



GRETA – GROUP OF EXPERTS ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS

Preventing and
combating
trafficking in human
beings for the
purpose of
labour exploitation

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE





INTRODUCTION

- ❖ **Predominant form of exploitation in some countries** (e.g. Belgium, Finland, Moldova, Portugal, United Kingdom, Ukraine)
- ❖ **39% of cases detected globally in 2020** (UNODC 2022 Global Trafficking in Persons Report)
- ❖ **Case-law of the European Court of Human Rights** (*Chowdury v. Greece*; *Zoletic and Others v. Azerbaijan*)
- ❖ **One of the major challenges in Europe:** trafficking for labour exploitation (“modern slavery”) - Secretary General’s 2019 report “[Ready for Future Challenges - Reinforcing the Council of Europe](#)”

COUNCIL OF EUROPE ACTION



2016

CM Recommendation
(2016)3 on Human
Rights and Business



NOV 2019

The Secretary
General
presented a
Roadmap to the
Committee of
Ministers



2020

GRETA's
Compendium of
good practices
and Guidance
Note



2021-2022

DH-TET held four
meetings and
submitted a
draft
recommendation
to CDDH



OCT 2022

Recommendation
CM/Rec(2022)21
to member States

RECOMMENDATION CM/REC(2022)21



The recommendation supplements the existing legally binding instruments, in particular the **Council of Europe Convention on Action against Trafficking in Human Beings**, and draws on:

- the monitoring work and guidance of GRETA,
- the case-law of the European Court of Human Rights,
- and the conclusions and decisions of the European Committee of Social Rights.

THE COMMITTEE OF MINISTERS RECOMMENDS TO:



ADOPT national laws, policies and strategies and take a human rights-based and victim-centered approach



ENSURE that the measures and principles are implemented and followed in relevant national law

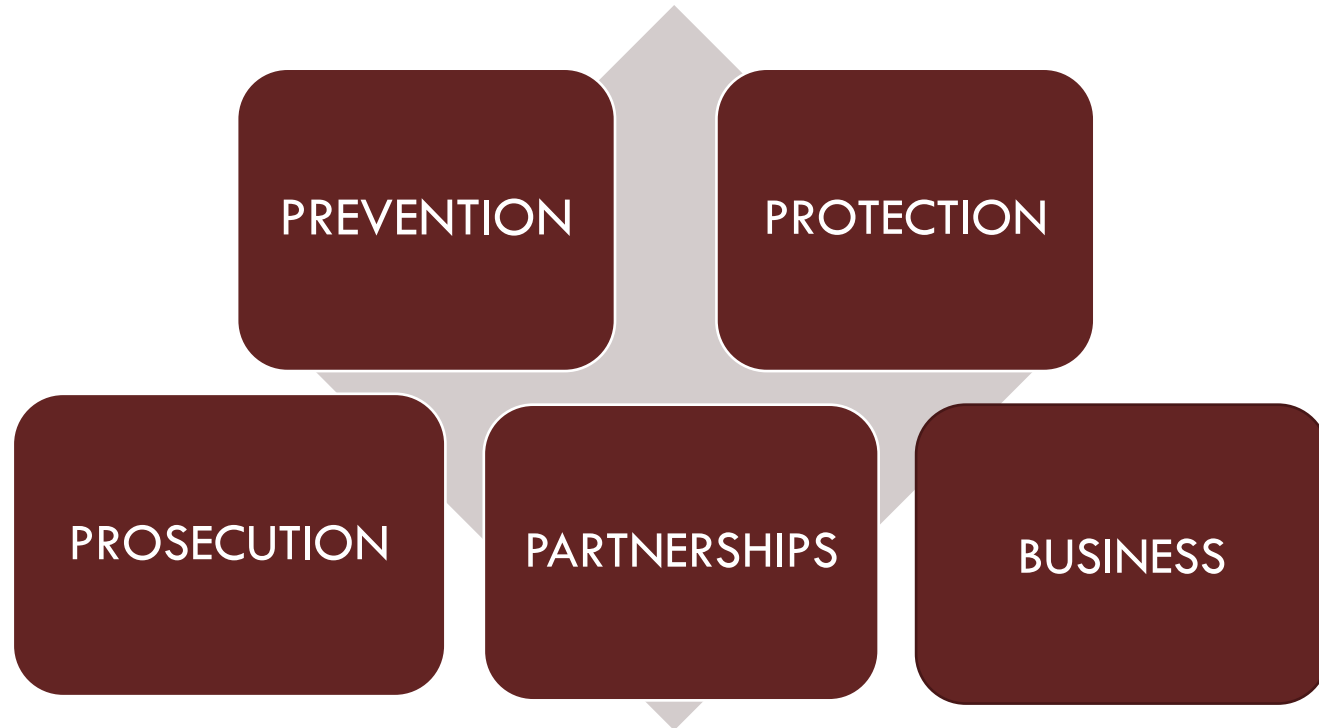


ENSURE a wide dissemination of the recommendation and its explanatory memorandum



EXAMINE, within the Committee of Ministers, the implementation of this recommendation no later than 5 years after its adoption

EXPLANATORY MEMORANDUM



RECOMMENDATION CM REC(2022)21

EXPLANATORY MEMORANDUM



PREVENTION

Provision of information to labour migrants

Setting up drop-in centres for migrant workers

Extending the scope of labour protection over all sectors of the economy, including domestic work, unregulated sectors and undocumented workers

Effective regulation of labour supply and workers' rights, including the protection of the right of workers to unionise

Enhancing the availability and flexibility of pathways for regular migration channels

EXPLANATORY MEMORANDUM



PROTECTION

ESTABLISH a National Referral Mechanism bringing together all relevant actors

ADOPT specific indicators on trafficking for labour exploitation to assist all actors that might come into contact with trafficked persons

ENSURE that the identification of trafficked persons for the purpose of accessing assistance and protection is independent from their participation criminal proceedings

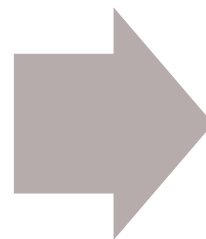
INCREASE the propensity of trafficked persons for self-identify through safe reporting and effective complaints mechanisms, and possibilities for regularisation of residence status

ENSURE that, when there are reasonable grounds to believe that a person has been trafficked, **he/she is granted a reflection and recovery period** of at least 30 days, during which it is not possible to enforce any expulsion order against him/her

MANDATE OF LABOUR INSPECTORS



The mandate of labour inspectorates should be expanded to explicitly cover human trafficking for the purpose of labour exploitation.



It should include the detection and reporting of such cases in any place where work is performed, including domestic households, as well as in the informal sector, regardless of the administrative status of workers or the type of contract which exists between the worker and the employer.

EXPLANATORY MEMORANDUM



PROTECTION

Information on rights

Legal advice and free legal aid

Compensation

Residence permit

Non-punishment provision

BUILDING A CRIMINAL CASE OF TRAFFICKING FOR LABOUR EXPLOITATION



Define the parameters
of “labour
exploitation” through
law and/or guidance

Gather evidence (including
material objects, documentary
and digital evidence) through the
systematic use of special
investigative techniques and
financial investigations

Specialised
units within
the police
and the
Prosecutor’s
Office

Aim to build a case
independent of the
victim’s testimony

Internet
monitoring,
cyber-
infiltration,
OSINT...

Continuous
training and
adequate
resources

ACTION TO ENABLE CORPORATE RESPONSIBILITY AND ENFORCE CORPORATE LIABILITY



Due diligence legislation



Guidance to businesses on how to respect human rights in their operations,
including with respect to risk management in supply and subcontracting chains



Corporate liability



Role of financial institutions



Procurement policies

PARTNERSHIPS AND INTERNATIONAL COOPERATION



- **Multi-disciplinary cooperation between relevant agencies, civil society and businesses**
- **Involvement of victims**
- **Role of national human rights institutions**
- **Bilateral and multilateral international cooperation**
- **Transnational referral mechanism**

Thank you!

www.coe.int/trafficking

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