



International Conference on Labor Exploitation as a Form of Human Trafficking - Recommendations and Conclusions -

NGO ASTRA – Anti Trafficking Action organized the first international **Conference on Labor Exploitation as a Form of Human Trafficking**, in Belgrade on **March 1 and 2, 2012**. The Conference was the first event dedicated to this problem in Serbia. Topics discussed at the conference include workers' rights, labor exploitation as a form of trafficking in human beings and the improvement of relevant policies in the area of prevention and prosecution, with a special regard to the appropriate identification and treatment of victims of labor exploitation.

The reason for organizing such a conference lays in the fact that labor exploitation as a form of human trafficking has been on the rise in the last couple of years, shown both by ASTRA SOS Hotline data, and the data gathered by other relevant anti-trafficking actors in Serbia. However, this rise has not been accompanied by the appropriate state response. Namely, there are still numerous perplexities and general lack of knowledge of what labor exploitation is and how it should be treated and prosecuted, while assistance and protection programs are not adjusted to the needs of a new category of victims. An upward trend in the number of identified labor exploitation cases has been registered in the rest of Europe, too.

ASTRA's Conference on Labor Exploitation as a Form of Human Trafficking is the first conference focused on the problem of human trafficking for the purpose of labor exploitation in Serbia. It gathered participants from Serbia, Europe and Eurasia – representatives from international organizations, relevant Serbian trade unions, the Ministry of Economy and Regional Development, the Ministry of Labor and Social Policy, the Labor Inspectorate and the National Employment Service, NGO activists from the country and abroad, lawyers, representatives of the police and prosecutor's office. Participants were discussing and exchanging experiences about different problems pertaining to labor exploitation and trafficking in human beings and working on formulating recommendations that would contribute to the enhancement of policies in this area.

In October 2011, ASTRA conducted an opinion poll (representative sample comprising 2506 adult citizens of Serbia) and focus group/qualitative survey (five focus groups in which five different groups of stakeholders were questioned separately – the unemployed, students, the employed, trade unions and public servants and persons employed with the National Employment Service,



employment agencies and youth cooperatives) examining citizens' perception of labor exploitation. The surveys were conducted within EU supported project "Make it Work" and their results were presented at the beginning of the conference. According to the surveys, the citizens of Serbia understand labor exploitation as poor working conditions and violation of labor legislation in a transitional economy; when they observe labor exploitation in the context of human trafficking, the respondents mostly see it as something far away from their lives and their reality, although a large percentage of them report that they themselves have received suspicious job offers or that their friends or relatives have experienced labor exploitation. Finally, men are in no way perceived as potential/possible victims of trafficking.

In the first session, Natalia Hofman from the ILO Moscow office talked about practical aspects of fight against human trafficking for the purpose of labor exploitation, while Jereon Beirnaert from the International Trade Union Confederation discussed the role of trade unions in combating trafficking in human beings. The session was concluded by Olivera Otašević who presented ASTRA's experience and practice in providing assistance to victims of labor exploitation. In the session focusing on judicial practice in combating forced labor as a form of human trafficking, Joanna Dabrowska-Samsel and Ernest Samsel, lawyers from Poland talked about their practice of representing victims of labor exploitation, whilst Alovsat Aliev from the Azerbaijan Migration Center and Zoran Stojkov, lawyer from Belgrade, talked about the SerbAz case from the perspective of NGOs in Serbia and Azerbaijan that were involved in the case. Finally, Hoang Do Duy, activist from the Czech Republic presented the tree workers case in this country. In the third session, Klara Skrivankova from Anti Slavery International talked about forced labor across borders and its links to major sporting events, Victoria Kyzym from La Strada Ukraine discussed the problem of labor exploitation from the point of view of a direct victim assistance provider, while Astrid Ganterer from OSCE/ODIHR talked about challenges in relation to human trafficking throughout the OSCE region. The moderators were Madis Vainomaa, independent expert, Munir Podumljak from the partnership for Social Development, Croatia and Tamara Vukasović from ASTRA.

Some of the most important recommendations and conclusions made at the Conference are as follows:

- Trafficking in human beings for the purpose of labor exploitation must be observed as the gravest violation of human rights and not in the context of (illegal) migrations, crime or violation of labor rights; in that respect, adequate state response is necessary in the area of prosecution, prevention and assistance and protection of victims of labor exploitation.
- For successful fight against human trafficking for the purpose of labor exploitation, it is necessary to build a joint platform and involve the broadest

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possible circle of actors. Namely, besides relevant institutions and nongovernmental and international organizations as actors that are traditionally active on the anti-trafficking scene in Serbia, links should be made with companies, businesses and other employers. Also, trade unions, labor inspection and employment agencies should become actively involved.

- Additional training is needed both for the existing actors and for those who are yet to be included in fight against human trafficking for the purpose of labor exploitation in order to ensure proper response to specific characteristics of this form of exploitation at all levels and in all stages.

- The Labor Inspectorate as a state authority should contribute to combating human trafficking for the purpose of labor exploitation through intensified control of employment agencies and other job brokers – natural or legal persons regardless of them being registered to provide this kind of services or not.

- Besides the Labor Inspectorate, successful fight against human trafficking for the purpose of labor exploitation requires the involvement of other competent inspections, especially in the industries which register the highest number of cases, in particular construction industry.

- It is necessary to improve the identification of victims of human trafficking for the purpose of labor exploitation, which also implies persistent use of relevant indicators (ILO) and the definition of procedures that would enable primary identification to be done by a broad circle of actors who may come in contact with potential victims, alongside establishing and developing adequate assistance and support mechanisms.

- Victims of human trafficking for the purpose of labor exploitation have to be provided with efficient and comprehensive system of support, including full respect of all those rights that are guaranteed to them as victims of human trafficking by international instruments (right to information, protection of privacy, access to legal, medical and psychological assistance, access to interpretation services etc.).

- It is necessary to enhance the existing support programs for victims having in mind that current capacities are not sufficient to respond to the needs of a great number of victims which is typical for labor exploitation cases and that they do not provide adequate forms of assistance which these victims needs, especially with regard to the fact that these are mostly adult men.

- For successful and efficient fight against human trafficking, it is necessary to involve the institutions responsible for combating corruption and money



laundering, while investigation should also be directed at investors, contractors, job brokers, subcontractors and all the others in the supply chain.

- For successful and efficient recognition and prosecution of cases of human trafficking for the purpose of labor exploitation, it is necessary to ensure high level of political will as a sign of real determination and commitment of society to put an end to this form of crime.

- In all cases of human trafficking for the purpose of labor exploitation, it is necessary to conduct financial investigations which would follow the money trail in order to prevent profits made through human trafficking from being put into legal flows through the process of privatization, investments, etc.

- In the area of prevention of trafficking in human beings for the purpose of labor exploitation, it is necessary to carry out numerous activities, both at the level of the labor market and at individual level, for the purpose of promotion of safe labor migrations and with active participation of relevant state authorities, NGOs, trade unions, various workers' initiatives, etc.

- Trafficking in human beings for the purpose of labor exploitation must be recognized as a problem which results from the situation on the labor market and which does not affect only one industry. In that respect, it is necessary to build and promote such labor market in which labor legislation will be persistently enforced with irrelevant share of unregistered labor.

- In cases of trafficking in human beings for the purpose of labor exploitation with international elements, prompt and efficient cooperation between the authorities of the countries concerned is necessary, especially in view of their obligations deriving from the ratification of the Council of Europe's Convention on Action against Human Trafficking and other international instruments.

Conference on Labor Exploitation as a Form of Human Trafficking has been organized within the project “*Make it work – fighting trafficking and exploitation of workers*” which is supported by the European Union within Support to Civil Society Program.