



Prevention of trafficking in persons in Central and Eastern Europe
Prewencja handlu ludzmi w Europie Srodkowej i Wschodniej
Предотвращение торговли людьми в Центральной и Восточной Европе
Prevenca obchodu s lidmi ve Stredni a Vychodni Evropě
Prevenција trgovine ljudima u Centralnoj i istočnoj Evropi
Забобігання торгівлі людьми в країнах Центральної та Східної Європи
Prevenirea traficului de fiinte umane in Europa Centrala si de Vest
Превенция на трафика на хора в Централна и Източна Европа
Превенција од трговија со луѓе во Централна и Источна Европа
Preventie van mensenhandel in Centraal en Oost Europa

LSI recommendations for the Debate on the future of Home Affairs policies: An open and safe Europe – what next?

In 2014 the EU will set the agenda for the forthcoming years in the area of Freedom, Security and Justice, including Organised crime and Human Trafficking, to succeed the current Stockholm Programme.

The issue of trafficking in human beings has seen increased attention in the past decade in the European Union and globally, which resulted in a range of EU legislative measures and policies, such as Council Directive 2004/81 on the residence permit, issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities; the 2011/36/EU Directive on preventing and combatting trafficking in human beings and protecting its victims, replacing Council Framework Decision 2002/629/JHA; and the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016.

La Strada International has welcomed the high priority that has been given to the issue of trafficking in human beings and the increased awareness for the position of victims, which resulted in the so-called victim-centred approach.

For the process of setting the agenda for the coming years in the area of Freedom, Security and Justice, La Strada International has formulated a number of recommendations to promote the monitoring of the implementation of the current legislation, policies and measures to ensure that victims' rights are respected and affected groups are protected from exploitation and abuse. We also strongly recommend the Commission to take on a holistic approach to human trafficking and to establish effective processes, ensuring that action in other EU policy areas reinforces the protection and assistance of trafficked persons, as required by the Directive, rather than undercutting it because priority is afforded to other policy concerns, such as migration control or labour laws.

Focus on the implementation of the current EU legislation

In the past years, sufficient legislation on the issue of trafficking in human beings has been developed. The most important challenge now is the full implementation of the policies and measures in practice and not only on paper. Trafficking in human beings is recognised as a gross violation of human rights and therefore the fight against this crime needs to be focused on the protection and restoration of the rights of trafficked persons. The first and utmost priority is the early identification of victims of human trafficking and ensuring that all protective measures, assistance and support provided for in the EU legislation are in place and offered to trafficked persons. EU research shows that there is still a huge discrepancy between the number of identified and reported victims and the estimates of human trafficking in the EU. The result is that the vast majority of persons who have been subjected to exploitation, abuse and violence (the core of the crime of trafficking) are not being identified as trafficked persons. Consequently, they are not granted the support and assistance they are entitled to and even worse, they are often simply detained or deported as irregular migrants.

Even when identified as victims of trafficking, often trafficked persons are not granted the rights that they are entitled to.

Not all people who have been experienced abuse, violence and exploitation can be identified as victims of trafficking in human beings as they might not fulfil all the criteria of trafficking. But they for sure are victims of crime and should therefore have access to all the provisions that the Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, provide for irrespective of their residence status.

Also, exploited undocumented workers whose employer is sanctioned should be able to claim compensation for unpaid wages according to Article 6 of the Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, provides with good tools for the implementation of the mentioned policies and measures and for the necessary capacity building for responsible professionals. La Strada International recommends that the Commission follow closely the transposition and implementation of all relevant legislation, support Member States with the implementation of measures and take adequate action when they do not comply.

Ensure adequate monitoring, including involvement of civil society

It is important that the monitoring of the implementation of legislation and policies not only investigates the transposition of the legislation on paper, but especially focusses on how the policies and measures work out in practice. Important measures that protect the rights of trafficked persons and provide them with the tools they need to rebuild their lives, such as the non-punishment provision and the right to compensation, are often included in national legislation, but are scarcely realised in practice. Also, monitoring is needed to ensure that the measures taken, really have the intended effect. Sometimes well-intended policies can have adverse effects on the rights of those they are meant to protect, especially when it concerns marginalised groups such as undocumented migrants, ethnic minorities and sex workers. Therefore, the observations of civil society should be included as vital elements in the monitoring and evaluation processes of anti-trafficking policies.

NGOs working with trafficked persons are able to access a wide range of data not available to other institutions; therefore, their input is crucial in responding to these needs and reporting as well as in strategising and helping to shape policies to address them.

Harmonise the tools and procedures for data collection with data protection provisions

La Strada International acknowledges the need for structured data collection in order to understand the changing trends, patterns and working methods of traffickers in all different forms of trafficking in human beings. In order to protect the safety, integrity and privacy of trafficked persons it is of utmost importance that tools and procedures for data collection are harmonised with European data protection provisions. Data collection should never jeopardise the privacy and safety of trafficked persons. Civil society organisations that provide services to trafficked persons should never be compelled to disclose personal data of their clients or be pressured to do anything that can harm their confidentiality.

In addition, in order to have a broader understanding of the phenomenon of trafficking in human beings, it is important to acknowledge that statistics on the victims and the perpetrators only provide a limited scope for information. Developments in migration policies, the (de)regulation of labour and global economic forces influence the supply and demand for cheap and exploitative labour which is often met by human trafficking. These developments should be acknowledged and researched.

Adopt an impact-oriented prevention strategy

The EU and intergovernmental organisations have for many years supported prevention campaigns in the countries of origin. The majority of the campaigns warn people of the dangers of human trafficking. At times, these campaigns seem to have a hidden goal, not just to prevent human trafficking but to prevent (illegal) migration. Some bi-lateral cooperation to prevent trafficking in

human beings between member states and third countries merely aim to stop people vulnerable to human trafficking from migrating.

La Strada International believes that prevention of trafficking should primarily be about addressing the root causes. Next to the root causes in the countries of origin, such as poverty, unequal gender relations, traditional social structures, there are root causes during the migration process, such as the lack of safe and legal migration opportunities and there are root causes in the countries of destination, such as the demand for cheap and exploitative (irregular) labour in combination with strict immigration and increased repressive policies towards undocumented persons.

The EU must adopt an impact-oriented prevention strategy, covering both EU internal and external policies. Specific measures should be incorporated into Country Strategy Papers, also reflecting, where appropriate, regional strategies. All EU programmes should be based on measured good practices and regular examination of their effectiveness.

In addressing the issue of demand, focus on all economic sectors

In the agenda on prevention, much focus is put on the demand that fosters exploitation, with an emphasis on the demand for sexual services. La Strada International recognises that the sex industry is one of the economic sectors in which human trafficking occurs, as it does in other sectors where workers are invisible, unprotected, excluded and disempowered. It is important though not to conflate trafficking in human beings with prostitution as it leads to inadequate counter-trafficking policies and to counter-productive prostitution policies. The two issues are both complex and need their own individual approach and policy. Furthermore, it distracts the attention from human trafficking in other industries which could leave victims there unrecognised and unprotected.

La Strada International recommends that when tackling the demand side of trafficking in human beings, all economic sectors that are vulnerable for exploitative situations are included.

In order to understand why some economic sectors are more vulnerable, research is needed into the connections between deregulation of labour, the decrease in wages, labour migration and demand for cheap and exploitative labour.

Take on a holistic approach including the whole spectrum of EU internal and external policies

Human trafficking is not an isolated phenomenon that occurs outside of the normal society and economy. On the contrary, trafficking in human beings is intertwined in today's society. Global economic forces and policies in the fields of labour, migration, asylum and justice affect the vulnerability of people to exploitative situations. These policies might even have more impact than counter-trafficking policies do.

To implement the policies and measures to end trafficking in human beings, there is a need for a strong coherent EU approach, which addresses the human rights issues arising at each stage of the trafficking cycle through the whole spectrum of EU internal and external policies - including *inter alia* EU policies on labour, development cooperation, children rights, social affairs and social inclusion, anti-discrimination, migration, and asylum. EU policies with a potential impact on the rights and safety of trafficked persons, such as external and security policies and policies on return and migration more generally, need to be developed with due regard to international human rights standards and good practices for the protection of the rights of trafficked persons and affected groups.