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With this quarterly newsletter, La Strada International wishes to inform and update you on developments in the field of trafficking in human beings and the activities of La Strada International and the La Strada member organisations. We welcome your feedback and input. Please [mail us](mailto:mail@lastrada.nl) by 1 September 2011 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 !

### 'New' LSI member in Belarus

As of 1 January 2011 the General Assembly of LSI has accepted the International Public Association "Gender Perspectives" as new member of La Strada International, replacing the Young Women's Christian Association YWCA in the implementation of the La Strada Programme in Belarus. Gender Perspectives, established and managed by the former La Strada Belarus team, now carries out all La Strada activities independently. The membership of YWCA Belarus to the International La Strada Association was terminated on 31 December 2010.

On 19 May 2011, Irina Alkhovka, one of the founders of Gender Perspectives succeeded Jasmina Dimishkovska-Rajkovska as the Secretary in the board of the International La Strada Association.



### Side event on Compensation at the UN Human Rights Council

As part of the international COMP.ACT campaign, La Strada International and Anti-Slavery International, with the support of the OSCE/ODIHR and the permanent mission of Germany and the Philippines to the UN, organised a side event to the 17<sup>th</sup> Session of the UN Human Rights Council. The side event, "Compensation for Trafficked Persons: Making effective remedy a reality for the victims", brought together high-level panellists to share their expertise on the issue of compensation for trafficked persons. The UN High

Commissioner for Human Rights, Ms Navi Pillay, called for greater access to compensation for trafficked persons. Calls for increased attention to access to justice and compensation were also raised by Joy Ngozi Ezeilo, the UN Special Rapporteur on trafficking in persons, the President of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) and the OSCE/ODIHR Senior Advisor on Anti-Trafficking Issues as well as by the German and Philippines Ambassadors to the UN.

## 2<sup>nd</sup> Coalition Meeting COMP.ACT

From 15 to 17 June 2011, the second COMP.ACT Coalition Meeting took place in Berlin, Germany. This was the second time the coalition of the 14 European NGOs and supporting international organisations came together. In addition, representatives from organisations from Serbia, The Netherlands and Turkey, who are not official project partners, also attended the meeting.



The Coalition Meeting focused specifically on the process of claiming compensation for trafficked persons, both from the perspective of lawyers in terms of the legal procedure and from the perspective of the service providers in assisting their clients during the compensation claim.

The meeting was guided by two experienced lawyers; one from The Netherlands and one from the London office of Hogan Lovells. Both lawyers provided information and presented practical ways to claim compensation. In working groups, the participants identified obstacles and possible solutions from their own experiences regarding each step of the compensation claim. Scenarios included determining the means of securing compensation in a way that is most suited for your client, establishing the damages and obtaining proof of illicit activity, possibilities for freezing/confiscation of assets of the trafficker, presenting the claim and identifying ways to collect the actual awarded compensation from the trafficker.

Throughout the meeting, project partners updated each other on the main activities, experiences and developments on compensation for trafficked persons within their respective countries. These discussions and identified promising (best) practice and shared hands-on experience play a key role in advancing efforts toward compensation claims.

## ENPATES



LSI has joined a two-year European project called ENPATES, aimed at enhancing cooperation between NGOs working in the field of anti-trafficking. ENPATES stands for the European NGOs Platform against Trafficking, Exploitation and Slavery, and is supported by the European Commission. The partners of ENPATES are NGOs from within and outside of the European Union, committed to the protection of the rights of trafficked and exploited persons, the prevention of all forms of human trafficking and tackling its root causes. Current and future activities of the ENPATES Platform include: NGO information exchange, facilitation and improvement

of referral, facilitation of networking between NGOs, collection and dissemination of analyses, knowledge and information about trafficking in human beings, exploitation and slavery in Europe.

The first ENPATES Consultative Meeting took place in Rome, Italy, on 5-7 April 2011. During this meeting, the specific needs of the participating organisations for European cooperation were identified, as well as joint activities, information collection and dissemination, networking and communication tools required to assist the NGOs in their daily work.

## La Strada Czech Republic strengthens cooperation with trade unions

As part of the project "Far from home ... I am in need" supported by the Open Society Fund in Prague, La Strada Czech Republic organised a seminar for Czech trade unions in cooperation with the project partners the Counselling Centre for Citizenship, Civil and Human Rights and the Czech-Moravian Confederation of Trade Unions. Participants discussed the approach of the labour unions to labour migration, migrant workers' rights and possibilities for protection, and the issue of forced labour and associated exploitation. Examples where migrant workers had organised using trade unions in other countries were presented alongside the experiences of migrant workers in the Czech Republic. Attention was also directed toward the possibilities for migrant workers to become trade

union members. By strengthening its cooperation with trade unions, La Strada Czech Republic aims to encourage Czech trade unions to involve the issue of migrant workers' rights into their agenda.

### La Strada actions on human trafficking for forced labour

On 26 and 27 May, **La Strada Ukraine** organised an international workshop "Experience and Perspectives of Combating Trafficking for Labour Exploitation in Ukraine, Moldova and Belarus", in the framework of the Danish programme against trafficking in persons (Danatip). During the workshop different topics were explored by the participants, with a focus on the encouragement of cooperation among labour inspectors, law enforcement agencies and trade unions on addressing labour exploitation, as well as the practices of monitoring and protecting workers' rights and children in the workforce. Participants in the workshop had an opportunity to share their own experience in the identification of cases of labour trafficking. Also international experiences and perspectives of identification of cases of labour trafficking in destination countries by labour inspectors, law enforcement agencies, trade unions, non-governmental and international organisations were presented.

A three-year project on forced labour was launched by **La Strada Czech Republic** supported by the European Commission and the Open Society Institute Foundation. The specific objective of the project is to identify what trafficking for forced labour and other forms of exploitation means in the context of juridical practice in the Czech Republic; using comparisons to the existing final judgments of this crime in other EU countries. On 3 and 4 May an International Experts' meeting was held in Prague as part of the project. Experts from various countries discussed the different forms of exploitation using a selection of final judgement documents from several European countries. The conclusions will be analysed and will be part of a comparative research study in order to serve lawyers, prosecutors, judges and law enforcement in EU countries.

## What's going on ?

### Preventing trafficking in human beings for forced labour: decent work and social justice

At the [11<sup>th</sup> High-level OSCE Alliance against Trafficking in Persons conference](#) on 20 and 21 June in Vienna the focus was on how decent work and social justice could prevent trafficking in human beings for labour exploitation. The OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings, Maria Grazia Giammarinaro, emphasised that trafficking for labour exploitation is best prevented by



building a fair and democratic society that respects human rights and workers' rights and bans all forms of exploitation- including the exploitation of migrant workers. In addition to the regular partners in the anti-trafficking field, this year's conference also welcomed trade unions, employers and the (undocumented) migrant rights organisation, who were given the opportunity to deliver presentations.

Marieke van Doorninck, the Advisor for Public Affairs at La Strada International, provided the [keynote speech](#) in which she remarked that the focus on decent work and social justice and the inclusion of new partners in the anti-trafficking debate could mark a paradigm shift. In order to stop trafficking in human beings, the criminal justice framework is no longer paramount; instead it should work in conjunction with the labour and human rights frameworks. In this pursuit, the protection of those vulnerable to exploitation is not secondary but the core issue. All parties at the conference recognised that strengthening the position of all workers is vital to prevent exploitation, violence and abuse and thus trafficking, which is an important step towards the human rights based approach.

Various partners of La Strada International were present at the conference. The Austrian NGO, Lefö took the opportunity to present the COMP.ACT project, and Anti-Slavery International (UK) presented a common study with the International Trade Union Confederation (ITUC) titled 'Never Work Alone'- a project that details cooperation with trade unions in fighting exploitation and forced labour. Representative of PICUM stressed the importance of the protection of undocumented workers.

### The tree workers case in the Czech Republic



In 2009 and 2010 several companies under one management employed hundreds of workers in tree planting and associated forestry work in the Czech Republic. The workers originated from a range of countries, including Vietnam, Slovakia, Ukraine, Mongolia, Romania and Bulgaria. They were required to perform heavy manual labour in forestry but never received any pay. The suspects exploited the financial vulnerability of the Vietnamese group, caused by the huge debts accrued for their relocation costs from Vietnam to the Czech Republic. The suspects also abused the language barrier faced by the differing

nationalities; capitalising on their inability to communicate or share information with each other. .

The migrants performed their jobs for a few weeks and even months, working 10-12 hours per day, six or seven days a week. Threats of physical violence were used to ensure compliance by the migrants.. La Strada estimates around 1500 – 2000 people are victims of the crime of trafficking in human beings according to section 168 of the Czech Penal Code.

In 2010, thanks to the financial support of OSCE/ODIHR, and the support of attorneys at law Mr. Jira and Ms. Mikova, La Strada Czech Republic launched the call appeal for the exploited workers and commenced legal representation of them. To date, approximately 100 powers of attorney have been collected from the victims and 60 criminal complaints filed. Although the first criminal complaint was filed in July 2010, criminal prosecution of the suspects has not yet been initiated. The local police department of economic crime is now in charge of this case – which is still in the preliminary phases, despite that there are strong indicators that the crime has been highly organised, transnational and is of huge scope. Such factors normally indicate that it should be the responsibility of the specialised Organised Crime Unit of the police. One of the key problems identified during investigations was the misinterpretation of the definition of trafficking in human beings by Czech police and by Czech state prosecutors. The reaction of the spokesperson of the Organised Crime Unit of the Czech Police Mr. Hantak is self-explanatory: *“They were not forced to perform this work by means of use of physical violence, there wasn’t anyone holding the whip above them and then locking them in a 2 square meter room giving them just old dry bread and water”*. Because cases of labour exploitation are not identified and investigated as a crime of trafficking in human beings, there has been not a single conviction for trafficking for labour exploitation in the Czech Republic.

### Decent work for Domestic workers



On 16 June 2011, the International Labour Organisation (ILO) adopted the [Convention on Decent Work for Domestic Workers](#), which establishes the first global standards for the estimated 50 to 100 million domestic workers worldwide; the vast majority of whom are women and girls.

ILO members spent three years developing the Convention to address the routine exclusion of domestic workers from labour protections guaranteed to other workers, such as weekly days off, limits to hours of work, and a minimum wage. Domestic workers

are vulnerable to labour exploitation and a wide range of human rights abuses , including excessive working hours without rest, non-payment of wages, forced confinement, physical and sexual abuse, forced labour, and trafficking. Migrants constitute an increasingly large proportion of domestic workers, and they are often at increased risk of exploitation due to national policies that link workers' immigration status to individual employers as well as excessive recruitment fees, language barriers, and employers' confiscation of passports.

[Key elements](#) of the Convention require governments to provide domestic workers with labour protections equivalent to those of the mainstream workforce, including for working hours, minimum wage coverage, overtime compensation and daily and weekly rest periods. The new standards also oblige governments to protect domestic workers from violence and abuse, and to ensure effective monitoring and enforcement. The Convention requires governments to set a minimum age for domestic work and to ensure that work by child domestic workers above that age does not interfere with their education. An accompanying recommendation urges governments to limit strictly the working hours of child domestic workers and to prohibit domestic work that would harm their health, safety, or morals.

The new Convention contains detailed requirements for governments to regulate private employment agencies, investigate complaints, and prohibit the practice of deducting domestic workers' salaries to pay recruitment fees. It also stipulates that migrant domestic workers must receive a written contract that is enforceable in the country of employment and promotes international cooperation of governments on matters pertaining to employee rights and protections.

### Ten Years of PICUM's work defending the Human Rights of Undocumented Migrants



On 24 and 25 June, the Platform for International Cooperation on Undocumented Migrants (PICUM) organised a workshop entitled "Advocating for the Human Rights of Undocumented Migrants: Strategies, Successes and Opportunities", to celebrate its [10<sup>th</sup> anniversary](#) timed to correlate with its General Assembly meeting.

Founded in 2001 as an initiative of grassroots organisations to mobilise civil society support for undocumented migrants at the European level, PICUM promotes recognition of their fundamental rights within the development of European and member states' policies on migration management and social issues. PICUM now unites more than 110 member organisations, including La Strada International, active in preventing discrimination, exploitation and violence against undocumented migrants in 29 countries. As regularly reported in PICUM's newsletters, the human rights of undocumented migrants are severely violated all over Europe. Irregular migrants are exempt from access to health care, education, labour protection and suitable housing in Europe. Attempts to include the rights of undocumented migrant women in European conventions and legalisation have often failed over the last years.

Over this two-day event, PICUM members, including representatives from La Strada International and La Strada Czech Republic, gathered to exchange information and experiences on advocacy strategies in the areas of access to healthcare for undocumented migrants, empowerment of undocumented women, social exclusion of undocumented families with children and fair working conditions. Guest speakers and member representatives highlighted the difficult circumstances that undocumented migrants are confronted with, and discussed hurdles they faced in attempts to improve legislation, protection and support.

The member organisations present advised PICUM to continue to lobby for regularisation of irregular migrants, but also recommended that PICUM continues a strong common lobby to ensure that all migrant workers, both documented and undocumented, should have access to the same (fair) labour conditions and rights, as legal citizens do. It was considered that the issue of regularisation and fair working conditions should not automatically be linked, as legalisation might be more difficult to reach for a bigger group of persons and does not always offer migrants the protection and support that they might need.

### EU proposals for better protection for victims of crime

On 18 May, the European Commission launched the '[victims package](#)' – a collection of proposals for better protection of the rights of victims in the European Union. Whatever the crime – mugging, robbery, home break-in, assault, rape, harassment, hate crime, terrorist attack or human trafficking – all victims share the same basic needs: to be recognised and treated with respect and dignity, to receive protection and support for their physical integrity and their property, and have access to justice and compensation. The proposals reinforce existing national measures with EU-wide minimum

standards, so that any victim can rely on the same basic level of rights regardless of their nationality and the location of the crime (within the EU). The proposed [Directive on minimum standards for victims](#) will ensure that in all 27 EU countries victims of crime are treated with respect (police, prosecutors and judges are to be trained in how to respectfully treat victims), have access to information on their rights and their case in a way they understand, can participate in proceedings if they wish and are assisted with securing protection during the investigation of the crime and court proceedings. To protect victims of violence from further harm by their attacker, the Commission is also proposing a [Regulation on mutual recognition of civil law protection measures](#). This regulation grants region-wide protection by ensuring that restraint or protection orders against the perpetrator are enforceable regardless of state borders, allowing for protection of the victim when in other EU states.

In the victims package there is no proposal for the revision of the 2004 Directive on Compensation for victims of crimes. The Commission has decided to first launch a research study on the implementation and impact of the current directive to ensure that a revised directive addresses topics that are lacking or that have caused bottlenecks in granting victims their rights. COMP.ACT research findings regarding national policies for compensation for trafficked persons show, that in many countries the special compensation funds are very limited as they exclude several groups and the actual claimable level of monetary compensation is insufficient. .

### Joint lobby for improvement of the proposed Directive on seasonal work



The European Commission presented on 14 July 2010, a [proposal for a Directive](#) on the conditions of entry and residence of third-country nationals for the purpose of seasonal employment, the so-called “seasonal migrant workers’ directive”.

A coalition of NGOs comprised of Ciré, 11.11.11, PICUM, ENAR, FEANTSA, Via Campesina, La Strada International, EUNOMAD, SOLIDAR and AEDH adopted a [joint statement](#) in which they expressed concern over the exclusion of certain categories of workers (including seasonal workers), from the scope of the framework directive on third country workers (the so-called “single permit directive”), which has resulted in differential treatment between workers. Considering that the scope of the single permit directive will not be extended, efforts to improve the proposed directive on seasonal migrant workers by increasing the level of protection and access to rights are of key importance. The NGOs advocate for the inclusion of third-country nationals without a working permit who are already residing in EU member states, a clear distinction between seasonal work and temporary work in order to prevent social dumping between national and third-country workers in the EU and the establishment of the necessary conditions for effective access to equal treatment, decent working and housing conditions and comprehensive social protection measures for seasonal workers.

These concerns and recommendations have been largely taken into account in the [draft report](#) of the Rapporteur of the EP Committee on Civil Liberties, Justice and Home Affairs (LIBE) Claude Moraes, and the draft opinion of the Rapporteur for the EP Committee on Employment and Social Affairs (EMPL) Sergio Gaetano Cofferati on the seasonal migrant workers’ directive.

The organisations of the joint lobby believe that the proposal for the directive, including the amendments of the report and the opinion, offer a significant opportunity to regulate and protect the fundamental rights of seasonal workers. Therefore they call upon members of the European Parliament to support the draft report and opinion and only amend them in a way that strengthens effective enforcement of equal treatment, non-discrimination and decent working and housing conditions. After the Parliament has voted on the proposal and the report, a trilogue discussion between Council, Parliament and Commission will negotiate the final text of the directive.

### The right of trafficked persons to effective remedies

The Special Rapporteur on Trafficking, Joy Ngozi Ezeilo presented her [report on effective remedies](#) at the 17<sup>th</sup> session of the Human Rights Council in Geneva. According to international human rights law, all states of origin, transit or destination have an international legal obligation to provide remedies for

trafficked persons. The right to an effective remedy is also a fundamental human right in itself and states have a duty to respect, protect and fulfil this right. While discussions on the right to an effective remedy for trafficked persons at the international level often focus on the right to compensation, it is stressed that other components, such as recovery, restitution, satisfaction and protection from repeat offending, are equally important aspects of a remedy. Viewed from this perspective, an effective remedy necessarily calls for individually tailored measures, based on a careful assessment of the best interests of the trafficked person in question.



The importance of implementing this right in a holistic manner has received wide-spread attention from states, which generally tend to focus on criminal justice responses. Trafficked persons are often seen as “instruments” of criminal investigation, rather than as holders of rights. In many states, trafficked persons do not receive rights-based remedies in a holistic manner, but are only provided with ad-hoc measures which are effectively by-products of criminal investigations, such as temporary residence permits contingent upon cooperation with law enforcement authorities and assistance in recovery which is in turn tied to temporary residence permits. There are only few cases whereby trafficked persons have successfully secured (adequate) compensation, as they are often not provided with the information, assistance and residence status necessary to access it. At worst, many trafficked persons are wrongly identified as irregular migrants, and are detained and deported before they have an opportunity to even consider seeking remedies.

In the light of these challenges, the Special Rapporteur has submitted the draft basic principles on the right to an effective remedy for trafficked persons. These basic principles are a work in progress, as the Special Rapporteur intends to continue refining them on the basis of inputs received.

### **New UN Special Rapporteur on human rights of migrants**



The United Nations Human Rights Council has elected François Crépeau to the position of United Nations Special Rapporteur on the Human Rights of Migrants, for a three-year mandate which is renewable for an additional three years. on the Human Rights of Migrants, for a three-year mandate, renewable once.

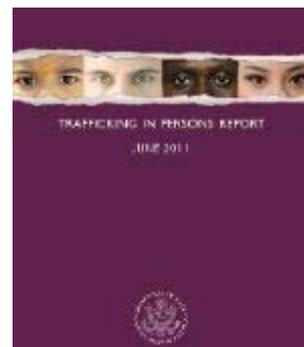
The mandate of the Special Rapporteur on the Human Rights of Migrants was created in 1999 by the Commission on Human Rights and covers all countries, irrespective of whether a State has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Special Rapporteur pays special attention to cases of arbitrary detention of migrants, particularly of migrant children and adolescents. He examines ways and means of overcoming obstacles to the full and effective protection of the human rights of migrants, including national and international efforts to combat the trafficking of persons and smuggling of migrants, in order to achieve a better comprehension of the phenomena and to avoid practices that could violate the human rights of migrants.

François Crépeau is a Professor in Public International Law at the Faculty of Law of McGill University in Montreal, Canada. The focus of his current research includes migration control mechanisms, the rights of foreigners, the conceptualization of security as it applies to migrants, and the rule of law in the face of globalization. He succeeds Mr. Jorge. A. Bustamante whose mandate expired after his term of six years.

### **2011 TIP report**

In June 2011, the 11<sup>th</sup> edition of the US Department of State [Trafficking in Persons Report](#) (US TIP) was published. In this annual report, the US Department of State comments on a total number of 184 countries, including for the second time since 2001, the United States. For each country, the report reviews the national general aspects and provides policy recommendations and information on the country’s developments on prosecution, protection and prevention of human trafficking. In order to indicate the state of progress , a tier ranking is used. Ambassador Luis CdeBacca notes that “We must measure our success or failure by victims served, by traffickers punished, and by abuse averted. It is time to treat the “3P” paradigm as not just a rhetorical device: prosecution alone will not rid the world of this misery but must be fully complemented by protection and prevention. Every country—on every tier—can and must do more.”

The US TIP report and especially the tier ranking is taken very seriously in many countries and the report is generally treated as the annual 'update' of the state of affairs on trafficking in human beings. However, the facts and figures presented in the report cannot be valued as hard data as the report is not based on a research methodology. The report is prepared using information from U.S. embassies, government officials, nongovernmental and international organisations, published reports, research trips to every region, and information submitted through email. Nonetheless, the report does provide some useful information about the current trends in international and national anti-trafficking policies and the government responses.



This year's report shows some changes in the tier ranking of the La Strada network countries. The Czech Republic was previously ranked for four consecutive years as Tier 1, but has now regressed to Tier 2. Irena Konečná, Director of La Strada Czech Republic, mentions that the current lower ranking for the Czech Republic possibly relates to the fact that several bigger cases of human trafficking for labour exploitation were revealed in the Czech Republic last year, including the aforementioned so called Tree Workers case. Konečná hopes that the lower ranking will help to encourage the Czech government to take more action to address labour trafficking and to better ensure referral and assistance to the persons involved.

Emilia Paunova of Animus Association/La Strada Bulgaria, does not fully support the ranking of Bulgaria. She considers that a significant step was taken by Bulgaria with the establishment of the National Referral Mechanism which has strengthened victim protection in general and does not agree with the US TIP report's description of the country's "modest" progress. In March 2011 for the first time, the Bulgarian government successfully seized assets from a convicted trafficker, also mentioned in the report, which Paunova feels could have been more positively stressed in the report.

The Former Yugoslavian Republic of Macedonia moved one place up in the tier ranking. Marija Todorovska of La Strada Macedonia comments: "La Strada Macedonia is pleased that Macedonia has been placed in Tier 1 and complies with the minimum standards for the elimination of trafficking. However La Strada Macedonia believes that this progress is not only due to the efforts of the government. Namely the NGO's still implement the largest portion of the national action plan and strategy especially in the section for protection and prevention, with limited governmental funds. Moreover La Strada Macedonia considers that there is still space for improvement in the area for identification of trafficked cases especially those for the purpose of labour exploitation".

## What's new ?



### Strong calls to EU member states to adopt the UN Convention on Migrant Rights

The Regional Office for Europe of the UN High Commissioner for Human Rights (OHCHR) together with the International Labour Office (ILO) and International Organization for Migration (IOM) and Members of the European Parliament, including Alejandro Cercas, Claude Moraes and Jean Lambert launched [a study](#) in May 2011 on the rights of migrant workers in Europe. The study intends to identify and analyse the challenges and opportunities for ratification by European Union countries of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW). At the launch of the report, MEPs strongly urged EU Member States to ratify the UN

### Guide for law enforcers on labour exploitation in Europe

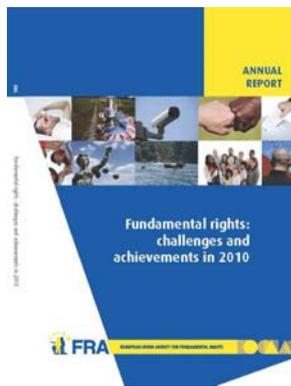
The Dutch Social Intelligence and Investigation Service (SIOD) published "Labour exploitation in Europe"/A practical guide with operational observations and recommendations on European inspection, investigation and prosecution of labour exploitation. This [guide](#) provides observations and recommendations on the operations of European inspection, investigation and prosecution of trafficking for labour exploitation. The guide provides an analysis of human trafficking for

exploitation in the service and domestic labour sectors and challenges stereotypes on 'illegal migrants', use of force, and identity papers. It also discusses challenges in defining and addressing trafficking in human beings as an international phenomenon. The guide's annexes include a description of criminal cases from the several European countries. The publication (hard copy only) can be ordered at [siod@minszw.nl](mailto:siod@minszw.nl).

### **GAATW: Exploring Links between human trafficking and labour rights**

GAATW's [Working Paper on Trafficking and Labour Links](#) (2010) defines human trafficking and labour concepts. It looks at how people address labour rights and anti-trafficking together in practice, and the effects that this can have on workers and those who are trafficked. It assesses anti-trafficking organisations and other actors in the labour arena to examine their strengths and shortcomings in regards to international anti-trafficking efforts. The publication concludes with policy recommendations and advocacy messages for various stakeholder groups. The Working Paper is also available in Spanish - [Explorando los Enlaces entre Trata y Trabajo](#).

### **FRA publishes Annual Report on Fundamental Rights 2010**



In June, the EU Agency for Fundamental Rights (FRA) published its [Annual Report 2010](#) on the situation on fundamental rights in the EU. 2010 is the first year the EU Charter of Fundamental Rights operated on a legally-binding basis. The Annual Report dedicates one chapter to the rights of irregular migrants. According to the report, irregular migrants form only a small proportion of the migrant population but they are more likely to be exposed to human rights violations than other groups of migrants. Their irregular status often prevents them from seeking redress where their rights are violated, as this would expose them to the risk of being removed. The report reminds member states that the majority of international human rights norms are generally applicable to every person, irrespective of their migration status.

In a reaction to the report, EU Commissioner Celia Malmström writes on her [blog](#): "The findings are not really new to me, but it demonstrates a complicated situation that we must address. [...] The report suggests an introduction of common standards for the domestic sector. We also have to facilitate labour migration. We are currently working on setting up an immigration portal, in order to provide people that would like to come to the EU with correct and useful information. [...] More efforts on the national level to decrease the problem of an illegal, hidden labour market are also needed. This is an important challenge we face and that we must take seriously."

### **Data Collection Mechanisms on Human Trafficking in the Baltic Sea Region**

The report "[Hard Data](#). Data Collection Mechanisms on Human Trafficking in the Baltic Sea Region" (2011), compares the data collection mechanisms in the 11 Council of the Baltic Sea States (CBSS) and provides an overview of the categories of information on human trafficking cases that have been collected and by whom it was collected, analysed and published, as well as its public availability. To serve this purpose, they used the Guidelines for the collection of data on trafficking in human beings including comparable indicators, as a framework to assess existing mechanisms.

The conclusions observe that there is a lack of comparable and comprehensive data, resulting in large uncertainties about the scope of the phenomenon of trafficking in human beings. It also highlights the missing link between operational actors collecting data and administrative or policy actors processing data and therefore suggests a minimum set of data indicators which would help bridge this gap. The study underlines the need to develop comparable data collection mechanisms and serves as a tool for organisations to enhance their own data collection systems.

La Strada International supports the call for reliable data in order to analyse the trends in trafficking in human beings, but stresses that the collection of data should never interfere with the privacy of the trafficked persons. Before setting up a system for data collection, there should be clear guidelines on which data to use and how to protect the data subject.

## ITUC and ASI Guide “Never Work Alone”



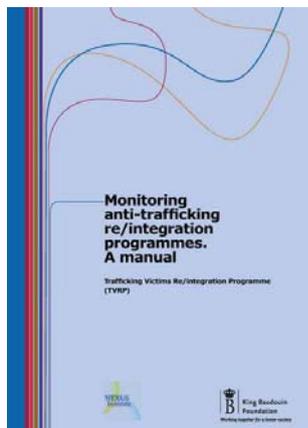
The International Trade Union Confederation (ITUC), in cooperation with Anti-Slavery International, released [Never Work Alone](#) - a guide for trade unions and other civil society organisations to jointly combat modern-day slavery and trafficking of workers. It examines different approaches to combat slavery and trafficking for labour exploitation and shows four major common grounds for action, each of them documented with a series of best practices. The report is available in [English](#), [French](#) and [Spanish](#).

## OSCE publishes guide for police on identifying and assisting trafficked persons

Identification is a key element in combating human trafficking, but it is widely acknowledged that the majority of trafficked persons are not being correctly identified and classified by law as victims and are therefore withheld from the support and assistance they are entitled to. This has flow-on effects to how the crime of trafficking is documented and later processed in court. Police are often the first point of contact for trafficked persons, and can play a crucial role in ensuring access to assistance. But police officers do not always classify victims as such, who in some cases are mistakenly detained and later deported. The Police, while familiar with trans-border trafficking crimes in sexual exploitation cases, tend to have less experience with identifying victims trafficked for other purposes, such as domestic servitude or extorted labour in the construction, agriculture or garment industries.

[The guidelines produced by the OSCE](#) in June 2011 draw on both community policing and anti-trafficking expertise, and aim to support police in identifying and helping victims, as well as assisting in the legal prosecution proceedings.

## A practical tool for practitioners in the reintegration of victims of human trafficking



In the context of the Trafficking Victims Reintegration Programme (TVRP) in South-Eastern Europe (SEE), The King Baudouin Foundation has developed a [monitoring tool](#) to evaluate the effectiveness of anti-trafficking reintegration programmes. Reintegration refers to the process of recovery and economic and social inclusion following a trafficking experience. Given the complexity of the reintegration process, it is particularly important that efforts are made to systematically monitor and evaluate assistance programmes to assess if and how reintegration has been achieved as well as how to work more effectively towards reintegration of trafficked persons. This manual proposes and outlines two aspects of monitoring:

- 1) How to monitor individual reintegration plans; and
- 2) How to monitor reintegration services.

The content of the manual is taken from the perspective of reintegration professionals and programme beneficiaries.

For each aspect of monitoring, the manual uses a matrix, comprised of indicators and the associated means of verification, to measure the impact and success of individual services and, cumulatively, the various stages of reintegration.

## New on the Web:

### ILO database of working conditions and employment laws in over 100 countries

The [database](#) provides legal information and a picture of the regulatory environment of working time, minimum wages and maternity protection in 100+ countries around the world. The database also includes indicators for decent work as included in the legal framework.

## Migrant Integration Policy Index



[The Migrant Integration Policy Index \(MIPEX\)](#) is a reference guide and fully interactive tool to assess, compare and improve integration policy. It measures integration policies

in 31 countries in Europe and North America. Using 148 policy indicators, the MIPEX creates a holistic, multi-dimensional picture of migrants' opportunities to participate in society by assessing government commitments to integration. By measuring policies and their implementation, MIPEX reveals whether all residents are guaranteed equal rights, responsibilities and opportunities.

### The Playfair 2012 campaign

The London based [Playfair campaign](#) calls the organisers of the London Olympics and companies to "aim for gold" too and ensure that workers producing sportswear and goods with the Olympic logo have their rights respected.

Millions of people are employed in the [global supply chains](#) that produce sporting kits for Olympic teams, as well as the sportswear and Olympic souvenirs available on our high streets. Evidence shows that the sportswear industry and Olympic movement have a poor track record on workers' rights. The online campaign also calls upon the general public to join the actions addressing the major sportswear companies to raise the bar on workers' rights.



## What's happening where ?

- ◆ 13-15 October 2011 - International conference entitled "The Resilience of People in Motion: Processes of immigration, transmigration, and remigration in the wider Europe today", Trier, Germany
- ◆ 7-11 November 2011 - La Strada International 14<sup>th</sup> Assembly Meeting, Chisinau, Moldova
- ◆ 21-22 November 2011 - FRA Annual Conference, Warsaw, Poland

## What's on your mind ?

### Abuse of vulnerable position is core of exploitation



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Since broadening the definition and scope of trafficking in human beings in the 2000 Palermo Protocol, there have been discussions at national and international level about the interpretation of the concept of labour exploitation in sectors other than the sex industry. This is because the Protocol does not provide a definition of the term *exploitation*. It seems that the only clear definition of labour exploitation was by Karl Marx over a hundred year ago. In contemporary discussion, states, international organisations and NGOs continue to struggle in demarcating where bad management ends and where exploitation/human trafficking begins. Investigation services are therefore often reserved in detecting human trafficking in the

agriculture and horticulture sectors. There is a grey area which hinders the investigation and prosecution of traffickers and leaves exploited workers empty handed without assistance, support or access to justice.

At the end 2009, the Supreme Court of The Netherlands issued a nationally binding decision as a consequence of a case known as the “Chinese restaurant” case. Unfortunately this ruling is not yet widely known, but is a significant step forward in the clarification of the concept of exploitation and could be utilised in jurisdictions beyond The Netherlands. The outcomes of the ruling have proven to be very useful in (Dutch) practice by providing a guideline to determine a case of human trafficking.

The aforementioned Chinese Restaurant case relates to a number of illegal Chinese nationals who willingly contacted the Restaurant located in The Netherlands for employment. They were required to work long hours, sleep together in one room and were not permitted days off from work. . Although the case involved voluntary employment by the Chinese nationals, and the employer had not initiated the employment contract, he was convicted for human trafficking. The employer was found guilty of exploitation, as he knowingly abused the vulnerability of foreign nationals, regardless of whether they had been recruited for that purpose.

The Supreme Court ruled that due to the evidence of abuse, the intent of the suspect to make use of the vulnerable position and circumstances of the victims is sufficient; proving that deliberate abuse does not need to be proven. The Supreme Court ruled that the term *exploitation* depends on the circumstances of the case and that it is not possible to apply to it in general terms. It stated that assessment shall be, among other meanings, attributed to the nature and duration of employment, the restrictions it brings for the victims and the economic advantages gained by the employer. When weighing these factors, the Dutch prevailing standards should be used as a reference. This means that the argument often used by employers that working conditions and remuneration in the home country of the victims are much worse, does not stand.

The above ruling has set the standards for the prosecution of offenders in The Netherlands and has been referred to in a number of investigations. The number of cases and convictions has increased considerably since this particular ruling in 2009. CoMensha/La Strada Netherlands calls upon NGOs and GOs to use the possibilities that this ruling gives. The key premise when defining trafficking in human beings is the conscious abuse of the position of vulnerability of (foreign) workers and this should be the starting point in every case.



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