***ILO Written Statement for the CEDAW half-day of General Discussion on trafficking of women and girls in the context of global migration***

***22 February 2019***

1. For many women and girls of legal working age, migration is an empowering experience, opening up new opportunities to secure decent work and realize their potential. Most migration is linked directly or indirectly to the search for good job opportunities and has a positive impact on individuals and societies.

1. Even if employment is not the primary driver, it usually features in the migration process at some point. There were 258 million international migrants in 2017, an increase of almost 50 per cent since 2000. Of these, 164 million were migrant workers, representing over 65 per cent of all migrants, 68 million of whom were women. Migrant workers account for 4.7 per cent of all workers, and have higher labour force participation rates than non-migrants globally (70 per cent and 62 per cent respectively).
2. Labour migration is an increasingly complex and dynamic phenomenon taking place within and between all regions of the world. In certain migration corridors, such as between Asia and the Arab States and within South-East Asia, the number of international migrants, the large majority of whom are migrant workers, has tripled since 1990. Temporary labour migration, particularly of low-skilled workers, is exceeding permanent flows, and this presents a significant governance challenge in terms of ensuring decent work and reducing migration costs for this category of migrant workers. Many migrant workers are concentrated in specific economic sectors such as domestic work, manufacturing, construction, and agriculture. Special attention is required for domestic workers, who are among the most vulnerable groups of workers.
3. Although most migration is voluntary, migration can increase vulnerability to human trafficking and exploitation. Irregular migrants, for instance, may be subjected to kidnap and ransom demands, extortion, physical violence, sexual abuse, and trafficking in persons. They may start their journeys by willingly placing themselves in the hands of smugglers and become trafficked along the way. Once they reach their destination, migrants who have travelled through regular and irregular channels remain vulnerable to trafficking in persons and other forms of exploitation due to language barriers, challenges of social integration, and unscrupulous employers and landlords who take advantage of their limited knowledge of local conditions and reduced bargaining power. Large-scale displacement caused by humanitarian crises such as armed conflicts, natural disasters, and protracted unrest can also create vulnerable populations who can become victims of trafficking.
4. According to ILO’s 2017 Global Estimates of Forced labour, there are some 25 million people in forced labour. Women and girls are disproportionately affected, accounting for 99% of victims in the commercial sex industry and an appalling one million children are in commercial sexual exploitation. Women and girls account for 58% of those trapped in forced labour in other sectors such as domestic labour and construction.
5. According to ILO’s 2017 Global Estimates of Forced labour, of the 24.9 million people in forced labour, 4.3 million are children, 17% of the total. 23% are international migrants while the majority have moved internally and are subject to recruitment abuses, including high fees and related costs, which many times lead to debt bondage. 4 million of these are held in privately-imposed forced labour and 300,000 are in state-imposed forced labour. Of the 40.3 million people in the broader category of modern slavery, which includes forced marriage, 71 % were women and girls, some 37 percent (5.7 million) of those forced to marry are children.
6. Women and girls are disproportionately affected by forced labour, accounting for 99% of victims in the commercial sex industry, and 58% in other sectors such as domestic labour and construction. There were one million children in commercial sexual exploitation, more than one-fifth of the total in this category. The majority of these child victims are girls. And of course, when the victim is a child, there is no requirement of force and consent is not relevant.
7. This reflects highly gendered patterns of employment and migration and helps shed light on where prevention and victim identification efforts should be focused. But the data also suggests the relevance of broader patterns of human rights abuses that disproportionately affect women and girls, including domestic and sexual violence and discriminatory beliefs and practices around access to property, education, and even citizenship.
8. In addition, owing to the difficulty of measuring, these estimates may well substantially understate the true extent of this egregious violation of human rights in the world of work. Whatever the precise number, the international community clearly faces an immense challenge in honouring the global commitment made in Target 8.7 of the Sustainable Development Goals to end all forms of forced labour by 2030 and to end the forced labour of children, along with all other forms of child labour, by 2025.
9. It is important that in analysing statistics we do not lose sight of the human face of those who suffer these abuses. We are talking about women who migrate, often with their families, in order to become tenant farmers. They work without any formal arrangements, purchasing inputs such as seeds and fertilizer on credit with the promise of payment, minus the cost of the inputs, at the end of the season. But because they are illiterate, such women do not have the ability to negotiate input and crop prices and the terms of their employment. They bear all the risk if crops fail. When they earn less than the price of inputs, they are trapped in a cycle of debt bondage that may even be passed onto their daughters and sons.
10. Many women and girls who migrate for domestic labour face abuse. Working in private homes, outside the reach of labour inspection or any other state protection, they are too often subject to long hours, low wages, wage theft, or even no pay at all, disrespect, and psychological and physical abuse. Their passports may be confiscated, and, unable to leave, they are effectively trapped in modern day slavery.
11. When women and girls are trafficked for sexual exploitation, it is a major violation of their human rights and a vicious crime. It is also big business: ILO research indicates that two thirds of the estimated total of US$ 150 billion of the illegal profits derived from trafficking in persons and forced labour, or US$ 99 billion, come from commercial sexual exploitation.
12. From its earliest days, the ILO has been concerned with these issues. We are celebrating our Centenary anniversary this year and 100 years ago, the first ILO Convention dealing with child labour was adopted, to protect children from exploitation in industries like construction and mining. It is an abject failure that children are still trafficked to work in these industries and a reminder of the urgency with which we must now act.
13. A robust international legal architecture underpins our efforts. The following is a brief description of how ILO labour standards address forced labour, child labour and migration.
14. The Forced Labour Convention, 1930 (No. 29) defines “forced or compulsory labour” as “all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.
15. This definition consists of three elements:

a. Work or service: “All work or service” refers to all types of work, service and employment, occurring in any activity, industry or sector, including in the informal economy. Forced labour can occur in both the public and private sectors.

b. Menace of any penalty: The “menace of any penalty” refers to a wide range of penalties used to compel someone to perform work or service, including penal sanctions and various forms of direct or indirect coercion such as physical violence, psychological threats or the non-payment of wages. The “penalty” may also consist of a loss of rights or privileges (such as a promotion, transfer, or access to new employment).

c. Involuntariness: The terms “offered voluntarily” refer to the free and informed consent of a worker to enter into an employment relationship and his or her freedom to leave the employment at any time. For example, an employer or recruiter could interfere with this freedom by making false promises to induce a worker to take a job that he or she would not otherwise have accepted.

1. The Forced Labour Protocol and Recommendation, adopted by the International Labour Conference at its 103rd Session in June 2014, bring ILO standards against forced labour into the modern era and provide an important new impetus in the global effort to eradicate it. They supplement and complement – but do not replace – the existing ILO Forced Labour Convention, 1930 (NO. 29). Indeed, Convention No. 29 and its principles have proved to be of enduring importance, and provide a bedrock, in conjunction with the Abolition of Forced Labour Convention, 1957 (NO. 105), of the ILO normative framework and jurisprudence and of the universally binding fundamental principles and rights at work concerning the elimination of forced labour.
2. Without altering the basic definition of forced labour, the Forced Labour Protocol of 2014 (P29) and Recommendation (R203) update the fundamental ILO standards of 1930 and 1957 by accounting for changes in the contexts and forms of forced labour in the contemporary global economy. The new instruments explicitly recognise modern forms of trafficking for forced labour, including for sexual commercial exploitation, as the subject of growing international concern requiring urgent action.
3. Key prevention provisions contained in the Forced Labour Protocol and Recommendation include awareness raising, ensuring fair recruitment, and promoting fundamental labour rights in business operations and supply chains. The ILO suggests that all three of these areas are receiving substantial policy attention but that much more needs to be done.
4. The Recommendation accompanying the ILO 2014 Forced Labour Protocol includes special provisions for children: appointment of a guardian or other representative, where appropriate; ensuring a presumption of minor status, pending age verification, when the person’s age is uncertain but there are reasons to believe him or her to be less than 18 years of age; reuniting children with their families, or, when it is in the best interests of the child, providing family based care. Access to education for girls and boys.
5. All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict are prohibited by ILO Convention 182 on Worst Forms of Child Labour, adopted in 1999. With only three countries remaining to ratify, we have a realistic chance of achieving universal ratification this year, a year in which the ILO celebrates its centennial.
6. In its Constitution, the ILO also resolved to protect "the interests of workers employed in countries other than their own" (ILO Constitution, 1919, Preamble, recital 2), and has developed specific international standards for the governance of labour migration and protection of migrant workers.
7. In principle, all international labour standards, unless otherwise stated, are applicable to migrant workers. These standards include the eight [fundamental rights conventions](https://www.ilo.org/global/topics/labour-migration/standards/lang--en/index.htm#fundamental)of the ILO identified in the 1998 [ILO Declaration on Fundamental Principles and Rights at Work](https://www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm); standards of general application, such as those addressing protection of wages and occupational safety and health, as well as the governance conventions concerning labour inspection, [employment policy](https://www.ilo.org/global/topics/labour-migration/standards/lang--en/index.htm#EPC) and [tripartite consultation](https://www.ilo.org/global/topics/labour-migration/standards/lang--en/index.htm#TriC).
8. The ILO has pioneered the development of specific international standards for the governance of labour migration and protection of migrant workers. These are the Migration for Employment Convention (Revised), 1949 (No. 97) and its accompanying Migration for Employment Recommendation (Revised), 1949 (No. 86); and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) together with the [Migrant Workers Recommendation, 1975 (No. 151)](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312489:NO). Instruments containing specific provisions on migrant workers include the [Private Employment Agencies Convention, 1997 (No. 181)](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID:312326), and the [Domestic Workers Convention, 2011 (No. 189).](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:2551460:NO)
9. It is clear that given the scope and international nature of the problem, no one actor working alone will succeed and in tackling these problems: partnerships are essential.
10. The Sustainable Development Agenda 2030 calls upon the international community to respond urgently to these challenges, specifically SDG Target 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.” Related SDG targets include eliminating all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation (SDG 5.2), eliminating all harmful practices, such as child, early, and forced marriage and female genital mutilations (SDG 5.3), ending abuse, exploitation, and trafficking of children (SDG 16.2), and facilitating orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies (SDG 10.7).
11. Strengthened collaboration between governments, workers’ and employers’ organizations and other public, private and civil society organizations, offers an invaluable opportunity to achieve the needed breakthrough. In this spirit, in 2016, the multi-stakeholder Alliance 8.7 was launched, with the aim of increasing collaborative action on Target 8.7, ensuring acceleration, focus and coherence; driving innovation and scaling up solutions; and providing a platform to engage in dialogue and to share knowledge and information.
12. Alliance 8.7 includes a Migration Action Group that focuses on the varying dynamics of migration within or across borders, and the increased vulnerability to abuse and exploitation that migrants may face whether they are moving irregularly or through regularized channels. This group is working closely with protection actors, employment bodies, workers’ organizations, governments, think tanks, academia, human rights experts, business networks and the private sector to accelerate and promote coordinated action to tackle forced and child labour in the context of migration.
13. The recently adopted Global Compact for Migration (GCM) offers the international community the opportunity to improve workplace productivity and deliver decent work outcomes for migrant and national workers, as well as to shift current misperceptions of migration, by readjusting migration policies to effectively include all labour market aspects. Laws, policies and institutions, in the country and across borders, matter greatly in achieving this goal. The Compact:
    1. aims to mitigate the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their countries of origin;
    2. intends to reduce the risks and vulnerabilities migrants face at different stages of migration by respecting, protecting and fulfilling their human rights and providing them with care and assistance;
    3. seeks to address the legitimate concerns of states and communities, while recognizing that societies are undergoing demographic, economic, social and environmental changes at different scales that may have implications for and result from migration;
    4. strives to create conducive conditions that enable all migrants to enrich our societies through their human, economic and social capacities, and thus facilitate their contributions to sustainable development at the local, national, regional and global levels.

1. Promoting education, fair recruitment, safe migration and decent work, the ILO Work in Freedom programme adopts an integrated and targeted approach to prevent trafficking of women and girls in South Asian countries of origin (Bangladesh, India and Nepal) and in selected destination countries (India, Jordan, Lebanon and the United Arab Emirates). Economic empowerment is not only about earning a decent wage. It is also about understanding the real cost of migration and having the knowledge and skills to manage personal finances and remittances. By providing women with educational support and training on rights and skills, the programme is increasing their livelihood alternatives - either enhancing their ability to access or create local employment opportunities or allowing them to choose to migrate as well-informed, skilled workers with higher income-earning potential abroad.
2. The ILO’s multi-stakeholder Fair Recruitment Initiative, implemented in close collaboration with governments, employers’ and workers’ organizations, the private sector and other key partners to build a fair recruitment regime on four key pillars, puts social dialogue at the centre towards enhancing global knowledge of recruitment practices worldwide; improving laws, policies and enforcement mechanisms; promoting fair business practices; and empowering and protecting all workers. As a point of departure, recruitment practices must be in accordance with internationally recognized human rights, including those contained in international labour standards. This in turn means that governments need to translate these international standards into effective laws and regulations, and to implement them vigorously. Workers’ organizations can play a vital role in monitoring and overseeing recruitment processes to ensure that certain principles, such as the prohibition of the payment of fees or other related costs by workers, are respected, and that appropriate and effective grievance and dispute resolution mechanisms are established and function properly. Employers’ organizations should cooperate closely with the labour administration, including labour inspection services, to help ensure that recruitment is fair and conducted within the law.
3. A focus on prevention is key to tackling trafficking of women and girls. ILO has analysed data to understand the policy interventions that can make a difference:

**First**, investment in expanding inclusive and equitable education of good quality

**Second**, extending social safety nets, including basic income security for children, providing access to nutrition, education, care, and any other necessary goods and services

**Third**, improving the governance of labour markets, decent work for adults and youth of legal working age and the functioning of family enterprises, and

**Fourth**, strengthening social dialogue and legal protections

1. Providing appropriate protection measures for migrant children, and particularly for those who are unaccompanied and/or have irregular migration status, constitutes a particular priority. In Italy, for example, all children freed from trafficking and forced labour are given legal residence until they reach 18 years of age.
2. It is self-evident that achieving the goal of eliminating the trafficking of women and girls rests, first and foremost, on prevention. We must address the wide assortment of factors – socio-cultural, economic, legal, and political – that push and pull people into trafficking networks if it is to be relegated definitively to history.
3. Most countries have undertaken information activities to heighten awareness of forced labour and associated risk factors targeting the public at large, vulnerable groups including migrants, and businesses. So too has there been a deserved focus on forced labour in business operations and supply chains. Recent years have seen a surge of regulatory initiatives and - in the realm of labour relations - international framework agreements aimed at improving transparency and promoting human rights due diligence. In addition, a growing number of private compliance initiatives and multi-stakeholder initiatives have sought to strengthen the private and social governance of business operations and supply chains.
4. Efforts in support of fair recruitment have also gained recent momentum. Laws governing recruitment agencies and recruitment fees have been passed in over 90 countries, while there are also a growing number of bilateral agreements and other initiatives designed to ensure fair recruitment along specific migration corridors and in specific economic sectors.
5. But these efforts should be seen more as a starting point rather than as a job completed. Information activities targeting the general public and specific vulnerable groups have in most contexts been hitherto too limited to fill knowledge gaps, erase misconceptions or combat misinformation about forced labour and its risks. The preponderance of forced labour in the private economy is testimony to the continuing need to close gaps in the governance of business operations and global and local supply chains. And we know that half of all forced labour involves debt bondage, linked not only to advances on wages and inherited debt but also to exorbitant fees, withheld wages, and other coercive practices during recruitment. Further progress in these areas will be critical in the lead up to the 2025 and 2030 target dates for ending child labour and forced labour, respectively.