

# Executive Summary



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## **Concealed chains: Labour exploitation and Chinese migrants in Europe**

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As China's booming economy has continued to record huge growth over the past two decades, the world's attention has become increasingly focused on protecting the labour rights of the workers creating and contributing to its economic power. To date, the role and position of overseas Chinese workers in the global production chain is a subject that has apparently been neglected by the public and by labour rights researchers. In many countries little is known about local production by Chinese workers, nor about the conditions under which they work. Yet this local production is part of a complex global supply chain in which serious labour exploitation often occurs, far closer to home than the public is aware.

As of 2005, China has been the top migrant-sending country in the world, and in recent years the number of Chinese working in Europe has grown faster than other areas. Serious research has been carried out in the United States to examine the human trafficking and smuggling that occurs alongside Chinese migration, but there have been few corresponding studies in Europe, and much of the existing literature about Chinese migration is concerned with cultural issues or with criminality among Chinese migrants.

This book provides an overview of the migration mechanism between China and Europe, examines the situation of irregular Chinese workers in France, Italy and the United Kingdom, and provides policy recommendations for those three countries. Based on interviews with Chinese migrants in irregular situations, the book investigates the migratory process and the journey itself, working conditions in destination countries for migrants and the economic forces influencing these conditions, the factors that make some migrants more vulnerable than others to coercion and exploitative working conditions, and the reasons why migrants remain in these conditions.

The migration process involves both officially recognized and irregular channels of recruitment. Registered Chinese workers enjoy a degree of social protection, but there are also unknown numbers of clandestine Chinese migrants whose plight periodically makes the media headlines. These migrants choose to emigrate, but can still end up in exploitative

conditions, amounting in the severest cases to forced labour. Despite measures taken by the Chinese Government to dissuade people from migrating through irregular channels, they continue nonetheless.

The studies contained in this book form part of an ILO pilot programme of technical cooperation in collaboration with China to help tackle the transnational trafficking of Chinese migrant workers for forced labour and sexual exploitation. The book's main objective is to improve understanding of the social, economic and legal aspects of this migration and work experience and to explore possible solutions through improved monitoring of labour markets by both China and European destination countries.

### **The migration mechanism and subsequent labour exploitation**

An important theme throughout the book is the chains of the title, both metaphorical and literal: the obligations to traffickers, smugglers and employers that bind Chinese labourers to intolerable living and working conditions, and the supply chains of worldwide brands that conceal abusive labour practices behind appearances of good practice.

Chinese migrants pay a high price to emigrate and need specialized intermediaries to help them leave their country. Up to 50 per cent of irregular migrants turn to “snakeheads” (the first link in the chain of organized crime networks) to facilitate their migration. However, what is initially called a service among friends evolves into a repayment system, which effectively becomes a kind of investment. This migration credit and loan system, although not legally binding, is nonetheless powerful as it entails many social consequences. Bound by a set of unwritten rules adopted by traditional overseas Chinese communities, migrants are under pressure to earn money within the shortest possible period of time to repay not only their monetary debt, but also their personal one.

These obligations render them vulnerable to exploitation in whatever job they obtain upon arrival in Europe. Language barriers, a lack of information, assistance and access to the legal system, isolation from the host society, an irregular immigration status and the debt generated by the illegal migration process, all leave Chinese irregular migrant workers in precarious situations which are open to abuse.

There are a number of indications that serious exploitation exists in the silent communities of Chinese migrants in Europe, which are perceived as hard to penetrate and as having their own “mysterious” way of doing things, existing in niches largely separate from the rest of the economy. It may take many years to repay debts, and thus workers have little leeway to bargain with employers about working conditions, wages, working time, safety and health and other labour standards that should be respected. The long hours and unsafe and unhealthy working conditions can exact a high cost on workers' health, safety and family life.

Through expert interviews, the studies further explore the extent of the exploitation to which Chinese migrant workers are subjected in a highly developed underground economy that

permeates both formal and informal sector activities and has become an inseparable part of the local economy in the host countries. Ethnic niches have developed as a lower tier of supply chains in industries such as the textile and garment-making industry; they have their own operating rules, push down wages, and work against tight delivery deadlines in poor and unsafe conditions with long working hours. Subcontracting has become a key factor underlying these exploitative conditions, in a “race to the bottom” driven by intense competition between contractors. The studies show that the Chinese ethnic niche is well integrated into local economies and its internal groups function either as subcontractors supplying brands (including very well-known ones) or as *pronto moda* producers attracting mainly European clients.

Efforts by the police and labour inspectorate to prevent illegal work and enforce health and safety regulations are ineffective because employers have a number of strategies for avoiding inspections and checks, including moving production into workers’ homes. As a consequence of complex systems of multiple subcontracts, sometimes made deliberately complicated by different layers of contractors so that employers can avoid their labour responsibilities, law enforcement agents find it almost impossible to trace those, both within and beyond Chinese communities, who are genuinely responsible for exploiting the most vulnerable group.

Why do Chinese workers remain in exploitative conditions? Case studies illustrate a range of situations sometimes involving forced labour, which include economic and psychological as well as physical coercion. For reasons such as irregular immigration status, inability to speak the language of the country, ill health, isolation and fear of reprisals against family by smugglers in China, they are not in a position to refuse. Exploitation and “self-exploitation” are also sometimes accepted because both employers and employees see them as temporary: a price to be paid for the end result of longer term economic gain.

### **The international legal framework**

France, Italy and the United Kingdom, the three countries examined in the book, are party to international instruments which represent a common legal framework to address forced labour in the context of irregular migration. This framework prohibits forced labour through international labour standards and in international human rights law, and defines human trafficking and smuggling as offences under international criminal law. International human rights law and international labour standards such as the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), prohibit forced and compulsory labour, and all ILO constituents are committed to eliminating forced and compulsory labour through the 1998 Declaration on Fundamental Principles and Rights at Work.

The 2000 UN Convention against Transnational Organised Crime defines human trafficking and the smuggling of migrants as international criminal offences through the Protocol to Prevent, Suppress and Punish Trafficking in Persons (the “Trafficking Protocol”), and the Protocol against the Smuggling of Migrants (the “Smuggling Protocol”). France and the

UK ratified the Protocols in 2002, as did Italy in 2006. China announced its ratification at the end of 2009. Both Protocols recognize that prosecution of the two offences of trafficking and smuggling should be accompanied by due respect for human rights and by prevention measures. As EU members, France, Italy and the UK are bound to apply the Protocols under European law.

Each of the three countries under review has taken legislative measures to incorporate the Trafficking Protocol into domestic law. But because these measures are so recent, few cases have yet been prosecuted, and the courts have yet to interpret specific provisions and apply them to the practical realities of migrants' lives. Protecting migrants whose vulnerability has been abused is an essential step in the fight to combat both trafficking and forced labour. Preventive measures are equally important as part of an integrated strategy against human trafficking.

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