

ITUC GUIDE

ITUC, International Trade Union Confederation
February 2011



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Never work alone



**Trade Unions and NGOs joining forces to
combat Forced Labour and Trafficking in
Europe**

The International Trade Union Confederation (ITUC) represents 176 million workers, 40 per cent of whom are women, in 151 countries and territories and has 301 national affiliates.

The ITUC is a confederation of national trade union centres, each of which links together the trade unions of that particular country. Membership is open to all democratic, independent and representative national trade union centres.

The ITUC's primary mission is the promotion and defence of workers' rights and interests, through international cooperation between trade unions, global campaigning and advocacy within major global institutions. Its main areas of activity include trade union and human rights, the economy, society and the workplace, equality and non-discrimination as well as international solidarity. The ITUC adheres to the principles of trade union democracy and independence, as set out in its Constitution.

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Anti-Slavery International, founded in 1839, is committed to eliminating all forms of slavery throughout the world. Slavery, servitude and forced labour are violations of individual freedoms, which deny millions of people their basic dignity and fundamental human rights. Anti-Slavery International works to end these abuses by exposing current cases of slavery, campaigning for its eradication, supporting the initiatives of local organisations to release people, and pressing for more effective implementation of laws against slavery.

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Acknowledgements:

Anti-Slavery International and International Trade Union Confederation wish to thank to all those who have contributed to this publication, and to affiliates and partners for their invaluable contributions by sharing their experiences and strategies.

In particular, we would like to thank Klara Skrivankova (Anti-Slavery International) and Jeroen Beirnaert (International Trade Union Confederation) for putting this publication together. Special thanks also to Lucy Gregg, who carried out the research for this project at Anti-Slavery International and to Monika Kalinowska, a volunteer at Anti-Slavery International. Many thanks also to PICUM for collecting much of the information referenced.

Anti-Slavery International and the International Trade Union Confederation would like to thank the European Commission for funding this project.



The views expressed herein are those of Anti-Slavery International and the International Trade Union Confederation and in no way reflect the opinion of the funder.

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Foreword

Dear friends,

The impact of the current economic crisis on working people and their families, a result of financial and political decisions made far from the worksites of the majority, is but magnified for migrant workers and others forced to migrate from their homes in search of work. In times of crisis, social movements are traditionally even more challenged. Under the current pressure of a globalised economic crisis, social protection is under threat everywhere, and those most vulnerable are those people who have never had access to social protection. Lack of decent jobs pushes migrant workers to look for opportunities outside their home countries. When they arrive, in the countries of destination, they are often confronted with xenophobia from those who fear that the few jobs available will be taken by new immigrants. Often, the responses of politicians to such manifestations of xenophobia are tighter restrictions on migration. At the same time, governments desire to boost their economies to be more competitive, by banking on decreasing labour costs and importing cheap and more compliant labour. These dynamics mark the contemporary globalised labour market and are major contributory factors to the growth of a phenomenon we can only describe as modern day slavery, not in its traditional forms, but evident in supply chains of products and services we, as consumers, all use.

In Europe, there have been alarming reports of abuse of migrants from all parts of the world working in conditions of forced labour. Trafficking of workers is big business. It is the modern day slave trade. Civil society groups have been active in the fight against human trafficking since the 1990s. Yet, for trade unions, the issue has become a concern more recently, as increasing evidence emerges of trafficking for forced labour in the private economy.

To address this emerging scourge, the International Trade Union Confederation (ITUC) adopted a framework of action for the Global Trade Union Alliance to Combat Forced Labour and Trafficking in 2007.¹ Later, on a regional level a Declaration was adopted by the participants of the International Trade Union Conference on Combating Forced Labour and Human Trafficking organised jointly by the ITUC-PERC, the ETUC and the GSEE in Athens on 21-23 November 2008.²

The international trade union and the anti-slavery movements, however, have a long history of cooperation, jointly working on combating and advocating against traditional slavery practices such as bonded labour and forced prison labour. Formally joining the ILO's Special Action Plan to eradicate forced labour by 2015 in 2007, the ITUC strengthened its ties through a Memorandum of Understanding with Anti-Slavery International to share expertise and experience and develop cooperation even further.³

The need to join forces to address the vicious trend of forced labour in industrialised countries as a result of trafficking of migrant workers, led to the proposal of a

¹ http://www.ituc-csi.org/IMG/pdf/3GC_E_15_a_-_Forced_Labour.pdf for a map of the global alliance <http://www.ituc-csi.org/imap-workers-alliance-against.html> Annex 1

² Pan-European Regional Council (national trade union centres from Ireland to the Russian Federation), European Trade Union Confederation (national trade union centres from EU countries) and the General Confederation of Greek Workers; http://www.ilo.org/sapfi/Events/NonILOevents/lang--en/WCMS_100999/index.htm Annex 2

³ <http://www.ituc-csi.org/memorandum-of-understanding.html?lang=en>

two- year project entitled “Creating a European coalition of trade unions and NGOs to prevent violence and protect women and young people in the workplace, with a specific focus on trafficking”⁴ - an attempt to better address these new and challenging forms of extreme abuse of workers, by bringing trade unions and NGOs closer together. The project started from the premise that while unions have extensive experience and expertise in promoting and protecting labour rights, specialised NGOs have also built up decades of experience in combating trafficking. Very rarely, however, have these two networks cooperated to address the symptoms and the causes of trafficking and forced labour on a national level. Therefore, the project intends to create a space to strengthen the links between trade unions and NGOs and identify the barriers and opportunities for joint work. In many cases we have found that lack of awareness of strategies and activities or different ways of working were the main obstacles for building broad national coalitions on workers’ rights, trafficking or related issues. The ITUC-Anti-Slavery project provides the opportunity for organisations to meet, discuss where such structural cooperation would be possible and desirable and begin the process of coalition/alliance building.

This booklet is the project publication which reflects the lessons learned from the project and offers some answers to questions raised by trade unions and NGOs in the course of this work. It is the first joint trade union-NGO attempt to bridge the gaps, dispelling some of the myths about the functions of both bodies and bring concrete examples of how NGOs and trade unions have, and can join forces, to deal with trafficking and forced labour across Europe. By no means will the text provide a ready template for NGO-trade union cooperation. Generalisations needed to be made and not all arguments will apply to all political or local organisational contexts. Rather, this report seeks to provide an overview of different possibilities for cooperation. The project and therefore this booklet focuses exclusively on cooperation between trade unions and NGOs in fighting labour trafficking and does not do justice to all the hard work done by many organisations to combat forced labour and trafficking outside this narrow framework, alongside external partnerships or in partnership with other stakeholders. Practices have been grouped in four areas of activities. This division is neither exhaustive, nor can all practices be categorised in one of these areas. Where there is cooperation between unions and NGOs, the work usually covers several of the subdivided areas. Especially when a certain level of mutual understanding, trust, respect and support for each other’s work has grown between partners, there can be effective cooperation.

We hope this publication will contribute to generating fresh discussions within organisations and with others and that it will inspire and encourage others to join the alliance to eradicate modern day slavery. There is important work to be done.

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⁴ Funded by the European Commission

I. What is the problem we are dealing with

In 2005 the International Labour Organisation (ILO) came up with a global estimate of 12.3 million people in forced labour at any given time. A geographical breakdown of this minimum number indicates that for industrialised countries, including Europe, of the 360,000 workers in forced labour, 270,000 ended up being exploited as a result of a trafficking process.⁵ Most of the people affected by slavery practices are women migrant workers and especially vulnerable are those who are undocumented. The vast majority are to be found in under- or unregulated economic activities such as domestic work, agriculture, construction, restaurants, hotels and catering and prostitution and sexual exploitation.

Commonly, it is migrants in Europe who are brought into exploitation through subtle forms of deception and coercion via formal or less formal recruitment agents and middlemen. Migrant workers often borrow large amounts of money to pay the trafficker for arranging transport, travel documents and a fee for securing a job expecting future returns. If the job they finally receive upon destination does not enable them to repay the loan, let alone to further support their family and community at home, they become trapped by huge debts and no money to return. Debts can be further exacerbated through inflated charges for basic accommodation and food which is deducted from their salary leading them into debt bondage to their employer or recruiter. Another frequently used means of coercion is abuse of the precarious residence status of migrant workers. When migrants' residence status is tied to an employer or employment with no legal or practical possibility to change employment, workers cannot complain about or act upon their situation out of fear of being denounced and repatriated without compensation for unpaid work or other abuses suffered. These vulnerabilities are often exploited in combination with violence, threats and intimidation. In addition, domestic, restaurant and agricultural workers are vulnerable to physical isolation preventing them from reaching out for support.

Human trafficking is a process of bringing someone into a situation of exploitation, a series of actions with the final purpose being a form of exploitation (such as forced labour). There are three constitutive elements of trafficking⁶ and various forms of coercion are included. The whole process is exploitative, although this is not always evident, especially at the initial stages of the process.⁷

Forced labour means maintaining someone in a situation where services or work are exacted under menace of penalty to which a person has not offered himself or herself voluntarily. Indicators of forced labour [Threats of or actual physical or sexual violence; restriction of movement and confinement, to the workplace or to a limited area; debt bondage: where a worker works to pay off debt or loan, and

⁵ Belsler P. and de Cock M: ILO Minimum Estimate of Forced Labour in the World, ILO, 2005, Geneva.

⁶ The three elements of trafficking of adults, based on the definition of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, are: acts, means, purpose. Trafficking in persons is: the action of recruitment, transportation, transfer, harbouring, or receipt of persons; by means of the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim; for the purposes of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices, and the removal of organs.

⁷ Skrivankova, K: Between decent work and forced labour: examining the continuum of exploitation: Joseph Rowntree Foundation Programme Paper, 2010, York.

is not paid for his or her services; withholding of wages, refusing to pay the worker at all or excessive wage reductions; retention of passports and identity documents; threat of denunciation to the authorities] describe situations and conditions people commonly find themselves in and that the ILO and others recognise as identifying situations of forced labour. Although not every single indicator signifies forced labour, their concentration (usually two or more) suggest a situation of forced labour. Furthermore, they can be both indications of a trafficking and non-trafficking situation. While forced labour is a criminal offence, it is also an outcome of the imbalance of power, poor regulation of labour markets and inadequate enforcement of labour rights. Consequently, those who are subject to forced labour should be seen as workers whose fundamental rights (including labour rights) have been violated, be treated as claimants of rights and be able to access criminal justice as well as labour justice.⁸

The ITUC Action Plan for a Global Trade Union Alliance to Combat Forced Labour and Trafficking calls for increased action to counter abuse at all stages of a trafficking process e.g. to reach out to vulnerable migrants both in origin and destination countries, call for rights based migration policies, regulation and monitoring of recruitment, more effective labour inspection and access to justice. The alliance is a platform for closer cooperation on this issue between trade unions with other stakeholders, including NGOs.⁹

II. Approaches and perspectives to combating human trafficking

Both trade unions and many NGOs are likely to come across cases of forced labour and trafficking. At the same time, both are well-placed to contribute to strategies which will help eliminate forced labour and trafficking by tailoring their involvement to deploy their particular areas of expertise, capacity and available resources.

Still, many of the participants of our project have expressed concern at the lack of cooperation or even interest of trade unions to engage with the issue of trafficking. The assessment we carried out among some 50 trade unionists and NGO workers revealed that the differences in operation, mandate and language used to describe the same social phenomena are among the key barriers preventing NGOs and trade unions from working together.

This chapter provides an overview of how NGOs and trade unions work and concludes that in fact there are more commonalities than differences between the two.

NGOs that work on trafficking and related issues vary in size but tend to be very small with 10 to 15 personnel on average in any one branch. NGOs have developed

⁸ *ibid*

⁹ For more information, please refer to the ITUC Mini Action Guide on Forced Labour http://www.ituc-csi.org/IMG/pdf/guide_forced_labour_EN.pdf and the ITUC Best Practice Guide on How to Combat Forced Labour and Trafficking <http://www.ituc-csi.org/ituc-guide-how-to-combat-forced.html>

knowledge about specific characteristics and needs of particular groups of vulnerable workers and trafficked persons, and provide protection and assistance through psychological, financial, housing and educational support. Some undertake reintegration programmes, some run public awareness campaigns and raise awareness in communities. Others engage in campaigning and lobbying, usually targeting governments or undertake research and data collection. Some NGOs specialise in one area of activities, others combine more. The experience of NGOs in anti-trafficking work has led to the acquisition of substantial knowledge, as explained by an employee of a Serbian NGO ASTRA¹⁰:

"We have been working for 15 years on trafficking and forced labour issues, really since the beginning, and have comprehensive knowledge of the issue.... We know about the victim profiles and the migration patterns and certainly have experience in the provision of appropriate psychological assistance"

Long term experience and substantial knowledge of the issue in NGOs can be beneficial to trade unions that are newer to the issue.

Trade unions are usually larger organisations which organise and represent workers. They campaign and negotiate to protect rights at work and improve pay and working conditions. Thus, they defend the interests of their members and provide a range of services, including legal assistance in cases of worker rights violations. Based on representativeness, trade unions are interlocutors for governments and employers in social dialogue and collective bargaining. Trade unions monitor the observation of labour laws and collective bargaining agreements and they have a role in shaping government policies concerning socio-economic regulation including on minimum wages, pensions, and social welfare. The extent of their influence varies from country to country. By joining together with other workers, individual workers gain a greater voice and more leverage in decision making. Research has shown that unionised workers enjoy better conditions and wages than those who are not unionised¹¹. The application of union positions in the workplace was articulated by a trade unionist at the TUC in the UK:

"Trade unions bring a very long history of organising in the workplace with sometimes up to thousands of representatives in a big network across large workplaces. ...if unions aren't there workers can't access their rights...we make sure the laws are adequate and effectively enforced."

Trade unions have long experience and wide expertise in dealing with some of the issues closely related to forced labour and trafficking, as well as with the underlying causes. However, the term trafficking was not very common in trade union discourse until recently, or as a trade unionist from Solidarnosc in Poland said it:

"For us trafficking is a relatively new issue, for a long time the phenomenon was not known about ...so we just operate on a case-by-case basis. A big problem is that both trade unions and NGOs are not sure what the expertise of each organisation is and what can be done by the other. We are therefore still in a very basic state of cooperation; it's more getting to know each other...it's really just a start".

¹⁰ ASTRA has participated in the ASI/TUC project

¹¹ Gallin, D: Organizing in the Global Informal Economy Talk at Bogaziçi University Social Policy Forum: Changing Role of Unions in the Contemporary World of Labour, 2004, Istanbul.

Consequently, despite the knowledge and expertise at hand, NGO-union cooperation and engagement on the issue of forced labour and trafficking is often nonexistent, at best sporadic or only in the very early stages of development.

As explained earlier, trafficking in Europe is a form of extreme exploitation of migrant workers. When asked about bad treatment of migrant workers, however, a legal advisor to the Swedish Confederation for Professional Employees (TCO) uses very different and more traditional language to give an entirely different perspective:

There is an evident self-interest for trade unions in fighting undercutting. If undocumented migrants are paid below standards set by collective agreements or minimum wage legislation, work longer hours and under worse health and safety conditions, other workers will see their wages and conditions threatened, as employers prefer the cheaper and more vulnerable undocumented migrants...

... "For a trade unionist, the exploitation suffered by many undocumented migrants in Europe today is shameful. Wages amounting, if paid, to a few Euros a day, earned through long hours of work under difficult and sometimes dangerous conditions do not amount to decent work, fair labour standards, or any other expression we use to describe the minimum standards under which no one, anywhere should work."¹²

III. Differences in perspectives

This part of the booklet will examine more closely differences in perspectives, structures, language and traditions and sheds light on some myths in order to assist in overcoming prejudices.

1. Language

One of the problems identified during the course of the project was that participants often had the perception that the others (i.e. trade unions or NGOs) work on related, but essentially different things with little crossover, or that their approach is too different to be compatible with their own work. As illustrated above, when we examine these perceptions more closely, it transpires that rather than a difference in the substance, there is a difference in the language or rather terminology that is used by trade unions or NGOs to describe same or similar things.

For instance, NGOs are working within the international human rights legal framework, applying the perspective of fundamental human rights and promote the need to protect and prevent abuses of fundamental human rights, such as the guarantee of dignity, freedom, security and equality, including the right to be protected from slavery. Trade unions on the other hand work to defend and promote labour rights, such as free choice of employment, right to non-discrimination regarding work, favourable remuneration and working conditions and the right to form and join trade unions.

However, labour rights are part and parcel of human rights.¹³ Restrictions on the right to freedom of association and collective bargaining e.g. are infringements on

¹² Hammerton S.: Undocumented migrants: Equal Access to labour and social rights?, Solidar, July 2010, Brussels.

¹³ Spooner, D.: Trade Unions and NGOs: the need for cooperation. Development in Practice, Volume 14, Number 1, pp. 19–33, 2004.

fundamental human rights as identified under international human rights law, most notably in the ILO Conventions 87 and 98; article 23 (4) of the Universal Declaration of Human Rights and article 8 of the International Covenant on Economic, Social and Cultural Rights. Human rights comprise civil, political, social, economic and cultural rights which are all interdependent, interrelated and indivisible. It is essential for both groups to understand that human rights cannot be fully upheld in the absence of respect for labour rights, nor can labour rights ever prevail when other human rights are being violated. Thus, NGOs and trade unions both work on the promotion of human rights; the main difference being they may focus on specific sets of rights. In the last decade, NGOs started seeing the interrelatedness and interdependence of socio-economic and other human rights, while trade unions increasingly apply a broader human rights approach in their fights for labour rights.

The focus on the promotion and protection of human rights is the basis for the work of both NGOs and trade union; while their specific focus on particular human rights can be complementary. There is a sphere of mutual concern which relates to the exploitation of workers, such as the social irresponsibility of (transnational) corporations and the apathy of governments to uphold basic human rights.

To better understand the differences in terminology used by trade unions and NGOs, we have collated a glossary of key terms that describe the core activities of each of the actors. This list is a non-exhaustive snapshot that should serve to improve mutual understanding and to illustrate that many of the perceived differences are in fact commonalities¹⁴:

Trade union jargon:

- **Collective bargaining** - the right which employees have to talk as a group with their employer to try to agree on matters such as pay and working conditions
- **Social dialogue** - workers' right to present their views, defend their interests and engage in discussions to negotiate work-related matters with employers and authorities
- **Industrial/collective action** - an instrument for workers to exercise pressure on employers when collective bargaining or social dialogue is challenging. The term refers to any measure taken by trade unions to reduce productivity. Measures include (general) strike, occupation of factories, work-to-rule, go-slow and overtime ban.
- **Solidarity** - trade unions are built on the principle of solidarity between workers, the understanding that the collective support for the equal treatment of all workers is essential to the well being of any individual worker. Phrases such as "an injury to one is an injury to all" and "united we stand" illustrate that for trade unions strength is in numbers and in unity of workers.
- **Decent work** - Trade unions fight for decent work for all. Decent work includes adequate opportunities for work and remuneration, health and safety at work, social security, income security, fundamental workers' rights (freedom of association, non-discrimination at work and the absence of forced and child labour) and social dialogue. The notion was introduced by the ILO in 1999 as "productive work under conditions of freedom, equity, security and

¹⁴ Definitions are tailored to fit the purpose of the project and paper and should not be quoted outside this context.

dignity, in which rights are protected and adequate remuneration and social coverage are provided”¹⁵

- **Organising** - in a trade union context means the process to recruit and retain workers into trade union membership enabling them to negotiate collectively. Traditionally this is done through full time trade union officers reaching out to a group of workers, identifying leaders among the workforce and building confidence and networks among workers. It can also be done through other means such as creative media campaigns, theatre or by aligning the union movement with broader social movements or local community organisations.

- **Worker** - trade unions use an inclusive concept of workers based on an employment relationship, often referred to with the phrase “a worker is a worker”. The term thus includes migrant workers regardless of residence status, informal workers such as domestic workers, bogus self-employed, informal economy workers, etc...

NGO jargon:

- **Empowerment/emancipation** - Empowerment is a process whereby individuals are enabled, encourage and supported to think, behave, take action, and gain control over their lives, make decisions and take responsibility in autonomous ways. It is the state of feeling self-empowered to take control of one’s own destiny.

- **Clients/beneficiaries/survivors/victims** - notions that NGOs use to refer to those who they assist or on behalf of those they act – trafficked persons or those affected by trafficking; including exploited migrant workers

- **Referral (national referral mechanism)** - a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. A process whereby a presumed trafficked person is referred to specialised services and assistance¹⁶

- **Human rights approach/victim-centred approach** - A human rights-based approach recognises that human trafficking is not just a criminal activity but one that has profound human rights implications both for victims and for the governments and non-governmental organisations that must deal with them¹⁷

- **Promotion of human rights** - putting the human rights of those affected by trafficking at the centre of all efforts, ensuring any adverse effects on human rights are minimised and human-rights impact assessments carried out.

2. Mission or mandate

Trade unions are driven by the interests of workers and have a clearly defined role and mandate from their members. Delegates represent their members’ interests in discussions with employers or government on resources and decision-making to maximise return in the form of protection or improvement of wages and working conditions. Conversely, NGOs pursue specific ideals and consequently have a

¹⁵ Decent Work: Objectives and Strategies, ILO, 2006, Geneva.

¹⁶ as defined by OSCE/ODIHR

¹⁷ as defined by OSCE/ODIHR

'single issue focus'¹⁸ which frequently concentrates on specific thematic areas rather than setting standards which apply to all workers. However, it is clear that where specific missions of NGOs overlap with the broader mandates of unions, there is great potential for cooperation.¹⁹

In many cases, when thoroughly discussed and analysed, differences in missions and mandates are not as large as initially perceived. More importantly, the focus of both the trade unions and NGOs is to act on behalf their members/beneficiaries to promote and protect their rights.

3. Structures

Differences in the structures of NGOs and unions were frequently highlighted by project participants as an area of difficulty which presents obstacles to collaboration. Because unions are membership-based organisations who elect the leadership, policy and practice reflects the needs of members as the leadership will not be re-elected if they did not. Trade unions are therefore generally more inward-orientated than NGOs, as they are focusing their activities on people within their own structures. This sometimes limits trade union vision and perspective. In this context, some unions could suffer from populism and protectionist reflexes just the same as any other political democratic structure.

All trade unions have a clearly defined constituency comprising their members or affiliates to whom leadership is held accountable. Leadership is elected at regular intervals by representative governing bodies. The consequences of policy are therefore immediately felt by members meaning they share a sense of ownership. They derive their legitimacy directly from their membership and acquire strength in numbers. Conversely, NGOs mostly have a self-appointed leadership²⁰. Some unions therefore express concerns that less accountable NGOs are taking over roles they believe belong to democratic workers organisations²¹.

The less hierarchical or bureaucratic structure allows NGOs to work as a flexible network. Whereas trade unions have a single leader with decision making power, NGOs have multiple, often temporary, and sometimes competing leaders or centres of influence, composed of many diverse groups. The advantage of this loose arrangement is that it facilitates innovation and adaptive learning, enabling greater agility, including a capacity to respond rapidly in emergencies and allowing individuals to experiment with new, potentially risky campaign activities.

Trafficking or forced labour cases often arise suddenly, as one individual comes forward to report abuse sometimes others follow. NGOs are especially equipped to deal with such situations and can react very quickly and facilitate assistance. In trade union tradition, a structural approach will first need to be developed to either support victims or NGOs to address specific cases of human trafficking. This will need to be discussed and agreed within representative governance bodies of trade

18 Trade Unions Congress (TUC): Bringing unions and NGOs together: report of international development conference, 2007, London.

19 Braun, R; Gearhart, J.: Who Should Code Your Conduct? Trade Union and NGO Differences in the Fight for Workers' Rights. *Development in Practice*, Volume 14, Number 1/2, pp. 183-196, 2004.

20 Gallin, D.: Trade Unions and NGOs: A Necessary Partnership for Social Development. Programme Paper - United Nations Research Institute for Social Development (UNRISD), 2000.

21 Rothermel, J (2006) Just another face in the crowd? Global labour and non-state actors: Paper presented at the annual meeting of the International Studies Association, Town & Country Resort and Convention Center, San Diego, California. Available online at: http://www.allacademic.com/meta/p_mla_apa_research_citation/0/9/8/9/5/pages98959/p98959-1.php

unions. This takes a longer time, but when in place, could be used for future cases and will apply to and be carried by the entire structure.

Some NGOs do have an accountable membership-based structure (albeit members are not necessarily identical to beneficiaries), or are a grass-root association of self-organised persons (such as migrant domestic workers or migrants from a particular background) or a combination of both. Such NGOs are in many ways similar to unions, but do not have a formal status or recognition as a trade union. Some unions on the other hand are less rigidly structured than described and many cooperate with interest groups of specific minorities and integrate committees and working groups for ethnic groups, gays and lesbians, women, young and migrant workers or workers with disabilities within their structure.

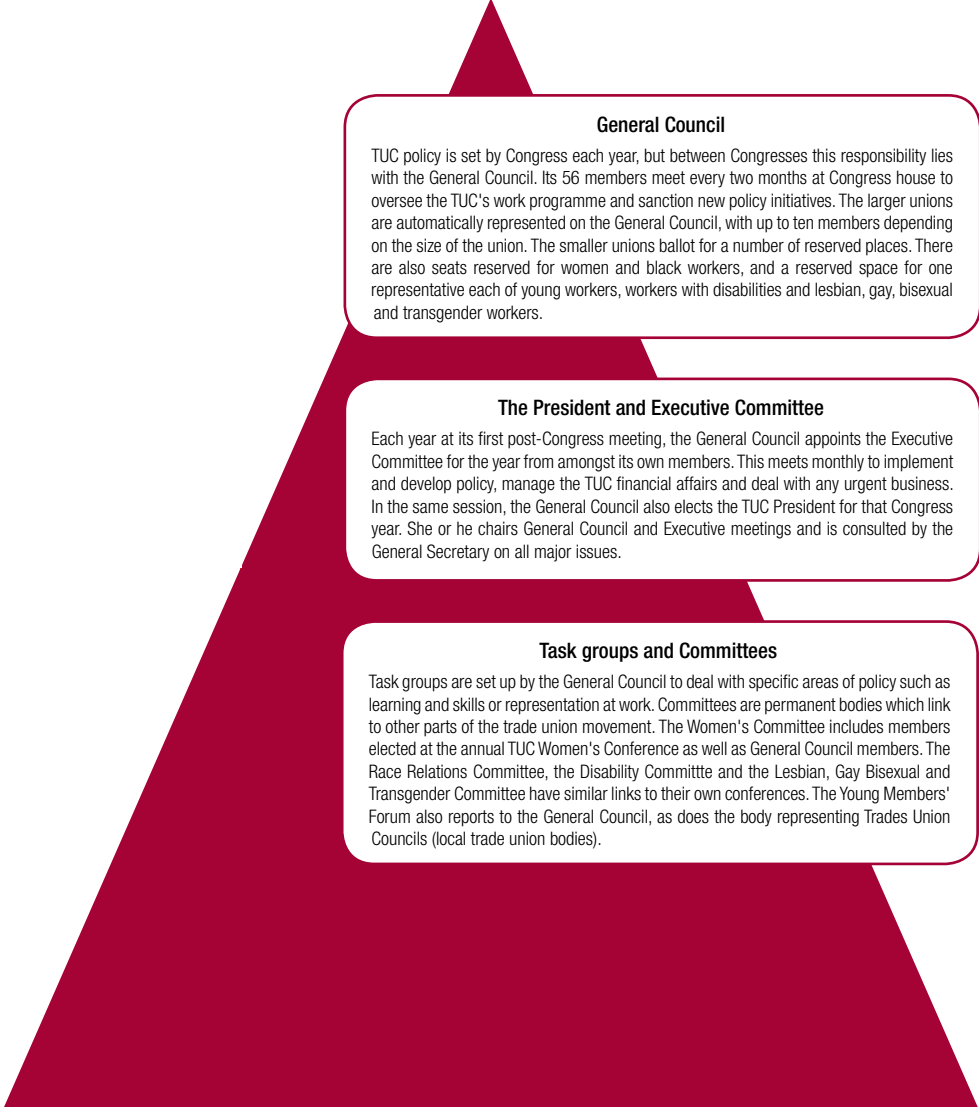
In some countries (such as Italy, UK, Germany or Ireland) NGOs have been facilitating the trade union membership for their beneficiaries, which has increased both the trade union involvement in dealing with trafficking and was considered hugely empowering by those trafficked. Similarly, trade unions in some countries have been reaching out to migrant workers in sectors, where there is a risk of exploitative working practices.

Examples of trade union and NGO structures are illustrated by the diagrams below:

Trade union structure diagram²²

Structures of trade union decision making bodies can sometimes slightly differ from one trade union to another. However, it is essential that all levels are involved in policy development with special attention to representation of minority groups. Below is a scheme of the decision making structure of the British TUC, which to a large extent reflects structures of trade unions throughout Europe.

²² http://www.tuc.org.uk/the_tuc/about_makingpolicy.cfm



General Council

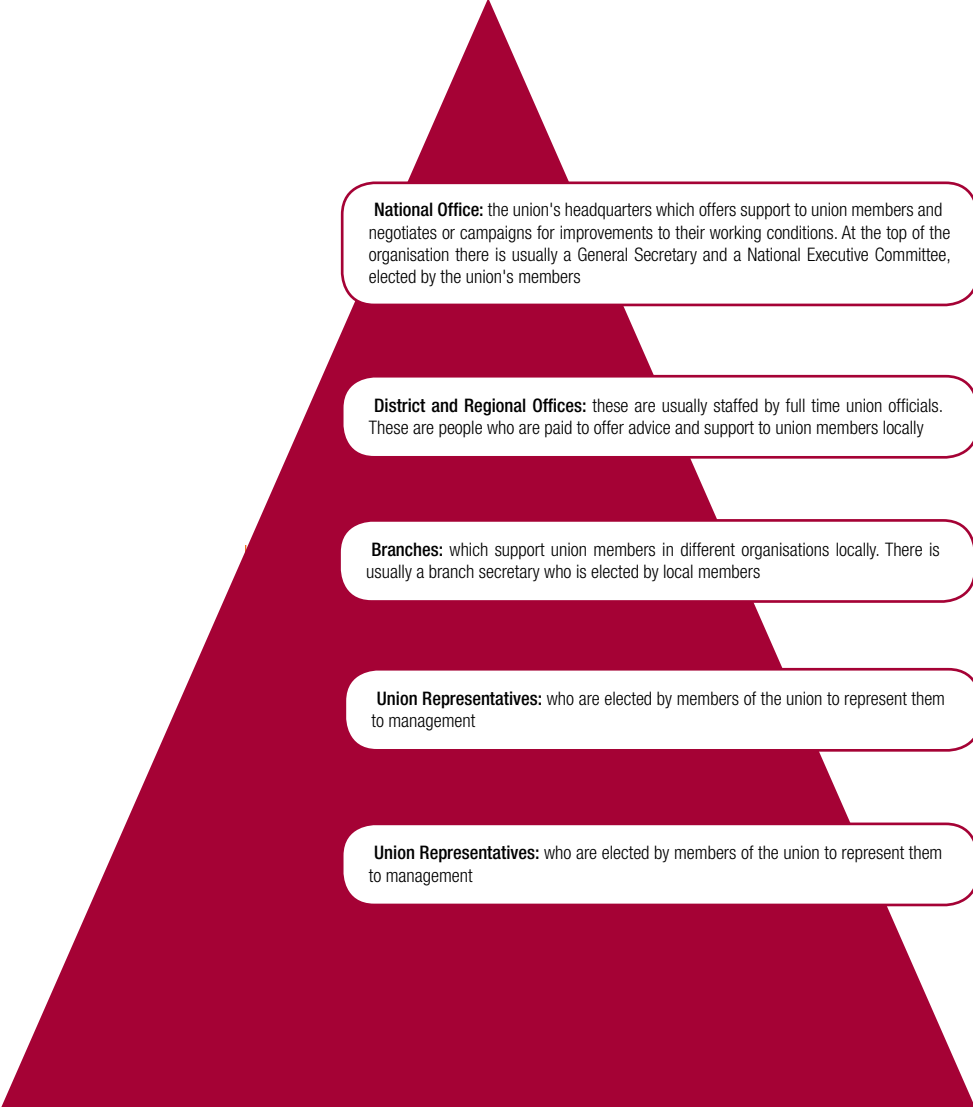
TUC policy is set by Congress each year, but between Congresses this responsibility lies with the General Council. Its 56 members meet every two months at Congress house to oversee the TUC's work programme and sanction new policy initiatives. The larger unions are automatically represented on the General Council, with up to ten members depending on the size of the union. The smaller unions ballot for a number of reserved places. There are also seats reserved for women and black workers, and a reserved space for one representative each of young workers, workers with disabilities and lesbian, gay, bisexual and transgender workers.

The President and Executive Committee

Each year at its first post-Congress meeting, the General Council appoints the Executive Committee for the year from amongst its own members. This meets monthly to implement and develop policy, manage the TUC financial affairs and deal with any urgent business. In the same session, the General Council also elects the TUC President for that Congress year. She or he chairs General Council and Executive meetings and is consulted by the General Secretary on all major issues.

Task groups and Committees

Task groups are set up by the General Council to deal with specific areas of policy such as learning and skills or representation at work. Committees are permanent bodies which link to other parts of the trade union movement. The Women's Committee includes members elected at the annual TUC Women's Conference as well as General Council members. The Race Relations Committee, the Disability Committee and the Lesbian, Gay Bisexual and Transgender Committee have similar links to their own conferences. The Young Members' Forum also reports to the General Council, as does the body representing Trades Union Councils (local trade union bodies).



National Office: the union's headquarters which offers support to union members and negotiates or campaigns for improvements to their working conditions. At the top of the organisation there is usually a General Secretary and a National Executive Committee, elected by the union's members

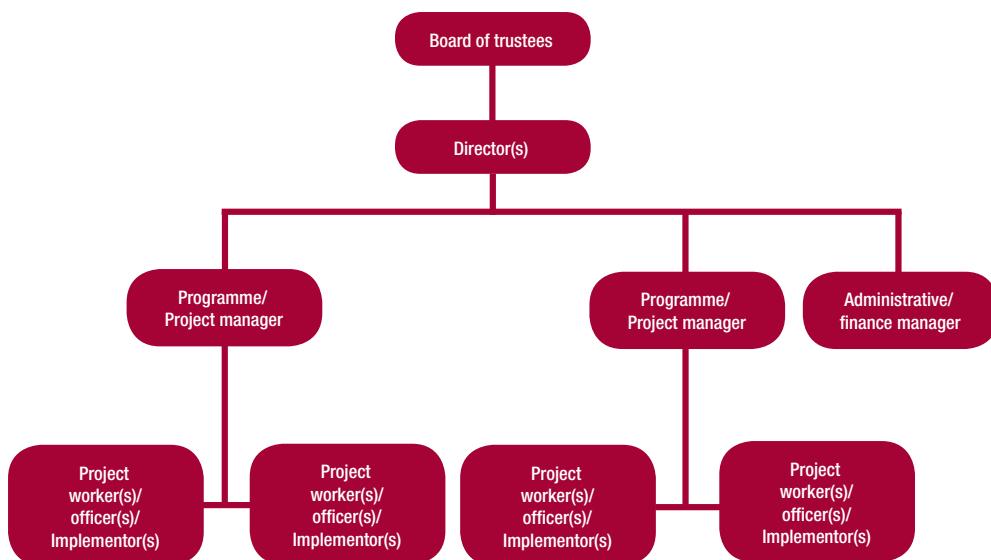
District and Regional Offices: these are usually staffed by full time union officials. These are people who are paid to offer advice and support to union members locally

Branches: which support union members in different organisations locally. There is usually a branch secretary who is elected by local members

Union Representatives: who are elected by members of the union to represent them to management

Union Representatives: who are elected by members of the union to represent them to management

NGO organisational structure diagram:



4. Members, beneficiaries and constituencies

Trade unions as membership organisations represent their member's interest and act on behalf of their members in collective bargaining and social dialogue. Although negotiated minimum standards ideally apply to all workers doing equal work, the impact and coverage of collective bargaining agreements depends from country to country and ranges from company and trade union member level to national, regional and international level. As a general rule, trade unions are likely to focus more on prevention, collective action and structural change rather than addressing individual cases of abuse and indefinitely representing individuals, unless they are fee-paying members. Their ultimate goal is the sustainable empowerment of workers through self organization into trade unions to eradicate exploitation in all its forms.

NGOs are another 'voice from the ground', although those on whose behalf NGOs act are commonly not members. NGOs assist selected individuals answering to their mission/mandate criteria and sometimes collect evidence in order to advocate for a structural change. The work of NGOs is sometimes challenged as too narrow focused on benefiting individuals rather than raising general standards. On the other hand, in particular international NGOs can be indirect and mediated because the representation of their constituency is one level removed from the ground²³.

²³ Sim H.: *By What Authority? The Legitimacy and Accountability of Non-governmental Organisations*, (Geneva: International Council on Human Rights Policy), 2002, available at: <http://www.jha.ac/articles/a082.htm>

Some argue the largely dominant middle-upper class representation within NGOs has caused an oversight in NGO approaches to labour rights²⁴ and that NGOs 'seek to pursue the alleviation of racial and gender inequalities while simultaneously ignoring the dynamics of class subordination'²⁵ further arguing that within a capitalist system the relationship between capital and labour will never be equal, and therefore see class dynamics as central to understanding global labour rights. Without this class focus, it is suggested NGOs are masking capitalism's weakening of the working classes, and that until NGOs rectify their general disregard for class, trade unions will remain alone in their fight for labour rights²⁶.

However, globalisation accompanied by deregulation, casualisation and individualisation of labour has created a situation whereby identity based on trade unionism as part of a 'working class' no longer resonates with a wider political and social movement²⁷ suggesting that trade union insistence on the workplace as a fixed entity, is preventing the trade union movement expanding and developing, particularly in reaching out to the non-traditional membership of migrant workers who in many cases would be highly qualified and educated, but performing manual labour or work well below their qualification in the country of destination.

Some unions are perceived as elitist by migrants or informal workers when their concerns are not taken seriously and when there is no proactive outreach by unions towards (undocumented) migrants or informal workers and be perceived as protectionist organisations which protect the interests of the privileged workers with a regular status and regular employment contract.

NGOs on the other hand often have broad based constituencies, representing specific groups of people such as migrants (documented or undocumented), or groups of people with specific problem (trafficked persons; victims of crime). In order to receive assistance from NGOs, an individual typically does not have to be a member, but his/her request would need to fall within the specific mission of the organisation e.g. protecting the rights of domestic workers.

There is a clear overlap in mandate and constituency in instances, where those whose labour rights have been violated through trafficking and/or forced labour are seeking assistance. Collaboration between trade unions and NGOs in such cases would not only benefit the very individual in question, but would increase equal treatment of workers and in the long term contribute to raising standards for all workers (which again is at the same time a form of trafficking prevention.)

The area of informal work has been recognised as a field of risk of exploitative practices and trafficking. The informal "economy" encompasses all workers in unregulated and unprotected roles and where economic activity is neither taxed nor monitored by the government. Within the informal sector NGOs seem to have a dominant presence and visibility, however, it is essential for trade unions to recapture this 'lost territory'²⁸ especially with the informal economy now constantly increasing in size.

24 Connor, T.: Time to Scale up Cooperation? Trade Unions, NGOs and the International Anti-Sweatshop Movement. *Development in Practice*, Volume 14, Number 1/2, pp. 61-70, 2004.

25 Roman, J.: The Trade Union Solution or the NGO Problem? The Fight for Global Labour Rights, *Development in Practice*, Vol. 14, Numbers 1/2, pp. 100-109, 2004.

26 Ibid

27 Rutherford, T. De/Re-Centring Work and Class? A Review and Critique of Labour Geography. *Geography Compass* Volume 4, Number 7, pp. 768-77, 2010.

28 Spooner, D.: Trade Unions and NGOs: the need for cooperation, *Development in Practice*, Volume 14, Number 1, pp. 19-33, 2004.

In this section, we have captured some of the key differences in the way NGOs and trade unions operate and act on behalf of their constituencies. The table at the end of this section serves as a short summary of the main points.

5. Overview

The table below summarises the mandates/mission of trade unions and NGOs

Trade Unions	NGOs
Organised workers defending workers' interests and rights	Led by ideals and values, activists providing services to migrants/trafficked persons; advocacy, campaigning.
Accountability and legitimacy derived through membership, democratic structures and elected leadership, all members have a collective voice	Self-appointed leadership and not always membership structure, professionals acting on behalf of beneficiaries who are often different from the membership; sometimes considered unaccountable and led by funding, individual voices dominate
Broader socio-economic agenda, core principles must all be met in particular including union rights	Smaller, more flexible and quick to respond
Larger, slower moving, more bureaucratic and rigid	Smaller, more flexible and quick to respond
Representing workers in general, traditionally better representation in formal/ highly skilled economy	Emphasis on specifically vulnerable target groups e.g. informal workers, domestic workers, ethnic and other minorities

IV. Identifying common ground

How can trade unions and NGOs cooperate? Trafficking and forced labour are a concern for both NGOs and trade unions. While some NGOs have been set-up or re-focussed directly on dealing with the issue of trafficking, for trade unions the existence of forced labour is a concern, as it is the antithesis of decent work, a violation of a core labour standard most likely in combination with many other core and minimum international labour standards.

In Europe, forced labour occurs mostly as an outcome of trafficking. It is often linked to organised crime. The need for strategic partnership in dealing with the forced labour outcomes of trafficking were established a number of years ago, yet stronger collaboration between trade unions and NGOs is yet to become the norm.

There are numerous ways for NGOs and trade union to join forces, to harness their distinct knowledge and political power and combine the differences positively in combating trafficking and forced labour.

In this section, areas of potential cooperation are explored, including some examples of NGO- trade union collaboration in achieving policy changes and assisting individuals.

1. Organising and outreach

Trade unions with direct access to the workforce are ideally placed to reach out to migrant workers at risk of exploitation. People experiencing forced labour or those who have been trafficked can easily be working alongside other members of the workforce because threats and coercion are often carried out in very subtle forms. Trade unions can therefore work alongside NGOs at the local level to reach out to migrant workers and their employers.

A range of innovative initiatives exist across countries in Europe, many of which have sprung up at 'grass roots' level to engage with migrant workers. Most interaction between unions and NGOs occurred organically, independent of broader organisational strategies. These approaches could be replicated and are based on the idea that at the lower end of the labour market, where migrant workers are concentrated, new organisational forms draw on diverse actors to provide services and advocacy for unrepresented workers²⁹. This is a variant of 'community unionism' a term used to describe the ways that trade unions work with community-based NGOs causing a reshaping the labour movement from below³⁰.

Some examples and project activities are illustrated below:

SIT and the Collectif de Soutien aux Sans-papiers in Geneva

Activities in Geneva illustrate how outreach through cooperation between trade unions and NGOs can organise undocumented migrants and integrate them into trade unions. On 1 June 2010 almost 600 undocumented migrant workers had registered to participate in the General Assembly of the Swiss trade union SIT to reaffirm their claim "a job = a permit", adopting a resolution. This was the first General Assembly to follow those organised in 2003 and 2004 which adopted a resolution for the collective regularisation of undocumented migrants who are working. For ten years, the trade union has been working with the "Undocumented migrant support collective" (Collectif de soutien aux sans-papiers). Since the start of the campaign in 2002, significant results have been achieved. The forced repatriation of migrants has practically stopped when the migrant worker is known to the trade union. Around 2000 individual regularisation claims have been submitted for undocumented domestic workers to the Council of State which sought the support of the Government of Geneva which in turn officially requested the "exceptional regularisation of undocumented migrant domestic workers" to the national Government.³¹

29 Fitzgerald, I.: Working in the UK: Polish Migrant Worker Routes into Employment in the North East and North West Construction and Food Processing Sectors, TUC, 2007, London.

30 Black, S (2005) Community Unionism: A strategy for organising in the new economy, New Labor Forum, Volume 14, Number 3, pp. 24-32

31 <http://www.sit-syndicat.ch/spip/spip.php?article191>

UK Trade Union Congress (TUC) and Migrant Workers North West (MWNW)

In the UK North West, the regional Trade Union Congress have championed a variation of community unionism framed around the NGO, Migrant Workers North West. The initiative materialised because trade unions utilised their political weight to lobby regional development agencies financed by the government to provide direct funding for MWNW. This was used to set up and manage a website with a Minimum Standards Charter for businesses as well as funding two project workers; one with a migrant background who could relate more easily to migrant workers and the other a seconded trade union organiser, whose task was to encourage non-union employers of migrant workers to sign the charter. In the first year of employer engagement, over 180 non-union employers had entered discussions regarding signing the charter, with 20 large employers having signed up³².

The European Trade Union Confederation (ETUC) and the Platform for International Cooperation on Undocumented Migrants (PICUM)

The European Trade Union Confederation (ETUC) has initiated in 2010 an 18 month project to combat labour exploitation and better protect the fundamental social rights of undocumented migrant workers. In first instance the project aims to raise awareness within trade unions about the abusive conditions in which migrant workers live and work and to develop a trade union strategy and actions to combat worker exploitation and reach, protect and organize undocumented migrant workers. The ETUC has set up a partnership with the Centre for European Policy Studies (CEPS) for the research to be done in the project and the Platform for International Cooperation on Undocumented Migrants (PICUM), an NGO working specifically for the promotion of human rights of undocumented migrant workers in Europe. The role of PICUM is to provide a direct link to the target group of undocumented migrant workers through their network. The project will be implemented in Spain, Italy, France and the UK and will focus on the agricultural sector in cooperation with the European Federation of Food and Agricultural Workers (EFFAT). EFFAT will undertake interviews with undocumented migrant workers in the field with outreach help from PICUM.

Both NGOs and unions across Europe have developed resources with information about rights for specific or broader target groups. Awareness raising material produced by NGOs can be distributed by trade unions to a wider audience while targeted trade union information can be distributed to specific groups by NGOs. Irena Konečná, National Coordinator of the NGO La Strada International gave us an example:

³² Hardy, J; Fitzgerald, I; 'Negotiating 'solidarity' and internationalism the response of Polish trade unions to migration Industrial Relations Journal Volume 41, Number 4, pp. 367–381, 2010.

'There are thousands of documented and undocumented migrant workers from Ukraine working in the Czech Republic but they are not protected by trade unions because they basically don't know the unions exist and the unions don't really know about them. There is massive potential here for cooperation ... La Strada has a programme where we are trying to reach out to migrant communities who are at risk of exploitation. We are trying to create awareness among them of their rights by distributing our hotline number but this is something that could also be done by trade unionists who want to organise migrants at the grassroots. This has not happened and needs time and discussion to establish very strong practical cooperation'.

Sectors into which people are trafficked are often areas with little union presence or representation. Here, NGOs can play a crucial role in reaching out to those people, assisting them, including through facilitation of union membership. Below are some examples of cooperation between NGOs and trade unions in reaching out to vulnerable groups:

UK Trade Union Congress (TUC) and Citizen's Advice Bureaus (CAB)

New waves of immigration into the UK from Europe have found that more migrant workers are located in the North of England instead of the South East near London which was more common in the past. The UK-based NGO Citizen's Advice Bureau has an extensive network of branches across the UK including across the north.

To improve their access to these migrant workers, the TUC has launched two new websites in partnership with CAB. One is for Polish workers and was designed and established with translation and advice from Solidarnosc the Polish trade union who also help maintain it (see the website here: <http://www.pracawbrytanii.org/>). The second website works on the same basis but is designed for Portuguese workers and was created in partnership with the General Confederation of Portuguese Workers Union (see the website here: <http://www.trabalhareinounido.org/>). Both websites explain the rights workers coming from these countries into the UK can expect in the workplace including information on the national minimum wage, legal working hours, holiday entitlements and sick pay. They also include information about social issues such as housing and healthcare. The TUC helped fund the project whilst the CAB can distribute the website links to migrant workers migrating to areas where unions are not yet present.

Migrants, documented, and even more so those undocumented, are vulnerable to exploitative work practices, including forced labour and trafficking. Traditionally, NGOs have been reaching out to these groups, providing assistance and advice.

Trade unions were, until recently, often closed for undocumented migrants, who were not able to access membership and assistance. Partly due to lack of awareness of the fact that it, in a context of human rights, was indeed legally possible for trade unions to open their doors to undocumented migrants and for migrants to approach trade unions and become members, and partly due to all kinds of mutual prejudice. However, in the view of the falling union membership, a representative of Ver.Di, a

German trade union, suggested, that

"In many places in Germany, there is a strong presence of migrants and people from a migration background, and we need to open our doors to them, if we do not want to lose our position in society".

In several countries, trade unions opened migrant workers advice centres in partnership with NGOs. A couple of examples follow:

MigrAr, the German Trade Union Centre for Undocumented Migrants

In Germany, the union Ver.Di opened advice centres for undocumented migrant workers in Hamburg, Berlin and Munich. After the success of these, the project was adopted by the German trade union confederation DGB and extended across more areas of Germany.

Ver.di cooperates closely with a wide range of NGOs to protect the rights of undocumented migrant workers, running an open access centre. The Legal services of the German national trade union centre DGB provide legal assistance in cases of labour abuse.

Partners involved in Migr.Ar have all kinds of backgrounds such as national and branch trade unions, migrants rights organisations, women's rights organisations, refugee and human rights organisations: Verdi Hamburg, AK Migration, Verdi Jugend, Verdi Frauen, DGB Migration, Eine Welt Netzwerk, Cafe Exil, Veriko, Kofra (Koordination gegen Frauenhandel), Kein Mensch ist illegal, Flüchtlingsbeauftragte der Nordelbischen Kirche, Amnesty for women, Mujeres sin fronteras, Fluchtpunkt, Flüchtlingsrat Hamburg, Initiative für ausländische ArbeitnehmerInnen Medizinische Beratungsstelle für Flüchtlinge.

The Swedish Trade Union Centre for Undocumented Migrant Workers

In 2008, a number of Swedish trade unions joined forces with an organisation for undocumented migrants called Papperslösa Stockholm to form the Trade Union Centre for Undocumented Migrant Workers in Sweden with the aim to prevent undocumented migrant workers and asylum seekers from being exploited in the labour market and to provide assistance in case of abuse and represent them vis-à-vis employers if desired.

The centre initially had many visitors with requests for general information and more specifically regarding their residence status. Far less, however, had questions regarding their employment situation. Because of their extremely vulnerable position, only a few asked for trade union assistance in taking action against employers. Most feared expulsion after denunciation as well as being blacklisted by possible future employers. Trade unions are now reassessing strategies to mainstream the work with undocumented migrants in trade union work at the local level.³³

³³ Hammerton S.: Undocumented migrants: Equal Access to labour and social rights?, Solidar, July 2010.

2. Intervention and assistance

Examples of joint interventions in individual cases and assistance to trafficked workers have been increasing. This form of cooperation has been identified as the most common by the project. More often than not this cooperation arose out of immediate necessity to act, where violations occurred. In some instances, cooperation on resolution of cases has led to development of more structured cooperation.

Case study 1:

600 Serbian workers in forced labour in Azerbaijan

The largest trans-national trafficking case ever in Europe came to light in November 2009, a month after ASI/ITUC organised the first seminar bringing together NGOs and trade unions from South-Eastern Europe in the framework of the project.

What happened?

Over 600 workers from Serbia, Bosnia and Herzegovina and Macedonia were found in forced labour in Azerbaijan³⁴. Construction company SerbAz Project Construction LLC (hereafter Serbaz) brought the workers to Azerbaijan on tourist visas in order for them to work on the construction of a shopping centre and sports ground. The projects were funded by the government of Azerbaijan. The employer was responsible for numerous human rights violations. Workers received only 2 to 3 USD per hour after being promised 6 to 7 in their original contract with the employer and after May 2009 their payments stopped altogether. The migrants worked 12 hour days; lived in cramped and inadequate accommodation and were exposed to physical and verbal threats and punishments. Their freedom of movement was restricted as workers had to ask for permission to leave the houses where they stayed. They were not given medical assistance following accidents on the work site. Two migrant workers were reported to have died. The workers were trafficked into Azerbaijan with recruitment undertaken by word of mouth through private agencies who charged a fee of 600 US\$ per person whilst also confiscating passports which were never returned. The majority of workers had paid for tourist visas themselves; they were subsequently not issued with residence or work permits which had been promised to be provided within 30 days and therefore resided illegally in Azerbaijan.

Actions by NGOs and trade unions to remedy

An unprecedented joint response was developed by trade Unions and NGOs to assist the exploited workers. In October 2009, the local NGO 'Azerbaijan Migration Center' (AMC) alerted Azerbaijan authorities to the workers situation, but no legal assessments were carried out and the response involved workers being forcibly returned home without complete payment of their salaries. AMC argued that high-level officials within the Azerbaijan state government had a stake in the exploitation and therefore in order to cover up the exposed case, returned many workers home³⁵. The NGO ASTRA based in Serbia was the second NGO to receive information about the case in November 2009. ASTRA

³⁴ Joint Country Report (2009) The case of Labour exploitation of the Citizens of the Republic of Serbia, the Republic of Bosnia and Herzegovina and Republic of Macedonia in the Republic of Azerbaijan

³⁵ AMC Public statement (Available on file)

then forwarded the information to La Strada in Macedonia and in Bosnia. Later the NGO Partnership for Social Development in Croatia also became involved. Having attended the ASI/ITUC seminar in October 2009, ASTRA decided to link for the first time with the unions and informed the ITUC about the situation. In response, in December 2009 representatives of the ITUC and its affiliate the Confederation of Trade Unions of Bosnia-Herzegovina (KSBiH) undertook an assessment visit to Azerbaijan to investigate the Bosnian migrant workers rights violations and met with the Azeri national trade union AHIK to organise assistance to the workers. This has been followed up by meetings and subsequent development of action plans. A representative from the NGO ASTRA in Serbia said:

'This case was the first of its kind where such comprehensive cooperation took place...as soon as they found out about the case, NGOs quickly distributed information to all who could in any way help workers exploited in Azerbaijan. Thanks to the excellent network and close connections between trade unions in the region and beyond, the committee was immediately formed ...the presence of ITUC representatives that we have met through the ASI/ITUC project meant the NGO report initially highlighting the problem could be very widely distributed, thus making this specific case even more visible...something NGOs struggle to do on their own because they are not as big or as well known as unions. From cooperation with trade unions on this case, our NGO has obtained...better knowledge of their work, as well as subsequent cooperation through participation at roundtables and conferences where we have had an opportunity to promote joint work on combating human trafficking'.

Trade unions often have access to specialised services, such as press and publication services and legal advice in house, something that NGOs need to seek externally and need to secure additional funding on an ad hoc basis. For these very practical elements of assistance, partnership between NGOs (that are equipped to provide counselling, housing, emotional support) and trade union with their resources, is extremely valuable for trafficked workers. It also promotes trade unions as human rights defenders as human trafficking cases may receive more media attention than other rights violations.

Case studies below illustrate how combination of specialised knowledge and expertise of trade unions and NGOs can benefit those trafficked.

Case study 2:

Moroccan worker trafficked to Belgium

"Moroccan Abderrahim (45) came to Belgium in 2001 to work, send some money home and eventually lead a regular life in Belgium. He had a university degree but no visa. He testifies: "The first months were very difficult as I was undocumented. I knew nobody, had hardly any money and slept in train stations and portals. Finding work was difficult." He worked in the shadow economy and found himself between jobs sometimes for several days, weeks, or even months. "The black labour market thrives on flexible and cheap labour. Anyone who complains is dismissed. An army of unemployed and

undocumented workers are available to replace complaints”, he added.

In December 2009 Abderrahim had a workplace accident. Initially, neither he nor his boss wanted to go to a hospital, even though he had been unconscious for a while and blood ran from his ears. The fear to be denounced and deported was greater than the fear of missing vital medical treatment. However, then the pain and anxiety increased. With broken teeth, dislocated shoulders and a sore hip he went to the hospital after all. After a few months, a brain scan revealed that he had suffered a skull fracture resulting until today in serious headaches. The boss, with whom he thought to have a good relationship, dropped him like a hot potato, owing Abderrahim three months back wages.

“When I realised that I would not see the money, I decided to tell the whole story to my social worker, who referred me to PAG-ASA (one of Belgium’s three shelters for trafficking victims). They contacted the Organisation for Undocumented Workers (OR.C.A.), and through them I eventually ended up with the trade union. Of all these organisations I have received enormous social and legal assistance.”

To cover the expenses from the accident, his ex-boss owes him at least 2100 euro. Abderrahim still does not have a penny. He has now obtained the status of victim of trafficking, through a second dossier on economic exploitation, which is still under examination.³⁶

Case study 3:

430 Brazilian domestic workers trafficked in Belgium

In 2009, around 430 Brazilian plus other Latin-Americans undocumented workers with legal employment contracts were enticed into leaving their jobs by an agency which promised to issue them with a contract that could secure the regularisation of their residence status.

Abusing the Belgian service voucher system³⁷, an evangelical priest with Italian nationality established a titre-service agency and engaged up to 600 undocumented workers, the majority of whom were Brazilians. Deceived with promises that the contract issued by this agency would ensure their qualification for the forthcoming Belgian regularisation scheme, many left existing jobs and thus lost any valid chance of becoming regularised. The agency profited by taking money from the State, the employer and withholding paying wages to the workers.

This priest was arrested by the federal police in cooperation with the labour inspectorate. The NGO Abraço sought partnership with the unions, the NGO’s CIRE, OR.C.A. and PICUM, as well as a group of lawyers, to defend these workers and provide assistance in helping them to access justice and get their salaries paid. Abraço, a Belgian-Brazilian diaspora organisation, worked hard to mobilise the Brazilian workers, and together with its partners, held demonstrations and a press conference to increase their visibility within Belgian society. However, coordinator Monica Pereira noted that these workers

³⁶ Transcribed from “Sans-papiers in de uitverkoop: Twee halen, één betalen”; Tine Dankaers in 23 augustus 2010 (MO*); <http://www.mo.be/artikel/sans-papiers-de-uitverkoop-twee-halen-eeen-betalen>

³⁷ Service voucher system: a system established in Belgium to combat unofficial employment whereby a company, serving as the employer, hires workers to perform domestic activities for households. The users pay for each hour worked using a voucher that it hands to the worker. The federal government finances the difference between the purchase price (7.50 €) and the refund value (€23) of each service voucher; Source: The Exploitation of Undocumented Migrant Women in the Workplace, PICUM, 2010.

often preferred to remain discrete and sometimes were unwilling to organise, *"They just work, it's a problem for us to help them because they don't always come for political meetings"*.

In this and some other cases in the city of Antwerp, the local branch of the union ABVV and ACV were heavily involved and offered legal assistance and other support to the exploited workers.³⁸ Veronique Aps, diversity consultant for ACV Antwerp:

*"In June 2009, following the case, undocumented workers went to the streets to demand their rights. It was the first time that "illegal" immigrants in Belgium came to the streets on mass and demanded their rights, supported by the Socialist and Christian unions. That's where we must go. We're brainstorming on how to organise and empower undocumented workers from within so they can enforce their rights collectively."*³⁹



³⁸ Information received from OR.C.A. and ABVV available on file.

³⁹ Translated from "Sans-papiers in de uitverkoop: Twee halen, één betalen"; Tine Dankaers in 23 augustus 2010 (MO*) <http://www.mo.be/artikel/sans-papiers-de-uitverkoop-twee-halen-een-betalen>; interview ITUC with ABVV Antwerp 15/12/2010

Unique alliance to combat trafficking in southern Italy

Lampedusa is Italy's southernmost island, positioned 200km south of Sicily and 300km north of Libya. It has become the main point of arrival for undocumented migrants who commonly depart from Africa in overcrowded and makeshift boats and undertake a perilous sea journey which can last for several weeks. Many arrive looking for work in the coastal region of Calabria in southern Italy, home to a large agri-food processing industry which utilises cheap, seasonal labour. Approximately 26,400 immigrants were employed in Calabria's agriculture sector in 2007; fewer than 7,000 of them held regular working permits and earned wages far below Italy's minimum wage, in many instances this was as low as €20 for a 12-hour day picking citrus fruit⁴⁰. The lack of a proper reception system for the arrival of migrants is the main factor contributing to the trafficking of workers in this region. This has therefore created the development of a unique NGO-union partnership between three organisations operating in the region.

The NGO 'Arci'⁴¹ collects independent information⁴² on migrants arriving in Italy including their regions of origin, numbers, immigration status and levels of assistance needed. Local Arci and local offices of the Italian union CGIL work together in small coastal villages to monitor the situation of migrants and to provide the first point of assistance for them when they arrive. The partnership combines the expertise of unions and NGOs to inform migrants about their rights before they go looking for work whilst also providing services such as accommodation, food and psychological support. The partnership has a third element. The NGO 'Libera'⁴³, an organisation which manages property and assets confiscated by the state from organised Mafia criminal networks. Italian law (109/1996) provides for the transfer of these assets to the community by converting the properties to projects of social benefit. Libera uses some of these assets to support vulnerable migrant workers to build a stable life by converting and managing property for migrant accommodation and respite from racist sentiment. This three-way partnership provides a pyramid of expertise and mutual commitment to the rights of vulnerable migrants in southern Italy.



Case study 4:

58 Thai migrant workers trafficked to Poland

In early 2010, Thai migrant workers were trafficked to Poland and end up working and living in conditions of forced labour. A total of 58 workers over a period of 2 to 5 months were reported as having many of their rights violated. They were not paid the wages they were promised, and any money they did receive was infrequent. They worked very long hours and had a very poor diet.

40 For more information see: <http://www.independent.co.uk/news/world/europe/immigrant-riots-rock-southern-italian-town-as-tensions-explode-1862413.html>

41 Associazione Ricreativa e Cultura Italiana (ARCI) was founded in 1957, ARCI is a network of 6000 local Italian associations that promote adults active citizenship at local level through leisure, training and cultural activities, social action and international solidarity. See more at: <http://www.arci.it/>

42 See Oxford University's COMPAS study (2006) - How to Balance Rights and Responsibilities on Asylum at the EU's Southern Border of Italy and Libya: <http://www.compas.ox.ac.uk/fileadmin/files/pdfs/Rutvica%20Andrijasevic%20WP0627.pdf>

43 Libera (Associazione contro le mafie) means freedom and was founded in 1995 with the purpose of involving and supporting all those who are interested in the fight against mafia and organized crime. Libera is presently a network of more than 1,200 associations, groups and schools, committed to build up organizational synergies between the political and cultural local realities capable of promoting a culture of lawfulness. See more at: <http://www.libera.it/>

The workers finally stopped working, refused to continue and approached a journalist. The case was picked up by the NGO La Strada International. The employers played down the case to the police and although the Thai workers had the appropriate paper work when they arrived in Poland, their employers had transported them over time to different workplaces, meaning they became classed as irregular according to the Polish government. Some of them were therefore subsequently arrested and held in detention.

The Thai Embassy in Poland stated that the request of the workers was to return home, but after discussion with La Strada over 70% of the workers decided to pursue their case for compensation and back wages against their Polish employer before returning home. They therefore requested to initiate proceedings before court. However, they had no representation and required legal support from La Strada.

La Strada contacted the Migrant Workers Union in Thailand who was keen to gain information in order to build a case to take the Thai employment agency that facilitated the trafficking of the workers to the Polish courts. The Thai union was able to help La Strada by sending copies of the contracts the workers had signed in Thailand detailing the terms and conditions under which the workers were brought to Poland. Upon receiving the contracts, they were checked to establish whether the agreement that workers had signed with the employment agency was suitable according to Polish legal labour standards and establish what could be done about their situation. La Strada contacted the Polish Trade union Solidarnosc for legal advice. Trade union lawyers in Solidarnosc reviewed the contracts and provided recommendations as to how the case could proceed. Thanks to the expert help from these legal experts in Polish employment law residing within Solidarnosc, the case for compensation is now progressing.

Joanna Unterschütz, an expert from the international department in Solidarnosc said:

'I got to know the representative on the case from La Strada through the project of ASI/ITUC, so now if she needs any assistance our relationship is working well and developed quickly, now we are in contact whenever necessary. Before we had very little contact with NGOs but now we will organise training for trade union lawyers on forced labour and trafficking issues. We will not only inform them about legal proceedings and structures but also about cooperation with NGOs. We will be including NGOs in the training so they can bring their practical experiences of working directly with victims. We are not reluctant to work with NGOs'

Case study 5:

Serbian metal worker trafficked to Germany

A metalworker from Serbia travelled undocumented to Hamburg in a desperate search for a job to support his family and educate his children. His employer required him to work 13 to 14 hours per day, six days a week. He received little amounts at irregular intervals. A large part of his salary was withheld for seven years. By June 2008 this amounted to 50,000 Euros unpaid contractually agreed wages. In addition, the employer had promised

him legal residence documents which he never received. After a serious work accident in which the worker had drilled a hole through his hand, the employer refused to help him receive medical treatment fearing that the undeclared employment would be uncovered. In June 2008, the migrant approached "Migration und Arbeit" (Migr.Ar.), the centre for undocumented migrant workers of Ver.di. The trade union centre and the lawyers of the German national trade union centre DGB sued the employer on the migrants' behalf after he had returned to Serbia.

The metalworker, after a long and tedious legal battle, has finally been awarded 25,500 Euros in back wages in a settlement reached in the labour court of Celle, in the German state of Lower Saxony.⁴⁴

The Munich branch of Migr.Ar hosted by the German union Ver.di informs undocumented workers about possibilities to negotiate fair working conditions and about ways to legally enforce payment of back salaries.⁴⁵

3. Campaigning for Change

Creating alliances and joining forces in order to bring about change is a well-tested method of campaigning. When issues of mutual concern and interest have been identified, trade unions and NGOs can increase the impact of their campaigns by working together. NGOs and unions have different constituencies, activists and supporters which not only increases the social platform for campaigning messages but may also add to campaigners' credibility and legitimacy towards governments to campaign on certain issues. Unions and NGOs also have different lobbying channels and methods which can add value to a campaign. Through alliances political support can be obtained across political parties and the chances of success of the campaign increase significantly. Some examples of campaigning for structural change are mentioned below:

Global Campaign for Decent Work and Rights for Domestic Workers

Between International Human Rights Day (10 December 2010) and the opening of the International Labour Conference (1 June 2011) organised domestic workers and support organisations will lobby their governments to vote for a meaningful and strong rights-based international Convention to protect domestic workers. Related activities will raise public awareness on the need for rights and respect for domestic workers worldwide.

Luc Demaret of the ILO Bureau for Workers' Activities said in June 2010:

"The relationship between domestic workers' associations and trade unions has become much stronger, leading to their demands being voiced at the ILO. It was clearly thanks to the Workers' Group in the ILO that this subject has been put on the agenda. Some associations have turned into unions, like in Hong Kong, for example. The trade union movement itself has worked hard to organise workers... The mere prospect of a Convention created

⁴⁴ <http://www.besondere-dienste.hamburg.verdi.de/themen/migrar/zoran>

⁴⁵ <http://www.verdi.de/bayern/fachbereiche/besondere-dienste>

*great enthusiasm both among domestic workers and in trade unions. Their mobilisation has already attracted the attention of governments and employers, even before the existence of a Convention. So although the debate has not yet officially begun, the mere prospect of a Convention has had a major political impact.*⁴⁶

International Migrants' Day, 18 December 2010, was another occasion for the Steering Committee, a global alliance of domestic workers' organizations, unions and advocates, to issue a statement calling for activists to unite to win the ILO Convention.



Joint Action Plan to follow-up on the Serbaz case

In April 2010 a meeting took place in Sarajevo, Bosnia and Herzegovina on how to progress with the earlier mentioned trafficking case in Azerbaijan. Representatives of international trade unions and NGOs from Bosnia and Herzegovina, Serbia, Macedonia, Croatia and Azerbaijan were involved as well as officials from the ILO, and the OSCE. The meeting produced an agreed action plan⁴⁷ to initiate activities for preventing the recurrence of trafficking and forced labour in this region in the future. The event received considerable media attention. The recommendations and agreement for future action from the April meeting included: preparing recommendations to the Azerbaijan parliament to bring domestic labour legislation in compliance with international standards because migrant workers currently residing in Azerbaijan cannot join trade unions without a formal employment contract; cross-border

46 ITUC (2010): Domestic Work: Mobilising for an ILO Convention. Available at: <http://www.ituc-csi.org/domestic-work-mobilising-for-an.htm>

47 ITUC. (2010). Action plan for preventing future trafficking cases in Eastern Europe Available at: <http://www.ituc-csi.org/action-plan-for-preventing-future.html?lang=en>

cooperation between KSBiH and AHIK decreed that either trade union can act on behalf of migrant workers crossing the border from either country; sending letters to Serbaz requesting payment of unpaid wages on behalf of 20 former Serbaz workers who have given AMC lawyers permission to represent them in court in order to claim compensation for unpaid wages. The creation of a local-level commission on migrant workers consisting of representatives from national unions representing different employment sectors within the country; creation of a second national level commission involving trade unions and NGO to provide a platform for cooperation to coordinate joint actions to address the case but also to prevent trafficking for forced labour in the future; cooperation to increase their visibility to migrant workers by proactively better informing them of their rights at state borders and airports before they enter the workforce; setting up a website to inform migrant workers of their rights as well as the dissemination of booklets; a commitment was made by KSBiH to contact the workers who had left Azerbaijan to return to Bosnia whilst additionally organising a public campaign to prevent reoccurrence of this case so as workers know what to avoid and what to look out for. A five-member trade union committee would be set up in Bosnia and a person will be allocated as a focal point for NGOs. AHIK and ITUC agreed to organise a major follow-up conference, also inviting the relevant NGOs and migrant workers themselves. The ITUC will continue to be engaged and will continue to put pressure on governments to ensure Serbaz victims gain access to justice.



Criminalisation of forced labour in Ireland

In 2008 Ireland introduced a 'Human Trafficking Act'. Whilst this was a step in the right direction, the Migrants' Rights Centre Ireland (MRCI) and the Irish Congress of Trade Union (ICTU) jointly pointed out its flaws. They together argued that anti-trafficking legislation in itself is not sufficient to combat forced labour, as not all forced labour situations are a result of human trafficking. Therefore, the 2008 legislation created insurmountable difficulties in identifying and securing convictions on trafficking for forced labour as establishing that a person had been subjected to forced labour or servitude, and identifying the perpetrator was not sufficient to legally qualify as a trafficking offence. This meant many victims could not receive justice and perpetrators could not be convicted¹.

MRCI and ICTU called for separate legislation which criminalises forced

labour and to ensure adequate protection and redress mechanisms for people who have experienced forced labour. They argue to criminalise forced labour by amending the Human Trafficking Act of 2008 to include a provision on forced labour and servitude as a separate offence. Pursuant to the introduction of a standalone forced labour offence in the UK in April 2010 (following a campaign by British NGOs, supported by trade unions), MRCI looked at reviewing the Irish legislation and commissioned a legal opinion to assess to what extent forced labour is covered by the existing legislation. In July 2010, a seminar² was organised to examine the outcomes of the opinion, with the participation of the UK Trade Union Congress and Anti-Slavery International to bring in the UK experience, with the view of bi-lateral UK-Ireland NGO-trade union partnership to achieve change in legislation and practice in Ireland.

1. ITUC. (2010). Action plan for preventing future trafficking cases in Eastern Europe Available at: <http://www.ituc-csi.org/action-plan-for-preventing-future.html?lang=en>

2. Migrant Rights Centre Ireland (2010) Policy Paper: FORCED LABOUR: THE CASE FOR CRIMINALISATION



4. Training and education

With their specialised expertise, both trade unions and NGOs have a role to play, not only in outreach to vulnerable workers, but also in training and educating other stakeholders including government officials, police, labour inspectors, immigration officials, and of course each other on how to adequately address trafficking for labour exploitation.

Many joint training seminars have been organised both by NGOs and unions with specific objectives addressing priority areas of attention. A few of many examples are highlighted below.

The trade union SSP/VPOD in **Switzerland** held a workshop on 24 March 2010 on the right to education and vocational training of undocumented workers gathering academics, researchers, NGO activists and local authorities. The activity frames the cooperation programme between Trade unions Unia and SSP/VPOD, Terre des Hommes, Switzerland, faith based groups and local legal aid offices. The programme is entitled “No child is illegal” and was launched in 2008.⁴⁸

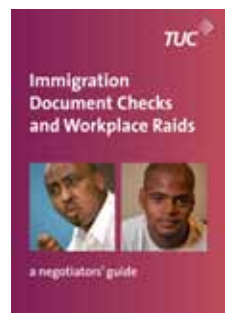


In the framework of the project, on 7 October, the World Day for Decent Work, the union of agricultural and food processing workers (FLAI) organised a three day meeting in the Caserta region in **Italy**. More than 100 participants from the national trade union CGIL, local NGOs and local authorities as well as African workers launched a biannual Jerry Massio Award for youngsters and schools promoting Human Rights of migrants. The aim is to highlight the reality and living conditions of thousands of undocumented migrants controlled by organised crime. At 4.30am all participants went to the meeting point where migrant workers gather to be assigned to a typical day's work, paid less than 20 Euro by a gangmaster. Participants spoke to the migrant workers about rights and the role of NGOs, trade unions and workers' solidarity.⁴⁹

In June 2010 the PICUM organised a workshop in Brussels, **Belgium** for government institutions, trade unions and a wide range of civil society organisations from across Europe to enable local, national and European experts to exchange experiences in organising undocumented women in the workplace and identify strategies to counter violence against undocumented women.⁵⁰

Training materials have been produced jointly by trade unions and NGOs on a range of specific topics and action points. A couple of examples are mentioned below:

In the **UK**, the Migrants' Rights Network has written the “Immigration document checks and workplace raids: a negotiators' guide” for the TUC. By bringing immigration enforcement into the British workplaces, the Government has presented new challenges to trade unions in protecting the rights of workers. These challenges can only be met with proactive negotiation with employers to ensure that only necessary document checks are carried out, and that these are carried out consistently and fairly. This should deny any unscrupulous employer



⁴⁸ <http://www.sans-papiers.ch/site/index.php?id=180&L=4>

⁴⁹ <http://www.wddw.org/Premio-Jerry-Massio-Jerry-Massio>; http://www.flai.it/index.php?option=com_content&view=article&id=150%3Dpremio-jerry-massio&catid=37&Itemid=50

⁵⁰ PICUM Newsletter

the opportunity to exploit migrant workers, to divide workers or to threaten those that stand up for their rights. This guide is intended to assist trade unionists at all levels to meet these challenges through negotiation and collective bargaining.⁵¹



In **Belgium**, in 2009, OR.C.A., published a manual on creative methods to organise undocumented migrant workers, entitled “Labour rights have no frontiers” (arbeidsrechten hebben geen grenzen). The guide aims to inspire all those who want to defend the labour rights of undocumented migrants, highlighting many practices as well as good and bad experiences to organise workers to claim their rights collectively from around Europe as well as other parts of the world. These were gathered from a wide range of organisation including trade unions, NGOs, loose networks, groups of volunteers and migrants.⁵²

5. Setting an example

This booklet is not only an outcome of a joint project, but also a concrete product of a new methodology of NGO-trade union partnership piloted through the project. Anti-Slavery International and the International Trade Union Confederation (ITUC) have been working in partnership for a number of years on various slavery related issues, however, this project was the first longer-term specific project, where both organisations brought their partners and affiliates on board in a structured manner.

Since April 2007, ITUC has been working on the establishment of a Global Trade Union Alliance to Combat Forced Labour and Trafficking, in cooperation with the ILO under their Special Action Programme to Combat Forced Labour. This alliance is bringing together different trade unions with other stakeholders to facilitate concrete and coordinated action against forced labour and is playing an active role in ensuring that the ILO’s target of eradicating all forms of forced labour by 2015 becomes a reality.

Under this framework the ITUC and Anti-Slavery International signed a Memorandum of Understanding in 2009 which aims to strengthen cooperation between trade unions and NGOs working throughout Europe and to build a new strategic alliance formed between NGOs and trade unions with regard to this newly emerging human rights issue in Europe through a joint project.

This project was one of the first undertakings of formalised and structured partnership on the issue of trafficking in human beings. Throughout the project, we have used the method of learning by showing and setting an example to motivate NGOs and trade union across Europe to build such strategic alliances:

⁵¹ <http://www.migrantsrights.org.uk/files/publications/MRN-trade-union-guide.pdf>

⁵² http://www.orcasite.be/userfiles/file/definitieve%20versie_bewerkt.pdf

Partnership between ITUC and Anti-Slavery International

To begin facilitation of contact between trade unions and NGOs, three regional meetings were held with participants from both organisation types. Overall, over 35 countries have been engaged in the seminars with the following participant numbers and breakdowns:



Bucharest: 17 participants Warsaw: 22 participants Madrid: 21 participants
Brussels final event: 62 participants

Very positive feedback was received from the participants, the majority of whom have already been linking and following-up activities in their respective countries. For example: 7 bi-laterals meetings bringing trade unions and NGO together at the domestic level have already taken place in Poland, Ireland, Germany and Bulgaria, Italy, Austria and Portugal.

Joanna Unterschütz from the International Department of Solidarnosc in Poland said:

'For a long time we did not work with NGOs, it has only been through the project of ASI/ITUC that we have started. We have used this as an opportunity to meet NGOs and see where our areas of work overlap. But we do not yet have permanent outside contact with NGOs and the cases they are involved in, this is just starting to develop'

This partnership has developed further through COMPACT, a 3-year initiative launched in 2010 by La Strada International and Anti-Slavery International. The aim of the project is to improve access to justice and guarantee compensation for trafficked people through research, test cases, development of guidelines for professionals as well as campaigning and advocacy. The ITUC is a partner in this project and is represented on the Advisory Board providing expert opinions and strategic guidance from the trade union perspective.

V. Conclusion

Human trafficking and forced labour are matters that demand the attention of NGOs as well as trade unions.

Trafficking for forced labour is an issue with exceptional potential to mobilise a coalition of trade unions and specialised NGOs. The phenomenon goes to the heart of mandates of unions and the missions of NGOs. It is simply a violation of the basic human rights of workers.

Two years ago, when Anti-Slavery International and the ITUC set out to work together across Europe in order to facilitate and strengthen relationships between trade unions and those NGOs being the most active and the most experienced groups addressing the trafficking issue and providing direct assistance to victims, we came across a lot of interest, but also some resistance and sometimes reluctance to cooperate.

Now, at the beginning of 2011, NGOs and trade unions in a number of countries across Europe have begun to overcome their perceived differences and have begun to cooperate with each other in addressing trafficking and forced labour.

Through ITUC links and Anti-Slavery International's networks, NGOs and trade unions are able to learn from models elsewhere in Europe, start building coalitions and work together in campaigning, organising, monitoring and in providing direct assistance.

Where there have been successes in building bridges as well as in direct interventions, there has been an identification of mutual interest and a better understanding of complementarity in approaches, mandates and activities.

Throughout the project, we have found that many of the barriers preventing cooperation between trade unions and NGOs are in fact erroneous perceptions about ways of operation and approaches. This booklet has addressed some of those, in particular in relation to language, structures and mandates.

In practice, establishing cooperation proved to be easiest around a specific issue, region, locality, or a new legislative proposal. Joint working led by a concrete goal began the process of confidence building and further mutual understanding. In some quarters, this pragmatic approach worked better and is more sustainable for the long term, especially as it evolved into the development of overarching agreements on major issues and policies.

The cases included in this report serve as evidence that the mutual benefits of cooperation have been recognized by both parties. Building on existing cases hopefully we can move these initiatives to the next level, in addition to intervention or ad hoc responses and develop better organised campaigns for a structural and policy changes.

Structures, representativeness, mandates or missions of trade unions and NGOs determine individual or collective approaches on specific or broad social economic

themes for specific or wide target groups. By mapping these, trade unions and NGOs can identify areas of joint activity or complementarily.

This booklet contains not only examples of ways in which trade unions and NGOs can cooperate, but also contains information about legal frameworks and policies across Europe, fundamental information for framing interventions and coalition building.

Finally, we believe that networking and coalition building is the way forward in stamping out this serious violation of fundamental human and labour rights.

To find out specific forced labour and trafficking focal point in trade unions in Europe, please contact forcedlabour@ituc-csi.org

For more information about issues of forced labour and trafficking, visit:
www.ituc-csi.org/forcedlabour
www.ilo.org/sapfl

For NGO contact on forced labour and trafficking in Europe, please contact info@antislavery.org

For more information about issues of forced labour and trafficking, visit:
www.antislavery.org

Annex 1:

INTERNATIONAL TRADE UNION CONFEDERATION

GENERAL COUNCIL

Washington, 12 - 14 December 2007

Agenda item 15:

Any other business

(a) Towards a Global Trade Union Alliance against Forced Labour and Trafficking

1. The Constitution of the ITUC requires it to “strive for the universal respect of fundamental rights at work, until child labour and forced labour in all their forms are abolished, discrimination at work eliminated and the trade union rights of all workers observed fully and everywhere”. The fight against forced labour and trafficking is an essential component of any trade union strategy aimed at ensuring Decent Work for All.

2. Accordingly, in April 2007 the ITUC initiated a global project aimed at developing and disseminating a strategy to deal with forced labour and trafficking in close cooperation and with the financial support of the ILO. Using this support it held in-depth consultations with affiliated and Regional Organisations, Global Union Federations (GUFs) and the ILO Bureau for Workers' Activities, from 9 to 11 September 2007 in Kuala Lumpur, Malaysia and from 23 to 25 October 2007 in Turin, Italy. Meanwhile a survey assessed existing trade union capacities, needs and opportunities in this field. This has revealed a general trade union commitment to fight forced labour and trafficking, as well as the existence of significant trade union activities and structures already addressing the issues from different angles. It further showed that there are many common points to be addressed across geographical regions and sectors of activity. The survey, however, also confirmed much remains to be done to ensure that the full extent and nature of forced labour and trafficking, and the wide variety of forms in which they occur, are fully understood and combated by the global trade union movement. Close collaboration with the GUFs, Regional Organisations and affiliates will therefore be essential in the design and implementation of a Global Trade Union Alliance against Forced Labour and Trafficking.

Action Points

3. On the basis of the above, the following action points are proposed as the basis of a Global Trade Union Alliance against Forced Labour and Trafficking:

- the promotion of ratification and effective implementation of ILO Conventions 29 and 105, 81 and 129, 181, 97 and 143⁵³;

⁵³ Forced Labour Convention, 1930 (N°29)

Abolition of Forced Labour Convention, 1957 (N°105)

Labour Inspection Convention, 1947 (N°81), Labour Inspection (Agriculture) Convention, 1969 (N°129), Private Employment Agencies Convention, 1997 (N°181), Migration for Employment Convention (Revised), 1949 (N°97), Migrant Workers (Supplementary Provisions) Convention, 1975 (N°143)

- awareness raising on forced labour and trafficking aimed at trade union members and officials, and the wider public;
- addressing forced labour and trafficking issues in bipartite and tripartite negotiations and agreements;
- promoting political and material support within trade union organisations for the development of policies against forced labour;
- monitoring of employment agencies as well as companies, including their supply chains to detect and combat forced labour and trafficking practices;
- identification, documentation and public exposure of forced labour issues and cases;
- bilateral, sectoral or regional trade union cooperation agreements, and appropriate alliances or coalitions with civil society organisations having recognised expertise and experience in relevant areas;
- cooperation with labour inspection services, law enforcement and other relevant national, regional or international authorities or interagency working groups;
- outreach and direct support to informal, unprotected and migrant workers at risk, to address their specific situation and needs, including through their integration in trade union ranks;
- ensuring that proper attention is paid to all aspects of racism and discrimination, including in particular its gender dimension, as women and girls are especially at risk;
- working closely with GUFs to target sectors where forced labour and trafficking are most likely to occur.

Building the Global Trade Union Alliance against Forced Labour and Trafficking

4. The General Council is invited to:

- **approve the action points set out in paragraph 3 of this document as the basis for a Global Trade Union Alliance against Forced Labour and Trafficking and to urge all affiliates to integrate them into their work programmes as appropriate in their national circumstances;**
- **instruct the General Secretary to promote networking and campaign activities by affiliates, regional organisations, and GUF's through training and advocacy materials.**

5. The General Council is further invited to instruct the General Secretary to develop the work of the Global Trade Union Alliance, in particular through:

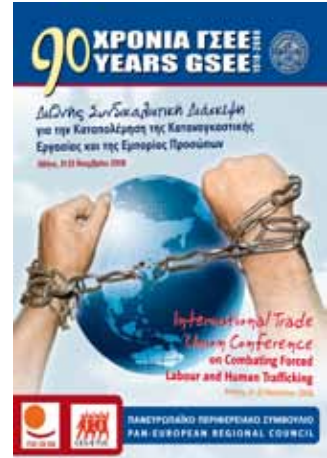
- **support to affiliates and close cooperation with Regional Organisations;**
- **close cooperation with the GUFs in promotion of the sectoral dimension of the Alliance's work, and**
- **close cooperation with the ILO Special Action Programme to Combat Forced Labour.**

Annex 2:

ITUC- PERC/ETUC/GSEE

International Trade Union Conference on Combating Forced Labour and Human Trafficking Declaration Athena, 21-23 November 2008

On the occasion of the 90th anniversary of the Greek General Confederation of Labour, participants in the international Trade Union Conference on Combating Forced Labour and Human Trafficking organised jointly by the ITUC-PERC, the ETUC and the GSEE in Athens on 21-23 November 2008 within the ITUC framework of action adopted in 2007;



1. Acknowledge the growing presence of trafficking for labour exploitation in Europe and the severe impact it has on the European labour markets. In the current and uncertain context of the economic and financial crisis, it represents serious challenges to the trade union movement as it distorts the labour, undermines labour standards and institutions and erodes rights and collective bargaining while generating new and unacceptable inequalities in our societies.
2. Declare that this is one of the gravest violations of human and labour rights, affecting particularly migrant workers, which needs to be addressed as a matter of critical urgency by trade unions in the context of their mandate to defend the rights and interests of workers and fight against all forms of exploitation.
3. Emphasise that trafficking for labour exploitation constitutes a specific labour market issue, which needs to fall within the competence of labour ministries and which needs to be discussed in social dialogue mechanisms. Trade unions need to be recognised as stakeholders by all relevant local, national, regional or international authorities or multidisciplinary working groups in the fight against trafficking.
4. Express grave concern about the new forms of forced labour as an end result of human trafficking in Europe and stress that a regional trade union strategy is urgently needs to be developed as priority in the migration policies and strategies of the European labour movement.
5. Stress the importance of an adequate legal framework and the ratification and effective implementation of all related ILO and other international and regional conventions and regulations together with the universal applicability of human and labour rights.¹

6. Promote structural cooperation between national or sectoral trade union centres of sending and receiving countries as well as friendly NGOs with experience in the issue of human trafficking e.g. in terms of outreach and organising or victim assistance.

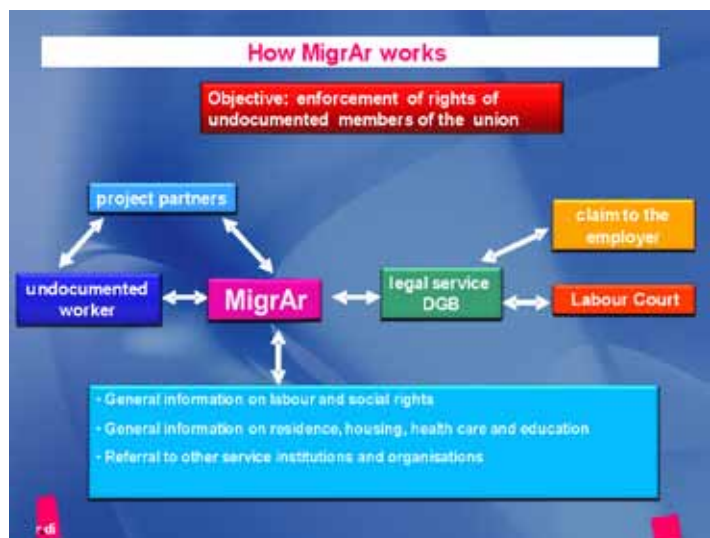
7. Shall establish a Pan-European working group of committed trade union contact points in the countries of the Pan-European region coordinated by the ITUC-PERC, which should establish a Pan-European trade union solidarity-support network to:

- jointly discuss and address cases and develop and propose a European trade union policy specifically addressing human trafficking in Europe paying special attention to all aspects of racism and discrimination, including in particular its gender dimension, and;
- monitor their national situation and feed comments on the national implementation of international law into the relevant supervisory mechanisms.


8. Propose a European trade union campaign to raise awareness on the issue and to inform workers of the services of trade unions relevant to the most vulnerable on 18 October, the EU Anti-Trafficking Day, in 2009.

¹ At minimum these should include all ILO Core Labour Standards, the Labour Inspection Convention, 1947 (N°81), Labour Inspection (Agriculture) Convention, 1969 (N°129), Private Employment Agencies Convention, 1997 (N°181), Migration for Employment Convention (Revised), 1949 (N°97), Migrant Workers (Supplementary Provisions) Conventions, 1975 (N°143), the ILO Multilateral Framework on Labour Migration, the Council of Europe Convention on Action against Trafficking of 2005 and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Woman and Children, supplementing the UN Convention against Transnational Organized Crime.


Annex 3:





Annex 4:


	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p>Austria</p> 	<ul style="list-style-type: none"> • 2004, Austrian Criminal Code introduced a section on human trafficking (article 104a CC) • Task Force on Human Trafficking was established. • The new article 104a CC (Trafficking in Human Beings) includes the differentiation between action, means and purpose, the existing article 217 CC (cross-border dealings in prostitution) lacks the element of 'means' and only penalises cross-border recruiting and directing persons into prostitution. In addition, article 104a CC (Trafficking in Human Beings) also introduced specific provisions if the victim of the crime is a child (under 18 years of age). • Currently, both laws are used to prosecute trafficking in human beings • article 217 CC (cross-border dealings in prostitution) is more frequently applied in cases of THB for the purpose of sexual exploitation than article 104a CC (Trafficking in Human Beings) due to the fact that offences are easier to prove under this provision. • April 2009 law reformed to grant all victims of trafficking (article 104a CC) and of cross-border dealings in prostitution (article 217 CC) a provisional residence permit for a minimum period of 6 months in order to guarantee criminal prosecution or the enforcement of claims by civil law. • In absolute numbers there are generally more victims identified, more criminal cases investigated and more criminal cases with convictions referring to cross-border dealings in prostitution (article 217 CC) than compared to Trafficking in Human Beings (article 104a CC) = so more frequent application to sex trafficking cases • It was also concluded that the introduction of article 104a CC to the Criminal Code in 2004 did not have any substantial effect on the application of article 217 CC as no cases seem to have moved from article 217 CC to article 104a CC. Thus, article 217 CC has remained the main instrument to prosecute THB for sexual exploitation across borders even if cases would comply with the criteria laid down in article 104a CC. 	<ul style="list-style-type: none"> • Official documents situate the phenomenon of THB closely to other phenomena, specifically to irregular migration, human smuggling, and prostitution • Areas for improvement needed are the involvement of the provinces into all measures against THB, the lacking of a national referral mechanism for child victims of trafficking, and the lack in reliable data • LEFO is the only NGO holding permanent member-status in the Task Force. The Task Force (TF-TBH) submitted the first national action plan against THB in March 2007. In the same year two specialised working groups were created • Since 2009, the TF-THB is headed by the National Coordinator on Combating Human Trafficking, who represents and coordinates all issues related to THB in Austria and is responsible for preparing annual reports on past and future measures. • Since 2005, combating THB also constitutes a priority area for the Austrian Development Agency (regularly attending meetings of the TF-THB) and the Austrian Development Cooperation (ADC) • The second National Action Plan for the years 2009-2011 identifies nine priority areas that represent a continuation of past measures taken in the field of action against THB (coordination, prevention, identification, victim protection and support, criminal prosecution, compensation, improving data collection, international cooperation, and evaluation and monitoring) • The focus of Austrian anti-trafficking policies on sexual exploitation is also reflected in the institutional setting and the legislative framework. This leads to a bias in the data on trafficking available, as others forms of exploitation apart than sexual exploitation are rarely identified and thus cannot appear in the statistics on trafficking. The most obvious example mentioned in this context refers to the trafficking in children. Although the primary purpose trafficking in children is recognised to be is labour exploitation (begging, petty crime, theft) cases are usually not identified and not prosecuted. As a result, available data on trafficking rather provide an underestimation of the extent of this crime. • On the other hand, the inclusion of directing and recruiting persons into prostitution across borders into the definition of trafficking for sexual exploitation results in a possible overestimation of the phenomenon of trafficking for sexual exploitation.


	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p data-bbox="105 833 185 860">Belgium</p> 	<ul style="list-style-type: none"> <li data-bbox="220 482 623 633">• In 2005, Belgium amended its 1995 Act Containing Measures to Repress Trafficking in Persons to provide a clear definition of trafficking in human beings (Article 433, section 5 of the Penal Code), thus introducing for the first time a legal distinction between THB and smuggling of human beings. <li data-bbox="220 651 623 828">• Importantly, the new law goes beyond the requirements of the EU Framework Decision and extends the criminalisation of THB to include all victims, independently of the sector of exploitation. Moreover, the new provisions do not consider the means of trafficking to be constitutive elements of the basic offence, but only aggravating circumstances. <li data-bbox="220 846 623 970">• On the other hand, the new law restricts the forms of trafficking for sexual exploitation to the crimes of prostitution and child pornography. There are concerns that this limitation might pose practical problems <li data-bbox="220 988 623 1215">• Trafficking for labour exploitation - the law stipulates that it has to take place in 'conditions contrary to human dignity'. Furthermore, the new law Article 433 section 5 targets two additional forms of exploitation which are not mentioned either in the European or international instruments but which are currently appearing in Belgian jurisprudence, namely exploitation through organised begging and the commission of infractions against a person's will. 	<ul style="list-style-type: none"> <li data-bbox="641 256 1096 329">• The Belgian National Anti-Trafficking Plan 2008-2011 directs the action around two main objectives: reducing 1) demand and 2) prevention of THB. <li data-bbox="641 347 1096 602">• The body responsible for policy-making with respect to THB in Belgium is the Interdepartmental Cell for the Coordination of the Fight against Trafficking and Smuggling in Human Beings (ICC), which was established in 1995. The Cell co-ordinates and subsequently evaluates the various initiatives taken within the framework of the fight against trafficking and smuggling in human beings. As it meets only a couple of times a year, a Bureau has been set up to prepare and carry out the decisions, recommendations and initiatives of the Cell. <li data-bbox="641 620 1096 948">• The Bureau comprises the main federal actors operationally or politically responsible in the area. One of these actors - Centre for Equality of Opportunities and Opposition to Racism (CEOOR), holds de facto the role of the National Rapporteur in Belgium. The Centre was established in 1993 and since 1995 its role has been to boost, coordinate and follow up the fight against trafficking in human beings. In 2004, this assignment was also extended to smuggling in human beings. Among its core tasks are to coordinate the cooperation between the three specialised centres for victim's reception and assistance (Pag-Asa, Sürya and Payoke) and to publish annual reports on trafficking in human beings. So far seven such reports have been produced. <li data-bbox="641 966 1096 1193">• Regarding the provision of assistance and protection to victims of THB, since 1995 three specialised reception centres that shelter and offer comprehensive assistance services have been funded: Pag-Asa (Brussels), Sürya (Liège) and Payoke (Antwerp). The government's capacity to identify and protect victims was most recently boosted by a new Interagency Directive on the implementation of multidisciplinary cooperation with respect to victims of THB and/or aggravated forms of trafficking in human beings <li data-bbox="641 1212 1096 1439">• However, in Belgium, only the victims who cooperate with the authorities are granted special status as victims, and thus have access to the various forms of aid provided for within this framework. Furthermore, victims may also obtain permanent residency after their traffickers have been sentenced. On the other hand, if the trafficker is not convicted, the law stipulates that they may have to return to their countries of origin, after a rigorous review by immigration authorities.


	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p data-bbox="105 724 187 751">Bulgaria</p> 	<ul style="list-style-type: none"> <li data-bbox="220 433 624 584">• In 2002 criminal provisions relevant to THB were introduced in Bulgarian Criminal Code. Article 159a-c, CC (as amended in 2009) prohibits trafficking in human beings for the purpose of sexual activities, forced labour, dispossession of bodily organs, or holding persons in forceful subjection. <li data-bbox="220 602 624 957">• In March 2004, the Council of Ministers approved the 'Combating Trafficking in Human Beings Act'. In this context, exploitation is defined as the illegal use of human beings for debauchery, removal of physical organs, forced labour, slavery or servitude. Upon identification, victims are granted a 30 day reflection period, in which they have to decide on eventual collaboration with authorities. During this period the victims are accommodated in state shelters (Article 26). If they declare willingness to collaborate with authorities victims are granted a special protection status, including permission to foreign nationals for long-term stay in the country and/or extension of the accommodation period in the shelters (Article 25). <li data-bbox="220 975 624 1048">• In April 2007 Bulgaria ratified the Council of Europe Convention on Action against Trafficking in Human Beings 	<ul style="list-style-type: none"> <li data-bbox="641 256 1098 407">• In 2004 the approval of 'Combating Trafficking in Human Beings Act' obliged the government and the municipalities to establish a national commission composed of high-level officials from many ministries and local commissions for combating THB, providing shelters for temporary housing and a centre for protection and support of victims of THB. <li data-bbox="641 425 1098 808">• The national commission has established 5 national programmes on THB. These include the following aspects: a) institutional and organisational measures (building the administrative structures provided for by the Combating Trafficking in Human Beings Act at national and local levels and ensuring their effective functioning); b) prevention (raising public awareness on the problem of human trafficking and developing mechanisms for its confinement); c) training and qualification of staff; d) protection, rehabilitation and reintegration of victims (overcoming the consequences of human trafficking and reintegrating the victims in society by assistance and support of the victims and protection of their rights); e) international cooperation and f) legislative measures (harmonising Bulgarian anti-trafficking legislation with international standards). <li data-bbox="641 826 1098 953">• Since the 2002 and 2004 legislation entering into force and the establishment of a domestic policy framework, data collection has improved. That is reflected in the number of identified victims, persons investigated, persons indicted and persons convicted steadily increased. <li data-bbox="641 971 1098 1226">• After reaching its peak (in 2006 or in 2007), the values for the different stages have begun to drop gradually. The available figures suggest that the majority of identified victims are victims of internal trafficking. In addition, most trafficking cases detected in Bulgaria are for the purpose of sexual exploitation, while trafficking for labour exploitation seems to be a marginal phenomenon. This picture may also reflect a bias of Bulgarian anti-trafficking policies, which focus predominantly on sexual exploitation and consider women and girls as the most important target group.


	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p data-bbox="105 760 190 815">Czech Republic</p> 	<ul style="list-style-type: none"> <li data-bbox="220 287 623 414">• The definition and criminalisation of trafficking in human beings is stipulated in Sec. 232a of the Penal Code¹⁰⁵ introduced by the amendment Act No. 537/2004 which replaced the Art. 246 (trafficking for the purpose of sexual intercourse). <li data-bbox="220 433 623 533">• In 2004 the definition of trafficking was enlarged by introducing elements of slavery and forced labour along with sex trafficking (which was at that time the only type of trafficking recognised by the Czech law). <li data-bbox="220 551 623 624">• Moreover, from 2004 the sentences for trafficking in adults were both modified to double the years of imprisonment given for the crime. <li data-bbox="220 642 623 797">• Regarding victim protection and assistance, this is done either through the state financed Programme of the Ministry of Interior on Support and Protection of Victims of Trafficking in Human Beings, or by NGOs which do not cooperate with the state within the Programme but have other financial resources. <li data-bbox="220 815 623 1142">• In 2005 the Act No. 326/1999 on the Residence of Foreign National in the Czech Republic was amended by the inclusion of the Sec. 42e which transposed into Czech law the Council Directive 2004/81/EC re residence permits 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. In this framework a 30-day reflection period for victims of THB was introduced, which was extended to 60 days with the 2008 modifications of the management acts regulating the Victim Support Programme. <li data-bbox="220 1161 623 1288">• However, Sec. 78 of the amended Act 108/2006 on Social Services makes it possible for victims of trafficking, at least theoretically, to be provided with social assistance regardless their willingness to cooperate with the competent authorities. 	<ul style="list-style-type: none"> <li data-bbox="642 251 1098 587">• The first official document addressing the issue of trafficking in human beings in the country is the 2003 National Strategy of the Fight against Trafficking in Human Beings for the Purpose of Sexual Exploitation. The Strategy referring to the years 2003-2005, was designed to implement international instruments regarding trafficking into Czech national policies. This strategy assigned the role of a national rapporteur to the Ministry of Interior (MoI). Its main tasks include monitoring the situation on THB, coordinating national policies, publishing reports and policy papers, as well as training the police forces. The Ministry is also responsible for coordinating the Programme to Support and Protection of the Victims of Trafficking in Human Beings. <li data-bbox="642 606 1098 806">• The second National Strategy of the Fight against Trafficking in Human Beings (for the period of 2005 – 2007) addressed the issue of trafficking from a broader perspective, as it is adopted after the amendment of the Criminal Code (Act no. 537/2004 Coll.). The current National Strategy to Combat Trafficking in Human Beings (2008 – 2011) reorganized the national coordination system and focused on improving the data collection at national level. <li data-bbox="642 824 1098 1006">• The Inter-ministerial Coordination Group for Combating Trafficking in Human Beings (IMCG) was set up in order to coordinate inter-ministerial cooperation and preventive activities. Before 2008 these tasks were dealt with by different units within the Ministry of Interior, the IMCG brings together representatives of different ministries and representatives of non-governmental and non-profit organizations <li data-bbox="642 1024 1098 1324">• Regarding the support and protection of victims of trafficking, the Czech Republic has, since 2005, an institutionalised Victim Protection Programme. In 2008 the Programme was subjected to several changes: the director of the Crime Prevention Department can include or exclude victims from the Programme, the reflection period was extended from 30 to 60 days; other institutions were included in the Programme (e.g. the Refugee Facility Administration); and in order to provide assistance to victims who are not able to collaborate with the police (due to the i.e. high psychological distress), an exception from the condition of cooperation was introduced

	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p data-bbox="105 766 193 789">Denmark</p> 	<ul style="list-style-type: none"> <li data-bbox="220 269 624 420">• Until 2002 the Danish justice system did not specifically deal with trafficking in human beings but referred to related acts such as imprisonment and kidnapping, procuring or grievous bodily harm, or human smuggling and, in regard to prostitution - soliciting, procuring and promoting sexual immorality. <li data-bbox="220 442 624 642">• The specific offence of trafficking in human beings came into effect in June 2002; the provisions of Section 262a (Danish Penal Code) comply with the 2000 Palermo Protocol, the EU Council Framework Decision 2002/629/JHA and the 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography – this code specifically mentions forced labour. <li data-bbox="220 664 624 760">• In 2007 the Danish Aliens Act was amended. By passing the Bill, the Danish Parliament, gave consent to ratifying the Council of Europe Convention on Action against Trafficking in Human Beings. <li data-bbox="220 782 624 1288">• With regards to victims of trafficking in human beings the amended Alien Act foresees¹²¹: a) A 30-day period for leaving the country unless this is, for exceptional reasons considered inappropriate. All other unlawfully staying immigrants are, in general, ordered to leave the country immediately after apprehension. Furthermore, a foreigner who had been exposed to trafficking in human beings is offered a prolonged time limit for departure, a 'reflection period' lasting up to 100 days in case of cooperation with authorities in preparation and planning the victims return to the home country. During the reflection period, legal and psychological assistance, health and social support are provided. b) A prepared repatriation to the home country for a foreigner which had been exposed to trafficking. Besides the above-mentioned reflection period, it also includes referral to a victim protection organisation in the country of origin. c) An intensive case management provided by a social worker for unaccompanied minor victims of trafficking. 	<ul style="list-style-type: none"> <li data-bbox="641 451 1095 729">• In Denmark domestic policies on trafficking in human beings put priority on the sexual exploitation of women as is reflected in the Government's action plan to combat trafficking in women (2002-2006). The action plan set out the development of support measures with special regard to return of victims of trafficking including a) establishment of co-operative agreements between relevant parties; b) development of international networks between relevant NGOs; c) development of embassy networks and d) shelters for victims of trafficking in women will have their situation clarified and their return prepared <li data-bbox="641 751 1095 797">• In order to ensure coordination and cross-sectoral collaboration an inter-ministerial working group was established. <li data-bbox="641 819 1095 1070">• Due to criticism of its narrow focus, in September 2005, the First National Action Plan was amended in order to bring greater attention to trafficking in children. The Action Plan to Combat Trafficking in Human Beings 2007-2010 was launched in March 2007 and has a section on forced labour. In accordance with the action plan, in 2007 a Coordination Centre against Human Trafficking was established housing an equivalent to a National Rapporteur who, among other things, is responsible for the coordination of nationwide action and for centralised collection of data on THB.


	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p data-bbox="105 697 193 724">Germany</p> 	<ul style="list-style-type: none"> <li data-bbox="220 314 627 493">• In Germany, trafficking in human beings has been a criminal offence since 1998, when the first articles explicitly referring to trafficking in human beings were introduced in the Criminal Code (art. 180b Trafficking in Human Beings, and art. 181- Serious Trafficking in Human Beings). These articles however only dealt with trafficking for sexual exploitation. <li data-bbox="220 511 627 738">• An amendment to the Criminal Code in 2005 was made to include forms of exploitation other than sexual exploitation: art. 232 of the Criminal Code now defines the crime of Trafficking in Human Beings for the purpose of sexual exploitation, art. 233 deals with Trafficking in Human Beings for the purpose of labour exploitation and art. 233a defines the Promotion of Trafficking in Human Beings in regard to trafficking for sexual and labour exploitation. <li data-bbox="220 757 627 1112">• A reflection period of at least 4 weeks was introduced in October 2000 (art. 50, 2a of the German Residence Act), in which foreign victims of crime whose residence rights have expired may remain in the country in order to decide whether they want to cooperate with the police in clearing up the offence. In accordance with the 2005 Council of Europe Convention, during this reflection period persons are provided with accommodation, legal, medical and psycho-social assistance. If the victim agrees to testify in court a residence permit on humanitarian grounds for the time of the court proceedings is granted (Residence Act, art. 25, par.4) – but only if the victim entered country legally. 	<ul style="list-style-type: none"> <li data-bbox="641 265 1100 393">• Germany takes a de-centralised approach whereby anti-trafficking policies are not specified in one specific national action plan, but Germany situates respective measures in the broader framework of action against gender violence and the protection of children. <li data-bbox="641 411 1100 511">• Thus, the inter-ministerial Working Group on Trafficking in Women is a key actor in the implementation of the Action Plan to Combat Violence against Women, which also includes a variety of measures against trafficking in women. <li data-bbox="641 529 1100 602">• Currently, an equivalent inter-ministerial working group is being established for combating labour exploitation and THB by the Federal Ministry of Labour and Social Affairs. <li data-bbox="641 620 1100 775">• Women and Youth is the only nationally coordinated inter-ministerial THB task force assembling all major governmental and non-governmental actors on a national and local level. Major NGOs involved are the KOK, gathering 41 NGOs, and the Co-ordination group of the German Welfare Organisations. <li data-bbox="641 793 1100 993">• Among the major achievements of the Working Group on Trafficking in Women is the introduction of a legal entitlement to compensation according to the Victim Compensation Act for victims of trafficking even if they had entered the country illegally, the introduction of a 4-week reflection period for victims of trafficking, as well as the establishment of a coordination plan between police and non-governmental victim support organizations. <li data-bbox="641 1011 1100 1157">• Given this context, the focus of Germany's anti-trafficking policies still lies on trafficking in women and girls for the purpose of sexual exploitation. Since the legal framework has been brought in line with international THB standards in 2005 by acknowledging all forms of trafficking, the institutional and policy framework is gradually changing.


	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p>Hungary</p> 	<ul style="list-style-type: none"> • Since 1998 human trafficking has been regulated in the Hungarian Criminal Code under crimes directed against personal freedom and human dignity. The first anti-trafficking initiatives were implemented in the period between 1999 and 2001 and focused primarily on trafficking for sexual exploitation. • In 2002 the relevant section of the Criminal Code (Article 175/B) was modified and the definition of trafficking has been adapted according to international and European standards (Palermo Protocol; Council Framework Decision 2002/629/JHA). • Hungary decided not to include 'means' in the definition of trafficking in human beings. Thus, for the realization of the basic elements of the crime the perpetrator does not need to use physical force, threat, coercion, fraud, misrepresentation, or the abuse of official power. Hungarian law considers perpetration by means as aggravating circumstances of perpetration and attaches more severe legal consequences to the acts committed (but therefore it does not define the act itself). • Articles 9/A and 43(3) transposed sections 5 and 6 of the Council Directive 2004/81/EC (on the residence permit) – gives victim one month to consider whether wants to cooperate with authorities or and receives temporary residence. 	<ul style="list-style-type: none"> • On April 10, 2008 the National strategy against trafficking in human beings 2008-2012 entered into force. The strategy was developed by a number of ministries and NGOs. • The strategy introduced a national coordinator which is the state secretary of the Ministry of Justice and Law Enforcement (MoJLE). The national coordinator: a) works out the national action plan for the implementation of the national strategy; b) performs administrative tasks related to coordinative mechanism and c) keeps contact with the national and international stakeholders involved. • In 2005 the Hungarian referral system for victims of trafficking was introduced following a multilateral agreement signed by the Hungarian-American working group against trafficking in human beings. An NGO was commissioned to manage a shelter for victims of trafficking which since March 2005 is fully operational. The shelter works in strong cooperation with the National Crisis Management and Information Telephone Service (OKIT) a twenty-four-hour telephone hotline run by the National Institute for Family and Social Policy. • In 2005 the law enforcement action plan against trafficking in persons was put in place which was jointly implemented by the Ministry of the Interior, the National Police (ORFK), the former Border Guards and the Office of Immigration and Nationality (BÁH). • In 2008, a centralised data collection system and a centralised THB database was established. The latter encourages data sharing between law enforcement agencies and might significantly improve data availability and data reliability in the coming years


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<p data-bbox="105 642 173 669">Ireland</p> 	<ul style="list-style-type: none"> <li data-bbox="220 360 623 560">• In 2000, an act was introduced that referred to THB, the Illegal Immigrants (Trafficking) Act 2000. Despite this wording, the Act in fact only related to illegal immigration and human smuggling. Section 2 of this Act criminalises the organisation or facilitation of the entry into Ireland of a person who is believed to be an illegal immigrant or a person who intends to seek asylum. <li data-bbox="220 578 623 760">• The current anti-trafficking legislation, which finally brought Irish anti-trafficking legislation in line with the international framework, was adopted in 2008 under the title Criminal Law (Human Trafficking) Act. This Act prohibits trafficking in adults and children for the specific purposes of sexual or labour exploitation or the removal of organs. <li data-bbox="220 778 623 951">• Measures on protecting victims of trafficking are comprised in the Immigration, Residence and Protection Bill 2008. Section 127 prolongs the recovery and reflection period granted to suspected victims of trafficking to 60 days. In addition, a renewable six months residence permit is granted to victims who collaborate with the law enforcement authorities 	<ul style="list-style-type: none"> <li data-bbox="641 256 1096 484">• Ireland started only recently to coordinate its government response to combat human trafficking by creating a special body within the Department of Justice, Equality and Law Reform, the Anti-Human Trafficking Unit (AHTU) in February 2008. The main purpose of this unit is to cooperate with governmental agencies and NGOs in developing and implementing a national anti-trafficking strategy. The focus of this policy is threefold: preventing trafficking, prosecuting offenders, and protecting victims. <li data-bbox="641 502 1096 651">• The High Level Interdepartmental Group on Combating Trafficking in Human Beings was founded by the Minister for Justice, Equality and Law Reform to bring together representatives from key government departments in order to set up a National Action Plan against trafficking in human beings and to monitor its implementation. <li data-bbox="641 669 1096 824">• In the process of creating a National Action Plan to combat THB, a governmental and non-Governmental roundtable forum was called into being to create recommendations concerning the National Action Plan to combat THB, which were then submitted to the High Level Interdepartmental Group. <li data-bbox="641 842 1096 942">• Based on this process, the Department of Justice, Equality and Law Reform in 2009 elaborated the first National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland. <li data-bbox="641 960 1096 1061">• Enforcement of the anti-trafficking legislation falls under the remit of the Garda National Immigration Bureau (GNIB), which was established in 2002 within Ireland's National Police.


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<p data-bbox="105 584 149 611">Italy</p> 	<ul style="list-style-type: none"> <li data-bbox="220 256 627 511">• Trafficking in human beings is criminalised in the Italian Penal Code under the Art. 601 as amended by the Law n. 228/2003. Articles 600 and 602, which refer to 'slavery and similar conditions' are also being used to convict traffickers. Moreover, art. 600 criminalises bringing and keeping a person in a state of servitude or slavery, while art. 602 criminalises acts of buying and selling a person who is already in a state of servitude. From these articles, only art. 601 refers to trafficking in human beings per se. <li data-bbox="220 529 627 651">• Addressing victim protection and assistance, the Italian legislation foresees a six month residence permit for victims of trafficking under the Article 18 of the 1998 Immigration Act – this is not linked to whether they cooperate or not. <li data-bbox="220 669 627 820">• The European Council Framework Decision 2002/629/JHA prescribes a list of aggravating circumstances which call for a minimum sentence. Italy sets in its legislation a minimum sentence high enough to comply with the Decision, but it does not specify a list of aggravating circumstances. <li data-bbox="220 839 627 939">• A special aid programme for the victims of trafficking is established by Article 13 of the Law n. 228/2003. Under this programme health care and appropriate accommodation is provided. 	<ul style="list-style-type: none"> <li data-bbox="641 374 1100 496">• In 2008 the Coordination Committee for Governmental Action against Trafficking published the report 'Towards the establishment of a National Anti-Trafficking Plan', which is expected to translate into the first Italian National Action Plan (not available yet). <li data-bbox="641 515 1100 566">• Nevertheless, Italy provides for best practices when it comes to victim support and assistance programs <li data-bbox="641 584 1100 757">• The institution responsible for the coordination of actions on assistance and victim protection is the Interministerial Commission for support to victims of trafficking and exploitation. Since mid-2000 a free of charge phone number (Numero Verde) is operating with the purpose of informing victims on the possibilities to escape exploitation as well as to provide them with assistance. <li data-bbox="641 775 1100 826">• However, due to lack of funding, in 2010, the hot-line has been shut in several regions.


	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p data-bbox="105 753 223 778">Netherlands</p> 	<ul style="list-style-type: none"> <li data-bbox="242 433 647 711">• Art. 250a of the Dutch Criminal Code was replaced in 2005 by the new and extended Art. 273a. This change was meant to broaden the definition of THB in order to include trafficking for other purposes than sexual exploitation. Moreover, the new article is in compliance with the definition of the Palermo Protocol, as well as with the Council Framework Decision on combating trafficking in human beings. In 2006 the Article 250a was renumbered (with no major changes) and became the current Art. 273f Dutch Penal Code. <li data-bbox="242 729 647 880">• Trafficking in human beings as defined in the Dutch legislation occurs if the exploitation (or the intent to exploit) is accompanied by the application of some element of coercion (violence or threats of violence or other circumstances, extortion, fraud, deception or misuse of an imbalance of power etc.). <li data-bbox="242 899 647 1099">• The B-9 Regulation (Chapter B-9 of the Aliens Act Implementation Guidelines) allows foreign nationals who are (or might be) victims of or witnesses to THB to reside legally in the Netherlands on a temporary basis (maximum one year) during the investigation and prosecution. The reflection period gives victims time to decide whether or not they want to collaborate with the law enforcement authorities. 	<ul style="list-style-type: none"> <li data-bbox="664 256 1098 407">• In the year 2000, the Dutch institutional setting was profoundly changed when the independent National Rapporteur on Trafficking in Human Beings was established. One of the main tasks of the Rapporteur is to analyse trends in the field of human trafficking and reflect on Dutch efforts to approach THB. <li data-bbox="664 425 1098 553">• The Dutch government adopted a National Action Plan on (Combating) Human Trafficking in December 2004. The action plan follows an integrated multidisciplinary approach. In 2004 it contained a total of 65 concrete action points dealing with a wide range of aspects. <li data-bbox="664 571 1098 771">• In 2005 the landscape of Dutch law enforcement authorities was strengthened by the establishment of the Expertise Centre on Human Trafficking and People Smuggling (EMM) (involving several ministries). EMM operates as a collection point for information on THB within and outside the sex industry. Moreover, it has the task to process, analyse and provide information on THB which will be used for operational and strategic purposes. <li data-bbox="664 789 1098 940">• Following the complaint of the National Rapporteur in her fifth report regarding unsatisfactory implementation of her recommendations, a high-level Task Force was established in 2008, bringing together representatives of both national and local government and of relevant agencies and services. <li data-bbox="664 959 1098 1164">• The main duties of this Task Force are the early identification and resolution of obstacles in policy implementation, ensuring the exchange of best practices and supporting local and regional measures for combating human trafficking. The National Rapporteur repeatedly pointed out that the fact that representatives of Dutch NGOs working in the field of human trafficking are not included in this task force was a missed opportunity. <li data-bbox="664 1183 1098 1281">• Regarding labour exploitation priority is given to prosecuting the most harsh forms of exploitation involving inhuman working conditions and the deprivation of basic human rights.


	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p data-bbox="105 766 172 789">Poland</p> 	<ul style="list-style-type: none"> <li data-bbox="242 411 645 587">• In Poland, there is no clear legal definition of trafficking in the Criminal Code, which hampers prosecutions of trafficking crimes. However, trafficking in persons is specifically prosecuted under article 253 of the Polish Penal Code. This article does not define trafficking in persons, but in practice the judiciary adopts the UN Trafficking Protocol definition. <li data-bbox="242 606 645 782">• Article 203, Article 204, Sections 3 and 4, and Article 253 of the Criminal Code are used to prosecute sex trafficking cases. Article 253 and organized crime statutes are used to prosecute labour trafficking cases, though there are no provisions that specifically define and address trafficking for labour exploitation. <li data-bbox="242 800 645 904">• Law enforcement officials and NGOs continued to report that the lack of a clear legal definition of trafficking in Poland's criminal code limits effective prosecutions. <li data-bbox="242 922 645 1146">• A very important change in Polish legislation was the adoption in 2005 of the Act on an amendment to the Aliens Act and to the Act on the Protection of Aliens on the Territory of the Republic of Poland. Article 1 points 13 and 19 of the above Act permits the granting of residence permits to victims of human trafficking for the purpose of considering whether to commence cooperation or when cooperating with law-enforcement bodies. 	<ul style="list-style-type: none"> <li data-bbox="664 256 1096 405">• 2007 – 2008 National Programme for Combating and Preventing Trafficking in Human Beings, focused to a large extent on activities meant to improve the efficacy in dealing with the phenomenon of trafficking in human beings, such as inter-institutional coordination and international cooperation. <li data-bbox="664 424 1096 755">• A Central Team for Combating Trafficking in Human Beings, Human Organs, Child Pornography and Paedophilia was established in September 2006 by the decision of the General Commander in Chief of Police. The tasks of the Central Team are the following: coordinating and supervising over the coordinators and teams in regional headquarters of Police and Warsaw Metropolitan Police Headquarters; carrying on preventing actions; initiating the training courses for officers; participation in organising international operations; organisation of cooperation with entities other than the Police; and cooperation with Human Trafficking Studies Centre of the Warsaw University. <li data-bbox="664 773 1096 848">• An inter-ministerial Committee for Combating and Preventing Trafficking in Human Beings was appointed by the Council of Ministers in 2004. <li data-bbox="664 866 1096 970">• The Unit for Trafficking in Human Beings within the Ministry of Interior and the Department of Migration Police was established in order to handle the work of the interdepartmental Committee. <li data-bbox="664 988 1096 1137">• The Ministry of Interior and Administration coordinates all the activities in the framework of the Team for Combating and Preventing Trafficking in Human Beings. It ensures organization of conferences and meetings gathering actors involved in combating trafficking, it supports projects on trafficking related issues. <li data-bbox="664 1155 1096 1304">• In Poland, the need for victim support mechanisms was officially recognised in 2003, whereas NGOs had provided services since 1997. The support dimension is primarily covered by NGOs, with the exception of financial support, which is provided by the central state administration.

	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p>Portugal</p> 	<ul style="list-style-type: none"> • Trafficking in human beings constitutes a criminal act according to Article 160 paragraphs 1-6 of the Criminal Code, introduced in September 2007. • The provisions of the article fully comply with the definition of THB established in the 2005 Council of Europe Convention, ratified by Portugal in February 2008. Anyone who offers, delivers, lures, accepts, transports, gives accommodation to or receives people for the purposes of sexual or labour exploitation or for the removal of organs will be punished with imprisonment from three to ten years (Article 160, par 1). • It is important to note that trafficking for purposes other than sexual exploitation was only first criminalised in 2007. • In 2007 Portugal transposed the Council Directive 2004/81/EC on the residence permit. According to Articles 109-112 of the Portuguese Immigration Law, victims of trafficking are granted a reflection period of a minimum of 30 and a maximum of 60 days. During this period they are accommodated in the state reception centre CAP and have to decide whether they want to return to their country of origin, or to cooperate with the Portuguese authorities. 	<ul style="list-style-type: none"> • The first national project in the area of trafficking was in women for sexual exploitation, ran from 2005 to 2007 and developed a Permanent Security Observatory on trafficking in women for the purpose of sexual exploitation. • Currently, Portuguese anti-trafficking policies are based on the First National Action Plan against Trafficking in Human Beings 2007-2010, adopted by the Council of Ministers in 2007. • The National Action Plan focuses on four main areas: a) acknowledgement and diffusion of information, b) prevention, awareness raising and training, c) protection, support and integration of victims and d) criminal investigation and prosecution of trafficking. • In accordance with the National Action Plan, a coordinator (an equivalent of a National Rapporteur on THB) was nominated in January 2008. The coordinator belongs to the Commission for Citizenship and Gender Equality within the Presidency of Council of Ministers and is tasked with the publishing of annual reports on trafficking in human beings in Portugal. • In 2008 the Trafficking in Human Beings Observatory (OTSH) was established. Its responsibility is to produce, collect, analyse and disseminate information on trafficking in persons. • In 2008 a Reception Centre for the Protection of Victims of Trafficking and their Children (CAP) was established and is fully operational.

	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p data-bbox="105 742 190 766">Romania</p> 	<ul style="list-style-type: none"> <li data-bbox="242 465 645 589">• The definition and criminalisation of all forms of trafficking in human beings is codified in Law No. 678/2001 on Preventing and Combating Trafficking in Human Beings, further amended and supplemented, and it was also introduced in the Criminal Code. <li data-bbox="242 607 645 760">• The definition is in accordance with the Palermo Protocol and in full compliance with the Council Framework Decision 2002/629/JHA. Both the Law 678/2001 and the Criminal Code make specific references to sexual exploitation, labour exploitation, trafficking in organs, and forced begging. <li data-bbox="242 778 645 877">• With regard to victim protection and assistance, the Romanian legislation does not foresee residence permits for the victims of trafficking but a tolerance regime of up to six months. <li data-bbox="242 895 645 1048">• Among the main international instruments to combat trafficking in human beings, Romania has ratified the United Nations Convention against Transnational Organised Crime and its two Protocols in 2002 and the Council of Europe Convention on Action against Trafficking in Human Beings in 2005. 	<ul style="list-style-type: none"> <li data-bbox="664 262 1092 440">• Established in 2005 within the Ministry of Interior, the National Agency against Trafficking in Persons (NATP) coordinates, evaluates and monitors at the national level the implementation of anti-trafficking and victim protection and assistance policies by public institutions. The NATP operates 15 Regional Centres to monitor the local implementation of provisions. <li data-bbox="664 458 1092 556">• 2006 represented a turning point for the development of domestic policy in the field, when a comprehensive National Strategy against Trafficking in Persons for 2006-2010 was adopted. <li data-bbox="664 575 1092 957">• The most important achievements regarding the implementation of the National Strategy include strengthening the role of the National Agency against Trafficking in Persons to become the national coordinator of activities against THB; adopting a National Referral Mechanism (2008) by a joint order of relevant ministries and national agencies; developing the National Standards for Specialised Assistance Services provided to victims of trafficking (2007) to improve the quality of assistance provided to victims and to ensure a minimum of individualised services depending on each individual case and the assisted victim's specific needs; developing and bringing into full operation the National Database on Victims of Trafficking (since 2007); making operational an anti-trafficking help-line toll free number. <li data-bbox="664 975 1092 1248">• In order to nationally co-ordinate activities dedicated to the protection and assistance of victims of trafficking, a Thematic Working Group was created in 2007 by a joint order of competent ministries and agencies. Operating under the authority of local administrations in 9 provinces, Centres for Protection and Assistance, upon request, offer temporary accommodation, psychological counselling, medical examination, physical protection, information regarding the rights of the victim as a witness/injured party in the judicial process and support to get in touch with the family.

	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p>Spain</p> 	<ul style="list-style-type: none"> Spanish legislation does not provide for a unique offence contemplating all criminal acts constituent to human trafficking. Instead, the Spanish Criminal Code (CC) criminalises different forms of THB through different offences (against freedom, sexual integrity and the rights of the labourer) established in the Organic Law 10/23.11.1995 Trafficking for sexual exploitation has been included as a specific offence in the Criminal Code since 2000 (Article 188, Organic Law 4/2000). In 2003 Spain ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and transposed the Council Framework Decision 2002/629/JHA on combating trafficking in human beings. In regard to THB for labour exploitation of relevance are Article 311, 312 and 313.1 of the Spanish Criminal Code. For example, Article 311 punishes the imposition of abusive working conditions by means of fraud, violence, intimidation and the abuse of a situation of necessity. It is important to note that so far Spain has not transposed the Council Directive 2004/81/EC on the residence permit. This should have been done in 2006. Spain ratified the Council of Europe Convention on Action against THB on 2.04.2009 (entry into force on 1.08.2009). 	<ul style="list-style-type: none"> Spain's second Comprehensive Action Plan on Combating Trafficking in Human Beings for Sexual Exploitation 2009-2012 was approved in December 2008 by the Council of Ministers. It puts special focus on a) prevention and awareness raising; b) training and education; c) victim assistance and protection; d) legislation and e) coordination and cooperation. There is a strong emphasis on sex trafficking and child trafficking: The establishment of a special Fund for the Assistance of Women Victims of Human Trafficking 2009 served the aim to improve the assistance services particularly for those women VoTs who reside illegally in Spain. Spain does not have a National Rapporteur on THB or any equivalent so far. The Ministry of the Interior is responsible for coordinating action against trafficking in human beings and in this regard collaborates with the Presidential Office, the Ministry of Labour and Social Affairs, the Ministry of Justice, the Ministry of Foreign Affairs and Cooperation and the Ministry of Education. Furthermore, Spain does not have a centralised database on trafficking in human beings. Data on different categories such as investigations, prosecution and convictions are collected across several ministries, law enforcement and criminal justice agencies. Similarly, data on victims of THB is collected by various institutions. In October 2008 the director of the Department on Integration and Immigrants, based in the Ministry of the Interior, announce that a Comprehensive Action Plan on Combating Trafficking in Human Beings for Labour Exploitation is under development. Until today such an Action Plan has not yet been approved.

	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p>Sweden</p> 	<ul style="list-style-type: none"> • Trafficking in human beings for the purpose of sexual exploitation has been criminalized in Sweden since July 2002. • In 2004, in order to comply with the EU Council Framework Decision 2002/629/RIF on combating trafficking in human beings, several amendments were introduced. Trafficking for all forms of exploitation is criminalized under Chapter 4, Section 1a of the Penal Code. Moreover, the 2004 amendments also criminalize trafficking within the country. • The Swedish legislation is in compliance with the Council Directive 2004/8/EC, regarding the reflection period granted to victims of trafficking. Chapter 5, Section 15 of Aliens Act was amended to incorporate this in 2007. 	<ul style="list-style-type: none"> • The Ministry of Industry, Employment and Communications (MoIEC) published a National Action Plan dealing with trafficking in both children and adults which was adopted in July 2008. • This Action Plan against Prostitution and Human Trafficking for Sexual Purposes addresses five priority areas: victim protection, prevention, prosecution of perpetrators, national and international cooperation, and raising awareness. • Current policies are dealt with alongside prostitution and no mention of labour exploitation was made.

	LEGAL FRAMEWORK	POLICY AND INSTITUTIONAL SETTING
<p>United Kingdom</p> 	<ul style="list-style-type: none"> • Trafficking in human beings for the purpose of sexual exploitation is criminalised by the sections 57 – 59 of the Sexual Offences Act 2003, as amended by the UK Border Act 2007. Section 57 of the Sexual Offences Act criminalises the action of trafficking into the UK; section 58 refers to trafficking within the UK, and section 59 to trafficking out of the UK. • Regarding other types of trafficking than the one for the purpose of sexual exploitation, all these are criminalised under Section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004 which applies to all UK. Under this section a person is exploited if that person is a victim of an action which contravenes the Article 4 of the European Convention on Human Rights (slavery and forced labour). <p>In 2009, the UK government amended the Coroner and Justice Bill now making forced labour a stand alone offence. The offence Slavery, servitude and force or compulsory labour entered into force in 2010.</p>	<ul style="list-style-type: none"> • The UK Action Plan on Tackling Human Trafficking was published in 2007. • The United Kingdom Human Trafficking Centre (UKHTC), launched in 2006, is a multi-agency that provides a central point for the development of expertise and cooperation in relation to the trafficking in human beings, working together with other stakeholders from the governmental, non-governmental and inter governmental sectors in the UK and abroad. • The UKHTC comprises two major tasks in UK Anti-trafficking policy, it gathers data from different bodies which collect data on trafficking, and also provides support in regard to policy implementation on the other. • The UKHTC gathers several different institutions, such as the police, the Serious Organised Crime Agency (SOCA), the UK Border Agency (UKBA), and the Crown Prosecution Service (CPS). • In April 2009 a National Referral Mechanism (NRM) was being put in place in order to help co-ordinate the identification and referral of victims into support'. Under the coordination of NRM, statistical data on victims of trafficking were published by the UKHTC covering the time period from April to September 2009.



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D/2011/11.962/1