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With this quarterly newsletter, La Strada International wants to inform and update about developments in the field of trafficking in human beings and the activities of La Strada International and the La Strada member organisations. We welcome reactions and contributions. Please [mail us](mailto:us@lastrada.nl) by 1 June 2010 if you have news, information about your organisation, a new report or documentary or an outspoken opinion on (inter)national developments.

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La Strada News !

International Women's day 8 March 2010

On 8 March, the world celebrated the International Women's Day. La Strada International used this occasion to draw attention to the devastating effects of the financial crisis and the economical recession on the social and economical position of [women and migrant workers](#), and called for fundamental changes to ensure that their rights are protected both in the short and long term.

Several of the La Strada member organisations also marked this important day with special statements. LS Ukraine asked attention for [domestic violence and sexual harassment](#), which are root causes for human trafficking and presented the CEDAW shadow report on women's rights in Ukraine. All Ukrainian political parties were asked to reveal their plans for reaching gender equality in Ukraine. [LS Belarus](#) reminded the Belarusian society about the real meaning of International Women's day, namely, the need for women solidarity. Female leaders from different domains were interviewed about their attitude towards, so-called, traditional proverbs about women.



Joint project of La Strada, EU, UNDP and UNICEF in Belarus

La Strada Belarus currently implements a joint project with the EU, UNDP, UNICEF and the Belarusian government titled, “Preventing, Fighting and Addressing the Social Consequences of Trafficking in Human Beings”. Among other things, the project focuses on the improvement of protection of, and reintegration systems for, trafficked persons. The project offers financial and technical support to trafficked persons, including accommodation, psychological assistance and social support, as well as, medical care and legal advice. The different stakeholders involved unite their actions in the project. La Strada Belarus contributes by operating a hotline and a shelter for trafficked persons. The hotline provides consultations regarding safe travel abroad and emergency counselling. In 2009, as part of the project, two study visits were made to Israel and Lithuania.; [contact](#) LS Belarus for more information.

Research on Compensation for trafficked persons in Belarus

How many trafficked persons appeal to justice for compensation? What prevents trafficked persons from demanding compensation? What can be provided within Belarusian legislation? These and other questions have been examined in a special research on compensation, conducted by La Strada Belarus, together with the Academy of the Belarusian Ministry of Internal Affairs. In total, 50 trafficked women, all of whom had participated in criminal proceedings, were interviewed, alongside judges, lawyers and social workers. Legislation and judicial practice were additionally studied.

The research outcome shows that only 5-10% (according to the law-enforcement agencies) or up to 25% (according to the data of non-government organisations) of women start a civil procedure to obtain compensation for damage done. 46% of the interviewed women stated that they are afraid of possible retribution from their traffickers. Women, who have been in a rehabilitation process and received support of specialised organisations, however, proved to be asserting their rights more actively.

The research has revealed how inefficient current compensation procedures are in Belarus, the obstacles that exist and the steps that should be taken to create a more effective system for claiming compensation. The results and recommendations of the survey will be issued in a separate book to be available for employees of law enforcement agencies, prosecution offices, and representatives of non-government organisations via the webpage of La Strada Belarus before the end of 2010.

The research links with the three-year overall programme on Compensation, called COMP.ACT which La Strada International is currently implementing together with Anti-Slavery International and NGO partners in 13 countries all over Europe, including Belarus.

CEDAW reports on women rights in Ukraine and in the Netherlands

At the [45th session](#), of the Committee of United Nations on elimination of all forms of discrimination against women (CEDAW), the periodic reports of amongst others, Ukraine and the Netherlands were discussed.

CEDAW recommended Ukraine to cooperate with women’s organisations when developing a new national action plan on women rights protection that should provide an integrated approach to gender equality with clear goals and criteria and financial resources for its implementation. Ukraine was further recommended to facilitate the dissemination of information concerning the elimination of all forms of gender discrimination and gender stereotypes and to provide free access to shelters and social centres for female victims of domestic violence.

The Committee also raised concerns about the weak representation of women at higher positions, among which, within the parliament; the status of women on the labour market and in particular the high level of unemployment among women and the difference in payment between men and women. The majority of questions raised to the representatives of the Ukrainian delegation dealt with the issue of domestic violence and human trafficking in relation to women discrimination, the need of training of state officials, and the need of legal assistance to women, etc. A lack of enough shelters and centres for female victims of violence was reported.



CEDAW however also noticed important progress in Ukraine since the last review report in 2002. The law “On ensuring equal rights and opportunities for women and men” passed in 2005. In 2003 the amendments to the Code of Ukraine about [administrative violations](#) were adopted and in 2008 amendments to the Law of Ukraine “On the Prevention of Domestic Violence”.

In the CEDAW report on the Dutch situation on women’s rights, CEDAW commented positively on the Netherland’s intentions to ratify the Council of Europe Convention on Action against Trafficking in Human Beings and other efforts, including the creation of an anti-trafficking task force. However, the committee regrets that civil society representatives are not members of the task force, and urges the Netherlands to ensure that NGO representatives will be members in the future. Furthermore, the committee also critiques the fact that a temporary residence permit, support and assistance for trafficked persons are still dependant on the cooperation of a trafficked person with the authorities. Further concern is raised on the new prostitution law which attempts to officially register all sex workers in the Netherlands. Dutch civil society organisations, including La Strada Netherlands, had already raised their concern about these issues in the official shadow report.

Director LS Ukraine elected representative Council of Europe’s European Committees

La Strada Ukraine’s director, Kateryna Levchenko became a representative of Ukraine in the European Committee on Migration of the Council of Europe. The task of the European Committee on Migration is to develop European co-operation on migration and the situation and social integration of migrants and refugees in relation with the community. At the last meeting of this Committee (the 58th meeting held on 10-12 February in Strasbourg, France) Kateryna Levchenko was also elected to be a representative in Council of Europe’s Committee on Legal Affairs and Human Rights. The Committee on Legal Affairs and Human Rights plays a major role in promoting the rule of law and defending human rights in the Parliamentary Assembly. Ms. Levchenko was also elected to be a part of the working group of the Council of Europe on development of a European Convention on combating gender discrimination and domestic violence.



Research on labour recruitment and employment of Vietnamese Workers in Czech Factories

The Czech labour market has started to change substantially due to the global economic crisis; the decrease in the number of jobs and suspension of work permit renewals resulted in massive dismissals of foreigners who had been temporarily allocated to firms by job agencies. This gave reason to La Strada Czech Republic to research the situation, in particular the reaction of one of their main target groups (migrant workers from Vietnam living in the Czech Republic) to the changed situation during the crisis. [The research](#) especially examined hypotheses concerning labour recruitment from Vietnam, the role of the Czech embassy in the process of labour migration from Vietnam to the Czech Republic, the linkages of agencies in both countries and strategies of finding work and maintaining a legal residence status on Czech territory. It also looked at labour conditions, roles of job agencies and exploitation mechanisms of the Vietnamese during the crisis.

LS Ukraine: Conference on national trainers network

On 26-27 February 2010, La Strada Ukraine organised an educational-methodological conference on the national trainers network. The aim of the conference was to reflect on the results of ten years experience of the trainers network in the prevention of violence and human trafficking, as well as to share best experiences and to determine the priority lines of development. The National trainers network is a group of specialists (teachers, representatives of governmental bodies, NGOs, etc.) who represent different regions, have experience in teaching and conducting educational activities and knowledge on human trafficking and are aware of the peculiarities of the risk group;



persons who are ready to cooperate and to increase their professional level. During the 10 years of its existence, the National trainers network has conducted 5 207 events in 12 regions of Ukraine for more than 170 000 representatives of different target groups.

La Strada Ukraine concerned about human rights' violation by government representatives

Over the past few months, La Strada Ukraine used the election period to raise concern about human rights violations. La Strada Ukraine raised concern about the child rights violations of the [first deputy-mayor of Lviv](#), Oleg Synyutka; and also about [human rights violations by the candidate](#), and now new President of Ukraine, leader of the "Party of Regions", V.F. Yanukovych. Furthermore La Strada Ukraine addressed a governmental official about [violation of women's rights](#) in general.

What's going on ?

Maria Grazia Giammarinaro new OSCE Special Representative on trafficking in human beings

Maria Grazia Giammarinaro, the senior officer on trafficking at the European Commission, has been appointed as OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, succeeding Eva Biaudet and Helga Konrad. She started on 1 March 2010. She, in turn, will be succeeded at the Commission by Michael Carlin, who was the Swedish Permanent Representative in the EU until now.



At her first Alliance Expert Coordination (AECT) Team meeting, held on 23 of March in Vienna as the new Special Representative, Maria Grazia Giammarinaro stressed that the key objective of her office remains to encourage political will and participation of the OSCE member states to address human trafficking adequately. At this meeting, she further highlighted several planned actions of her office, including a special conference on Human trafficking for domestic servitude in June 2010; the publication of country reports on human trafficking on Spain, Romania and Kazakhstan, as well as a visit to Kazakhstan, the country which is currently holding the OSCE chairmanship. Further, the future focuses and possible common actions of the AECT, of which La Strada International is also a member, were discussed, aiming to increase the visibility and output of the AECT.

European Parliament calls for unconditional support

The new European Parliament (EP) has adopted a [resolution](#) on preventing trafficking in human beings. The members of parliament stress that in times of economic crisis, the fight against trafficking in human beings should stay high on the EU agenda. La Strada International is pleased that the European Parliament have clearly stipulated that anti-trafficking actions should focus on the protection of victims, by ensuring that assistance to victims is "unconditional", that a victim's consent to exploitation is always deemed irrelevant and that victims are entitled to assistance regardless of their willingness to cooperate in criminal proceedings. According to the EP, victims should receive all possible help from the moment they are identified as such, including access to at least a temporary residence permit, irrespective of their willingness to cooperate in criminal proceedings, and simplified access to the labour market, including the provision of training and other forms of upskilling. Free legal aid should also be given to the victims, which "is essential to enable them to escape the situation of coercion in which they find themselves, bearing in mind that they lack financial means and would thus be unable to pay for such assistance". Unfortunately, the resolution does not specifically mention access to justice and in particular compensation for trafficked persons.

The EP also calls for massive awareness-raising campaigns targeting both potential victims of trafficking and potential buyers of services from trafficked persons. In contacts with Euro parliamentarians LSI will emphasise the importance of non-stereotyped media campaigns and the need to address not only buyers of services but also buyers of products. The Treaty of Lisbon strengthens EU action in the field of judicial and police cooperation in criminal matters, including in combating trafficking in human beings, and Parliament, as co-legislator, will have a full role to play here.

New European Commission installed

In February the new European Commission of president Barroso was approved by the European Parliament. The responsibilities in the DG on Freedom, Justice and Security, in the former setting Franco Frattini's portfolio, have now been divided and trafficking policies and measures will be the responsibility of:

[Cecilia Malmström \(Sweden\)](#) :

Commissioner Home Affairs (police, migration)

In her discussion with Parliament Mrs Malmström indicated the need for more regular migration in order to stop illegal migration, human trafficking and smuggling; the obligation to also protect irregular migrants against exploitation. She also mentioned that a comprehensive review of counter terrorism policies, their effectiveness and impact on fundamental rights, is needed.

[Viviane Reding \(Luxembourg\)](#) :

Commissioner Justice, Fundamental rights and Citizenship

In her debate she stressed that justice should not always be second to security. Furthermore, she mentioned data protection as one of her priorities.



EU Action Oriented Paper on strengthening the EU external dimension

In March 2010 the new Spanish EU Presidency organised the third National Network Meeting with the objective to contribute to the implementation of the Action Oriented Paper (AOP). The Swedish have been very active on the issue of human trafficking during their presidency the second half of 2009. The main focus was on the closer cooperation with third countries, that are often countries of origin for people trafficked into the EU. One of the products was the Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings, adopted by the Justice and Home Affairs Council, at the end of 2009. The AOP provides the guidelines for strengthening the partnership with third countries, improving coordination in the EU through regular reviews of the measures taken and developing measures for crime prevention, victim protection and combating crime. The aim is to strengthen the commitment and coordinated action of the EU and the Member States to prevent and fight trafficking in human beings for the purpose of all forms of exploitation in partnership with third countries, regions and organizations at the international level.



La Strada International, represented at both Network Meetings is pleased that the AOP is based on the recognition that in order to effectively address trafficking in human beings, an integrated, holistic and multidisciplinary approach is needed, having as its basis respect for human rights and the rule of law, including a gender and child rights perspective. Unfortunately, the recommendations on actions and cooperation with third countries are predominantly focused on repressive measures. La Strada International in particular protested against the recommendation to establish Swift Action Teams (SATs) established by Member States in cooperation with EUROPOL and FRONTEX. "A SAT should be deployed to support a specific third country, region or international organisation in the area of migration management, for example by assisting third countries in identifying victims of THB at airports before they board and providing training on the identification of victims and forged identity papers. Before a SAT starts work, care should be taken to ensure that shelter and assistance are available for any victims identified in that third country."

The Dutch Government has established SATs in Nigeria in cooperation with the Dutch Royal Airlines. SATs actually can stop people from travelling, or even remove them from a plane should they have indications that this person may get trafficked. La Strada International firmly opposes this dis-empowering method of preventing human trafficking.

Another recommendation from the AOP is the establishment of a EU Anti-Trafficking Coordinator (ATC) who should contribute to the development of a consolidated European policy against human trafficking, aiming at further strengthening the commitment of and efforts made by the European Union and the member states to prevent and combat trafficking in human beings. Although the exact position and function of the ATC is not being defined and some EU bodies are not convinced by the need of such a coordinator, the position is established within the European Commission and the funds for its functioning ensured. The next step is to determine the roles and responsibilities and to start the position application procedure.

GRETA will review ten countries in 2010

In its December meeting, GRETA (Group of Experts on Action against Trafficking in Human Beings) established its working methods. GRETA is the Expert Group that will monitor the implementation of the Council of Europe Convention on Action against Trafficking. There will be about ten evaluations each year in rounds of four years. The countries that will be reviewed in 2010 are: Moldova, Romania, Austria, Albania, Georgia, Slovakia, Bulgaria, Croatia, Denmark and Cyprus. The evaluation will be done through a [questionnaire](#) to be completed by the national governments concerned. Additionally, GRETA can conduct country visits. For 2010, the group has decided to visit all the countries that will be reviewed.

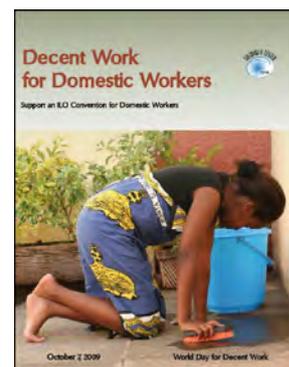


It is not clear yet how civil society will be involved. The government should share the questionnaire with NGOs and include the reactions and comments of civil society in its official answers. GRETA will most probably also invite an NGO with a national coordinating role to react to the questionnaire. Together with Amnesty International and Anti-Slavery international, La Strada International has been advocating a strong NGO involvement in the monitoring process and the three organisations will encourage civil society, in the ten countries that are being reviewed this year, to get involved actively. It is very important that NGOs have the possibility to provide GRETA directly with information about their views on how the state is implementing the Convention, especially the articles on prevention, protection and legal assistance. La Strada Moldova and La Strada Bulgaria will actively approach the experts of GRETA to provide them with grassroots information.

GRETA is now composed of 13 members, the maximum is 15 members. The Committee of the Parties has decided that the election of the two new members of GRETA should take place at the end of 2010, with their term of office beginning in early 2011. Member states that have ratified the convention by June 30, can propose national candidates for GRETA.

Decent work for domestic workers

The labour situation of domestic workers is under the attention of many intergovernmental organisations. The UN special Rapporteur on contemporary slavery will issue a report on domestic work at the Human Right Council session in June 2010. The new Special Representative of the OSCE on trafficking in human beings, Maria Grazia Giammarinaro, organises a conference on domestic work in June. The ILO has included domestic work in the 2010 International Labour Conference (ILC) and has published the [second report](#) for the discussion “Decent Work for domestic workers”. The report was made in order to facilitate discussion on domestic work at the International Labour conference 99th session in 2010.



La Strada International is very pleased with the international attention for the labour position of domestic workers worldwide, and the recognition that better protection is needed. The ILO has found that domestic work is an important occupation for millions of individuals, absorbing up to 10% of total employment in some countries. However, this work is undervalued and poorly regulated, and many domestic workers are overworked, underpaid, unprotected, and vulnerable to abuse. Domestic workers may also face physical, psychological, and sexual abuse, food deprivation, forced confinement, and trafficking into forced labour. These risks are heightened given their isolation, the imbalance of power between employer and domestic worker, lack of information or ability to seek help, and financial pressures and debts that make them afraid to lose their employment.

La Strada International strongly supports the drafting of a new Convention and Recommendation regarding decent work for domestic workers.

US State Department TIP Report 2010

Since 2001, the US Department of State publishes the annual Trafficking in Persons (TIP) report in which other countries are measured to what degree governments follow the minimum standards for the elimination of trafficking in persons. The report focuses on countries' level of compliance with the minimum standards and expresses the United States' policy not to provide non-humanitarian, non-trade-related foreign assistance to any government that does not comply with the minimum standards and is not making significant efforts to do so. For the first time, this year the Report will include a ranking for the United States. As Secretary of State Hillary Clinton stated, "I believe when you shine a bright light you need to shine it on everyone...we will rank ourselves." La Strada International welcomes this decision after years of criticising the United States for not assessing their own anti-trafficking efforts.

The US state department now calls for submission of information that can assist in the preparation of the annual Trafficking in Persons. Submissions must be made in writing to the Office to Monitor and Combat Trafficking in Persons at the Department of State by 26 March 2010, by email; for [submissions related to foreign governments](#) or for [submissions related to the United States](#).

Reform of the European Court of Human Rights

Together with 156 human rights organisations all over Europe, La Strada International [co-signed](#) a [statement](#) that calls upon the 47 states that are parties to the European Convention on Human Rights, to take into account the human rights protection when reforming the European Court of Human Rights. The European Court makes binding judgments in cases where individuals claim that their Convention rights have been violated and that the state has not granted redress. The Committee of Ministers is proposing this reform in order to relieve the Court's backlog of cases. The Court faces difficult challenges in light of its resources, as a result of the enormous number of individual applications being lodged (nearly 50,000 application forms in 2008), coupled with the backlog of cases pending before it (more than 110,000).

The signatories of the statement recognise that reform is needed but oppose proposals that would undermine the accessibility of the Court such as charging applicants' fees, or adding new, more restrictive criteria for admission. The best way to relieve the court would be ensure better implementation of the European Convention on Human Rights by states. This can be done through improving domestic remedies, or establishing effective ones where none exist; ensuring translation and dissemination of the Court's case law and the screening of legislation for compliance with the Convention; and involvement of both national parliaments and human rights institutions in this endeavour. Next to that, solutions can be found in helping potential applicants to the Court to be better informed about admissibility criteria and making the processes comprehensive and transparent.

Journey of Kumjing

The Kumjing collection is a part of the [EMPOWER foundation's project "Labour sans frontier"](#). The project started out in 2004 with the making of more than 250 papier maché dolls. The dolls represent the thousands of women that are forced to live very constrained lives along the Thai border after migrating illegally across Myanmar.

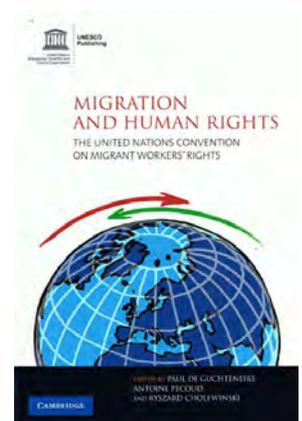
The dolls were made by migrant women at the EMPOWER centre in Maesai, a small border town of Changrai province in the north of Thailand and portray the dreams of the women to travel and be free. Whereas the live migrant women are confined to one country, the dolls have been travelling around the world where they have been raising awareness about the situation of migrant women. The project has won several prizes, among others the "Freedom to Create" Prize from London. Kumjing will be exhibited at the Ana Tzarev gallery in New York, USA from early February to late March 2010.



What's new ?

Migration and Human Rights

[Migration and Human Rights](#) a new publication by migration expert Ryszard Cholewinski, provides thorough information on the UN convention on migrant workers' rights. This convention is the most extensive international treaty in the field of migration and human rights, but in spite of this it has only been ratified by 40 countries and none of the major immigration countries have done so. The book draws on a mix of researchers and NGO's and focuses on how migrants and especially migrants' rights tend to be forgotten in the public debate.



Human Trafficking as reflected in the cinema

The newly published book: [Moving People, Moving Images: Cinema and Trafficking in the New Europe](#) by William Brown, Dina Iordanova, and Leshu Torchin is focused on the representation of human trafficking in films. Through analysis of films that deal with trafficking in one way or another the book investigates how films can be, and have been used in anti-trafficking campaigns and activism. The book attempts to show how the global anxiety against human trafficking has turned this issue into a dominant narrative of contemporary cinema.



PICUM publishes two new reports

PICUM recently published two new reports: [PICUM's Main Concerns about the Fundamental Rights of Undocumented Migrants in Europe](#) (2009), which pieces together a year of European, national and local news issues on irregular migration. The report aims to foster a better understanding of the main human rights concerns of undocumented migrants and to analyse the ways in which civil society throughout Europe is responding to these issues.



Another report presents the [findings from the European research project CLANDESTINO](#), in which PICUM was a partner from 2007 until 2009. The project, which was an initiative of the European Commission, aimed to make an inventory of the data and estimations about (the number and flows of) undocumented migrants in several EU countries. As well as to analyse this data the goal was also to conduct research to the ethical and methodological aspects of the effect of the (use of the) data. Furthermore the researchers were asked to propose new methods for the evaluation and classification of data/estimations about undocumented migrants in the European Union.

Regional report on the implementation of the UNICEF guidelines for the protection of the rights of child victims of trafficking

Six years after the implementation of the UNICEF guidelines for the protection of the rights of child victims of trafficking, a [report by Terre des Hommes](#) shows that the general level of service has improved and that the aid provided to child victims of trafficking is significantly better. The report focuses on the countries of Kosovo, Macedonia and Albania. The report however also shows that there is room for improvement in many areas and that much can be done to protect children from trafficking. NGOs in Kosovo and Macedonia, among which La Strada Macedonia, contributed to the research by providing information for the report.



In pursuit of good practice in responses to child trafficking

Based on a set of seven criteria, a new [report by Terre des Hommes](#) assesses what constitutes 'good practice' in the context of a wide array of efforts to prevent child trafficking. These efforts range from the collection of evidence about patterns of human trafficking; the provision of information and advice to children, parents and communities; the development of local level networks to protect children; activities to influence the media; activities to improve minimum standards to protect and assist child victims of trafficking, and the promotion of alliances to bring about change.



IOM report on prevention of violence against female migrant workers

The International Organisation for Migration (IOM) published "[Working to Prevent and Address Violence Against Women Migrant Workers](#)". The report states that in particular female employees without papers are vulnerable to abuse, intimidation, exploitation and threats. Women without papers are at higher risk of working under circumstances where they are confronted with detention or deportation in particular when attempting to leave their employers. The report stresses that migration can be empowering and giving to migrant women, but that at the same time these women are in need of support and protection due to their dual vulnerability of being women and migrants.



European Journal of Criminology: Special Issue on Human Trafficking

The January 2010 edition of the European Journal of Criminology deals with the issue of [Human Trafficking - Issues and Perspectives](#). The main focus of the edition is to create more awareness of the seriousness of trafficking and its consequences. The journal mentions trafficking as the third most profitable crime in the world, and seeks to address trafficking both from a social, legal, economical and political perspective. The report is built on the findings made by a team of researchers that has been examining Canadian and US practices of combating human trafficking.

(2010): Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU

The Guidelines are largely based on the TRM-SEE Guidelines. They have, however, been revised and extended to meet the needs of the countries participating in the TRM-EU project, i.e. the Czech Republic, Hungary, Italy, Portugal, in addition to Albania, Bulgaria, The Former Yugoslav Republic of Macedonia, and Romania. Indicators to be applied in the context of standard operating procedures have been included; e.g. identification, first assistance and protection, long term assistance and social inclusion, return and social inclusion, criminal and civil proceedings between countries of transit, destination and origin.



(2010): Study on Post-Trafficking Experiences in the Czech Republic, Hungary, Italy and Portugal

The aim of this study is to provide a detailed empirical understanding of how the current transnational referral framework including identification; first assistance and protection; longer-term assistance and social inclusion; criminal and civil proceedings; and return and social inclusion is understood, perceived and experienced on the one hand by trafficked persons and on the other hand by anti-trafficking actors in the Czech Republic, Hungary, Italy and Portugal.

For more information, see the [ICMPD website](http://www.icmpd.org).

What's on your mind ?

Duty to report the crime of human trafficking : will it strengthen identification or harm the confidential position of NGOs ? The Czech Experiment.

In January 2010, when the new Criminal Code came into force, a new provision for combating human trafficking in the Czech Republic was introduced. The Czech Republic ratified neither the Palermo protocol nor the Council of Europe Convention on Action against Trafficking in Human Beings. Instead it seems that Czech juristic theorists and politicians have been implementing their own innovative strategies in order to combat human trafficking. In the new Criminal Code the crimes of human trafficking and the deprivation of personal liberty have newly been included in the exhaustive list of crimes to which the duty to report or the duty to preclude a crime relates (following from the same legislation, provisions of Sections 367 and 368 - failure to preclude a crime; failure to report of a crime). In practice, a person who has reliable information about a human trafficking crime will be criminally liable if she/he does not report the crime to law enforcement authorities or refuses to preclude the crime. Moreover, the “duty to report” can concern not only service providers/NGOs, who are obliged to report any presumed trafficked persons regardless of their consent, but also trafficked persons themselves. Identification of trafficked persons is one of the key pillars of all strategies to combat human trafficking. NGOs play a crucial role in the process of identification, especially due to their independent status, their possibility to offer anonymous consultation and their possibility to keep provided information confidential. This is also the basis on which NGOs can win the confidence and trust of a trafficked person. However, since the Criminal Code has been enforced, and with regard to human rights principles (particularly the informed consent and empowerment principle), the service provider must now inform the presumed trafficked person that any information from his/her story that could indicate human trafficking, should immediately be reported to law enforcement authorities. Therefore, the new provision that aims to strengthen identification will probably have the opposite effect. NGOs/service providers can lose their unique position in the process of identification by losing the trust of potentially trafficked persons.



I also believe that the “duty to report” violates the right to a reflection period. According to the Council Directive No. 2004/81/EC of April 2004, Article 6 “...the third-country nationals concerned are granted a reflection period allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities...”[1] The right of a trafficked person to a reflection period thus also implies the right of a trafficked person not to cooperate with law enforcement authorities.

Besides the above mentioned negative effects of “duty to report” La Strada Czech Republic elaborated its statement where other negative effects are analyzed.[2]

Although the Czech Republic is critical about the low number of detected and solved crimes of human trafficking [3], the introduction of provisions which strengthen criminal justice approach cannot bring satisfactory solutions. The introduced “duty to report” rather negatively impacts the human rights of trafficked persons and puts obstacles to the access to justice rather than strengthens identification – which is the overall aim of this new provision. This example also illustrates how a well-meant idea to strengthen the identification of trafficked persons, implemented as a provision in the Criminal Code, can negatively impact human rights and generally contradicts the national Programme to Support and Protect Victims of Human Trafficking.

As the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims[4], I believe that only exclusion of the crimes of human trafficking and deprivation of personal liberty from provisions that define the duty to report or preclude such crimes is in the best interest of trafficked persons. Moreover, I believe, it actually benefits the policy to combat human trafficking as well.

Irena Konečná

Director and national coordinator of La Strada Czech Republic

What's happening where ?

- **23 and 24 April 2010** : PICUM General Assembly 2010 & Workshop: “Women, migration, marginality and violence: What is needed for empowerment?”, Madrid, Spain
- **1-4 June 2010** : GRETA 6th meeting, Strasbourg, France
- **30 June – 2 July 2010** : First Coalition meeting COMP.ACT, Prague, Czech Republic
- **30 March 2010** : International Symposium: Gender Inequalities, Brussels, Belgium
- **17-18 June 2010** : OSCE 11th Alliance against Trafficking in Persons Conference, Vienna, Austria, on trafficking in human beings for the purpose of domestic servitude
- **2-18 June 2010** : 99th Session of the International Labour Conference (ILO), Geneva, Switzerland
- **17-21 May 2010** : Regional Partner forum Danish Programme, Copenhagen, Denmark
- **26-28 May 2010** : ICMPD final seminar on Data collection information management (DCIM), Zagreb, Croatia



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