



With this quarterly newsletter, La Strada International wants to inform and update about the developments in the field of trafficking in human beings and on the activities of La Strada International and the La Strada offices. We welcome reactions to this initiative and contributions for next issues. The next deadline is 1 September 2006. So if you have news, information about your organisation, a new report or documentary, or an outspoken opinion on (inter)national developments, please contact us at info@lastradainternational.org

LA STRADA NEWS

International Office

At the La Strada International office in Amsterdam, the staff has doubled. Two office assistants started to work for La Strada International in March 2006: Jille Belisario has a background in working with and for (undocumented) domestic workers and Katrin McGauran is involved in several activist movements and also works for the civil liberties organisation Statewatch. Jill's work focuses on office management and website maintenance, Katrin is responsible for bookkeeping and developing the database of the documentation centre. With the LSI team complete, we finally have more time to dedicate on some of the tasks that LSI has set for itself, such as information-sharing, starting a digital database and the development of the new website. At the moment we are working hard to have a completely renewed, informative and up-to-date La Strada International website online by the end of the summer.

Ukraine

New politician

Katrina Levchenko, the coordinator of La Strada-Ukraine was elected as a deputy of Verkhovna Rada of Ukraine (Ukrainian Parliament) for the "Nasha Ukraina" party. In her capacity as a member of parliament, she will be focusing on gender equality, human rights, child rights, the position of NGOs and, of course, trafficking.

Every child has a right to protection

The International Women's Rights Center "La Strada- Ukraine", together with the Ukrainian Ministry on Family, Youth and Sports affairs and the Ministry of Internal Affairs (and the participation of Lilya Podkopayeva, Olympic gymnastics champion and UN Goodwill Ambassador on HIV/AIDS) held a press devoted to the International Day for children's protection, celebrated on 30 May 2006 in the Ukraine and entitled "Every child has a right to protection!"

Despite efforts of authorities, non-governmental and international organisations fighting violence against children, cruel treatment of children and sexual exploitation of children remain to be crucial social problems in the Ukraine. According to the data of the Ministry of Internal Affairs, since the beginning of 2006, thousands of legal proceedings on non-fulfilment of parental responsibilities were instituted and took to court; 1000 cases regarding parental rights annulment, 150 criminal cases on import, production, sale and circulation of pornographic items, 80 criminal cases on prostitution or compulsion to prostitution, about 1,5 thousand official warnings were issued on inadmissibility of violence in the family and 180 crimes recorded, related to trafficking in persons; among the total amount of victims were 18 minors.-

To resolve these violations, the Ukrainian Ministry on Family, Youth and Sports affairs has changed the legislation on the rights of the child and the protections of interests, particularly orphans and children who are devoid of parental custody. The Concept of the National Plan of Action on the realisation of the UN Convention on Children Rights was approved by the Ukrainian Cabinet of Ministers

Bosnia and Herzegovina

Training for officials`

In May 2006, the team of la Strada B&H has conducted two trainings for officials who work in the field of trafficking. The first training was especially developed for State Border Agency (SBA) Investigators and focussed on the tasks of SBA with regard to investigating criminal acts of smuggling of human beings across state borders. The training was evaluated as a very successful one, participants suggested to organise trainings for mixed target group including police, SBA officers, lawyers, and particularly prosecutors, in order to enable the participants to exchange their opinion and experiences and open up a discussion on possible issues of mutual interest and importance.

The second training "Investigation on trafficking in human beings without relying on the victim multi agency approach" had a multi disciplinary character. This two-week training was organised together with the Office of the State Coordinator for Anti-trafficking and OSCE and attended by representatives of Ministry of Interior, State Investigation and Protection Agency, State Border Agency, Office of the Public Prosecutor and NGOs. The training was designed and carried out as a simulation of a trafficking case in which all participants had to contribute in order to solve the case successfully.

Bulgaria

New Centre

"Animus Association"/La Strada Bulgaria has reconstructed the building of the new Rehabilitation Centre for Women, Adolescents and Children Survivors of Violence and purchased new premises for the Crisis Centre with financial support of the German Ministry of Economic Cooperation and Development, GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit) and the Tulip Foundation Netherlands. The new Centre is beautiful, spacious and comfortable and ensures better conditions for the functioning of the 24-hour programme. The Rehabilitation Centre, with its new premises and well developed programmes, helped us realise that we are a stable organisation and well-established in the community.



Code of conduct for prevention of sexual exploitation of children in tourism

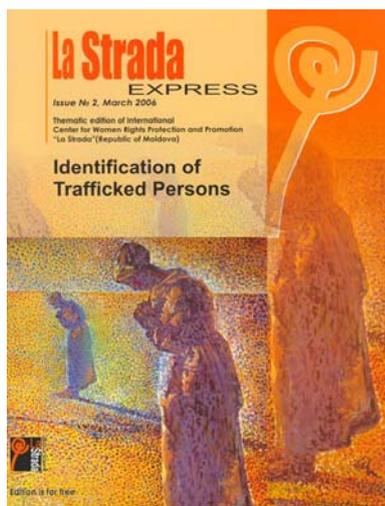
Last year La Strada Bulgaria has implemented a project aimed at introducing a new approach in the fight against trafficking in children in Bulgaria through involving the tourism industry. One of the main tasks of the project is the adoption and application of a Code of Conduct for the prevention of sexual exploitation of children in tourism. The project is a joint initiative with the Organisation of Security and Co operation in Europe the State Agency for Child Protection and the Austrian NGO 'respect' - "Institute for integrative tourism and development".

The code of conduct that has been prepared is based on the original "Code of Conduct for protection of children from sexual exploitation in travel and tourism" of the international organisation ECPAT, supported by UNICEF and the World Tourism Organisation. At a Round Table, the Code was signed by representatives of the tourism industry in Bulgaria, who expressed their willingness to apply measures for prevention of trafficking and sexual exploitation in their professional practice. Companies and organisations that adopt the Code of Conduct oblige themselves to establish a corporate ethical policy against the commercial sexual exploitation of children, train the staff of the providers of tourist services in the country and abroad and provide information to travellers through catalogues, brochures, in-flight films, internet pages, etc.

In 2005, trainings for representatives of the tourism industry in Bulgaria were organised, the "Manual for professionals working in the field of tourism" has been developed and distributed and printed information materials, posters and brochures in four languages (Bulgarian, English, Russian and French) have been produced and distributed to improve the awareness of Bulgarian and foreign tourists about the problem of sexual exploitation of children in tourism. A permanent monitoring committee on the application of the Code of Conduct will meet twice a year to observe the implementation of the Code and create a mechanism for the monitoring of its application in Bulgaria.

Moldova

La Strada Express on the identification of trafficked persons



The second issue of the La Strada Moldova newsletter is dedicated to the problem of identification of trafficked persons. The content is based on the outcomes of the recently conducted research by La Strada Moldova that shows a series of important gaps:

- lack of a clear concept which would define the objectives and operational regime of identification, persons/organizations responsible and their tasks, criteria and indicators for the identification of a trafficked person;
- lack of a system of indicators for the identification of a trafficked person;
- no recommendations for the identification of a trafficked person for countries of origin;
- lack of recommendations for the identification of a trafficked person targeted at NGOs.

La Strada Moldova suggests a new system approach to the problem of identification of trafficked persons that divides all indicators that can be used to identify a trafficked person into *direct* indicators and *indirect* indicators. Direct indicators correspond to elements of the definition of

trafficking in human beings (criminal actions, means and purposes of exploitation). Indirect indicators are based on practical data and social researches of real cases of trafficking (overall average social and psychological profile of a trafficked person, place and environment which surrounded the presumed victim). A PDF copy of this issue of La Strada Express can be downloaded from [the La Strada Moldova website](#), a hard copy can be ordered at the [La Strada Moldova office](#).

What's going on ?

USAID pledge unconstitutional according to judges

In the first issue of the La Strada newsletter (November 2005), we mentioned the lawsuit of the Open Society Institute against USAID, the US fund granting money for AIDS programmes and anti trafficking projects and initiatives. Any NGO applying for or receiving US federal anti-trafficking funds must sign a statement in the grant application or grant agreement that it "does not promote, support, or advocate the legalization or practice of prostitution." The primary grantee NGO must ensure that all sub-grantees are also in compliance with this policy. The Open Society Institute and the Alliance for Open Societies International (AOSI), together with other NGOs, have filed a lawsuit against USAID, arguing that the pledge requirement is unconstitutional under well-established Supreme Court case law, because it requires private organisations to adopt the government's point of view in order to receive funding. Both organisations fear the funding requirement will have negative effects on the work of AOSI in Russia and Central Asia in the fight against AIDS.

End of May this year, Federal judges in New York and the District of Columbia have [declared this rule unconstitutional](#). In the New York case, one of the plaintiffs challenging the prostitution pledge, Alliance for Open Society International, told the court it was constrained from fully participating in an AIDS conference that included a discussion on a proper legal regime for prostitution. The plaintiff in the second case, DKT International, a non-profit family planning and AIDS prevention group that works in 11 countries, saw one of its federal grants cancelled after it declined to sign the pledge. It said it refused to sign because it was concerned about stigmatising and alienating sex workers whom the program was trying to reach. The judges in both cases found that extending the requirement to privately raised money went too far, violating the First Amendment. This means that, according to the judges, the pledge can no longer be imposed on US-based organisations.

Although it remains to be seen whether the government will now stop trying to impose the pledge on other groups, for example NGOs in Central and Eastern Europe, several anti- trafficking organisations, including some La Strada members, have been put in a very difficult position due to the prostitution pledge.

Undocumented migrants in US can receive personal injury compensation

New York's high court [ruled](#) on 21 February that undocumented migrants are eligible to recover lost wages that result from workplace injuries. At issue was whether under state and federal immigration law undocumented workers should be afforded the same labour rights as legal workers.

The Court of Appeals concluded that undocumented migrants can receive personal injury compensation, providing it did not impede the enforcement of immigration laws, the court said. New York's high court is among the first to consider the issue; the case has been closely followed around the U.S. It took on a higher profile in New York when Attorney General Eliot Spitzer joined as an intervener on behalf of the plaintiffs. The ruling is based on two cases of undocumented workers, a Mexican and a Pole, who alleged they were injured while working on construction sites and sued for lost wages. The Mexican plaintiff, Gorgonio Balbuena, fell when pushing a wheelbarrow up a ramp in 2000. Having sustained severe head trauma that will prevent him from working the rest of his life, he sued his employer for lost wages. The court ruled that he may be compensated with lost future American wages.

Special Representative OSCE mandate not renewed



The organisation on Security and Co-operation in Europe (OSCE) has not prolonged the mandate of the special representative on combating trafficking in Human Beings, Helga Konrad, despite the lobby from a group of NGO's including la Strada International, Anti Slavery, Terre de Hommes and others and several governments for the renewal of her mandate.

Mrs Konrad is highly respected in the broad field of anti-trafficking organisations, whether governmental, intergovernmental or non governmental.

Her engagement to push for political will and commitment at the highest levels and her strong dedication to the human rights of trafficked persons has benefited the anti trafficking activities both the national and European levels. In her position as special representative, Mrs Konrad succeeded in bringing all the different 'players' in the international anti-trafficking field together in the Alliance Expert Coordination Team, which comprised UN organisations, ILO and IOM, the EU Expert Group and several NGOs.

La Strada International regrets the decision of the OSCE and will miss Mrs Konrad important input in the international anti- trafficking debate in her capacity of special representative. However, fortunate enough La Strada will retain Mrs Konrad's expertise in her capacity as a member of the La Strada International Advisory board. In her function as an advisory board member, she contributed to the last issue of this newsletter with the column 'A strong legal position for trafficked persons'.

EU anti trafficking day?

In the European Parliament resolution on trafficking, a proposal was launched to institute an annual EU-wide anti-trafficking day with an international anti-trafficking logo. The aim of this initiative is to raise general awareness of the phenomenon of trafficking in women and children and to increase public sensitivity and the visibility of the issue by addressing the public with one coherent message. Commissioner Frattini has indicated that the Commission will examine practical options for such an annual EU Anti Trafficking Day on 25th March. This should be prepared in close cooperation with the EU Council Presidency and the Member States as well as with civil society representatives, since such an initiative should be supported by the widest possible range of actors.

Evaluation EU Framework decision

In 2002, the Council Framework Decision on combating trafficking in human beings was adopted. EU Member States were obliged to take the necessary measures to comply with the provisions of the Framework Decision by 1 August 2004 and inform the Commission on the actions taken. On the basis of this information, and a written report by the Commission, the Council should, by 1 August 2005, have assessed the extent to which Member States have taken the necessary measures to comply with the Framework Decision. Although several Member States reported much later or did not provide the Council with all the requested information, the first evaluation report of the Framework Decision was presented in February 2006.

As a result of the Council Framework Decision, most Member States now have specific criminal law provisions incriminating trafficking in human beings for the purpose of sexual and labour exploitation, and providing for effective proportionate and dissuasive penalties. Moreover, particularly severe penalties are foreseen for offences committed in aggravating circumstances. However, the levels of penalties in the Member States vary considerably and the Commission may have to examine the possibility of further harmonisation in that regard. In general, there was no need for Member States to amend their domestic legislation in order to comply with Article 6 of the Council Framework Decision, as pre-existing measures were already in place. Generally speaking, Member States comply with Article 7 of the Framework Decision; however, protection and assistance regimes may be subject to further examination as the Commission received only limited information concerning the implementation of Article 7.

As regards particularly vulnerable victims, the Commission again only received limited information, and thus cannot provide an exhaustive evaluation in this respect. In accordance with the Action Plan adopted by the Council on 1-2 December 2005, the Commission will further develop legislation in respect of vulnerable victims involved in criminal proceedings.. Furthermore, the Commission may have to gather information reflecting the views of victim support authorities or organisations in order to fully, and as objectively as possible, assess the impact of the Framework Decision on the practice of victim support and assistance.

You can download the report [here](#).

Lawyers and human rights workers agree on a plan of action on access to justice

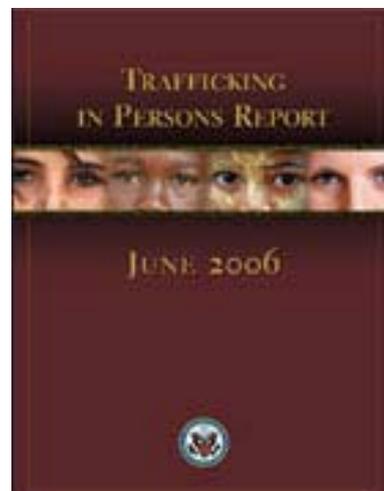
Senior human rights lawyers, victim-protection NGOs, police, prosecutors and survivors of human trafficking from ten countries (Thailand, Cambodia, India, Spain, Ukraine, Russia, Nigeria, Brazil, Mexico and the United States) gathered for a three-day meeting in Bangkok, organised by the Global Alliance Against Traffic in Women (GAATW). This is the first time that this wide spectrum of actors working on access to justice for survivors of trafficking has been gathered together to share their concrete experiences in bringing cases to the courts, identifying successes and good practices that can be replicated elsewhere and proposing common strategies to overcome challenges. On the final day of the Consultation, participants agreed on a Global Plan of Action, which clearly outlines a practical roadmap for priority action to increase cross-border cooperation between lawyers and NGOs on trafficking cases. The concrete activities decided include: establishing a database of legal organisations in all countries which handle trafficking cases, sharing best practices and the strategies and results of groundbreaking cases, and collaborating on the investigation of cases and the protection of victims in countries of destination and origin. The Plan will receive technical support from the International Secretariat of GAATW, which will also continue to take up the right of access to justice at the international level.

For more information please contact the [secretariat of GAATW](#)

What's new ?

TIP report

The United States [Office to Monitor and Combat Trafficking in Persons](#) (G/TIP), headed by Ambassador John R. Miller, publishes a report every year on the efforts of over 150 governments to combat severe forms of trafficking in persons. Its findings will raise global awareness and spur countries to take effective actions to counter trafficking in persons. The annual [Trafficking in Persons Report](#) serves as the primary diplomatic tool through which the U.S. Government encourages partnership and increased determination in the fight against forced labour, sexual exploitation, and modern-day slavery. The tool the US government uses is a tier ranking. Those countries who, according to the US government, have not proven to have put enough effort in the fight against trafficking, can be put into tier three. A low rank could influence economic and financial relations with the US. The TIP reports are often criticised by NGOs but also by national governments, partly because they do not agree with the research methods or the analyses, but particularly because of the conflation of anti-trafficking measures with political, economic and financial pressure.



UNDCP: Global patterns

The United Nations Office on Drugs and Crime has published a report on the global patterns of trafficking. Accurate statistics are difficult to come by due to the hidden nature of the crime, but also due to the lack of systematic reporting by authorities. Information is available on certain countries, but worldwide comparative analysis – the kind of assessment the United Nations excels in -- has so far not been possible. This Report was designed to accomplish several things, all relevant in the general effort to overcome the information gap. First, to compile and make sense of existing disparate sources, so as to highlight trends concerning countries of origin, transit and destination. Second, to lay down a challenge to UN Member States to improve the quality of their reporting. Third, to make readers painfully aware that we are all affected by the human trafficking tragedy. The Report also includes recommendations, based on the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, and focussed on three areas: .

- A main challenge is to reduce demand, whether for cheap goods manufactured in sweatshops, or for under-priced commodities produced by bonded people in farms and mines, or for services provided by sex slaves. Prevention should involve information campaigns to reduce the vulnerability of people to trafficking. If people are aware of the dangers of human trafficking, the chances of avoiding its consequences should be improved.

- Another big challenge is to target the criminals who profit from the vulnerability of people trying to escape from poverty, unemployment, hunger and oppression. Traffickers are evil brokers of oppressed people whom they deliver into the hands of exploiters. They capitalize on weak law enforcement and poor international cooperation.

- Member States need to protect the trafficking victims, taking particular care to address the special needs of women and children. Such assistance is often lacking. Even worse, rescued victims are often re-trafficked because legislators and enforcement officials, despite their best intentions, sometimes produce and have to implement flawed laws that can put these same victims back into the clutches of their exploiters.

The report 'Trafficking in Persons: Global Patterns' can be found at the [UNODC website](#).

ICMPD: Practical tools for combating trafficking in human beings

The anti-trafficking programme of the International Centre of Migration Policy Development (ICMPD) aims at supporting countries at the national and regional level by providing comprehensive anti-trafficking responses in accordance with international and European standards and good practices. ICMPD currently develops anti-trafficking guidelines and training manuals providing practical tools for different professional groups to combat trafficking in human beings, which will be available in June/July 2006.

1. "Good Practice Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response", developed in consultation with 10 SEE countries/territories and international organisations engaged in anti-trafficking activities in SEE. It contains a comprehensive guide on the entire sets of measures to be taken by a government in order to counter human trafficking, including prevention, support and protection of victims and witnesses, investigation and prosecution of the perpetrators, and, most importantly, the supporting framework that is needed to implement an anti-trafficking response.

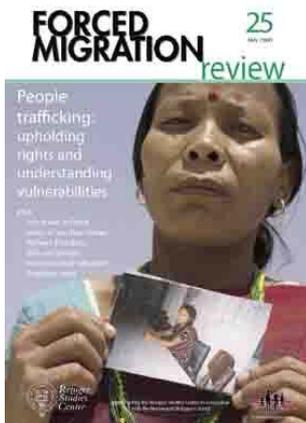
2. Anti-trafficking training for judges and prosecutors: A new standard for judicial training (handbook, curriculum and background reader) has been developed. The training material, based on EU and international standards is currently being finalised.

3. Anti-Trafficking Training for Frontline Law Enforcement Officers: A European standard module for awareness training of frontline police, border guards and customs officials in EU member, accession and candidate countries has been developed on the basis of the relevant international and EU standards.

4. Law Enforcement Manual for Combating Trafficking in Human Beings: The final seminar of the project "Strengthening law enforcement capacities for fighting human trafficking in South-Eastern Europe" took place in Bucharest, Romania on 4 - 6 May 2006. In the course of this regional seminar the participants had the opportunity to exchange experiences and knowledge about the pilot trainings carried out in all participating countries as well as discuss the development of comprehensive national training plans.

For more information on the anti-trafficking activities or a copy of the publications, please contact [ICMPD](#)

Forced Migration review on trafficking



Forced Migration Review provides a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and internally displaced people, and those who work with them. It is published in English, Spanish, Arabic and French by the Refugee Studies Centre of University of Oxford.

[The latest issue](#) is focussing on trafficking. Bandana Pattanaik, the coordinator of the Global Alliance Against Trafficking been actively involved in the realisation of this issue, which resulted in a wide range of articles by people with different viewpoints but all with a lot of knowledge on trafficking.

This cooperation is an other example of the growing relations between the anti-trafficking movement and organisations on migration and undocumented migrants.

What's happening where ?

The World Social Forum on Migration- will take place in **Madrid from 22 till 24 June 2006**. The Global Alliance Against Trafficking in Women (GAATW) will do a presentation on the migration-trafficking nexus on Friday 23 June from 11.30 till 14.00. For more information check the [WSFM website](#).

The CAT project on "trafficking in human beings new challenges, new partnerships" of the **The Churches Commission for Migrants in Europe (CCME)** organises the workshop "New partnerships" in **Prague from 25th to 28th June 2006**. The workshop focuses on trafficking and labour exploitation.

The European Commission - will hold an Expert Conference on Implementation of the EU Action Plan on Trafficking in Human Beings in **Brussels 28-29 June 2006**.

The International Labour Organisation - Conference "Action against trafficking and forced labour exploitation of migrant workers in Europe" will take place in **Lisbon, Portugal, 29-30 June 2006**. The purpose of this conference is to share information and good practice among European source, transit and destination countries where trafficking for forced labour may occur in a wide range of economic sectors, such as construction, agriculture or domestic service.

La Strada International - 26 and 27th of September 2006, La Strada will organise the second **NGO platform meeting** to be held in Kyiv, Ukraine. For this event La Strada will invite about 20 European anti-trafficking NGO representatives, next to our advisory council members, representatives of Ukrainian NGOs and several special guests.

What's on your mind ?

In the La Strada newsletter we want to share our thoughts on specific issues/topics with you. We therefore invite you to react on our opinions. The reactions will be discussed in the coming newsletter. We also welcome your opinions on specific issues.



***Bärbel Heide Uhl** was Co-founder of the La Strada NGO network and Director of La Strada Czech Republic. Currently she works as an EU twinning expert in Turkey on strengthening the institution to fight trafficking in Turkey. Bärbel is a member of the EU expert group on trafficking and a member of the La Strada International Advisory Board.*

Rehabilitation programmes instead of remuneration in cash?

The present media and political attention on the world cup in Germany, including the predicted rise in trafficking in human beings for the purpose of sexual exploitation provides excellent examples of traditional anti-trafficking responses: German-wide hotlines are being established, awareness raising campaigns are being conducted and the EU Commissioner for Justice and Home Affairs calls upon the Member States "to introduce and re-introduce temporary visas for all third countries - even those not requiring visas so far - but which are possible origin countries for trafficked women and children".

As a result, people are being restricted in their travel, victims of trafficking can ask for assistance on the phone and clients of sex workers are being educated on involuntary and forced services. These programmatic approaches, however, do not necessarily reflect the core element of any anti-trafficking policy: to respect the trafficked person as a holder of rights. These rights include, among others, access to justice and to private actions and reparations.

Interestingly enough, despite clear international provisions on remuneration for forced labour (including the ILO Conventions), the restitution for exploitative services and labour of trafficked persons is very much neglected in current anti-trafficking policies.

While during the last century the political and legal response to slavery and forced labour shifted from labour law instruments to criminal law and anti-trafficking policies, property rights and claims of the aggrieved persons disappeared.

Today, if a human being suffers abuses and exploitation during a migratory process, he or she will not be remunerated for the exploitative work and services. While the economic dimension of the crime certified in law is recognised, the law does not provide for economic remuneration and other remedies to be available to victims.

The shifting claim in current anti-trafficking policies from “remuneration in cash” as defined in the 1931 ILO Convention to “rehabilitation programmes” as an adequate State response to assist trafficked persons is a paradox, because the definition of trafficking did not change accordingly: The first international legally binding definition of trafficking in human beings as set forth in the Palermo Protocol of December 2000 constitutes the crime by specifying certain elements of recruitment and transport *for the purpose of exploitation*. Not – as the remedies of rehabilitation would make believe – for the purpose of abuse, torture, rape or related crimes that are not motivated by economic interests. Therefore, the economic dimension of trafficking as defined by international law follows the logic of profit on the perpetrator side but does not apply the same logic on the State’s obligation vis-à-vis trafficking victims. The crime of trafficking implies unjust acquisition and therefore merits reparation according to the principle of restitution for the victims.

The economic principle underlining the crime of trafficking can also be highlighted in the growing international debate on anti-trafficking policies under the scheme of “supply and demand”. While the question of demand for, and supply of, trafficked persons is borrowed from economic discourses, applied to human trafficking, it paradoxically does not articulate economic claims for trafficked persons, but rather aims at further broadening criminal law: the “demand-rhetorics” mainly aims at criminalising the clients of sex workers.

Moreover, one might take into consideration that the “supply and demand” language could be understood as a confirmation of the cynical crime scheme of buying and selling persons as a legitimate process.

Critical views from human rights activists on state responses to trafficking claim that rehabilitation programmes are imbalanced towards the over-reliance of the body’s politics in relation to broader justice claims. They would include, accessorially, an access to justice in domestic legal systems. Yet, anti-trafficking protection programmes focus on returning people to their countries of origin rather than providing them with a stable residence status in the country of destination.

Support and rehabilitation programmes for trafficked persons today aim at empowering and protection of victims in its rhetoric. Remedies are not sought, however, in strategies to transform a trafficked person into a valid claimant for compensation and remuneration. Rather, they produce a stereotype of a victim that has to be qualified during a process of interviewing and screening by multiple actors, to be eligible for rehabilitation and return programmes. This process was cynically called by a Western European NGO activist a “deportation with a smile”.

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