

Strategic Plan 2021 - 2025

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Introduction

The past 25 years

La Strada International (LSI) celebrated its 25th anniversary in 2020. However, 2020 also witnessed the Coronavirus pandemic, due to which many planned meetings and festivities could not take place, and we were unfortunately unable to meet with the platform members. Nevertheless we managed to critically look back at our work and the challenges ahead, using this as the basis for developing the strategic plan. Unsurprisingly, the pandemic also significantly affected the work of LSI's members and the situations in which they operate. It had a particularly negative impact on marginalised communities, including thousands of migrants who work in Europe in low paid and exploitative jobs – the very jobs that are particularly vulnerable to exploitation and abuse.

As LSI has done over the last 25 years with other significant developments, we have continued to call for even greater international attention to the challenging situation faced by trafficked persons and those vulnerable to trafficking, exploitation, and abuse, and for targeted measures to ensure their protection and support and prevent discrimination and unequal treatment. Our 25th anniversary has presented a powerful opportunity to reflect on our place in the field of influence and, together with our members, to formulate our strategic goals and actions for the coming years.

The past 25 years of anti-trafficking work have seen many changes in the field. Important international legislation has been adopted, including first the UN Palermo Protocol in 2000, then the European Convention on Action against trafficking in Human Beings in 2005, and in 2011 the EU Directive on the prevention of trafficking. There is also other relevant international and EU law. These oblige (European) States to take measures to prevent people from being trafficked, to protect the rights of those who have become victims, and to prosecute the perpetrators. Important protective measures have been established that recognise trafficked persons as bearers of rights, such as the right to information, legal aid and compensation, the right to a reflection period and a (temporary) residence permit, and the right to be protected from prosecution and punishment for unlawful activities committed as a result of having been trafficked.

National coordination structures and referral mechanisms have also been established. In many countries, the role of grassroots NGOs as service providers to trafficked persons has been well acknowledged, enabling them to engage as fully-fledged partners in the field. Over the last 25 years, LSI has been recognised as a longstanding and reliable partner with strong knowledge and expertise on human trafficking. We are acknowledged for our broad understanding of the intersections of migration, development, the labour market, and social policies, in their linkages to trafficking in human beings.

Our pro-active and critical – but constructive – approach is considered a powerful enabler in identifying key issues in relation to the rights of trafficked persons, developing effective strategies to put these issues on the international agenda, and advocating for the respect of fundamental rights. Our close cooperation with all relevant actors in the field has further strengthened our knowledge and multiplied the reach and impact of our actions.

Challenges remain

While these are important steps, many significant challenges remain. Several of the right provisions are still not fully transposed to national legislation – and when they are, they are not fully implemented in practice (if at all). Moreover, many of the persons supported by LSI’s members and partners; persons who have experienced exploitation, violence, and abuse, are not officially identified as victims of trafficking, or are unable to cooperate with the authorities – for reasons including the lack of an adequate safe reporting mechanisms in place – and are therefore excluded from rights protection, as unconditional access is practically absent in Europe. We also see that some forms of human trafficking do still not get sufficient attention.

Similarly we see a lack of access to residence and access to justice. Also we note that labour rights are not protected and there is lack of fair migration policies. Furthermore we see that many victims are often still wrongly detained, prosecuted and punished for offences they have been compelled to commit in the course, or as a result, of having been trafficked.

Members also faced a ‘shrinking space’ for civil society to operate in the field, with there being numerous obstacles that constrict their ability to carry out their work. In several European countries, members faced lack of political commitment or support, unstable political and social situations (including conflicts and wars), were faced with financial limits as well as cuts in financial support, all the while having to deal with increased requests for support and a heavy workload with limited staff capacity. Nevertheless, our members have been able to assist several thousand people over the last 25 years.

Going forward

This direct assistance provided by LSI’s members to trafficked persons and those at risk is essential, as it offers the platform with unique grassroots experiences and insights into developments on the ground. The recognition, respect, and realisation of the rights of trafficked persons and affected groups are, and remain, the focus of our work. We will continue to support their rights through direct services, advocacy, and strategic partnerships. We aim to further build the platform’s capacity and strengthen its services for trafficked and exploited persons. Moreover, we aim to ensure that the voices of trafficked persons and direct groups are better imbedded within our services, through engaging them in our work, in defining our policy actions, and in the promotion of rights. Our thematic advocacy priorities for 2021 – 2025 include:

- Countering shrinking space for Civil Society
- Unconditional support
- Recognition of all forms of human trafficking
- Safe reporting
- Access to Residence
- Fair Migration Policies
- Access to Justice
- Fair Labour Rights
- Non-punishment

By focusing on these topics, we hope to make a lasting difference over the next five years and beyond.

In order to transform into a more visible and influential European NGO Platform, in 2017 we began the process of extending membership of the platform throughout Europe. This process should continue during the coming years. We now include 25 member organisations and five associate members from 24 European countries. LSI aims to continue growing and achieve membership in most European countries. In addition, we plan to ensure greater sustainability in our working and funding base and to further expand our external network. Financial stability is important to guarantee our independence and ensure continuity in our core work. Building bridges to other social movements is also crucial to advance structural changes and to ensure that our voice continues to be heard.

We look forward to continuing to actively contribute to the fight against human trafficking in the coming years.

Vision, mission, and values

Vision

LSI believes in a world where persons are free to migrate and work in the labour sector of their choice, and are free from trafficking, exploitation, and abuse, knowing that they have their rights respected at home, abroad, and on the way.

Mission

The crime of trafficking in human beings can only be stopped if persons' rights as human beings are recognised, respected, and realised. LSI promotes human rights, women's rights, labour rights, and migrants' rights to ensure people are protected by law from exploitation and abuse. We protect and realise trafficked persons' rights by providing access to adequate assistance and support, justice and effective remedies.

LSI wants to contribute to a world free from trafficking and exploitation through positioning ourselves as a leading innovative platform with a clear NGO voice and a grass roots identity. We aim to further develop our role as a platform which acts on collected information and evidence obtained via information exchange, monitoring and advocacy, which calls for adequate rights protection and support for trafficked persons and risk groups. Through being a transparent, open-minded, and reliable knowledge actor, and taking up a critical watch dog' role, we are able to engage independently with other actors. By working together with others, we can enhance and multiply our joint actions and ensure greater impact and accountability.

While human trafficking is a global issue, the LSI Platform focusses on the situation in Europe (both EU and non-EU countries) and on addressing all forms of human trafficking. Through membership and partnership with global actors (like GAATW) we also contribute to global actions.

Values

Our work over 25 years with trafficked persons and on the international stage to combat human trafficking and protect and promote human rights has taught us much. LSI recognises trafficking in human beings is a highly complex phenomenon. It has its roots causes in global inequality, (gender) discrimination, oppressive social structures, exclusion, poverty, political instability and (armed) conflicts. These factors lead large groups of people, including migrants and refugees, to seek work, safety, and stability away from their home. The demand for cheap labour and products, globalisation, and deregulation of labour have made workers more vulnerable to exploitation and abuse. The growing anti-migration sentiments and policies and even xenophobia by public and politicians in many countries also lead to discrimination of migrants, further driving situations of exploitation and abuse.

We further realise that counter-trafficking policies can have (unintended) negative effects on the rights of trafficked persons and affected groups. Impact assessments of all counter-trafficking and related advocacy by grass-roots NGOs are therefore urgently needed to bring those effects to light. These assessments should be built on evidence and adequate data. The needs that trafficked persons have in order to realise their rights are not static nor universal. The accountability and work of others should be assessed, but we should also remain critical about our own role in the field. The services that LSI's members provide should be assessed on a regular basis to ensure they continue to meet trafficked persons' needs.

Operational environment and challenges

The LSI Platform operates in a challenging European environment. The current anti-migration sentiment in European politics makes it difficult to advocate for greater rights for trafficked persons and those who are vulnerable to exploitation and abuse. It can also foster the further discrimination of migrants, thereby increasing the likelihood of migrants being susceptible to situations of exploitation and abuse.

Policy measures often remain focussed on fighting crime, restricting migration, and repressing prostitution, rather than tackling the root causes of human trafficking and improving protections for victims and vulnerable persons. Indeed, the current criminal justice framework often undermines the rights of trafficked persons and vulnerable groups, and its scope is far too limited to deal with the complexities of trafficking. Additionally, the manner in which human trafficking is portrayed and discussed by the media, civil society, and government figures, is often very one dimensional, focusing disproportionately on trafficking for sexual exploitation without much recognition for other forms of human trafficking.

The inclusion of protective measures in international legislation has been a major step in the recognition of trafficked persons as bearers of rights. However, several of these rights are not (yet) fully transposed to national legislation – and when they are, they are rarely implemented in practise. The formal recognition of these rights has not catalysed the practical respect for them in practise. Moreover, many of the people supported by La Strada International members – who have experienced exploitation, violence and abuse – are not officially identified as victims and are therefore excluded from accessing those rights.

Another challenge is that over the last 10 years the anti-trafficking field has grown enormously, and many new and varied actors have acquired influential positions in the field. This had led to an increase in anti-trafficking activities and also to overlaps, competition between and for donors, and an urgent need for better coordination.

In particular the extensive focus on data collection, research and innovative actions, along with the general calls for greater leveraging of technology, has led to more demands on LSI and its members for innovation and data. Developing reliable, robust and trustworthy data science tools requires not only time but also financial resources and the relevant professional skillsets. The data that is currently collected is shared with, and used by, a range of these new actors, but without sufficient recognition for the time, effort, and work undertaken by civil society actors.

Many of the new actors in the field enjoy access to large funding resources and can therefore claim a more influential role almost from the outset. This has (often negatively) affected the perceptions of existing NGOs in the field. Over recent years, NGOs have raised concerns about the legal and practical challenges affecting civil society's daily work. These range from changes in the legal and regulatory environment, to challenges in funding and accessing resources, to obstacles in accessing policymaking, and threats and attacks.

Generally speaking, NGOs depend on a few donors and have limitations to their own resources; the same goes for most of LSI's members. Because LSI members and the LSI secretariat have a limited capacity and much of their work is undertaken by a relatively small group of people. There is a strong dependency on those who manage the different organisations and the LSI secretariat, which creates risks for the continuity and sustainability of the organisations and the Platform as a whole.

In order to be able to remain a critical voice, the independence of the LSI Platform is of paramount importance. The most effective way to guarantee LSI's independence is to secure a variety of donors to support our work and to allow us to extend our capacity and resources.

La Strada is recognised by stakeholders in the anti-trafficking field as a long-standing, resilient and reliable partner, with a clear leadership position in anti-trafficking and human rights efforts based on expertise and experience. The extension of the Platform, now with members/associate members in 24 European countries, has further contributed to elevating this recognition of LSI, its visibility, and its critical role in helping to build knowledge in and around the anti-trafficking field. Through our members, we work diligently at the grassroots level and have a strong insight into the varying national situations on the ground.

In our anti-trafficking work, we are acknowledged for our broad understanding of the intersections of migration, development, labour market, and social policies. Our pro-active and constructive approach is considered powerful in identifying the key issues in relation to promoting the rights of trafficked persons and developing effective strategies to place these issues on the international agenda. However, we also receive strong opposition against our approach to the protection and promotion of sex workers' rights. We are sometimes wrongly viewed as focusing exclusively on sex workers rights, whereas in reality LSI advocates for the rights of all workers regardless of the situation they are in, the work they do, or (the legality of) their work.

Our core values guide all our work. These are:

- We work from a human rights perspective to address the crime of trafficking in human beings. This means we oppose all anti-trafficking measures that undermine or adversely affect the human rights of the groups concerned. We understand trafficking in human beings as both a (root) cause and a consequence of the violation of human rights.
- We believe every person should be free to choose the work that fits their situation best, whether in a regular or irregular setting, and have their rights respected. We accept that sex work is an occupation in which adults can choose to engage. We consider exploitation and abuse in the sex industry a form of labour exploitation.

- We believe in the power of people. Our services are focused on supporting people to regain that power after a situation of exploitation. We recognise that trafficked persons are victims of crime and their status as a victim means that they are claimant of rights according to international law. However, their victim status routinely leads governments and non-governmental organisations to treat them as powerless and without agency. Consequently, rather than label them as 'victims' in this anthology, we refer to them as 'trafficked people'.
- The experiences and needs of trafficked persons and affected groups determine our activities, actions, and advocacy.

Core activities

LSI's core activities revolve around the promotion of the rights of trafficked persons and affected groups through awareness raising, prevention, assistance, and advocacy work. The LSI Platform works from a bottom-up approach, with member organisations working with and for trafficked persons. In turn, our international secretariat works for our members and coordinates the platform, but it also takes up monitoring and advocacy work.

Our member organisations strengthen trafficked persons' rights through hotlines, education, information provision and campaigns to prevent people from being exploited and having their rights violated. Members provide direct access to assistance and justice to trafficked persons via (legal) support programmes and shelters, and monitor the implementation of international legislation on the ground, while also advocating for changes.

LSI secretariat facilitates cooperation, capacity building and expertise sharing and provides support in setting standards and incorporating international developments into national actions. The secretariat collects and analyses this information for evidence-based advocacy and invites international organisations and other social movements to cooperate and support our work. Both at the international and national levels we aim to ensure more engagement of trafficked persons in our work, in order to inform our services, policy and advocacy.

In the coming years, LSI will:

- Further build qualitative and sustainable assistance for trafficked persons and risk groups, based on their needs.
- Conduct an international assessment of the needs of trafficked persons in all forms of labour exploitation, making use of participatory methods.
- Revise, adopt, disseminate, and monitor the implementation of our standards for services, ensuring independence and inclusiveness.
- Further integrate the voices of trafficked persons in our services through self-monitoring and the participation of trafficked persons into our daily work.

Strengthening the LSI Platform

LSI is recognised by stakeholders in the counter-trafficking field as a long-standing, reliable and leading NGO partner, based on our expertise and experience of providing direct services. However, the precise nature of our work and that of our members is less known more broadly. In the last few years, moreover, many new organisations and initiatives have been established with whom we have so far established little contact. The Platform realises that we need to build and strengthen our cooperation beyond our existing contacts and networks, and ensure we remain able to understand the full picture.

We currently comprise 25 member organisations and five associate members in a total of 24 European countries. However, LSI is not represented in all European countries, and in some countries, we lack partners with whom to cooperate. La Strada aims to further grow to a platform with membership in most European countries.

To ensure we maintain our role and capabilities in the field, it is not only important to build our cooperation with the 'outside world' and extend our membership, but also to continuously invest in the organisation, in the expertise of our staff, and in our member organisations. Investment in capacity building requires adequate staff policies and the continuous improvement of our employees, ensuring we can keep our people inspired and motivated. This also requires good communication and cooperation among our members. It is important to ensure that members can regularly meet, exchange thoughts and share information, to get to know each other and their work, learn from each other, and take joint actions. This will also build commitment and ownership of the Platform, supported by a feeling of community, cooperation, and belonging.

In the coming years, LSI will:

- Promote LSI member and partnership and extend the platform to ensure that La Strada International enjoys a diverse representation in as many European countries as possible, and is able to actively reach out to, and seek cooperation with, NGOs from multiple strategic European countries where La Strada International is not yet represented.
- Strengthen capacity building programs and exchange for LSI members by organising monthly members meetings and other regular live and virtual events, including capacity building training and events and (bi-)annual NGO Platform meetings.
- Develop joint policies and strategies related to due diligence, diversity and gender and staff and volunteer policies to invest in the capacity and quality of the platform and its members.
- Initiate common projects and (advocacy) actions with members.
- Support the formation of self-organised groups of survivors of human trafficking and sex workers, and support them in their work, alongside engaging trafficked persons in LSI's work and organisation.
- Seek regular feedback on the services we provide from our beneficiaries (trafficked persons).

Broadening the financial basis

Access to financial resources enables La Strada International and our members to remain independent. This is critical to maintain a strong position and to continue providing high-quality services based on the needs, experiences, and best interests of trafficked persons and affected groups.

To better safeguard the financial continuity of the organisation and become less dependent on one or a few donors, LSI should create multiple financing flows, including through EU funding, private funds, and the corporate sector. We should also broaden our financial basis, not only to ensure a diversified financing base but also ensure the availability of unearmarked resources and financial reserves, allowing us to grow and extend our capacity and to prepare for possible financial cuts in the future.

To this end, LSI will for the coming years:

- Analyse and adapt fundraising strategies and build and invest in fundraising (staff) capacity, considering LSI's donor and due diligence policies.
- Explore new funding opportunities and further invest in and foster relationships with donors including private donors, governments, equity funds, companies, and other subsidy providers.
- Influence and increase donor awareness to guarantee funding for rights-based counter-trafficking work.
- Fundraising activities/strategy for joint projects with other social movements.
- Further explore possibilities for generating resources from the public, including ways of crowd funding.
- Build unearmarked resources among others by requesting financial compensation for services.
- Ensure adequate financial management and control, including improved insight into the budget allocation versus realisation, along with improved forecasting and regular planning and control.

Visibility

In the past decade, awareness of the problem of trafficking in human beings has significantly increased and has gained more attention, including of national and international governmental bodies and the media. However, the way that human trafficking is portrayed and discussed by the media, governments and other actors is often one-dimensional and primarily focussed on exploitation in the sex industry. As a result, trafficking in human beings in the public eye is often over sensationalised, hyper sexualised and depoliticised. Trafficking in human beings is a phenomenon that is well researched and over-written about, but often the stories about trafficking do not reflect the reality of the crime, nor the reality of the experiences and needs of trafficked persons. Therefore, LSI would like to contribute to the creation of a more realistic picture of human trafficking, its root causes and the different forms of human trafficking.

It is important that LSI can maintain its position and, where possible, exert influence on the national and international (European) level. This requires greater visibility for the organisation and its work, as well as for our concerns related to human trafficking issues. La Strada International is mostly known among NGOs and IGOs, academics and professionals, but is still relatively unknown among the public, trafficked and vulnerable persons¹, and the private sector, as well as donor organisations. Greater awareness and support for our work can help the organisation grow, attract new funding, and build new opportunities for partnerships. Realising this objective requires that we further invest in external representation, (social) media work, and campaigning.

In the coming years, LSI will:

- Develop new and interactive communication strategies, including draw up and implement a multi-year communication plan. This includes:
 - Investigate new communication ways to reach new target groups and promote La Strada International and members via (social) media activities and channels.
 - Launch, at minimum, two joint campaigns and conduct an active media policy using various media channels.
 - Promote and share LSI's evidence and findings based on monitoring and data collection and assistance offered at grass root level.
- Build and share regular information internally among LSI members using the intranet.
- Engage social media experts at the platform level.

¹Trafficked and exploited persons are mainly in contact with our member organisations.

Building partnerships

The Platform has built an extensive network of contacts and allies over the last 25 years. These include law enforcement, legal professionals, service providers and NGOs, media, and governmental actors. LSI is member of the Human Rights Democracy Network (HRDN), the OSCE Alliance Expert Coordination Team (AECT), the Global Alliance Against Traffic in Women (GAATW), the Platform for International Cooperation on Undocumented Migrants (PICUM) and the European Sex Workers' Rights Alliance (ESWA). LSI has observer status to the Council of Europe and the UN (ECOSOC), and is a member of the EU Civil Society E-Platform.

In the coming years LSI will:

- Review stakeholder analyses and develop new strategies and plans to influence stakeholders.
- Develop and strengthen strategic partnerships and organise regular network meetings with relevant stakeholders, in particular also invest in the relationship with the European Commission and members of the European Parliament (membership Victim Rights Platform, LSI membership EU Civil Society Platform, ICAT, Alliance 8.7, UNODC civil society fora);
- Ally and establish cooperation with other social movements working on women, children and human rights, labour, migration, development and the environment to address the intersections based on broad stakeholders' assessment and strategy;
- Develop strategies to engage with businesses and public on corporate social responsibility.

Data collection and monitoring

LSI is known for its advocacy and the services provided by the members. However, it is often not that easy to measure the effectiveness and impact of our work, both on grass-roots level and on the advocacy level. In order to stay on top of changes in the needs of trafficked persons and to be able to respond to new emerging trends on the international level, we need better monitoring and evaluation of our activities as an integrated part of our work.

NGOs can access a wide range of data not available to other institutions, and they also possess the required knowledge and experience regarding understanding the implementation and impacts of counter-trafficking policies. LSI and its members register and analyse data and facts about the nature and extent of human trafficking in Europe/at the European national level. La Strada organisations have developed standards regarding which information they collect and for which purposes. La Strada follows international privacy and data protection rules to the extent possible under national law.

For our work related to policy making, advice, monitoring and advocacy, we need correct and useful data and to ensure that more use is made of the data collected by LSI and members. This data will help to obtain a clear understanding of the effectiveness and impact of the work of LSI. Through ongoing monitoring of our work, LSI will be able to react quick and effectively on trends and changes. In addition, there are increasing external demands on LSI and its members for innovation and data. As mentioned earlier, collected data is shared with, and used by, a range of actors, but without sufficient recognition for the time, effort, and work undertaken by civil society actors.

To enhance our data and create more ownership, we need better optimisation of data collection, increase the supply of registration data, and increase the willingness to share data amongst LSI members, while maintaining observance of the provisions of the EU General Data Protection Rules (GDPR). Developing reliable, robust and trustworthy data science tools requires not only time but also financial resources and the relevant professional skillsets.

In the coming years, LSI will:

- Develop an internal Monitoring, Evaluation and Learning system.
- Develop a Europe-wide NGO monitoring system on implementation of rights and further optimise LSI's data collection system. This includes:
 - Equip members and other grass-roots NGOs with tools, skills and capacity to include monitoring of the implementation of international legislation and impact assessment on the rights of trafficked persons into their daily work including capacity building for NGOs on human rights laws and monitoring bodies (including checking how NGOs contribute to different reporting mechanisms and monitoring mechanism);

- Concluding data exchange agreements with LSI members and annual exchange of data including on assistance, countries of origin of victims, gender, age, type of exploitation, sector of exploitation, international referrals, the national situation, best practices, projects and initiatives of members.
- Develop common definitions/terminology for data sharing.
- Identify other options/resources to collect more data (e.g., sharing of annual reports);
- Draw up and monitoring internal safety protocols.
- Conducting further analyses and publish joint monitoring and annual research/shadow reports, including reporting to the monitoring bodies of key international organisations (such as the UNHCR's complaint mechanism).

Advocacy for change

LSI advocates for the rights of trafficked persons, as well as those vulnerable for exploitation and trafficking. La Strada International believes that persons should be free to migrate and work in the sector of labour of their choice and be free from trafficking, exploitation, and abuse. The Platform therefore promotes women's rights, labour rights and migrants' rights to ensure people are protected by law from exploitation and abuse.

To ensure accountability for the effective implementation of policies and regulations, LSI advocates for legislation that recognises and respects the rights of all trafficked persons, and seeks to monitor the implementation of legislation to help ensure that those rights are realised. For this, the Platform targets European and international governmental bodies (European Union, Council of Europe, OSCE and UN bodies). While being realistic about our sphere of influence and about the scope of what we can and cannot contribute to make meaningful change, it is nevertheless essential to avoid working in isolation and instead to link our lobby and advocacy work with others pushing for the same.

The victim and a human rights approach stand central in our advocacy and solutions proposed should promote the interests of victims of human trafficking. It is within their interest that bottlenecks are identified and placed more prominently on the political agenda.

Actions for the coming years include:

- Monitor compliance with international legislation.
- Lobby to ensure that policies and measures addressing human trafficking are based on a human rights-based approach, and that policies and measures focus on all forms of human trafficking.
- Identify specific problems and bottlenecks, trends and developments and put them on the agenda, where possible with evidence-based research and clear recommendations.
- Use all possible means to advance our advocacy, such as consultative bodies, improved communications, news media and social media, and governmental political bodies (which are reached through political lobbying). In the performance of its tasks, LSI will look for cooperating partners.
- Participate and or initiate stages to discuss human trafficking issues with chain partners.
- Define who to engage for what advocacy priorities (stakeholder mapping and messaging).
- Build a stronger body of evidence and knowledge, including by taking up strategic litigation, (participatory) research, and collection of cases and surveys.

Strategic Policy action points for 2021 – 2025

LSI advocates for the rights of trafficked persons as well as those vulnerable to exploitation and trafficking. To ensure accountability for the effective implementation of policies and regulations, La Strada International advocates for legislation that fully recognises and respects the rights of people and monitors implementation of policies and laws to ensure rights are realised. The Platform targets European and international governmental bodies for the promotion of rights protection. LSI has defined its strategic focus areas for the five years (2021 – 2025), including concrete strategies and actions for each of these focus areas.

Countering shrinking space for Civil Society

In general, the role of civil society in addressing social and human rights issues is strongly acknowledged by international governmental organisations, and it is regulated by both international and national law. This reflects a recognition of the need to engage civil society in the anti-trafficking field in policy and legislative development, in preventative efforts, in awareness raising, and in the provision of services to victims and marginalized groups.

However, ensuring that civil society is fully included in anti-trafficking efforts is not always easy. Over the past few years, NGOs have raised concerns about the legal and practical challenges affecting civil society's daily work. These range from changes in the legal environment, challenges in funding and access to resources, obstacles in accessing policymaking, and threats and attacks against members of staff. Of course, this differs by country; but our members in Turkey, Poland, Ukraine, Serbia, North Macedonia, Bosnia Herzegovina, and Belarus have frequently reported such difficulties. There is no proper framework in place to uphold civic rights. CSOs are often excluded from political decision-making and/or face increasing difficulties in accessing decision-makers and providing meaningful input into the legislative and policy-making process.

NGOs are sometimes “competed out” by governments, which then establish their own NGOs (so called “GONGOs”) to compete for foreign funding or even “take over” civil society support programmes without offering adequate services in reality. This means that CSOs feel hampered in their efforts to play an efficient watch dog role, while noting with concern the serious gaps in governmental efforts, as well as gaps in the infrastructure and referral and assistance of those in need.

Unconditional support

Access to support for victims of human trafficking is currently very closely tied with the criminal justice system and the successful prosecution of perpetrators. Practice shows that victims have very limited access to protection, support and assistance, if they are unable or unwilling to cooperate with the authorities or if the criminal procedure has not started or is discontinued. Moreover, victims are often still required to give statements to authorities before they are able to recover and make a fully informed decision about doing so. European countries hold different views of who may qualify as a trafficking victim. In some countries, victims are only registered as such if they agree to cooperate with the authorities in the investigation and prosecution of traffickers or if they consider themselves to be victims.

If they do not 'tick all the boxes' or they are unable to cooperate with the authorities, these persons fall outside the 'anti-trafficking frame' and often have no access to their rights. In addition, the absence of adequate assistance and support may prevent trafficked persons from reporting to the authorities and may subject them to further trauma and re-victimisation. At the same time, experience shows that the recognition and protection of the rights of trafficked persons acts as an important incentive to report the crime and give a testimony.

Recognition of all forms of human trafficking

The number of identified trafficked persons in Europe remains low. Only a small percentage of the estimated high number of victims is recognised as such. Many persons facing severe forms of exploitation – with clear indications for human trafficking – are not recognised as victims of trafficking. Moreover, we continue to see a narrow focus on persons trafficked for sexual exploitation with a correlating lack of commitment and attention to other forms of human trafficking.

Even though trafficking for sexual exploitation is still the most detected and reported form of human trafficking in Europe, there are clear indications and growing evidence for/of other severe forms of exploitation in other regulated and unregulated labour sectors, like agriculture, construction, domestic work, and others. So long as other irregular and regular sectors continue to receive less policy attention and fewer efforts are made to regulate these sectors and their workforces, the identification of vulnerable, exploited, and trafficked persons in these sectors will continue to lag. Additionally, there is hardly any information on trafficking for forced criminality and/or forced organ donations in Europe.

Safe reporting

Adequate safe reporting to report exploitation and access justice are lacking in most European countries, with people who are undocumented facing arrest, detention, and deportation if they approach the police to report violence or abuse. Rather than offering help, authorities frequently deny their right to protection and assistance, and enforce – or threaten to enforce – punitive measures instead. A clear 'firewall' will allow workers to safely file a complaint to police or labour authorities and courts, and to get access to services and justice, all without facing immigration enforcement as a result.

This would empower workers, uphold fundamental rights, tackle abuses, and promote fair business practice. It would also ensure that all cases are properly investigated, that perpetrators are held to account, and all victims can come forward. In addition, states should make further efforts to provide information in at least the most common languages of countries of origin and ensure wide dissemination by various stakeholders, including civil society, to ensure that migrant workers know their rights and can exercise them effectively.

Access to residence

The laws or policies determining the criteria for trafficked persons' access to residence permits vary substantially between European countries. As a result, there are huge differences between the number of identified victims and that of issued residence permits. The REST research² found that that few States grant residence and work permits to trafficked persons on the basis of both cooperation and on personal grounds. Recognition of the international protection needs and the granting of asylum and or subsidiary protection to trafficked persons remains very limited.

Fair migration policies

While EU Member States and the European Council and Commission have recognised the need for regulated international migration channels for (highly) skilled labour, they remain reluctant to publicly acknowledge their dependence on low-paid and informal forms of migrant labour. Indeed, in general there are limited possibilities for people from outside Europe to migrate to, and find legal employment in, Europe. Moreover, anti-trafficking policies are often misused to justify anti-migration policies: in many European countries, anti-trafficking policies are shaped within an anti-migration discourse.

However, restrictive policies can contradict their proclaimed purpose, as they may engender situations in which human rights violations are more likely to occur. Low-skilled or low-paid labour is often unregulated. There is a clear need to regulate to improve the protection of fundamental rights at work standards and prevent the creation of conditions that foster labour exploitation and consequently human trafficking.

Access to justice

Access to justice is about having the means and legal protection to exercise one's right to seek remedy before a court of law or tribunal for wrongdoing suffered. While European countries have ratified several binding international legal instruments that offer rights to victims, they often fall short in meeting their obligation to guarantee such access to justice in practice. A range of barriers obstruct the right to information, legal aid, or compensation. Victims often do not receive adequate information in a language they understand, and they often have no access to legal support due to financial barriers or lack of specialised legal support.

Alongside a lack of information, legal support and awareness, the right to compensation is also hampered through the long duration of criminal and civil proceedings, and – in the case of foreign victims – their return or deportation to their country of origin before a verdict is reached. Even when compensation is granted, trafficked persons rarely have the means to ensure a compensation order is enforced so they receive some payment. Consequently, legal remedy provisions remain underused and trafficked persons rarely receive the justice they deserve. See also www.justiceatlast.eu

² Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, LEFO IBF, February 2021

Fair labour rights

Many workers in Europe work without adequate protection or decent minimum wage, and those in irregular work or in an irregular situation are especially at risk of severe labour exploitation and abuse, including human trafficking and forced labour. Businesses find legal loopholes to avoid compliance with labour rights standards, like abusive subcontracting practices and making use of letter box companies to deny responsibility for the exploitation and abuse.

Such misuse must be addressed. Decent working conditions should be promoted more widely. Informal and unregulated work should be brought within the protection of labour laws. It should be ensured that labour rights are applied to all workers, without discrimination, and irrespective of their migration and residence status.

Binding legislation and control mechanisms should be established to ensure businesses' compliance with labour standards and human rights, enacting sanctions for businesses that do not respect human rights and the law. Further, there needs to be a greater focus on monitoring contractors and subcontractors and job recruitment agencies, particularly in high-risk labour sectors.

Non-punishment

Despite international and European legally binding standards on non-punishment and the adoption of specific legislation in several countries, trafficked persons in Europe are often still wrongly detained, prosecuted and punished for offences they have been compelled to commit in the course, or as a result, of having been trafficked. This is a serious human rights violation and a denial of justice. It serves to reinforce distrust towards the criminal justice system by victims and others.

Overall, we observe a variety of interpretations, a lack of awareness among legal professionals, and serious shortcomings in the implementation of the non-punishment provision. Successful applications of the non-punishment provision do exist, but these positive experiences are far more often the exception than the norm. Overall, LSI members report failures to apply the non-punishment provision for all forms of human trafficking, but particularly in cases of trafficking for forced criminality, where victims seem more likely to be automatically regarded as perpetrators.

The implementation of the non-punishment provision should be applied in accordance with a human rights based approach, fully complying with the available legal instruments and not being limited in scope, but applying to any civil, administrative or criminal offence, including serious offences.