

Second day of the Fifteenth Meeting
MC(15) Journal No. 2, Agenda item 8

**DECISION No. 8/07
COMBATING TRAFFICKING IN HUMAN BEINGS
FOR LABOUR EXPLOITATION**

The Ministerial Council,

Reaffirming our determination to combat all forms of trafficking in human beings, as well as reaffirming the commitments that the participating States have undertaken in the field of combating trafficking in human beings and the resolve to implement them,

Recalling the tasking of the Brussels Ministerial Council Decision No. 14 to consider ways to further strengthen efforts to combat trafficking in human beings, including for labour exploitation (MC.DEC/14/06),

Reaffirming furthermore the OSCE Action Plan to Combat Trafficking in Human Beings, which provides participating States with a comprehensive toolkit for combating all forms of trafficking in human beings by protecting victims, preventing trafficking in human beings and prosecuting those who facilitate or commit the crime,

Reiterating the support of the participating States for the ratification and implementation of the United Nations Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children,

Seriously concerned that trafficking in human beings remains widespread in the OSCE region and beyond, despite national and international efforts to prevent it and to bring to justice those responsible,

Recognizing the need to strengthen further the framework of OSCE commitments to address the challenges of trafficking for labour exploitation,

Recognizing the vulnerability of children to trafficking for labour exploitation and the special needs of child victims,

Emphasizing that policies and practices to address trafficking for labour exploitation, which arises within the formal and informal economy, should be comprehensive and therefore include enforcement of labour laws,

Underlining that measures to address trafficking for labour exploitation should be formulated with and encourage greater participation of labour actors, including workers and employers organizations, labour administrators and inspectors,

Reaffirming the OSCE commitments concerning travel document security,

Recognizing that persons with irregular immigration status are likely to be more vulnerable to trafficking for labour exploitation,

Reaffirming the need to ensure respect for human rights and in this context recalling the core international human rights instruments of the United Nations, including, as they may apply to those particularly vulnerable to trafficking for labour exploitation,

Recognizing the challenges of identification of and assistance to victims, including their uncertainty regarding their eventual residential status, and that might arise out of the use of intimidation and the exploitation of victim's fears by traffickers, and recognizing the need for complaints procedures that encourage victims to come forward,

Calls on participating States to:

1. Ensure that victims of trafficking for labour exploitation have access to justice;
2. In conformity with domestic law and international obligations, provide a reflection delay and grant temporary or permanent residence permits to victims of trafficking, allow for the provision of work permits to victims during their stay, and raise awareness of such opportunities;
3. Ensure the provision of assistance to victims of trafficking for labour exploitation, and in particular access to shelter, healthcare, legal assistance and social assistance taking into consideration the recommendations in Part V of the OSCE Action Plan to Combat Trafficking in Human Beings and its Addendum Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance, and raise awareness about the availability of such services;
4. Provide increased efforts and more effective procedures to identify victims of trafficking and, in this respect, provide training and resources necessary for this task to their labour inspectors and, where appropriate, step up inspections in sectors vulnerable to labour exploitation;
5. Support and promote partnerships between civil society, including NGOs, and State agencies with a labour protection mandate to monitor working conditions, to provide, among others, assistance to victims and prevent trafficking for labour exploitation and violation of labour laws, including through targeted awareness-raising programmes or voluntary codes of conduct;
6. Consider allowing, in accordance with national law, for alternate representation for victims of trafficking for labour exploitation in proceedings where the victim is unable to do so;

7. Consider elaborating or strengthening their legislation that offers victims of trafficking for labour exploitation the possibility of obtaining compensation for damage suffered, including, where appropriate, restitution of wages owed to them;
8. Increase multi-agency co-operation and interaction on labour trafficking issues among their labour and immigration officials, law enforcement, judicial officials and social services providers, including through the establishment or strengthening, as appropriate, of national referral mechanisms as recommended in the OSCE Action Plan to Combat Trafficking in Human Beings;
9. Ensure that civil society organizations, which legally provide assistance to victims of trafficking for labour exploitation, are not penalized or criminalized for providing such assistance;
10. Provide, in accordance with the basic principles of their legal system, for the possibility, where appropriate, of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so;
11. Ensure effective complaint procedures where individuals can report in a confidential manner circumstances that might be indicative of a situation of trafficking for labour exploitation, such as exploitative working and living conditions;
12. Develop indicators taking into account, as appropriate, those developed by the ILO Committee of Experts to ensure consistency and transparency in the identification of victims of trafficking for labour exploitation and in the detection of situations of trafficking for labour exploitation;
13. Consider further expert discussion of how to distinguish cases of trafficking for labour exploitation from other situations of irregular employment;
14. Ensure effective and proportionate sanctions against those who facilitate trafficking for labour exploitation, including exploitative employers;
15. Ensure effective sanctions when employers or recruitment agencies create situations of debt bondage;
16. Develop programmes to curb the fraudulent recruitment used by some employment agencies that can make persons more vulnerable to being trafficked;
17. Consider ensuring that contractors who knowingly use subcontractors involved in trafficking for labour exploitation can be held accountable for that crime;
18. Consider providing training for judges, prosecutors, police officers and labour inspectors concerning trafficking for labour exploitation, from the perspectives of both prosecution and victim protection, and in this respect, ensure, where necessary, adequate resources are provided;
19. Target awareness-raising campaigns in countries of origin, transit and destination, directed in particular at groups vulnerable to trafficking for labour exploitation;

20. Intensify efforts to prevent child labour, by considering signing and ratifying the ILO Convention on the Worst Forms of Child Labour, 1999, if they have not already done so, and if they are already parties to it, by implementing its provisions;
21. Increase co-operation at an international level by sharing information and best practices on combating trafficking for labour exploitation, and examining ways to strengthen collaboration concerning law enforcement as well as victim protection and reintegration assistance in situations of repatriation;
22. Improve data collection and analysis of the nexus between trafficking for labour exploitation and migration and share such information with other OSCE participating States.