Workers, including migrants, should have access to a safe, anonymous mechanism for reporting exploitation and abuse. And corporations, investors and shareholders should engage with their government contacts at all levels about labour trafficking and about the necessity for authorities to deal with it as the violent crime it is.

³Baker & McKenzie: Managing Corporate Supply Chains: Challenges and Successes in the Fight to Combat Forced Labour and Human Trafficking. P. 4 http://www.bakermckenzie.com/-/media/files/newsroom/2016/04/brochure_csb37264_amiller_gsc_1118_v2.pdf?la=en

⁴UN Guiding Principles on Business and Human Rights, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁵<http://169.100.47.234/question/annex/240/Au347.pdf>

⁶<https://sustainabledevelopment.un.org/post2015/transformingourworld>







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INTERNATIONAL JUSTICE MISSION is a global organisation that protects people in poverty from violence throughout the developing world. IJM partners with local authorities to rescue victims of violence, bring criminals to justice, restore survivors, and strengthen justice systems.

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