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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](#) by 1 December 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 !

### Stana Buchowska Leaves La Strada



One of the founding mothers of La Strada, **Stana Buchowska**, Coordinator of La Strada Poland, has accepted a new job as Project Coordinator for the [Network of Parliamentarians against Trafficking in Human Beings](#) in the UK- an initiative of ECPAT.

The project she will coordinate aims to develop a European network of parliamentarians working to combat trafficking in human beings in order to promote and develop cross border cooperation and mutual understanding. This will include the stimulation of national-level anti-trafficking activities, such as legal reform and victim support. The project aims to reach parliamentarians directly across 15 countries and indirectly via national parliaments. The project seeks to conclude with the

establishment of focal contacts within the field of THB in at least 8 national parliaments.

Stana has worked with La Strada Poland for 15 years and was a member of LSI's Board (2005-2007) and LSI General Assembly (2005-2011). LSI thanks Stana for her tremendous contribution and her dedication and commitment, and is very sad to see her go but wishes her success in her new position.

### **La Strada Ukraine Alerts the UN Special Rapporteur on Lack of Action Against Trafficking in Human Beings by Ukrainian state actors**

On 7 September 2011 La Strada Ukraine [contacted](#) the UN Special Rapporteur on trafficking in persons, especially in women and children, in an attempt to draw her attention to the alarming situation in the country. As a result of the administrative reform started in December 2010, there is currently no state body assigned in the country to deal with prevention of trafficking, provision of assistance to trafficked persons and efforts coordination both at the national and regional level. Only the Ministry of Interior, responsible for combating crimes, takes up the combat of human trafficking as part of their job. Who to address regarding other issues related to human trafficking, is unclear to La Strada Ukraine and other actors in the field. It seems no Ministry is really eager to take up the issue. Moreover, the results of a public monitoring by La Strada Ukraine, showed lack of political will in general to follow up on national and international obligations to counteract trafficking in persons.

Ukraine ratified the Palermo Protocol, the CoE Convention Against Trafficking and signed the Cooperation Plan between the Government of the United States of America and the Government of Ukraine on Combating Human Trafficking. In March 2010 the government received recommendations from the UN Committee on the Elimination of Discrimination against Women, which raised concerns about the low effectiveness of anti-trafficking policies in Ukraine. However there is still no action plan to implement the obligations the country committed itself to. Moreover, the state anti-trafficking programme draft was developed about a year ago and is still not adopted by the government.

A positive new change however is a newly adopted anti-trafficking law. The law was prepared during a period of three years. According to La Strada Ukraine the law is comprehensive, including the new 'social chapter' on prevention and providing assistance to trafficked persons. Also positive is that the law contains a separate chapter devoted to children issues and a chapter on control and supervision, including Article 26 where public control on implementation of the provision of the law is mentioned. The National Referral Mechanism is also included. The adoption of the law should accelerate to define the powers of the governmental institutions in the field of combating trafficking in human beings and also the adoption of the new State Programme. According to the law, the Cabinet of Ministers must appoint a national coordinator on trafficking in human beings.

However with the current situation, that no state body is responsible for implementation of anti-trafficking policies, La Strada Ukraine is concerned about the implementation of the new law in practice and about the fact that the proposed provisions on a National Rapporteur on Trafficking in Human Beings, as well as the provision on the Fund of providing assistance to victims of THB has been left out in the final text.

### **La Strada Czech Republic (CZ) Reaches Out to Thai Massage Salon Workers**

In 2010, La Strada CZ conducted a [mapping study](#) on the situation of Thai migrant workers within its borders. The main objective of this exercise was to assess whether Thai workers were in need of assistance from NGO's regarding issues relating to general working conditions and employment, and to specific issues relating to exploitation and access to workers' and human rights and issues surrounding their migration status.



The vast majority of Thai migrant workers in Czech massage salons are women.

Although the Thai government regulates the recruitment of Thai nationals abroad and the Embassy of Thailand supervises and certifies employment contracts, Thai workers in the Czech Republic still frequently suffer abuse, debts to the employer, lack of document ownership and unpaid overtime. The findings of the study highlight the need to develop services and information for Thai migrant workers

in the Czech Republic to protect and empower those who are at risk of exploitation, rights violations, abuse or human trafficking.

As a follow-up of the study, in July 2011, La Strada CZ, together with the Royal Thai Embassy and the NGO Association for Integration and Migration, organised a meeting with around 50 Thai massage salon employees. The NGOs provided information about exploitation, THB, and the Czech legislation. Those in attendance were encouraged to participate in the debate and ask the lawyers that were present about matters relating to their employment situation. Since the meeting, several women have approached the advisory centre of La Strada CZ.

### COMP.ACT Project: research on access to compensation in Ukraine and Macedonia



Compensation plays a crucial role in the empowerment, restoration, reintegration and prevention of further abuse of trafficked persons. Despite the fact that most European countries have laws in place allowing victims of crime to claim

compensation for material and immaterial damages, procedures are not transparent and it is not clear what the options are. LSI's COMP.ACT project (European Action for Compensation for Trafficked Persons) addresses this problem by coordinating research in several project countries on the existing possibilities and obstacles to claiming compensation. With the financial support of UN.GIFT, La Strada Ukraine and La Strada Macedonia researched the right to compensation for trafficked persons and existing obstacles in their respective countries.

#### *Macedonia*

As in most countries, the issue of compensation for trafficked persons in the Republic of Macedonia is a relatively new and unexplored one. [This research](#) scrutinises the legal framework which grants the right to compensation and governs the procedures followed by the relevant institutions/organisations. Although the Macedonian anti-trafficking legislation is compatible with international documents in relation to the compensation for trafficked persons, compensation as a measure remains largely underutilized. There are no criteria for determining the amount of compensation. Additionally, rulings of the Macedonian Criminal Court that have been imposed on compensation, have so far not resulted in the receipt of material or non-material compensation for any trafficked person. The most common obstacles to the successful implementation of the final sentence for the exercise of restitution include the lack of: real estate, transportable property, securities, transaction account on the name of the trafficker and funds to pay for enforcement proceedings. The report recommends the improvement of cooperation among key actors, asset confiscation, establishment of a state fund for compensation, greater involvement of the governmental sector, and greater awareness/education of all stakeholders/partners in the process of obtaining compensation for trafficked persons.

#### *Ukraine*

The research in Ukraine analysed the existing information on the subject and the main obstacles in obtaining compensation and the practical experience of specialists in the rationale and evidence of the damage. The Ukrainian legislation calls for the involvement of an expert to assess the severity of THB cases; however in reality, few trafficked persons are even aware of their legal entitlement to this option. Further efforts to promote this right through the support and training of judges and law enforcement agencies, is crucial. Also vital is the services and support of social workers to trafficked persons during the compensation claim process. As there will always be cases in which a trafficked person cannot claim compensation from a perpetrator, the establishment of a state compensation fund is recommended.

## What's going on ?

### The rights of undocumented migrant workers

After a strong and successful lobby campaign by Migrants Rights International (MRI), the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) (the body of independent experts that monitors implementation of the Migrant Workers Convention) held a Day of General Discussion (DGD) on Undocumented Migrant Workers on 19 September 2011, in Geneva, Switzerland. Representatives of governments, UN bodies and specialised agencies, civil society organisations, national human rights institutions as well as individual experts participated in the discussion. The DGD sought to enable the open dialogue between participants on their views toward undocumented migrant workers. The outcome of the discussion may contribute to the CMW's formal interpretation of the Convention. La Strada International did not attend the meeting but submitted a [statement](#) that calls for better protection of undocumented migrant (worker) rights in order to prevent THB. The full discussion was [streamed live](#), which enabled NGO's who were not in attendance in Geneva to follow the discussions.



The results of this one-day discussion appear promising. CMW announced that they will present a 'General Comment' document on undocumented workers that will be finalised by the spring session of 2013, in the lead-up to the UN High Level Dialogue on Migration and Development. Civil society will be consulted during the process.

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PICUM, the Platform for International Cooperation for Undocumented Migrants, of which La Strada International is member, attended the DGD event and contributed to the discussion. Director of PICUM, Michele LeVoy stated: "The intention to issue a General Comment within a 1 ½ year timeframe is very ambitious within the system of the United Nations and shows the commitment of the Committee to the issue of undocumented migrant workers. The General Comments will be an important tool to frame the discussion on undocumented workers at the UN and hopefully will also have an impact at the EU level."

### EU Strategy



The European Commission has foreseen a *Communication on a New Integrated Strategy on tackling Trafficking in Human Beings and on Measures to protect and assist Victims*, which is to be published in May 2012. The Strategy is to provide EU Member States with concrete actions points that can be used to overcome emerging difficulties in (anti) trafficking developments and to coordinate such developments with labour and migration policies. The Strategy will include an introduction describing the current state of THB at the EU level. It will take into account documents such

as the Report of the Expert Group 2004, the Recommendations on the Identification and Referral to Services of Victims of Trafficking in Human Beings (discussed in 2007) and the Opinion No 7/2010 of the Group of Experts, to create further consistency in policy development. In September, the EU Anti-Trafficking Coordinator, Ms Myria Vassiliadou, organised a consultation with international and non-governmental organisations to discuss necessary horizontal issues to be illuminated in the Strategy. Based on the consultation, it was agreed that the Strategy would address horizontal principles such as human rights, gender issues and the interests of trafficked children, while maintaining a victim-centred approach. The principles will be mainstreamed in the document to the largest extent possible and will focus specifically on topics where future actions are needed.

Other topics covered by the Strategy include the various forms of THB and the problems associated with the identification of trafficked persons. La Strada International stated at the consultation meeting that it is clear that the current methods for identification leave many victims unprotected of their rights. LSI therefore calls for a process of identification that is based upon the needs of trafficked persons, as opposed to the criminal prosecution of the trafficker.

### First implementation report on the Action Oriented Paper

During the Swedish EU Presidency in 2010, the focus within the issue of THB was on the external dimension of the phenomenon. One outcome of this term was the Action-Oriented Paper (AOP) on strengthening the EU external dimension on action against THB entitled Towards Global EU Action against Trafficking in Human Beings., La Strada International and several human rights-based NGO's welcomed the attention toward the root causes of trafficking but raised their concerns about policies that restrict migration possibilities to 'prevent people from being trafficked', as well as bilateral agreements between Member States and Third Countries on so called 'voluntary returns of undocumented migrants and trafficked persons'. In particular, LSI expressed doubts pertaining to the Dutch Swift Action Team and its operational actions to identify possible victims at Nigerian airports and deny access to the plane that they were intending to take, in the name of prevention.

In July 2011 the [first implementation report](#) was published consisting of recommendations to prepare a list of priority third countries and regions with which the EU should develop more concrete partnerships and identify specific areas of cooperation within the EU to better address the issue of THB.

The report also provides information on Member States' external actions against THB), together with an overview of the Commission's and EU agencies' recent external activities and actions. This is an interesting mix of protective, preventive and repressive measures on the issue of THB but also on development aid and migration.

This first report on the AOP seems only to take stock of the different projects relating to anti-trafficking that are set up in cooperation between EU and Third countries. La Strada International recommends the European Commission to also report on the **outcomes** of these different projects while taking into consideration the impact of these projects on the human rights of trafficked persons, (irregular) migrants and other affected groups.

### EU Call for experts



The second EU Group of Experts on Trafficking in Human Beings had the last meeting of their mandate at the end of June 2011. Since August a new [call is out for members of the third Group of Experts](#). Candidates need to have proven competence, a high level of professional achievement and experience (at least 5 years), including at European and/or international level, in areas of activities in preventing and fighting THB and protecting victims and/or related areas. The tasks of the group of experts are:

- (a) to advise the Commission on matters related to THB by issuing written contributions as agreed with the Commission, and ensuring a coherent approach to the subject;
- (b) to help the Commission to assess the evolution of policy in the field of THB at national, European and international levels;
- (c) to assist the Commission in identifying and defining possible relevant measures and actions at European and national level across the range of anti-trafficking policy;
- (d) to provide a forum for discussion on matters related to trafficking in human beings and bring about an exchange of

experience. The deadline of the call for applicants is 14 October 2011.

The EU Group of Experts on Trafficking in Human Beings was established by the European Commission in 2003. The Group has contributed substantially to the development of active anti-trafficking policies over the years. In 2007, the scope of the Group was extended to adapt to new developments in the anti-trafficking field. This included changes deriving from EU enlargement and the need to ensure specific expertise in the field of trafficking for labour exploitation. La Strada

Poland's Coordinator, Stana Buchowska, and one of the founders of La Strada and member of the LSI Advisory Board, Baerbel Uhl, participated as a Member and as President respectively, in the Second Expert Group. The Third Expert Group, for a term of four years, will be chaired by the Anti-Trafficking Coordinator, Ms Myria Vassiliadou and will consist of 15 members representing a wide range of expertise in all aspects of anti-trafficking policies.

### **GRETA publishes first monitoring reports on Austria, Cyprus and Slovakia**

GRETA, the independent monitoring body of the Council of Europe Convention on Action against Trafficking in Human Beings has recently finalised its first three country reports. The first three reports review [Austria](#), [Cyprus](#) and [the Slovak Republic](#). Later this year the remaining reports of the first ten countries that were evaluated in 2010 will be published, including Bulgaria and Macedonia. Also the first [General Report of GRETA](#) was recently made public. The report describes the activities of the group from the past two years and its working methods. It underlines the importance of cooperation, especially with members of civil society - such as La Strada International - and international organisations, especially given the current financial and budgetary constraints in which these organisations operate. Emphasis is placed on making full use of the particular area of competence and expertise of each organisation, maximising comparative advantages and more efficient use of increasingly limited resources while avoiding unnecessary duplication in work.



Throughout the [three country reports](#), GRETA emphasises the rights of trafficked persons and highlights concerns toward the low number of victims identified, as well as the position of irregular migrants- who are often detained and deported. GRETA recommends establishing a coherent national mechanism and adopting a proactive approach to the identification of victims. In a first reaction, the Cypriot Mediterranean Institute for Gender Studies provided [a press release](#) in support of these recommendations from GRETA to the government and expressed its surprise and discontent of authorities who seem to disregard the report by claiming that the existing legal framework of Cyprus is complete and satisfactory.

In the next issue of LSI Newsletter, Evelyn Probst from the Austrian NGO Lefö will provide her reaction to the GRETA report. On the basis of GRETA's country reports, the Committee of the Parties to the Convention will consider adopting recommendations addressed to the concerned governments. La Strada International welcomes this political 'translation' of GRETA's reports.

## **What's new ?**

### **ASTRA reports on 10 years of anti trafficking policies in Serbia**



ASTRA - Anti Trafficking Action has presented its [Report on Human Trafficking in Serbia for the period 2000-2010](#). Besides the analysis of modalities of incorporation of the two most relevant international documents - UN Palermo Protocol and Council of Europe's Convention on Action against Trafficking in Human Beings in domestic legislation, a great part of the report is dedicated to the analysis of the practice that ASTRA, as a civil society organisation, has witnessed from the very beginning of its work. Compared with 2000, the situation regarding the anti-trafficking mechanism in Serbia has improved significantly. Serbia's figures for identifying victims of THB are higher than its neighbours. However, according to various

estimates and analyses by the police, researchers and actors directly involved in combating THB, these figures are somewhat ambiguous and unclear. Particularly among Serbian nationals who are exploited in foreign countries and remain invisible both to the police and to specialised victim assistance organisations. The Report contains both general and specific recommendations in the area of legislation, prevention and victim protection.



### **Organising for a Better Future**

[The Committee for Asian Women](#) (CAW) is a regional network of 46 women workers member groups in 14 Asian countries which aims to empower female workers to protect, advocate, and advance their rights. Recently CAW has published a [Manual for Domestic Workers](#). This Manual for Domestic Workers aims to assist the leaders of domestic worker groups to embrace the strength of the domestic worker organisation (DWO) and similar rights-based unions. The Manual aims to promote an empowering process to encourage the recognition of the contribution that Asian women provide to the economy. The situation of domestic workers can be improved by building solidarity and strengthening the organisation's or union's capabilities. The manual targets adult domestic workers in their own countries at grass roots as well as governmental levels using methods such as lobbying, negotiation and advocacy of international standards.

### **EU Fundamental Rights Agency study on domestic workers**



The European Union Agency for Fundamental Rights (FRA) has presented its Report: [Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States](#) (2011). The report describes the fundamental rights of irregular migrants, mostly women, who are employed

as domestic workers in the EU. Their irregular immigration status, coupled with challenges in regulating domestic work places this group in a position vulnerable to exploitation, including physical abuse. Typical forms of exploitation include low pay, having to work excessive working hours, and lacking access to compensation for work-related accidents.

The report is based on in-depth interviews with domestic workers, civil society organisations and trade unions from across ten EU Member States and covers their enjoyment of fundamental rights in five areas: working conditions, dismissal, freedom of association, redress mechanisms and family life. The report suggests the introduction of clear standards for domestic work, targeted migration programmes and better access to justice.

### **Domestic Workers in Diplomats' Households**

The German Institute for Human Rights has released [a report](#) analysing the laws and practices existing in six European countries regarding rights violations and access to justice for domestic workers in the context of diplomatic immunity. The study focuses on practices in Austria, Belgium, France, Germany, Switzerland, and the United Kingdom in their capacity as Host Nations for foreign diplomatic missions and international organisations, while identifying positive initiatives and offering a developed set of rights-based recommendations. The study was conducted as part of the three-year project entitled "Forced Labor Today: Empowering Trafficked Persons", carried out in cooperation with the Foundation "Remembrance, Responsibility, Future".



### **Diplomats against trafficking in human beings**

Consular staff is frequently the first contact point between the authorities of the home country and victims of THB. If provided with knowledge and the right tools, consular staff can play an important role in the work against human trafficking; by acting as a first filter against human trafficking when it comes to

visa applications and also by ensuring proper victim identification, assistance and protection. The Task Force of the Council of the Baltic Sea States has developed the [Handbook](#) for Diplomatic and Consular Personnel on how to assist and protect victims of THB. It has been designed to complement the seminars that were developed for consular staff but also exist as a stand-alone, practical and illustrative guide for diplomatic and consular personnel when dealing with (suspected) cases of THB in their daily work. It includes concrete advice on how to identify and assist victims and considerations when conducting interviews with potential victims. Advice is also given on how to develop strategies to prevent THB.

### **Handbook for national action plans on violence against women**

The adoption and implementation of multi-sectoral national plans of action to address violence against women is one of the five key outcomes that the UN Secretary-General's campaign "[UNiTE to end violence against women](#)" aims to achieve in all countries by 2015.

In September 2010, UN Women (former Division for the Advancement of Women), in cooperation with ECLAC/Subregional Headquarters for the Caribbean, organised an [expert group meeting](#) in Port-of-Spain, Trinidad and Tobago, on good practices in national action plans on violence against women. The [Handbook](#) for national action plans on violence against women is a result of that meeting. It presents a model framework for national action plans on violence against women, which sets out detailed recommendations, accompanied by explanatory commentaries and good practice examples.

### **New on the web**

#### **Action on the Ground**



The US organisation End Slavery Now(ESN) has launched their "[Action on the Ground](#)" [project map](#). Grass roots organisations against THB are presented on the map accompanied by a short description. ESN's purpose is to support the work of grassroots activists and anti-slavery organisations, and to grow and advance the anti-slavery movement, by consolidating and sharing

resources, best practices, and events and by promoting their work through various social media channels.

#### **European Commission**

[The website](#) of the European Commission on Trafficking in Human Beings that was launched at the end of 2010 is now regularly updated and contains substantial information on European policies, case laws, projects funded by the Commission and documentation. Civil society organisations are invited to send in their publications, reports and campaigns to be put on the website.



## What's happening where ?

- 3-4 October 2011 - OSCE Alliance Expert Seminar on Leveraging Anti-Money Laundering Regimes to Combat Human Trafficking, Vienna, Austria
- 13-15 October 2011 - International conference "The Resilience of People in Motion: Processes of immigration, transmigration, and remigration in the wider Europe today", Trier, Germany
- 17 October 2011 - Joining Forces against Human Trafficking, Vienna, Austria
- 18 October 2011 - EU anti-trafficking day 2011 - EU Member States and Agencies jointly addressing trafficking in human beings and protecting victims, Warsaw, Poland
- 18 October 2011 - CCME and Alde Group Hearing: Identification and Referral of victims of labour trafficking: challenges and policy options. European Parliament, Brussels, Belgium
- 21-22 November 2011 - FRA's annual conference on the fundamental rights of irregular migrants, Warsaw, Poland
- 12-13 December 2011 - PICUM International Conference on Undocumented Migrant Women, Brussels, Belgium
- 29-30 November 2011 - GFMD Civil Society Days, Geneva, Switzerland
- 16 December 2011 - Alliance Expert Co-ordination Team (AECT) meeting, Vienna, Austria

## What's on your mind ?



### Protection Beyond Borders

*Heidi de Pauw is director of the Belgium anti-trafficking NGO PAG-ASA, a Brussels-based organisation that provides humanitarian assistance and support to trafficked persons. At the end of October she will leave PAG-ASA as she is recently appointed the new Director General of Child Focus in Belgium. Child Focus is the Belgian Centre for missing and sexually exploited children.*

It is a well known fact that although everyone working in the field of anti-trafficking, claims it is a priority; the protection of the rights of trafficked persons is one of the weakest links in the fight against trafficking. While many of the bottlenecks in this area have been acknowledged, one important factor is still highly neglected. Trafficking in human beings is not bound to borders, while the provisions for protecting and assisting trafficked persons often are...

We are regularly confronted with victims who have been exploited in two, three or even four EU Member States. In PAG-ASA, a woman who had been exploited in the sex industry both in The Netherlands and Belgium, decided after a long struggle to cooperate with law enforcement and to file a complaint against her perpetrator. He was arrested in The Netherlands. In Belgium the woman and her child benefited from the Victim Protection Status during the ongoing investigation process and were assisted by a specialised reception centre. When the investigation in Belgium was finalised, the Belgian Prosecutor decided to close the judicial file at the Belgian national level and hand the case over to the Dutch Prosecutor's Office. According to procedure, this meant that the victim and her child were required to transfer to The Netherlands, despite their progress toward integration and recuperation in Belgium. In this case, the victim has been exploited in different Member States which, by law, impedes the continuation of the victim assistance process in Belgium. Other cases we have been confronted with have involved victims who have been intercepted on Belgian soil after escaping from an exploitative situation in another member state. Because the criminal acts took place outside the state borders, the investigation procedure in Belgium is not possible. This leads to the impossibility to provide the victim with the victim protection status and leads to the deprivation of his/her fundamental rights.

Due to a lack of uniformity in the national legislation of EU Member States, we are faced with difficulties in cross-border cooperation- not only on law enforcement level, but also on the level of providing protection and assistance to victims of trafficking. Consequently, in cross-border cases we are currently completely dependent on negotiations and the goodwill of the different actors to provide victims with the fundamental rights they are entitled to. A structural approach is lacking. We can only assume that many victims in the same situation are never detected or identified. In this regards, there is a need for international agreements in order to facilitate an identification processes.

Reality indicates that EU Member States still posses different definitions of human trafficking, and the criteria to be recognized as a victim. Additionally, all countries have different rights for victims, and cooperation between victim support organisations is based on ad hoc arrangements rather than structural approaches. Paradoxically, the situation becomes even more complicated when the victim is an EU citizen.

Therefore, I want to underline the importance of the development of a European Victim Protection Status to ensure that each victim that is exploited within the EU region is provided with the necessary protection and assistance he/she is entitled to. Obviously there is a clear need for harmonisation of the rights for victims in the EU. this also includes the harmonisation victim criteria.

The transnational referral mechanisms that have been established in several EU Member States should become more widely established within the EU. Rather than ad-hoc support for victims, structured and high quality support via established networks, and based upon the principle that the rights and best interest of the victims come first must be promoted as necessary. Only then can we build sufficient trust with the victims to cooperate with law enforcement agencies.



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