



Reflecting on the implementation of the EU Anti trafficking plan and remaining risks of human trafficking for refugees from Ukraine

La Strada International, Suzanne Hoff

Introduction

Thank you for providing me with the opportunity to speak here today and it was good just to hear the update by the EU ATC and the European Labour Authority.

The La Strada International Platform, which I represent, comprises 31 NGOs in 24 European countries that all work on the prevention of human trafficking and direct assistance to trafficked persons. Since the full scale war broke out in Ukraine after the invasion by Russia, 15 months ago, we and other civil society actors have also followed the situation in Ukraine and in other European countries closely.

Generally, we were very happy that the European Commission so quickly responded in 2022 and decided to **activate the temporary protection directive** for those fleeing from Ukraine, which gave refugees for the first time immediate access to the EU labour market, education, health and social care. We also strongly welcomed **the swift establishment of a common EU Anti-Trafficking Plan** to address the risks of trafficking in human beings; to support potential victims among those fleeing the war in Ukraine, and to ensure better coordination of action.

Vulnerability

From the start of the war, there has been quite a general acknowledgement for the **vulnerability and risks** of those fleeing the war for human trafficking and exploitation.

This **vulnerability still exists today** - for those staying behind and those that left. For unaccompanied children, children from institutional care, elderly people, people with disability as well as for people who might have experienced violence or having lived in occupied territories and might have moved several times.

Generally we always see that those seeking refuge lack information, lack a social network, might not speaking the language and face challenges, including due to lacking financial means and or are being dependent on others including private landlords and employers for housing and work.

A risk reducing factor was that those that left and who complied with the **conditions of the temporary protection directive**, did not have to apply for international protection, could immediately legally enter the EU and generally mainly need to cross one border – except for those in occupied territories that had to cross the Russian border first¹. This has reduced the smuggling of persons and dependency on intermediators which often creates vulnerability and leads to exploitation, which we see with other wars and conflicts.

Support & information

We just heard from the EU anti trafficking Coordinator about the work done by European Commission and members states, as well as civil society actors, including the launching of websites and information portals for people and the raising of awareness. Information was put online, shared via helplines or was printed and widely distributed including by the border police. Training was provided

to frontline officers to identify victims and coordination indeed enhanced, as a result of the joint action plan.

At national level there was indeed good **cooperation between multiple stakeholders** on registration, transport and reception, care and accommodation as well as on medium to long-term needs and our members and others extended **helpline and support services**, while indications for human trafficking or exploitation were shared, investigated and persons referred to assistance and support.

While this was all very positive, we also saw quite some barriers and bottlenecks in practice, partly because the situation was also **new, actors were unprepared or lacked capacity** and there were initially no concrete national action or emergency plans in place on how to deal with the situation, also as this was not part of national AT strategies and action plans.

Moreover as the **war has entered its second year**, our members now notice less action from relevant stakeholders, also due to other priorities and they see that the **support for those fleeing the war is diminishing**, which is a concern. Moreover while there has been a lot of public and governmental solidarity, we have seen over the last months, that this is shrinking; there seems **less access to housing** and support programmes become more sober.

Sustainability of support is an issue, as lack of sustainable support, including housing, lack of access to livelihoods and lack of financial support increases the risk of exploitative labour.

Barriers over the last 17 months

Firstly we notice that information Ukrainians have is not always correct and consistent and still Ukrainians indicate **to lack information about national procedures** to apply for temporary protection or international protection; e.g. how to register, how to get support or more information, but also where to complain about violence and abuse. This is important to address as inconsistent access to reliable information creates risks for exploitation and abuse.

We have also seen that quite a lot of volunteers, new actors and international organisations entered the field, to support refugees including on the prevention of human trafficking. This created risks, as the vetting and registration of volunteers, organisations and hosts of private housing was initially quite lagging behind and there have been cases of abuse, violence and sexual harassment.

Moreover, the **increasing group of actors that entered the AT field**, while impressive and supportive, also lead to **overburdening of stakeholders** also due to the fact that stakeholders had to join all kind of additional meetings, temporary task forces, and provide answers and support to all kind of new requests and researchers, related to these initiatives, but it also lead to **duplication, competition for staff and funding**, especially between local NGOs and International organisations.

Generally we saw and see a lack of capacity and resources of governmental stakeholders and civil society actors responsible to address human trafficking and they were not always able, to **quickly expand programmes** and services and implement the new proposed actions.

Further very important, we still see barriers for people trying to **access the temporary protection**, rules in EU countries remain different, and do not always align, there are risks to lose the temporary protection status also due to these rules, and several EU countries are working on or have **adopted new legislation**, also recently, that create unclarity, are seem not fully in line with the Temporary directive, or exclude groups from temporary protection now. For example as from 4th of September 2023, third-country nationals will no longer fall under the Temporary Directive in the Netherlands.

Moreover, already from the start we saw that for certain minority groups and Third country nationals, it was very difficult to access the scheme, or they were not eligible, and the same goes for the many Ukrainians who were already residing and work in Europe beforehand. **These personsⁱⁱ are still not entitled to legally work.**

We have further noticed that Ukrainians – even though many can register and have access to legal work, **still often end up in informal work**, due to language barriers or mismatches in skills, and due to the uncertainty how long they can stay, many also face that contracts are not prolonged, or no fixed contracts are offered, but only temporary contracts.

We also hear that even though generally there are many persons with high levels of education, are still ending up in **low paid and temporary jobs**, including cleaning, restaurants, food delivery services and factories. Via our helplines we also received quite a lot of reports about lacking of contracts, or contract in foreign languages that could not be understood, under payments or non-payment, or reduction for all kind of costs to access or keep the employmentⁱⁱⁱ.

There were also issues related to **overtime, bad recruitment practices, poor accommodation and dependency on employers** including through accommodation. There are also still **safety risk with housing**. Shelters are still often not suited for the large groups of refugees, **have lacking security controls**, e.g. easily accessible, also as we often heard reports that people especially also unaccompanied children disappear from shelters. Also reported to have to **pay high rents** or do tasks in return for housing and generally much dependency on landlords - Private accommodation remains an area of risk – and we see that there is **little opportunity to change housing** for Ukrainians.

Generally we see issues when **accommodation is linked to employment**, this often prevents workers also to complain about malpractices at work out of fear of not only losing their job, but also losing their housing.

Actual situation

If we look however at what we know now about trafficking of refugees from Ukraine, and Diane Schmitt already mentioned it, we still see a **low number of identified trafficking cases** from Ukraine, especially also if you compare the figures with identified trafficked persons from other countries and regions. While over the **year 2022**, our members assisted hundreds of Ukrainians through our helplines, prevention programmes and social support services, we only directly assisted around 22 persons with indications of human trafficking. And also the figure for the first half of this year, seems low.

It is not clear how many of these will or **have been formally identified as trafficking**, investigations have sometimes not started yet, or are still ongoing, or have already stopped due to lacking evidence.

The OSCE, Thompson Reuters and UN Women and others have raised strong awareness about **the large demand for Ukraine women for sexual services**, however we have not seen **any evidence** that many Ukrainians have been sexual exploited, neither have we seen this confirmed by law enforcement bodies, although there have been cases of forced prostitution.

Most of the cases referred to us were **actually cases of labour exploitation**, and mostly these related to Ukrainians that left the country before the full scale war and thus had no access to the temporary protection directive, as well as Third Country Nationals, that had no equal access either.

The reason for this and the low number, and also here I refer to the EU ATC, we expect to be the swift actions and the activation of the **Temporary Protection Directive**, as such this protection model is definitely a model to promote, and to consider to open also for other refugees from other countries.

Recommendations

Let me conclude by highlighting **some recommendations**, also to reduce the risks for those fleeing from Ukraine.

1. Firstly to continue to reduce vulnerability to trafficking/exploitation among those fleeing Ukraine and other countries, the **basic, reception, integration and psychological needs of refugees must be met** including safe and sustainable housing, access to decent work.
2. Governments should further ensure **there remains sufficient attention and commitment** to support the refugees fleeing Ukraine. It is therefore also important to start planning beyond 2024.
3. **Members states should continue to apply the Temporary Directive** and address challenges and bottlenecks, as major instrument to reduce risks, we also advocate for more protection to refugees that enter the EU from other countries.
4. It **remains important to continue to provide centralized official information and continue awareness raising and information provisions** on risks of human trafficking and generally it is important that migrants are structurally informed about their rights; including via information centres at local level.
5. More efforts are needed to ensure that the **private sector is made more aware** of the risks of trafficking in human beings and contributes to awareness raising, especially in high-risk sectors, such as the agriculture, construction, hospitality, cleaning, care or domestic work, amongst others. Also the portals offering jobs for Ukrainians and other migrants should be monitored and also better used to inform people **about the risks of human trafficking**.
6. Improving the capacity of labour inspectorate to check labour situations, remains very much needed. More insight is needed on recruitment, labour sectors they work, and posting. Need much more focus on labour rights/decent work/monitoring where they are working/
7. Also we call upon the EU ATC and EU MS to ensure more cooperation with civil society in all actions **including awareness raising and information provision**, but also in policies development, in general we see a shrinking space of civil society in Europe including in the EU and also we feel that the EU Civil Society Platform can be more effectively used.
8. It is further important that states have an **emergency plan in place**, EU Strategies and action plans, as well as national EU strategies and action plans should incorporate also actions in case of emergencies.
9. Lastly indeed and I echo also the EU ATC here, it should be ensured that the EU action plan on THB and Ukraine **remains well implemented and monitored**. Such evaluation and impact assessment is needed to improve the current situation, but also needed to create lessons learnt for future situations.

Thank you for your attention.

ⁱ Residents of non-government controlled territories, had to cross the border with Russian Federation first to travel to Latvia or Estonia and then Lithuania to cross the Polish-Lithuanian border as the only accessible way to enter Poland. These persons have been facing in-depth searches and interrogations exceeding the regular border guard's procedureⁱ

ⁱⁱ including many Ukrainians that were already in EU countries before February 2022 on temporary visas, who cannot return, but fall outside the temporary protection. People with non-Ukrainian nationality – including undocumented and stateless people who were living in Ukraine prior to the Russian invasion including Third Country Nationals (TCNs) that fled Ukraine who had valid residence in Ukraine, but often face many difficulties obtaining temporary protection in EU countries. Third-country nationals who fled Ukraine but who were not officially resident in Ukraine are not granted the same access to the labour market. They have to file a case for asylum, which is often a long process. Only those granted an international protection status are then allowed to work.

ⁱⁱⁱ Workers often do not properly understand their labour rights and are not aware of their entitlements, for example, in relation to contracts, documentation, payment of wages and the national minimum wage and need support to access the labour market. Workers also lack knowledge on where and how to report complaints in cases of exploitation. Many workers find their jobs online and via social media and messaging platforms, such as Facebook and Telegram. This also leads to a lack of regulatory oversight, resulting in increased vulnerability to exploitative practices. Especially as we know that persons are often afraid to report about violations, and exploitation.