

# Prevention of Human Trafficking for Labour Exploitation: Operationalizing the Corporate Responsibility to Respect

Dr. Conny Rijken  
Tilburg University  
The Netherlands  
[c.r.j.j.rijken@uvt.nl](mailto:c.r.j.j.rijken@uvt.nl)

# THB for Labour Exploitation

- Palermo Protocol (2000): THB = forced recruitment for purposes of exploitation
- Role States: Three P-Framework
  - Prosecution (including prohibition)
  - Protection of victims of THB
  - Prevention of THB
- Role Corporations: Protect, Respect and Remedy + Guiding Principles

Core company

Supply chain: products, services

# UN PRR Framework & Guiding Principles

## *Three pillars*

### *1. State*

*Obligation to  
Protect*

### *2. Corporate Responsibility to Respect*

### *3. Remedies*

Corporate Responsibility to Respect: Human rights Due Diligence

- > Lack of tools to ensure corporate compliance
  - > Lack of a legal base
  - > *Ius Cogens* nature of the norms violated in case of THB: slavery (like practices)
- *California Transparency in Supply Chains Act*

# Operationalizing the PRR Framework and GPs in the context of THB

Analytical Framework based on PRR Framework and GPs:

1. Adopt a human rights policy (GP 16)
2. Assess actual and potential human rights impact (GP 18)
3. Integrating commitments and Assessments into internal control and oversight mechanisms (GP 19)
4. Track and report performance (GP 20,21)

# Adopt a human rights policy

## Guiding Principle 16:

*Senior approval*

*In/external advise*

*Stipulate human  
rights expectations  
of business  
relations*

*Policy publicly  
available*

*Embedded in  
procedures*

### A. Responsibility for own activities

- Not perform THB themselves
- Adhere national (criminal) law
- International standards apply if national ones are absent

### B. Responsibility down the supply chain

- Convince that business relations are not associated with THB practices
- Critics: relation with separation of legal entities (other legal concepts) and crucial dependency

*Guiding  
Principle 18:*

*Impact own  
activities and  
Business relations*

*Internal/external  
Advice*

*Consultation with  
stakeholders*

A. Responsibility for own activities

- Special attention for vulnerable groups
- Practices vulnerable to abuse
- Prevent reverse human rights impact

B. Responsibility down the supply chain

- Risks are comparable to A

## Integrate commitments and assessments into internal control and oversight mechanisms

### **Guiding Principle 19:**

*Integrate:*

*Assign to  
Appropriate level*

*Decision and  
oversight processes,  
budget allocation  
enable responses*

*Appropriate action  
depends on:*

*Who is the cause?*

*Extent of leverage*

#### **A.** Responsibility for own activities

- Labour rights education
- Representation
- Mentality change employers
- Facilitated by States, turn into an obligation

#### **B.** Responsibility down the supply chain

- Based on leverage
- Responsibility to prevent, not an obligation

# Track and Report Performance

## **Guiding Principles 20 and 21:**

*Qualitative and  
quantitative  
indicators*

*Communicate  
Externally*

*Sufficient  
information  
to assess  
performance*

### **A. Responsibility for own activities**

- Number of victims
- Measurable indicators (Athens Ethical principles, Dhaka Principles, ILO)
- Lack of monitoring tools for stakeholders

### **B. Responsibility down the supply chain**

- Measurable indicators for business relations
- Transparency activities down supply chain

# EU project on CSR to prevent THB

- Aim is to operationalise and implement Ruggie framework
- Currently conducted in seven countries led by Tilburg University
- Will look into three sectors: Agriculture, Construction and Hotelsector
- Per sector a guide will be developed and implemented on how to operationalise CSR
- Will run till April 2014

# Conclusion

- Based on the three Ps-framework, strong obligations for States to prevent THB
- Affects corporate responsibility in Ruggie's second pillar
- *Ius Cogens* character of prohibition of Slavery (-like practices) justifies interference
- Fills legal vacuum in PRR-Framework