



Resolution 1922 (2013)¹

Final version

Trafficking of migrant workers for forced labour

Parliamentary Assembly

1. The Parliamentary Assembly is concerned about the massive scale of human trafficking. According to the International Labour Organization (ILO), at least 20.9 million people throughout the world – three in every thousand – are trapped in forced labour and 44% of these people (9.1 million) are victims of trafficking. Human trafficking can be seen as the fastest growing form of organised crime and one of the largest sources of transnational crime profit. Virtually all countries are believed to be affected, as countries of origin, transit and/or destination.

2. It is important to not only focus on human trafficking for sexual exploitation, but also to look at the much broader dimension of the problem which is trafficking for forced labour. This includes the “sex industry”, the agricultural sector, the construction industry, the textile industry, the hotel and catering sector, the manufacturing sector, domestic slavery and servitude (including in diplomatic households), forced begging and pickpocketing, and organ trafficking.

3. Interpol estimates that only 5% to 10% of cases become known to the authorities and an even smaller proportion of the victims of human trafficking are identified. Irregular migrants, forcibly displaced persons and other groups such as the Roma are particularly vulnerable to trafficking, including for forced labour purposes. Women and girls are the most numerous victims and 90% of victims are exploited in the private sector.

4. This criminal activity remains a low-risk business which can bring in high profits and attracts all levels of criminal networks or individuals taking advantage of the loopholes in national migration and labour-market policies. The Assembly is concerned that the perpetrators and end-users are rarely identified and convicted. Few cases are prosecuted as trafficking offences.

5. Cases of trafficking for forced labour, where migrants have been trafficked, are generally dealt with by the authorities primarily as smuggling issues and as violations of national immigration or labour law. This is flawed approach, which puts victims in the position of criminals, focuses on the wrong target and is an obstacle to effectively fighting traffickers and trafficking.

6. The Assembly recognises that it is essential to tackle the root causes of trafficking for forced labour, including the reduction of poverty and creation of employment opportunities in the countries of origin of trafficking victims. It also highlights the importance of education, vocational training and empowerment of potential victims, in particular women and girls. In addition, it is necessary to increase awareness of the risks of trafficking for forced labour and facilitate the effective reintegration of victims into society.

7. The Assembly is acutely aware of the importance of reinforcing co-operation and information sharing, including on best practices, between all those involved in anti-trafficking. These actors include national authorities of the countries of origin, transit and destination, judges, prosecutors, labour inspectors, police forces, border guards, tax authorities, health services, representatives of civil society including non-governmental organisations (NGOs), the third sector and trade unions.

1. *Assembly debate on 25 January 2013* (9th Sitting) (see [Doc. 13086](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Groth; and [Doc.13108](#), opinion of the Committee on Equality and Non-Discrimination, rapporteur: Ms Mattila). *Text adopted by the Assembly on 25 January 2013* (9th Sitting).

See also [Recommendation 2011 \(2013\)](#).



8. Consequently, the Assembly recommends that Council of Europe member and observer States, as well as partners for democracy:
 - 8.1. tackle the phenomenon of trafficking of migrant workers for forced labour, while taking into account the particular vulnerability of these persons, by:
 - 8.1.1. putting in place a strong legal framework to prosecute end-users and perpetrators, including private households, and ensuring that all forms of forced labour are treated as criminal offences;
 - 8.1.2. appointing an independent national rapporteur on human trafficking, in charge of the follow-up on this issue and of reporting periodically to the government and parliament on the national situation;
 - 8.1.3. encouraging regular and co-ordinated inspections by organisations responsible for regulating employment, health and safety in sectors most at risk, encouraging workers to self-organise, and also associating employment agencies with action against human trafficking;
 - 8.1.4. strengthening the role of labour inspectors and allocating sufficient human and financial resources to allow them to effectively regulate employment, including domestic work and the functioning of informal businesses and workplaces, where forced labour practices are most prevalent;
 - 8.1.5. taking steps to discourage demand for the services of trafficked persons for the purpose of forced labour, particularly in domestic services and in the agriculture, fisheries, construction, hospitality, care and cleaning sectors;
 - 8.1.6. combating corruption of public officials involved in trafficking offences;
 - 8.1.7. introducing action plans on human trafficking and closely involving parliaments in their preparation, implementation and monitoring of the implementation;
 - 8.1.8. ensuring that all relevant professionals, including judges and prosecutors, labour inspectors, law-enforcement officials, border guards, immigration officials, staff working in immigration detention centres, local authorities staff, diplomatic and consular staff, health professionals and social workers receive comprehensive and multi-disciplinary training to identify victims of human trafficking for forced labour purposes and to assist and protect these victims in line with the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197);
 - 8.1.9. ratifying and implementing, if they have not already done so, the Council of Europe Convention on Action against Trafficking in Human Beings and the International Labour Organization Convention concerning Decent Work for Domestic Workers;
 - 8.1.10. providing the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) with sufficient financial and human resources, and ensuring the independence of the experts appointed;
 - 8.2. review their immigration and return policies to bring them into line with the recommendations of GRETA so as to ensure that persons trafficked for forced labour are treated primarily as victims in need of protection rather than violators of migration control, by:
 - 8.2.1. clearly identifying legal migration channels and disseminating accurate information on the conditions enabling legal entry and stay;
 - 8.2.2. stepping up efforts to identify potential victims of trafficking, including at the border and in detention centres, by giving access to monitoring bodies and specialised organisations, including NGOs;
 - 8.2.3. ensuring that potential victims of trafficking are not punished for immigration-related offences during the identification procedure;
 - 8.2.4. facilitating the issuing of temporary and renewable residence permits on humanitarian grounds, if possible in conjunction with work permits, to migrants who are victims of trafficking;
 - 8.2.5. guaranteeing the right of migrant domestic workers to an immigration status independent of any employer;
 - 8.2.6. effectively granting victims of human trafficking a recovery and reflection period of at least thirty days to enable them to recover and escape the influence of traffickers;

- 8.2.7. ensuring victims access to the courts and guaranteeing their effective access to legal aid and interpretation services;
- 8.2.8. providing effective protection to victims co-operating in criminal proceedings;
- 8.2.9. considering special measures for the return of victims of trafficking as an integral part of anti-trafficking policy, by guaranteeing rights, safety, dignity and protection from re-trafficking in case of return or readmission and making use of assisted voluntary return programmes.