

Manifesto EU Parliament Elections 2024

Ahead of the 2024 European Parliament elections, La Strada International, the European NGO Platform Against Trafficking in Human Beings, calls upon all candidates, future EP members and their political parties to strongly commit to the protection of fundamental rights, freedom, and dignity of people, living across the EU and beyond. Especially victims of crime, including trafficked persons and those vulnerable to severe exploitation and abuse, need to receive strong attention of the new EU Parliament, to guarantee their access to protection, justice, and support in Europe.

We see that many of the policy measures taken by EU bodies and EU Member States remain focused on fighting crime, restricting migration, and repressing those, that are irregular or work in irregular sectors. Anti-trafficking policies are frequently framed within an anti-migration discourse and are often used to justify restrictive migration policies. Such restrictive policies paradoxically often increase the likelihood of human rights violations. The growing anti-migration sentiments and even xenophobia, by both the public and politicians in many European countries cause further discrimination against migrants leading to condoning situations of exploitation and abuse.

La Strada International, calls for a human rights-based approach, which centres the protection of the rights of persons. To promote rights and reduce exploitation and abuse in Europe, we call for legal and accessible channels for migration and enhanced access of migrants to the labour market, strong workers' rights and the promotion of decent work and fair pay, next to the protection of social rights and a healthy civic space. Victims of crime, including victims of trafficking, and victims of other forms of severe exploitation and or violence, should have access to justice by the provision of unconditional support, legal aid, guarantees of non-punishment, adequate remedies, and enhanced access to regularisation or residence on personal or humanitarian grounds.

Protection and Promotion of Civic Space

The role of civil society is essential in European policy development, monitoring, awareness-raising, and victim support. However, increasingly CSOs in Europe face substantial legal and practical challenges that hinder their work due to changes in the legal environment including 'foreign-agent laws', funding limitations, and difficulties in engaging with policy-making processes. It is therefore important to develop an ambitious strategy to protect civic space in the EU and beyond, especially in countries where civic space is currently under threat. Members of the European Parliament should:

- Ensure a strong legislative framework that protects and promotes civic space and ensure that the transposition and application of EU rules, do not result in disproportionate restrictions on civil society activities. Policies limiting the advocacy and operational functioning of human rights CSOs, including anti-trafficking NGOs, should be removed.

- Engage CSOs as key strategic partners in consultations during the preparation or review of EU legislation, or for the creation of policies and strategies.
- Strongly speak out against hostile environments, intimidation, legal proceedings, and smear campaigns against the work of CSOs in the EU and beyond.
- Ensure available and accessible funding for CSOs including grassroots organisations. Beyond project funding, core funding and multi-annual funding will effectively support civil society and ensure the sustainability of its human rights work.

Enhance Fair Migration and Uphold Rights

There are limited safe, legal, and regular migration pathways for (especially third-country national) migrants in Europe. The recently adopted EU Pact on Migration and Asylum focuses largely on restricting possibilities to access residence status; increases the use of detention; facilitates immediate return of those denied asylum, and removes essential legal safeguards and support, which conflicts with existing international human rights obligations. This will increase the risk of exploitation and human trafficking. MEPs should commit to:

- Adequately monitor the implementation of the EU Migration Pact on upholding the human rights of refugees and migrants; and ensure that violations and harm are remedied.
- Strengthen legal pathways and rights protections and support for migrants, including within the EU and ensure that undocumented migrants have possibilities to regularise their stay.

Promote Decent Work & Labour Rights for All Workers

Currently, much vital work is conducted by migrant workers, both from within the EU by mobility workers, as well as by workers from third countries. These workers are often vulnerable to (severe) exploitation and abuse, including human trafficking and forced labour. Many of them work in precarious situations, in low-skilled or low-paid and unregulated jobs and are often undocumented. This group remains largely invisible and there are no special measures in place to reach, identify and support them.

There is lacking attention for labour rights enforcement, while policies, regulations and schemes are abused to conceal illicit activities. Via subcontracting, 'posting' and or the establishment of letterbox companies, national legislation and control is avoided, as well as liability for exploitation and abuse. The EU should no longer let large corporations get away with human rights and environmental abuses, hence we welcome the recent adoptions of the EU Directive on Due Diligence (CSDDD) and the Forced Labour Ban, which promote due diligence and prevent that products made with forced labour are brought on the EU market. Also, the recast Anti-Trafficking Directive foresees the strengthening of sanctions on legal persons in case of misconduct. It is needed to:

- Enhance EU standards on decent work, by ensuring workers have reliable permits, access to fair, safe, healthy, and decent working conditions, and full coverage by labour law and social protection.
- Bring informal and unregulated work within the protection of labour laws and labour rights need to be applied to all workers irrespective of migration or residence status.
- Carefully monitor new EU law and regulations, addressing misconduct by private companies, while control mechanisms should be set up to monitor businesses' compliance with labour and human rights standards, next to effective use of sanctions for businesses who violate rights.

- Ensure transparency about EU procurement policies and critically assess EU supply chains and services to ensure these are free of forced and exploitative labour.
- Create more awareness and information about the origins of products and services, to enable European customers to make informed decisions about their purchases and promote products and services made without forced labour and human trafficking.
- Inform European citizens about the new EU legislation and regulations including about the criminalisation of the knowing use of services provided by victims of human trafficking, as embedded in the EU Directive on Human Trafficking

Enable Safe Reporting and Complaint Mechanisms

Adequate measures to safely 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 practices. It is needed to:

- Create opportunities for all workers, including undocumented workers, to safely report exploitation across Europe, without fear of arrest and deportation and to have access to adequate complaint mechanisms.
- Strongly embed safe reporting and complaint mechanisms in EU Law, especially the EU Victim Rights Directive under revision, for which the EU institutional negotiations are expected to start later this year.
- Promote the delinking of violation of labour laws from the control of migration or residence status of workers.

Ensure Access to Justice and Remedies

Access to justice in Europe involves the right to seek legal remedy for wrongs suffered, a right supported by various international legal instruments ratified by European countries. However, victims of crime who claim justice, face multiple barriers, including insufficient information in understandable languages, financial constraints, and a lack of specialized legal support. Additionally, the lengthy duration of legal proceedings, coupled with the premature return or deportation of foreign victims, further restricts their ability to claim remedies including compensation. Moreover, still many trafficking victims are wrongly detained, prosecuted, and punished for offenses committed due to their trafficking situation, even though international and European law mandates for the non-punishment of trafficked persons. The negotiations on the recast of the EU Victim Rights Directive of 2012, offers a good opportunity to strengthen access to justice and compensation for all victims of crime. We thus ask MEPs to:

- Strengthen the EU Victim Rights Directive on the provision of information and legal assistance to victims of crime, including for the execution of compensation granted.
- Ensure that compensation is dealt with in criminal procedures and allow the prefinancing of compensation, as currently foreseen in the European’s Commission proposal and EP position for the revision of the Victim Rights Directive.

- Revise the 2004 Compensation Directive (Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims) to strengthen rights to compensation.
- Ensure that victims of crime, including victims of trafficking and forced labour have access to a compensation fund. The recast THB Directive only refers that States 'may' establish such funds.

Enhance Access to Residence for Victims of Crime

Access to residence is critical for the safety, stability, and future perspective of trafficked persons. However, laws or policies determining which trafficked persons are granted residence permits, vary substantially between different European countries, and generally identified trafficked persons do not have much access to regular stay. The 2004 Residence Permit Directive, which links the residence permit to the victim's cooperation contradicts the unconditional nature of assistance to victims which is provided for in the 2011 Directive and the CoE Convention, which should enable trafficked persons to exercise their rights as victims of crime and to protect them from further exploitation and harm. Limiting residence permits on cooperation criteria is also at odds with EU States' obligation to ensure access to justice for victims of crime, according to the 2012 Victims' Rights Directive, which applies to all victims of crime, irrespective of their residence status. Hence it is:

- High time to revise the 2004 Residence Permit Directive, as it is 'no longer fit for purpose'
- Needed to ensure that renewable residence permits can be granted to victims of trafficking on personal or humanitarian grounds, in a range of situations, depending on whether it is the victim's safety, state of health, family situation or other.