

This scenario will address debt bondage and servitude. It is important to bear in mind that neither of these is defined in the protocol. As I mentioned in one of my other presentations the Protocol does not provide either an exhaustive list of the type of exploitation governed by the Protocol, nor definitions for each of the practices in the list. The response from countries has been diverse: some countries have provided for definitions in domestic legislation, others rely on definitions international instruments. Discuss the following case study using relevant Federal and State legislation.

Ten women were kept in temporary housing compartments made from containers on the edge of various construction worker camps in remote locations. The women had been recruited as prostitutes to sexually service the workmen from the construction camps. The men worked on a rigorous schedule of six weeks on and two weeks off. The camp was remote and linked to a mining operation. The men paid for the sexual services. Recruiters made all the necessary arrangements for the women, engaging them either abroad, or across domestic borders, or even within the same State. Many of the women were migrant workers, and it appears that most of the women had “consented” to being engaged as prostitutes.

The women were expected to work at least 10 hours/day. Clients would pay \$50 for 15 minutes of time. A separate container was provided for the use of women to perform their sexual services. Clotheslines separated the ‘rooms.’ It was a bulk business. When the women were initially recruited they were told that they owed, or had a debt of \$1000 to the recruiters. This was to cover all costs incurred in transportation, documentation etc. It also included the ongoing costs of food, lodging etc. The recruiters told each of the ten women that they had to pay the initial debt of \$1000, but there was a continuing debt for food and lodging. The women soon paid back the \$1000 to the recruiters. But after the repayment women were still expected to pay an amount of \$600 per week to the recruiters, which they thought was more than the amount allocated to ongoing food and lodging costs.

Discussion:

What the elements of debt bondage? What are the elements of servitude? Do you have sufficient information to ascertain whether this relationship is one or the other? If so, and you have, is it servitude or debt bondage? Did a real “debt” exist? If so, is this trafficking in persons? What about abuse of a position of vulnerability? What about consent? What if one of the women was under 18 years of age?