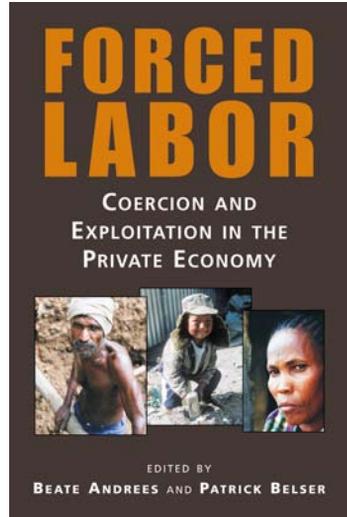


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Forced Labor: Coercion and Exploitation in the Private Economy

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and Patrick Belser

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Introduction

*Patrick Belser and
Beate Andrees*

Two centuries after the abolition of the transatlantic slave trade, at least 12.3 million people continue to work under coercion in the underground and illegal economy (ILO 2005a). These workers are violated in their dignity and in their fundamental labor rights. Most of them are forced to work in abusive conditions and subjected to serious health and safety hazards, with little or no pay. When recruited, they are deceived about the nature of their jobs, about the wages they can earn, and sometimes also about the destination of their employment. Not part of a trade union, they have little bargaining power and no voice.

The purpose of this book is to present an overview of the contemporary manifestations of forced labor and to improve our understanding of why it survives in the twenty-first century and how it can be eliminated. The book focuses on forced labor in the private economy, which now represents an estimated 80 percent of all forced labor. More precisely, the book looks at the private underground economy, which is defined by statisticians as economic activities that are concealed from public authorities to avoid complying with regulations (OECD, IMF, ILO, and CIS STAT 2002).

Consequently, this book does not cover forced labor imposed by public authorities, which has become less relevant today in numerical terms. Even though prison or convict labor used to be a prominent example of unfree labor systems in the past, it has become less of a concern today. Of course, prison labor outside the orbit of public supervision and for private profit remains a sensitive issue and merits substantive research that this book does not cover. The same is true of some forms of state-imposed forced labor that are not covered, such as the use of compulsory labor by the military in Myanmar (see Bollé 1998).

Forced Labor as a Labor Market Issue

Forced labor in the private underground economy can be looked at from various perspectives. First and foremost, forced labor involves the loss of a person's freedom and represents a violation of human rights. The Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations in 1948, establishes that "all human beings are born free" (Article 1) and that "no one shall be held in slavery or servitude" (Article 4). This principle is also established in the International Covenant on Civil and Political Rights adopted at the United Nations in 1966.

Unfortunately, coerced labor continues to exist, usually in violation of the law. Hence, the book addresses the issue of law enforcement and seeks to understand forced labor through the sociology and economics of crime. It is worth remembering that according to Cohen and Felson (1979), crime can be seen as the result of three main factors: a suitable target, a motivated offender, and the lack of a capable guardian. These factors can relatively easily be linked to the specific problem of forced labor.

A supply of vulnerable workers provides the "suitable target." It is possible to distinguish at least two types of forced labor in the private economy: first, the forced and bonded labor related to poverty and discrimination toward minority groups; second, the global problem of transnational human trafficking, which features migrant workers coerced into labor exploitation or mainly young women deceived into forced prostitution. Both types of forced labor have in common the fact that they involve particularly vulnerable workers. In the case of bonded labor, vulnerability is often linked to poverty and the discriminated status of specific social groups, such as people from lower castes in South Asia or people of slave descent in West Africa. In the case of human trafficking, key factors of vulnerability include poverty, migration status, and discrimination on the basis of gender or ethnicity. For sex trafficking, young unemployed women are often the most vulnerable to be trafficked across borders (see, for example, Andrees 2008; Danailova-Trainor and Belser 2006).

Unscrupulous employers are the "motivated offenders." Profits are the main motivating factor in situations of forced labor. In practice, most forced labor occurs in low-technology, labor-intensive activities or industries such as domestic work, agriculture, construction, or prostitution. There is an economic rationale to this. First, low-skilled activities often place more emphasis on work intensity than on the quality of work, which typically requires more educated and less exploitable workers. Second, it is in the labor-intensive sectors that savings on labor costs have a relatively higher impact on production costs and on profits (since a given reduction in labor costs tends to increase profits in proportion to the ratio of costs to profits). In general, the larger the ratio of total labor costs to profits, the bigger the growth in profit that results from reduced labor costs. As a result, employers in labor-intensive sectors may be more tempted to exploit workers.

Weak state capacity contributes to the absence of a “capable guardian.” Better implementation of labor standards has been a major theme of publications by the International Labour Organization (ILO). The weak capacity of the state to enact and to enforce laws—and the resulting culture of impunity—has been repeatedly identified as the main cause of forced labor, including, for example, the case of so-called slave labor in the Brazilian Amazon provinces of Matto Grosso and Pará. Weak law enforcement has also consistently been identified as a major determinant of human trafficking. In general, exploitative practices appear to thrive mostly in places that lie outside the reach of labor inspection services or other government enforcement bodies.

This being said, the problem of forced labor should not be approached as a narrow law enforcement issue. Indeed, we believe that forced labor needs to be understood from a broad labor market perspective. The book illustrates in particular how forced labor situations arise as a result of a series of labor market failures. The term *labor market failure* is used here as meaning the failure of unregulated labor markets—or of markets in which existing regulations are weakly enforced—to produce socially acceptable outcomes, in terms of both equity and efficiency. The argument about market failures calls for governments not only to punish forced labor as a penal offense but also to step in and effectively regulate the economy.

Two labor market deficiencies are particularly pertinent to understanding why forced labor continues to flourish. First, labor markets are characterized by asymmetric information. Information is particularly relevant in the process of labor recruitment. In the absence of regulations that address the imbalance of access to information, recruiters will find it easy to deceive workers and to conceal their real intentions. Second, labor markets are made up of agents with unequal bargaining power, namely workers and employers. When labor regulation and labor institutions are weak, limited to certain sectors or categories of workers, some employers will be able either to impose unfavorable conditions of work or to violate existing labor agreements to their advantage. Our empirical evidence suggests that, if circumstances permit, some employers will ultimately turn to the use of coercion and treat the payment of wages as discretionary.

As this book aims to demonstrate, these labor market failures reinforce each other. They are widespread in labor-intensive economic sectors with a high labor turnover and seasonal shifts, such as agriculture, construction, mining, textiles and garments, restaurants, and others. We find these problems in developing countries with traditional bonded labor systems as well as in industrialized countries that are exposed to contemporary forms of human trafficking.

Analyzing recruitment systems is crucial in understanding how workers enter forced labor. Recruitment is the first step in an employment relationship. In principle, it can be defined as a free act of contractual agreement whereby one party commits itself to pay predetermined wages in exchange for which

the other party commits itself to perform predetermined tasks in a predetermined time. The most efficient way of recruitment is the direct recruitment of workers by employers. In practice, however, recruitment agents—whether private or public—play an important role in the labor market. They are the link between labor supply and demand in a situation of imperfect information. In economic sectors with a fluctuating demand for labor as well as in highly specialized economic sectors, recruiters are often the necessary intermediary between workers and employers.

In our research, we have identified several recruitment mechanisms that either lead directly to forced labor or contribute to an increased vulnerability of workers to be subjected to forced labor at the employment stage. Abduction and kidnapping are obviously forms of “recruitment” that are a direct expression of force. In quantitative terms, they are not the most widespread forms, but they are certainly the most radical deviation from a free contractual agreement between workers and employers. Abduction and kidnapping occur in countries or regions where legal systems, including labor market regulations, have broken down completely.

More frequently, however, recruitment or labor contract systems in the world today are maintained by a range of legal, semilegal, or illegal private recruiters. Often, these recruiters operate in a legal vacuum or in an environment of impunity, where abuses are not investigated and prosecuted. This makes it relatively easy to deceive workers about the nature of the jobs, the wages, and the living conditions that are proposed in a distant place of employment or about the fees that have to be paid. Deception is the most commonly used means of recruiting workers into situations of forced labor. The true nature and characteristics of jobs can be concealed because recruiters often have a monopoly over employment-related information.

Credits are also used, together with deception, to recruit workers into forced labor. They can take the form of private loans or wage advances and are often proposed to migrants to fund travel costs and upfront fees. Credits generate a debt for the workers, which can be manipulated for the purpose of extracting forced labor. Typically, creditors suddenly inform debtors about some unexpectedly high interest rates and require that both the loan and usury interests be repaid through long hours of work or personal services. Such mechanisms of “debt-bondage” play a particularly important role in areas where poverty is widespread, such as in rural South Asia or Latin America, or when relatively poor migrant workers seek employment abroad. It is also used to force young women against their will into prostitution.

The ultimate purpose of forced labor—into which workers enter through failed systems of recruitment—is almost always economic exploitation through payments to workers below the level that appeared to have been mutually agreed upon and negotiated. In an efficient and well-functioning labor market, employers are expected to pay mutually agreed-upon wages to employed persons in

exchange for their work or services.¹ But, as will be seen throughout the book, in practice there exists a whole series of manipulations by employers—such as wage deductions, debt manipulations, payment in kind, or simply the nonpayment of wages—that lead to the economic exploitation of workers and that are facilitated by weaknesses in the protection of wage payments. In the best of cases, forced laborers obtain reduced payments for their work or services; in the worst of cases, they receive no payments at all. The duration of these exploitative practices can vary from a few months to a lifetime. Whatever their duration, these practices represent a serious failure in the area of wage payments.

Of course, from an employer's perspective, wage manipulations push down labor costs and increase profits. Nowhere is this more evident than in the sex industry, where young women maintained in prostitution can generate an annual turnover in the hundreds of thousands of dollars. But it is also becoming increasingly clear that large profits can arise from the nonpayment of wages in more traditional economic sectors. In total, the annual profits from forced labor have been estimated at more than US\$44 billion, with \$32 billion alone arising from the exploitation of trafficked victims (Belser 2005). The more inefficient employers also use forced labor to shift economic risk onto workers: if sales are low, they simply withhold wages.

Means of coercion can be used all along the chain of recruitment and exploitation to create a situation of subjection. Recruiters use various forms of threats or even violence to intimidate workers and to make sure that they are not already trying to leave at this early stage. Later, employers also use coercion to prevent workers from leaving their exploitative employment situations. Typical forms of coercion include threats to the workers or their families, confiscation of identity documents, or menaces of denunciation to immigration authorities. It is worth noting that all these aspects of forced labor—the recruitment, the exploitation, and the coercion—tend to involve collusion between recruiters and employers. Such a triangular employment relationship makes it easier to conceal abuses and more difficult for workers to claim their rights.

Historical Perspectives and Debates—A Brief Overview

Even though they adjust to global changes, none of the contemporary forms of forced labor are really new. They are part of a historical pattern that started with the slavery that emerged at the dawn of civilization. It is therefore not surprising that historians have greatly contributed to the academic literature and debates. But the rise and fall of forced labor systems has also puzzled economists, sociologists, anthropologists, and jurists alike. In the following, we provide a brief overview of these historical perspectives and debates without claiming to be comprehensive. It would remain a separate task to analyze how the ILO itself contributed to these debates as well as how it was shaped by them in the past.

Slavery was practiced in Ancient Egypt and Greece and became widespread during the Roman Empire, where there were perhaps up to 1.5 million slaves in Italy, representing 25 percent of the total population (Scheidel forthcoming).

In the seventh century a large slave trade fed the expansion of the Islamic world in Africa and the Middle East (Chebel 2007; Lovejoy 2000). From the sixteenth to the nineteenth century, an estimated 11 million slaves left Africa, and 9.6 million arrived on the American continents (Eltis 2001). These practices were only abolished in the relatively recent past. The last country on the American continents to abolish slavery was Brazil in 1888.

There are, of course, major differences between past slavery and modern forced labor. One such difference lies in the definition of these two practices. Slavery has been defined in the League of Nations Slavery Convention of 1926 as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (Article I). Hence, slavery was a legal institution. This contrasts with the ILO definition of forced labor as being an illegal practice. One of the earliest ILO conventions (No. 29, adopted in 1930) defines forced or compulsory labor 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 or herself voluntarily” (Article 2.1).

Despite the differences between slavery and forced labor, there are also important similarities. As in the case of modern forced labor, slavery can also be characterized by two elements discussed above: abusive recruitment and economic exploitation. On the recruitment side most slaves sold in the “New World” were bought from traders who had bought them from African intermediaries who had, in turn, obtained them from a wider network of captors. There are strong echoes of this past method in the long and intricate systems of modern subcontracting in the recruitment of trafficked labor.

Economic exploitation also characterized slavery. Eric Williams famously observed in his book *Capitalism and Slavery* (1944) that slavery was an economic institution that cheapened the cost of production and contributed to the rise of capitalism in the colonial metropolis. The profitability of slave labor was also a major theme of Fogel and Engerman in *Time on the Cross* (1974), which triggered a passionate debate (see debates in the *American Economic Review* in 1977 and 1980). The authors argued that southern slave farms were more efficient than farms with free labor, demonstrating that the unit cost of slave labor was below that of free labor. They thus challenged the thesis that economic factors led to a natural demise of the slave system and, instead, emphasized the deeply moral nature of the antislavery movement.

Indentured labor was another form of unfree labor that has many parallels with contemporary forms of human trafficking. It has received particular attention from migration researchers. Potts (1990) calculated that indentured workers were used in 40 countries by all the major colonial powers. It involved between 12 and 37 million workers from 1834 up to 1941. Indentured laborers

were mainly recruited in India and China and to a lesser extent in Japan, Oceania, and Java.² Although sheer economic pressure was usually enough to force people into migration, violent recruitment methods were also used, particularly in China. Recruitment agents deceived workers about working conditions and tricked them into contracts that established many years of servitude in the colonies to which they were transported under appalling conditions. Even after the end of their contracts, workers were often compelled to stay with their employers and to sign another exploitative contract. The system of indentured labor was made possible through a conflation of interests between powerful plantation owners (as well as mining or infrastructure companies), colonial administrations, or governments of former colonies (Cohen 1987; Kloosterboer 1960; Potts 1990; Tinker 1974).

One academic debate focuses on the reasons behind the continuity of compulsory labor after slavery. An early contribution was made by Kloosterboer (1960), who argued that other forms of compulsion evolved out of economic necessity after the abolition of slavery. Looking at contract labor systems, penal laws (especially laws against “vagrancy”), and policies to deny former slaves access to land, she argued that employers and colonial administrators used compulsion to respond to acute labor shortages. Brass (Brass and van der Linden 1997; Brass 1999) argues that various forms of unfree labor have been developed by ruling classes with the objective of preventing the “proletarianization” of workers (for example, forming unions, migrating for better jobs). He argues that bonded labor systems survived agrarian capitalist restructuring in Latin America and India owing to a variety of factors, including class struggle, kinship (actual and fictive), and reciprocity under bonded labor. He emphasizes that bonded labor is not the result of choice or free agency on behalf of the peasant, as argued, for example, by Srinivasan (1980, 1989).

The persistence of bonded labor or debt bondage, particularly in India, has given rise to a relatively large literature. Debt bondage was defined by the UN 1956 Supplementary Convention of the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery as “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined” (Article I[a]). The same convention considers that all persons subjected to debt bondage are persons “of servile status.”

Economists such as Bhaduri (1973) explain the existence of debt bondage or bonded labor by the underdevelopment of credit markets. In his view, bonded labor and exploitation result from the interlinking of transactions in credit, land, and labor markets between the same landlord and tenant. In particular, when landowners derive their income both from sharecropping and from usury linked to the perpetual indebtedness of tenants, technological improvements that raise

labor productivity end up being undesirable to landowners. This perverse incentive occurs when better technology increases landowners' produce from the land less than it diminishes income derived from the usury of loans to the sharecropper.

But bonded labor can also be the result of an employer's power to constrain workers' alternative opportunities or, in economic language, to reduce labor's opportunity cost (on this, see also Taylor [1977] and Sevilla-Siero [1991] for the related literature on "contrived dependence"). Basu (1986), for example, argues that when a powerful landlord makes an apparently unattractive job offer to a worker and at the same time threatens that refusal will mean no one else will trade with him or her, it will be in the interest of a rational worker to accept the job offer. Although this looks like free choice, the worker is pushed into an exchange from which he or she does not benefit, which is precisely one of the key characteristics of coercion. Indeed, according to Naqvi and Wemhöner (1995), the definition of coercion is the use of power for the purpose of "compelling an agent to engage in transactions which, given the agent's feasible set of actions, he would unilaterally not have chosen to engage in" (p. 191). From the perspective of the employer, such a use of coercion allows—according to Basu—"maximum extortion."

The manipulation of wage advances or loans to migrant labor features more prominently in the literature on the new forms of debt bondage, sometimes called "neobondage" (Bales 2000; Lerche 2007), as well as in the literature on human trafficking. Recent studies on human trafficking display broad consensus that economic exploitation is the main—and often unique—objective of contemporary traffickers. Human trafficking has been defined by the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons (the so-called Palermo Protocol), supplementing the United Nations Convention Against Transnational Organized Crime, adopted by the UN General Assembly in 2000. The slightly convoluted definition of trafficking in the Palermo Protocol defines human trafficking as the recruitment or receipt of persons for the purpose of sexual exploitation, forced labor, slavery, or the removal of organs.³ This definition provides for an important distinction between "trafficking in persons," which is characterized by the intent to exploit, and the act of "smuggling of migrants," which refers to the procurement of the illegal entry of a person into a state of which the person is not a national or a permanent resident. An expert group of the European Commission concluded that "the key element to the Trafficking Protocol is the forced labour or slavery like outcomes" (European Commission 2004, p. 52).

The European police organization Europol (2003) found that trafficking inevitably results in the financial exploitation of the victim, which often continues long after the movement from a source country to a destination country, and characterized trafficking as a "low risk–high reward" enterprise for organized crime. Shelley (2003) also believes that what makes human trafficking

attractive to criminal groups is the combination of high profits, low risk of detection, and minor penalties involved.

The sex industry stands out and remains the primary focus of trafficking studies in many countries. Although there are many stories of girls and young women who are forced into prostitution, there is still much disagreement about the exact meaning of “coercion” in this industry. Some feminist and religiously inspired abolitionist groups are emphatic that “all prostitution is sexual slavery,” whereas other feminist groups disagree with this view. Abolitionist groups typically propose to address the “demand-side” of trafficking through the criminalization of all prostitution. Other feminist groups would like to see prostitution legitimized so that sex workers are “afforded the civil and labour rights enjoyed by other citizens and workers” (for a discussion of these positions, see O’Connell Davidson 2006, p. 17).

Domestic service also features prominently in the area of trafficking for labor exploitation in industrialized countries (Free the Slaves and Human Rights Center 2004) as well as in the Middle East, where temporary workers from South Asia sometimes live in the households of their employers in conditions “based on violence, exploitation and denial of fundamental freedoms” (Jureidini and Mourkarbel 2004, p. 582; see also Anggraeni 2006). In poor developing countries, studies have also described how poor families sometimes place their children with wealthier families, who use them as little “slaves” (see, for example, the autobiography of Cadet [1998] on Haiti).

Much of the academic literature on human trafficking has been stimulated by current political debates and is highly critical of some of the underlying assumptions. The critique has focused on the overemphasis of supply-side factors, the blurred boundaries between exploited trafficked “victims” and irregular migrants who are often criminalized, the denial of agency to those defined as trafficked victims, the lack of data, and—last but not least—the lack of clarity of the concepts (see, for example, Breman 2007; International Organization for Migration 2006). This book is intended as a modest contribution to this growing literature, proposing a new analytical framework for the understanding of forced labor that uses a clear set of definitions and suggests improved methods of data collection. We hope that the case studies, detailed below, will also be a useful empirical addition to the critique of the criminalization and victimization of those trafficked or in forced labor, which is also addressed in our proposed policy responses.

Structure of the Book

The book focuses on case studies, all based on primary research. These case studies are in no way exhaustive. Many forms of forced labor are not covered, but this does not mean that they are less important or that they deserve less attention. The present collection only provides a sample of studies, highlighting

some useful areas of research and possible methodological approaches that could be extended into other areas in the future. The second part presents policy responses and discusses their strengths and weaknesses. Impact research on forced labor and trafficking is still in its infancy, and the chapters presented here should only be seen as a first attempt to analyze the consequences of policies, laws, and community-based measures. More work is clearly needed to develop indicators to measure progress over time and to correct action if necessary.

In the first chapters of the book, the emphasis of our empirical case studies is on understanding *what* forced labor is and *how* it is linked to abusive recruitment and wage payment systems in different economic, social, and cultural contexts. To be sure, there are many underlying factors in the persistence of bonded labor in Asia, rural debt bondage in Latin America, slavery-like practices in Africa, or human trafficking to developed countries. By comparing these different cases, however, we find that abusive or deceptive recruitment and various forms of wage manipulations are the key mechanisms in depriving workers of their freedom to leave or change their employer. The nonenforcement of ethical recruitment practices and fair wages has repercussions well beyond the informal economy, but most of all it affects workers who are not associated with and covered by labor law.

The first of the empirical chapters, a case study written by Leonardo Sakamoto, discusses forced labor in Brazil. It mainly takes place in the remote Amazon regions of the country to which people from poorer provinces are transported and then held in situations of debt bondage. This case study can also be discussed as “internal trafficking” of labor, although in Brazil it is defined as “slave labor.” The chapter analyzes recent data on forced labor from labor inspection services and nongovernmental organization (NGO) sources, thereby focusing on recruitment patterns, types of economic activities, and forms of coercion. It also provides an overall context of approaches against slave labor in Brazil that are further discussed in the second part of the book.

The following case study, also from Latin America, is written by Eduardo Bedoya, Alvaro Bedoya, and Patrick Belser. It presents empirical findings of anthropological research carried out on the nature of debt bondage in Peru, Bolivia, and Paraguay. Labor intermediaries recruit workers and induce them into an artificial debt through wage advances and other manipulations that they cannot repay, thus keeping the workers in poverty. Such practices are always accompanied by very poor working conditions. The chapter discusses these practices as used in the Amazon region of Peru for illegal logging, in Bolivia for nut collection and on cattle farms and sugar plantations, and in Paraguay on the traditional cattle farms in the Chaco region.

A study of debt bondage, rooted in traditional practices, is then presented by Ali Khan, who summarizes research carried out in nine different sectors covering various provinces in Pakistan. This provides a comprehensive overview of bonded labor in that country. The study is based on a qualitative analysis of

labor arrangements in these sectors where bonded labor is still recurrent. Particular emphasis is put on the *peshgi* system of wage advances that was prohibited by the Bonded Labour Act in 1992 but continues to play a key role in the relationship among employers, workers, and sometimes also intermediaries. The empirical research provides evidence of bonded labor practices having spread from agriculture to other economic sectors. It is argued that this is closely linked to the recent changes in economic production in which traditional obligations between employers and workers have been weakened while the bargaining position of workers has not been strengthened. This is particularly evident in the unequal debtor-creditor relationship that underpins bonded labor.

The next empirical case study, from Niger, looks into the legacy of slavery in West Africa. The authors, Ali R. Sékou and Saidou Abdoukarimou, discuss forced labor and discrimination against people of slave descent. The research focuses on the nomadic northern part of the country where forced labor practices continue to exist. As for the rest of the country, traditional practices of slavery have largely transformed into more or less severe forms of discrimination against people of slave descent. The case study highlights the difficulty of clearly distinguishing between forced labor and exploitation that is deeply rooted in traditional beliefs and mechanisms of social exclusion. In areas where people are discriminated against on the basis of their origin and where extreme poverty is the norm, coercion may not be needed to recruit and retain workers.

The next chapter, on human trafficking, is by Beate Andrees. Human trafficking is a form of forced labor that has received much global attention in recent years. In this chapter, particular emphasis is placed on Europe, with information gathered from various countries. Although the coercion of migrant women in the sex industry has been well documented, less is known about the situation of migrant workers in labor-intensive sectors such as construction, garment, agriculture, or food processing. As in sex trafficking, workers are typically recruited under false pretenses in their country of origin and forced to work in the country of destination under the threat of dismissal, violence, or other coercive methods. The chapter discusses the *modus operandi* of trafficking by focusing particularly on the recruitment process, the occurrence of debt bondage among migrant workers, extortion, and wage manipulations.

The second part of the book looks at ways that governments and their partners can reduce the incidence of forced labor and ultimately eliminate it. This aspect of the present book is of course closely linked to the previous section. Consistent with the focus of the book on forced labor as a labor market issue, the chapter by Beate Andrees and Patrick Belser discusses the role of labor market institutions in national policies against forced labor. Case studies in this book shed light on the mechanisms of recruitment and economic exploitation that are largely linked to the nonpayment of wages or illegal wage deductions leading into debt bondage. The chapter therefore discusses strategies toward a stronger role of labor inspectors, trade unions, and employment tribunals in the

fight against forced labor. It also highlights the importance of regulating and monitoring labor recruitment.

The following chapter, by Rohit Malpani, focuses on attempts to criminalize human trafficking through national law as well as to enforce these new provisions across different countries in Europe as well as in the United States. It takes a closer look at laws and penal code revisions and asks whether these new criminal laws have been effective tools to use to prosecute trafficking-related offenses. The chapter argues that unless antitrafficking provisions clearly elaborate the concept of vulnerability and forms of coercion, they will fall short of effectively prosecuting traffickers. Furthermore, it is argued that many states have not yet sufficiently implemented human rights standards aimed at the protection of victims.

The chapter by Isabelle Guérin, Caroline O'Reilly, Marc Roesch, Maria Sathya, and G. Venkatasubramanian discusses the impact of models for the prevention of bonded labor and for the rehabilitation of bonded laborers through community-based and microfinance-led interventions. It draws on empirical research carried out in India. The main purpose of these interventions is to alter the unequal debtor-creditor relationship. The chapter discusses the overall socioeconomic context in which bonded labor occurs and raises questions about the roles and responsibilities of different actors in shaping these interventions and about what the overall purpose of these interventions should be.

The final chapter by Patrick Belser and Michaelle de Cock presents strategies to improve national statistics on forced labor. When the ILO published its global estimate on forced labor in 2005, it was based on a double counting method (capture and recapture), using available reports on forced labor across different regions of the world. The next logical step is to develop better national statistics from which aggregate global data can be generated. Statistics are not a purpose in themselves—they are the necessary compass for good policy formulation. This chapter first discusses national experiences in data collection and ways to replicate these experiences. It further reviews existing global estimates and proposes ways to produce statistically robust national estimates.

The different contributions to this book suggest that effective measures against forced labor will always require strong labor market institutions, political will, precise information, good legislation, effective law enforcement, and the empowerment of victims as well as viable economic alternatives for the victims and the potential victims. The mix of policy responses and the relative weight that should be given to different approaches in different circumstances, however, remain open to debate.

There are still many unknowns in the forced labor equation. First, the chapters in this book inevitably suffer from the fact that the combination of factors that cause forced labor remains imperfectly understood. Second, the experience accumulated so far on what works and what does not work is still rather scarce. Finally, the impact of globalization also remains open to more detailed investigation. On the one hand, globalization seems to be accompanied by new forms

of forced labor such as human trafficking and exploitation in global subcontracting systems. On the other hand, globalization has also led to new demands from governments, social partners, civil society, and consumers for stronger mechanisms to promote shared moral values and universal labor rights. The present book is itself part of the ILO's overall response to these demands. We hope that it will contribute, if only modestly, to a future free of forced labor.

Notes

1. ILO Convention No. 95 defines wages in Article 1 as “remuneration or earnings, however designated or calculated, capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable in virtue of a written or unwritten contract of employment by an employer to an employed person for work done or to be done or for services rendered or to be rendered.”

2. Though less developed as a system, indentured labor was also used during the great European migration to the New World.

3. More precisely, the Palermo Protocol defines trafficking in persons as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation” (Article 3[a]). The protocol further specifies that “exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, or the removal of organs” (Article 3[a]).