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Roadmap on strengthening action against trafficking in human beings for the purpose of labour exploitation

Introduction

The former Secretary General's report "Ready for Future Challenges - Reinforcing the Council of Europe" identified trafficking for labour exploitation as one of the major challenges in Europe, referring to the findings of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA).

At the 129th Ministerial Session in Helsinki, the Committee of Ministers agreed to continue analysing the protection provided by existing European standards with a view to identifying gaps and developing sector specific recommendations, guidelines and codes of conduct, as well as, if required, other instruments, and instructed its Deputies to examine ways of strengthening action against trafficking in human beings (CM/Del/Dec(2019)129/2a).

I. Action taken so far

- 29 May 2019 – Ministers Deputies' Exchange of views with Mr Davor Derenčinović, President of GRETA;
- Exchange of views on proposals for strengthening action against trafficking for the purpose of labour exploitation during GRETA's 35th plenary session (8-12 July 2019);
- Working breakfast on 9 July 2019, organised by the former Secretary General and chaired by the Chair of the Ministers' Deputies with the participation of Permanent Representations, members of GRETA and the Secretariat, on the basis of a non-paper prepared by the latter;
- The former Secretary General reported on the working breakfast at the 1351bis meeting of the Ministers' Deputies (10 July 2019; document SG/Inf (2019)22), noting that it was confirmed that there is a need for further action to address gaps, such as labour protection, in all sectors of the economy and that future action could take the form of a compendium of good practice and a Committee of Ministers recommendation. He indicated that the Secretariat would prepare a roadmap for action in order to implement the decisions taken at the 129th Ministerial Session in Helsinki.

II. Roadmap for future action

- An ad hoc working group has been set up by GRETA on strengthening action to combat trafficking for the purpose of labour exploitation. Under the authority of GRETA, the ad hoc working group will: a) prepare a compendium of good practices in the area of combating human trafficking for the purpose of labour exploitation, on the basis of GRETA's country evaluation reports; b) draft a guidance note on preventing and combating human trafficking for the purpose of labour exploitation. The working group will report to GRETA about the progress of its work at the 36th and 37th plenary sessions and present the final results at the 38th plenary session (July 2020).

- On the basis of GRETA's work, a draft Committee of Ministers recommendation could be prepared by an ad hoc group composed of experts of relevant intergovernmental committees and others (composition and deadline to be decided at a later stage). If it is decided that this work would be pursued, any additional resources that might be necessary would be found within the budgetary envelope.

This work will take into account the activities of other relevant international organisations, in particular the International Labour Organization (ILO), UNODC, OSCE and the Interagency Coordination Group against Trafficking in Persons (ICAT), as well as the work indicated below;

- In the framework of its reporting procedure and in view of the adoption of its 2020 conclusions regarding the implementation of the Social Charter, the European Committee of Social Rights (ECSR) requested reports / responses by States Parties by 31 December 2019. The cycle's thematic group of provisions covers also Article 1§2 of the Social Charter (Right to work - Freely undertaken work (non-discrimination, prohibition of forced labour). The questionnaire sent to the States Parties to assist them in their reporting covered also the question of trafficking for the purposes of labour exploitation (measures taken to assess the prevalence of the problem; existence of relevant legislation regarding: identification and protection of victims; prosecution requirements for businesses to detail actions taken to investigate their supply chains for forced labour, due diligence in public procurement to mitigate the risk of contributing to human trafficking/forced labour; regular inspections of sectors such as agriculture, construction, hospitality, manufacturing and domestic work, which are particularly affected by labour exploitation. Information on measures taken to protect workers in the "gig economy" or "platform economy" whose employment is very often precarious, against exploitation was also requested). The information that will be provided and the subsequent ECSR conclusions will feed into the reflection carried out by GRETA and the subsequent follow up work.
- An exchange of views between GRETA and ECSR is planned;
- Implementation of the Committee of Ministers' Recommendation CM/Rec (2016)3 on human rights and business: the Steering Committee for Human Rights (CDDH) is developing a platform to collect and disseminate information on initiatives taken by member states to promote the social/ethical behaviour of private companies. The platform will be operational before the end of the year. It will comprise one part accessible to the public, compiling all relevant international texts and collecting all the action plans that have been put in place by member states, and one part with restricted access where national civil servants in charge of the matter at national level will have the possibility to exchange information and discuss issues of common interest. The information to be established could be of interest for the work to be undertaken in view of the drafting of a recommendation;
- The Parliamentary Assembly of the Council of Europe is currently preparing a report on "Concerted action on human trafficking", which is due to be finalised by the end of 2019;

- The Commissioner for Human Rights addresses the issue in the framework of her country and thematic work: <https://www.coe.int/en/web/commissioner/-/time-to-deliver-on-commitments-to-protect-people-on-the-move-from-human-trafficking-and-exploitation>;
- The new module or separate online course of combating trafficking for the purpose of forced labour will be developed by the HELP Programme;
- Examination of the standard Council of Europe documents used in the context of procurement, in order to assess the need for the inclusion of a due diligence clause (similar to what is already being done in other international organisations) to mitigate the risk of contributing to human trafficking/forced labour;
- Event on combating trafficking for the purpose of labour exploitation, with a focus on the agricultural sector, as a follow up to the *Chowdury v. Greece* judgment of the ECtHR.
