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Key messages

On human trafficking for undocumented migrants

Undocumented migrants are at an increased risk of becoming a victim of human trafficking. These key messages have been developed for staff at support organisations and migrant self-organisations. As a caseworker, you can use the information in this hand-out in conversations with clients in order to inform them about their rights, risks of exploitation, available support, and precautions they can take to protect themselves against exploitation.



Please note: if you want to provide your clients with written information, please share the flyer 'Know your rights when you work' with them, instead of this document.

1. You have rights, despite being undocumented

Even without a residence permit, undocumented migrants still have certain (human) rights.



Labour rights

- People without a residence permit are legally not permitted to work. However, one thing many people do not know is that **they actually have the same labour rights as Dutch citizens or residence permit holders.**
- You may be used to less protection, but Dutch standards apply in the Netherlands.
- The minimum hourly wage is approximately €9 for adults aged 22 and above. A working week is a maximum of 60 hours, but 60 hours may not be worked every week. Everyone is entitled to holidays and days off, holiday allowance, sick leave and a safe workplace.
- If an employer is treating your client poorly, there is help available from specialised organisations (even when they do not have a residence permit).

Rights as the victim of a crime

- Undocumented migrants also have the right to safely report a crime to the police, without the risk of being detained or sent back to their country of origin. **A crime can be reported anonymously too.**
- Victims of a crime (including exploitation) have **the right to protection from the police and to assistance from a lawyer.** A lawyer's services will usually be free of charge.

2. Exploitation is a risk in the Netherlands

Many people see the Netherlands as a safe place. However undocumented migrants are at an increased risk of exploitation.



It is important for them to know their rights in the Netherlands.

- Exploitation takes place when one earns money by forcing someone else to work under bad conditions. This could be work in the construction, cleaning or catering industries. But it could also include prostitution or criminal jobs.
- The victim may not be able to see a way out of such a situation. The coercion used may be quite clear, for example, threats of violence, threats to report an undocumented migrant to the police, blackmail or a debt which needs to be paid off. However, there are also more subtle forms of coercion, like deception or abuse of someone's dependent position. As such, not everyone sees themselves as a victim of exploitation.
- **Exploitation is strictly prohibited. Exploiting others is a punishable offence.**
- Many migrants enter Europe with the aid of someone who assisted them in traveling without the required documents (people smuggling). This could make them more vulnerable to exploitation in transit or once they arrive at their ultimate destination.

3. Sexual exploitation

Prostitution (sex for money) is permitted in the Netherlands under certain conditions. People who do this type of work have rights. They are allowed to keep the money they earn, they can choose their customers and determine the hours they wish to work. They can also decide to stop whenever they want to. Anyone that earns money from pressuring another to work in prostitution and earns money from this is punishable by law. No one is allowed to force you into a relationship or to have sex.



4. Criminal exploitation

Undocumented migrants are sometimes incited by others to carry out criminal jobs. This could include drug trafficking, cutting cannabis, pickpocketing, forced theft or begging. They are forced to give to someone else most of the money earned through these activities. People in these types of situations run a high risk of being arrested by the police. Asking for help is very difficult for them, as they will often see themselves as a perpetrator, rather than as victim. **However, if they do decide to tell their story, they can be eligible for protection which can prevent them from being prosecuted.**



5. Labour exploitation

Employers are not permitted to hire undocumented migrants, but undocumented migrants do have labour rights. **If these labour rights are not respected and there is a form of coercion, threat, or a strong dependence on the employer, it could be a case of exploitation.** This can happen in any sector, including domestic work.



6. You can discuss this with the client:

Ask for help if...

- Someone is forcing you to do things you do not want to do and/or you are being threatened so that you feel you cannot quit;
- You are not allowed to see a doctor when you are ill;
- You are not allowed to have contact with family or friends;
- Your boss treats you badly;
- You are being underpaid or not paid at all;
- Your boss makes you work long days and/or does not give you any days off;
- Your living or working conditions are unsafe or bad. This could be poor housing (dirty, small, no privacy) and/or dangerous/unhealthy work, working without protective clothing/equipment;
- Someone is being secretive about the content of the job or the place you need to travel to;
- Someone doesn't return your passport;
- Someone is continuously checking on you and won't allow you to make your own choices.



This is how you can protect yourself:

- Take someone with you when you go to meet a potential employer for the first time;
- Make sure someone you trust knows where you are;
- Make agreements with your employer about your salary, working hours and when you will get paid and proactively share the agreements with your employer, preferably every time you have worked;
- Keep a record of the hours you have worked, save work agreements such as WhatsApp messages and make photographs of your work place. That way you have proof that you can use to get what you are entitled to (even if you do not have a contract!).
- Know your rights and, if necessary, bring a flyer to work stating your rights.

7. For support and advice:

- **Even if you are undocumented, there are organisations that can help free of charge in the event of exploitation or problems at work.**



- You can confide in me or a colleague. We will treat your information with the utmost care. Together with you we can find out what support is available for you.
- If you have problems with your work, you can contact **FairWork**. They can potentially try to reclaim any overdue salary together with you. In serious cases you can file a complaint or report a case to the police. FairWork works for free and does not do anything without your permission. They can usually help you in your own language.
 - In the event of exploitation, you can also contact your **lawyer** or **CoMensha**.
 - You have the right to safely report a crime to the police. We recommend that you discuss this option in advance with a support organisation or lawyer.
 - In the event of human trafficking in the Netherlands (and sometimes also in the rest of the EU), victims who report the crime are entitled to support and protection. Discuss the possibilities available to you with a support organisation or lawyer.
 - Undocumented migrants can find up-to-date, regional information about shelter, safety, health and more in various languages on helpfulinformation.redcross.nl. They can also ask the Red Cross questions via the website's chat function.