

*Speech of the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children mr. C.E. Dettmeijer-Vermeulen*

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*– Concept –*

*( may diverge from the spoken text)*

**Looking at labour exploitation through a kaleidoscope; a plea for a multi-perspective approach**

Can you remember the first time you looked through a kaleidoscope? How amazed you were at the multiple colours and shapes that flashed by?

That's the image that springs to mind when I look back over the past years. Years during which labour exploitation has become a criminal offence in all member states, when general awareness of labour exploitation has grown, and more and more organisations have come involved. Today marks the culmination as labour exploitation becomes a priority of the Dutch presidency.

Looking at the audience today, also reminds me of the image of the kaleidoscope, so many different and diverse players, representing numerous enforcement bodies, NGOs and private parties. That image reflects for me just how many different manifestations there are of labour exploitation.

But even more than the diversity of the kinds of labour exploitation, the image of the kaleidoscope represents all the many viewpoints that can be brought to bear on the phenomenon. The fact is that we often look at labour exploitation through an overly narrow lens. As if we had to choose. As if the choice also determines what action to take.

We see labour exploitation solely as a criminal act.

Or exclusively as a distortion on the labour market.

Or we see it as a violation of human rights.

But choice does not come into the matter. We need to widen our view, it's time for a *kaleidoscopic* approach, to both the phenomenon and the way we tackle it.

And what exactly do I mean by this? Well, in the past few years I have seen different angles of approach put forward to tackle labour exploitation. There are five that I want to discuss with you today:

They concentrate on:

criminal law;

the victim;

labour migration;

the labour market;

and lastly conflict zones.

It is from these angles that attempts have been made in recent years to better understand the phenomenon of labour exploitation. Given the many shapes the phenomenon takes, none of these perspectives *alone* can fully cope with the unyielding nature of the real situation on the ground. Each of them simply highlights a single facet of labour exploitation and the accompanying steps to tackle it. The angles adopted are inextricably connected with what is known in the social sciences as 'framing': they select an element of the reality but fail to grasp the whole picture. To really get to grips with labour exploitation it remains important to look beyond a particular perspective or in any event to work on integrating them.

Let me begin with the **criminal law angle**. From this perspective labour exploitation is primarily seen as a crime. Here, criminal law is the defining parameter, along with those who play a role in the criminal law chain; law enforcement, judges. The focus is on criminalisation, on the legal concept of labour exploitation, on the components that denote its existence and the penalty that such behaviour incurs. The emphasis on criminalisation also entails the actions of the parties involved. If criminalisation is to be effective enforcement is needed. So the focus is also on the measures needed to effectively press charges and penalise the suspects.

In due course, more attention came to be paid to the second angle, that gave priority to the **victim**. The European Directive, for instance, places the victim and its protection in the centre of the frame. Measures are being taken to guarantee a legal status. To build up procedures that enable

victims to get compensation. And to adjust legal systems so that they can assure a victim that the non punishment clause is taken into account where appropriate.

A third approach is that from the viewpoint of **labour migration**. Here human trafficking is viewed as a phenomenon that has evolved in the wake of complex developments like globalisation and technology advances. Push and pull factors play a central role here; what is the reason for the migration of people from A to B? Is there a connection between measures that are taken as part of tackling human trafficking and policy that focuses on regulating migration?

Then there is the viewpoint that looks at matters from the angle of the **labour market**, looking for more structural unfairness that may occur in a job market. The main issue here is to spot such inequalities and strengthen the position of workers. Options that spring to mind are strengthening their negotiating position and preventing workers being paid in cash. In other words the labour market view explores all legislation and policies in the field of work and income and primarily falls in the remit of labour departments. Where are the weak points and how can they be eliminated by legislation and policy? Obviously enforcement agencies have a role to play here as well. The Labour Inspectorate must become a permanent partner when it comes to labour exploitation.

Lastly, we have the **conflict angle** that looks at the links between conflicts that flare up and the prevalence of human trafficking, including labour exploitation. Conflict and war are never far away. Unhappily this sad reality confronts us daily, in Syria, in Eritrea and in the form of the refugees who are arriving in the European Union. What do they have and where will they end up? We have to be alert to their vulnerability, also to labour exploitation.

By listing these viewpoints I have shown how the same reality can be approached from different angles. Each of these viewpoints has helped us gain a better grasp of the phenomenon. Each of these angles throws light on part of the reality but in fact fails to encompass the whole. A feature of particular points of view is that they are limited and relative. Confining the matter to, for instance, the criminal law or victim approach has its shortcomings. As the Israeli researcher Shamir has put it they concentrate on the *post exploitation situation*.

The criminal offence has taken place.

The victim is identified.

The suffering has occurred.

But looking back on what has happened is not enough. Here lies the importance of the migration and labour market angle which, unlike the criminal law or victim's viewpoint, actually focus on the future, or in any event on structural, improvements that must ultimately enable labour exploitation to be prevented or eradicated. The labour market approach embodies the promise of greater empowerment of employees to put them in a stronger position vis à vis their employers. Vulnerable workers can also be helped by regulations in the domain of work and income: The labour migration approach concentrates on the causes and dynamic factors driving this form of migration. Investigating the obstacles to labour migration, as well as its potential and risks, may bring us closer to a more effective policy on international mobility.

Ladies and gentlemen, let me revert to the evocative image of the kaleidoscope. As I've already said we can come to grips with human trafficking from several angles. But I am absolutely convinced that individual perspectives only have added value if they are combined. That is the basic idea behind my kaleidoscopic view that I want to share with you. The kaleidoscopic view must, to my mind, lie at the roots of every policy on human trafficking. The idea derives from two simple observations.

- The reality of human trafficking is too complex to grasp solely from a single angle.
- Human trafficking policy in a country should ideally be based on an interplay of different perspectives.

The kaleidoscopic view involves the integration of viewpoints as its starting point. It is not a matter of choosing between one or the other but of looking at them all.

Looking *back* in the way the criminal law or victim approach does.

Looking *forward* from the migration and labour law angle.

It is a question of prosecuting perpetrators and protecting victims and workers.

It is a question of strengthening their position in the criminal justice system, but also investigating why migrants come to the European Union to work, which sectors they choose and which sectors choose them, where they are to be found and how we can prevent them from being exploited.

Repression coupled with prevention.

How the various perspectives can be used to find the best strategies for solutions remains the most pregnant question. Answering that question is no easy task. Integrating entails thinking seriously about what the different approaches involve and how they interact.

Days like today and tomorrow offer a unique opportunity for coming up with some answers. Let's make the integration of angles of approach our leitmotif, the kaleidoscope our metaphor.

'Humankind cannot bear very much reality', T.S. Eliot wrote. Perhaps he's right. We opt for one viewpoint because altogether it's too complicated. But we must never turn our backs on the reality of modern slavery and the many angles from which we can come to grips with it.