

Preventing trafficking in Human Beings for Labour exploitation: Decent work and social justice

Opening address

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Corinne Dettmeijer-Vermeulen, National Rapporteur on THB

Madam Chairperson, Ladies and gentlemen,

First of all, I would like to thank you for the opportunity speak here today, and to share some of the experiences gained in my role as a Rapporteur on Trafficking in Human Beings. I hope yesterdays' session has been as inspiring for you as it has been for me. I am looking forward to hearing new insights during today's sessions.

I was asked to touch upon the main topics in the three panels of today.

The first panel will cover the role of the private sector

It will examine the concrete experiences and challenges, engaging the private sector in anti-trafficking action. The focus in this panel will be on reducing demand, implementing codes of conduct and targeting all levels of the supply chain.

And of course the private sector should be involved in the fight against human trafficking. In September 2009 in Istanbul the Global Economic Symposium dedicated - for the first time - a working group to human trafficking. The larger part of the conference was on economic and financial issues. THB was a side event. For many of the participants the very existence of, let alone the magnitude of THB, was an eye-opener. It changed their perspective and they

brought another perspective to the issues at hand. Many interesting recommendations were made. I name a few:

1. Provide incentives to avoid investments in companies engaged in forced labor.

Private investors and large pension funds alike should have incentives to check that all companies in which they invest have adopted codes, as well as investigative mechanisms and remediation approaches, such that they will not engage forced labor.

2. Introduce independent certification of goods and services to make forced labor and trafficking a core issue of supply chain management. Raise awareness among consumers, investors and private citizens of the need to avoid exploitative work.

Forced labor and trafficking should be made a core issue of supply chain management. High-risk suppliers should be asked to be certified by third parties or agree to be audited against established codes of conduct.

In severe cases, firms should also be held responsible for the use of intermediate products that have been produced under extremely exploitative conditions. It should be ensured that all suppliers adopt best practices for assessing and evaluating labor rights risk in their supply chains, starting with a geographical and sectoral assessment of risks to migrants.

To increase incentives, tools should be developed that enable consumers to buy goods not produced through exploitative work. Ideas include “buycotts,” for example, by allowing customers to scan product barcodes and check whether goods were ethically produced. This would provide transparency and invite consumers to shift their demand to those reputation leaders that engage in sustainable production. In a first coordinated effort, governments and municipalities could act as a role model by seeking certification for all goods and services purchased by the public sector.

Likewise for example, countries bidding for or organizing international sports events should in order to qualify, be accounted for their efforts to avoid using the services of victims of forced or coerced labour, all through the supply chain.

In the Netherlands I have seen some increase in awareness in the private sector as well. For example, one of our biggest phone companies has recently developed a check list to alert their personnel on signs of human trafficking. They had been confronted with girls being forced by their trafficker to buy expensive phones that were sold afterwards. These girls were then left with high debts. The debts subsequently led them to be forced or coerced into prostitution. The purpose of the list was to create a barrier for the trafficker and to identify possible victims. The economic reason of course was not to sell phone subscriptions with a high risk of never being paid for. But there is nothing amiss when various seemingly opposite reasons for actions end up to be mutually beneficent. More over, the phone company decided to share the names of potential victims and perpetrators with the police.

Another example is KLM, who decided to train its flight attendants to recognize signs of human trafficking. I am sure there are many more of these examples and I am looking forward to hearing about inspirational examples from other countries during this panel session.

The second panel will deal with self-organization, access to remedies and social inclusion

This panel will challenge the typical paradigm of victim assistance tailored to victims of labour exploitation. The focus in this panel will be on the inclusion of new partners and new ways to cooperate.

Cooperation is vital and for the fight against trafficking for labour exploitation new bedfellows will have to be found. It is a step forward that ITUC is now a partner of the Alliance.

The role Trade Unions can play in dealing with labour exploitation is often overlooked. Trade Unions are seldom included in chains of cooperation on the combat of labour exploitation, even though they specifically can play a significant role in identifying exploitative situations. Approaching the police is often too high a barrier for victims. But to report violations to a trade union worker is less of a threat to victims. They are in a position to help victims by negotiating with their employer about the payment of wages, or about improving the labour conditions. Thus, Trade Unions can complement and strengthen the criminal justice response.

I have just recently concluded research into the specific needs of victims of labour exploitation and the extent to which these are being met in the Netherlands. For this my Bureau interviewed two main trade unions and four NGOs who supply support and shelter to victims. One of the findings was of course that there is not one answer when ascertaining these needs. Victims of labour exploitation and their problems, needs or traumas, vary even more than victims of sexual exploitation. But what we did find was that the organizations supporting victims did not have a clear vision as to the role and possibilities of the trade unions and vice versa. These organizations each come into contact with victims at a different stage: the unions before and during the exploitation and the NGOs after the exploitation. It seems as if these two stages are separated, which they should not be if the victim support is to be effective. Trade Unions appear not to think in terms of trafficking. Making the trade union a stakeholder in the fight against trafficking is therefore a positive move.

Today's last panel will cover innovative tools to combat trafficking for labour exploitation

Panelists will explore the potential of other legal tools such as labour law, administrative and civil law, out of court mediation and other negotiation tools. They will discuss opportunities and challenges to complement and strengthen

the criminal justice response with other legal tools and with strategic actions in other fields, such as labour inspections, licensing and migration policy.

As an example of a multidisciplinary approach and the use of innovative tools, I would like to highlight a case that was prosecuted in the Hague, in the Netherlands last year. This case concerned a house filled to the brim with people from Indonesia living illegally in the Netherlands. They were employed to prepare typical Indonesian food under atrocious conditions. The 11 Indonesian 'employees' paid a high price to rent a mattress in the house. One of their jobs was to prepare shrimp crackers in temperatures sometimes exceeding 50 degrees Celsius. The house was full of vermin and constituted a fire hazard because of exposed electric wires. The focus was not the labour, not the victims, but the house, the premises.

The case started with a tip-off about the fire hazard. It was the housing department of the city that took the initiative and sought cooperation with the police. Subsequently other stakeholders like the police, the labour inspectorate and other agencies were involved in the case, resulting in close cooperation between them. From the beginning of the investigation in this case, the roles of the various actors were clearly defined. Once it was clear that the circumstances amounted to labour exploitation, the public prosecution service took the lead.

To provide a clear impression of the abusive working conditions, the Labour Inspectorate produced an official report documenting the working environment with photos and films. Also, the Health and Safety Inspectorate was called upon to prepare a report on the working conditions. All of the (possible) victims were also interviewed at length and the interviews were registered on film.

This case showed that good cooperation can prevent (possible) victims from falling through gaps as a result of different perspectives and competing responsibilities. Making an official report of the scene with photos and films proved to be a useful instrument in helping the court to arrive at a conviction for human trafficking imposing severe penalties.

I would like to stress however that although the use of other legal instruments can be complementary, the focus should remain on the trafficking issue in order to protect victims rights envisaged in trafficking cases.

A multidisciplinary approach is essential in criminal investigations on labour exploitation. At the work floor and at the level of policy making. This goes for all forms and all victims of trafficking. In particular this applies to agencies involved in combating child trafficking and other anti trafficking agencies. Frequently however they seem to inhabit different worlds and their interventions are siloed.

Concerning the exploitation of children, often no connection is made between the worst forms of child labour and child trafficking. I think that this is a missed opportunity as there is a lot of overlap between the two subject matters. The initiatives in fighting the worst forms of child labour could complement the instruments on the combat of child trafficking. I was surprised, not to say shocked, last year at the world forum on child labor held in The Hague that the so called THB community was hardly represented. The OSCE was there and I hope that the fact of Unicef becoming a partner in the Alliance will result in a step up in tearing down the silos.

Closing remarks

Then there is one last point I would like to mention. Last month, the German Institute for Human Rights, in cooperation with the OSCE, organized an International Roundtable on ‘Violations of domestic workers’ rights in the context of diplomatic immunity’. This very well organized round table has inspired our Ministry of Foreign Affairs to organize a follow up conference. Currently, the Netherlands is looking at the possibilities to organize this

conference in 2012. I hope the Ministries of Foreign Affairs of all the countries present here today will show an interest to participate at this conference.

Thank you very much for your attention.