



Newsletter

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With this quarterly newsletter, La Strada International wants to inform and update about developments in the field of trafficking in human beings and on the activities of La Strada International and the La Strada member organisations. We welcome reactions to this initiative and contributions for next issues. The next deadline is **1 March 2008**. Please [mail us](mailto:us) if you have news, information about your organisation, a new report or documentary or an outspoken opinion on (inter)national developments.

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La Strada News !

LSI Assembly Meeting: Discussing common strategy and action

From 10 to 14 November 2008, LSI held its 8th Assembly Meeting in the Netherlands, where all La Strada members finalised LSI's strategic plan 2009-2011 and a common action plan for the coming three years, focusing on lobby and advocacy, PR and media work, data collection, networking and capacity building. LSI will continue to follow European political developments, such as the implementation of the Council of Europe Convention. Furthermore, a three-year project on achieving compensation for trafficked persons is expected to be launched in 2009 .

LSI will also coordinate a research on the need and feasibility of an EU 116 hotline number on trafficking in human beings, having won a tender by the European Commission to that purpose. The common registration of facts and figures will continue in 2009, to be used for lobby and advocacy work, research, and prevention programmes, as well as for defining the need for further revision of our social support programmes. Further, LSI and its members want to work on the establishment of common social standards.

Possibilities for a broader European NGO network and (associate) membership of both GAATW and LSI were also discussed. From 2009 to 2011, LSI will implement a comprehensive capacity-building programme for the nine offices, consisting of thematic trainings and meetings, teambuilding and staff exchange. The issue of fundraising and sustainability will receive more priority, and a special fundraising event is planned in 2009. LSI will also organise another NGO platform, currently planned for the latter half of November 2008. The next LSI assembly meeting is planned for May 2009.

LSI annual report 2007 published

LSI published its [annual report 2007](#), which was presented at the Assembly Meeting in November. The report contains information on all activities and results conducted by the network and its members during 2007. A brief overview of La Strada's achievements in facts and figures shows that in 2007, La Strada offices provided direct assistance to over 1.550 clients, of whom 1.231 contacted La Strada for the first time. Almost 9.000 calls regarding prevention were received on the hotlines and over 506 requests sent by email or through website fora. Moreover, over 3.250 trafficked persons were counselled through the hotline or by email.

Regarding the prevention and education campaigns, a total of 1.783 lectures were organised for at risk-groups, reaching 46.191 participants. In total, 55 seminars for professionals were organised in 2007, involving 1.030 participants. In addition, thousands of prevention materials were disseminated among risks groups, including leaflets, stickers, and other information materials. Regarding the provision of information, 345 interviews were given to representatives of newspapers, radio and television stations and 275 background articles were written. Over 110 international events and seminars were attended in 2007 by La Strada staff. The Documentation Centre, accessible through our website, increased from holding 300 documents in early 2007, to over 1.700 documents. Moreover, over 450 recipients are subscribed to the LSI quarterly newsletter you are now reading. A hardcopy of the annual report is available upon request.



La Strada Moldova organises conference on National Referral Mechanisms

On 21 and 22 October 2008, in the framework of the second European Anti-Trafficking Day, La Strada Moldova co-organised the international conference "National Referral Mechanisms for the assistance and protection of trafficked persons - theory and practice", in Chisinau, Moldova, in partnership with the Ministry of Social Protection, Family and Child and the IOM mission to Moldova. The conference brought together 120 representatives of government and civil society from all over Europe, including Turkey, and the United Arab Emirates and Russia, as well as international organisations, diplomatic missions and donors.

In preparation for the conference, research had been conducted on the development of NRM mechanisms in Bulgaria, Belarus, Moldova, Romania and Ukraine, including the related political context, methodology, the level of cooperation and ways to set up cooperation structures. The reports were presented and discussed at the conference. Next to presenting the very practical implementation of NRMs, the conference also aimed (and succeeded) to discuss more in depth the roles and interests of the different national actors, the level of cooperation and the need for a holistic human rights-based and victim-centred approach. The analytical country reports and the presentations are available on the website of [La Strada Moldova](#). The overall report of the Conference will be available in Romanian, Russian and English in February 2009.



Ana Revenco
La Strada Moldova

Compensation for trafficked persons in Ukraine

On 17 October 2008, one day prior to the EU Anti-Trafficking Day, La Strada Ukraine held an expert consultation to discuss possibilities for compensating trafficked persons for material and non-material damages resulting from trafficking situations. The consultation took place with the National Forum "Stop Violence!", in cooperation with the Ukrainian Ministry of Interior (MOI). International practices regarding compensation claims of trafficked persons were shared by representatives of the Ukrainian parliament, the OSCE mission to Ukraine, and the MOI's department for monitoring human rights. It was recommended to create an expert group to analyse Ukrainian legislation on the issue and to study possibilities for compensation payments to victims of trafficking, while also developing recommendations for the implementation of claims made, including possible legislative changes. It was further recommended that the analysis should outline foreign best practices on compensation and look for possibilities to copy this experience to the Ukraine. La Strada Ukraine and the participants involved are planning to develop an information campaign to promote compensation for crime victims, and in particular for trafficked persons.

La Strada staff changes

La Strada is sad to announce that Bregje Blokhuis will leave the La Strada team as of 31 December 2008. Bregje worked with La Strada International for more than a year and carried out research on the link between the violation of women's rights and trafficking in women in La Strada countries. She will join the Amsterdam city council as an advisor on local policy and projects. We wish Bregje all the best for her future career.

Bregje Blokhuis



What's going on ?

LSI advocates for a review mechanism for the Palermo Protocol

The Palermo Protocol on trafficking in human beings is part of the UN Convention against Organised Crime (UNTOC). According to the Convention, the parties to UNTOC must meet every two years to "improve the capacity of States Parties to combat transnational organized crime" and to "promote and review the implementation" of the Convention by signatories. Unfortunately, very little review is conducted at these meetings. Statements typically remain political and general and state representatives hardly address the implementation of anti-trafficking laws, let alone the protection of the rights of trafficked persons. The role of civil society is limited to acting as observers to the plenary sessions, and we are excluded from the working groups.



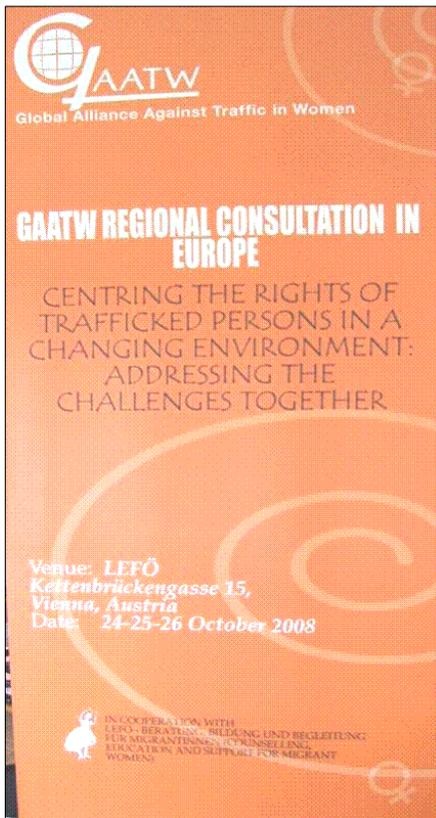
La Strada International, the Global Alliance Against Traffic in Women ([GAATW](#)) and [Anti-Slavery International](#) therefore organised a side event at the [4th session of the Conference of the Parties](#) on 13 October, entitled "A Review Mechanism to the Human Trafficking Protocol". Nelia Sancho - a GAATW board member - spoke about the need for an independent and objective review mechanism. Gillian Dell of Transparency International

spoke about the new pilot review mechanism to UNTOC's sister convention, the Convention Against Corruption, and the role of civil society. Marieke van Doorninck of La Strada International concluded that despite all the attention for trafficking and increased legislation, very little progress has been made on the three main themes since the entering into force of the Protocol in 2003, namely, prevention, protection and prosecution. "A review mechanism would be of great assistance for states to monitor and analyse the effects of their anti-trafficking efforts and legislation and to detect bottlenecks for effective implementation. Not only should states monitor the implementation but also the impact of anti-trafficking policies on the human rights of trafficked persons", she stressed. She further recommended a stronger role of civil society in the review process, the need for independent experts and interactive working methods of the review mechanism, such as country visits. During the plenary sessions, a [joint NGO statement](#) with a list of recommendations was presented.

A positive result of the meeting was that in 2009, a group of experts will meet to discuss different options for a mechanism. They will present their recommendations to the next Conference of the Parties in 2010. The role civil society can play in these negotiations is still not defined.

Report from the GAATW Europe Regional Consultation

From 24 to 26 October, the Global Alliance Against Traffic in Women (GAATW), which unites anti-trafficking NGOs worldwide, held its European Regional Consultation in Vienna, Austria. The main aim of this consultation, which will be held each year for each of the regional continent networks, is to strengthen and consolidate the Alliance, to exchange information and experiences, and to strengthen links between the member NGOs.



[LEFÖ](#), a women's rights organisation and a GAATW member based in Austria, was celebrating its 10th anniversary with an international conference and hosted the consultation. For three days, a group of over 20 NGOs discussed the human rights situation of trafficked persons in Europe, looking back at the developments of the last decade. The issue of how international government organisations, national governments, but also NGOs in their practices can contradict the human rights-based approach to anti-trafficking which NGOs want to promote, was a recurrent theme throughout the consultation. GAATW members expressed the need to understand these contradictions better, to gather evidences and to advocate on the issue.

Another commonly perceived need is the broadening of the anti-trafficking focus to engage with other movements on migration and labour. It was pointed out on numerous occasions that NGOs need to adapt their work to ongoing EU developments, not only with regard to trafficking but enlargement-related issues, such as the growing unprotected and cheap labour markets in Europe, the strategy used by governments to separate trafficking from migration in order to control the latter, and the need to bring the informal sector onto the political agenda. Next to strategic discussions, very practical cooperation agreements were made between the participating NGOs on numerous lobby and advocacy issues. A full report of the consultation will soon be published on the [GAATW website](#).

Election of GRETA, monitoring body of the CoE Anti-Trafficking Convention

At its first meeting held in Strasbourg, France, from 5 to 8 December, the Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings [elected the Group of Experts on Action against Trafficking in Human Beings \(GRETA\)](#), who will monitor States' adherence to their treaty obligations by publishing reports evaluating measures taken by states.

GRETA includes representatives from law enforcement (police officers and judges), academics, intergovernmental bodies and NGOs. All candidates met the criteria of recognised competence in the fields of human rights, of assistance and protection of victims or of action against trafficking in human beings, or professional experience in the areas covered by the Convention.

La Strada International, together with Anti-Slavery International and Amnesty International, proactively followed the election process and had called upon civil society in the countries that are party to the Convention to become actively involved in the national selection process of the candidates and to make sure that the process was open and transparent. The three organisations believe that because the Council of Europe is a human rights institution, GRETA should, while monitoring the implementation of the Convention, specifically focus on the human rights dimension of anti-trafficking policies and should therefore also monitor the impact of anti-trafficking polices on the rights of trafficked persons and affected groups.

Next to the election of GRETA members, the [Rules of Procedures of the Committee](#) were adopted as well. The Committee is the political body comprising representatives from states that have ratified the Convention. It will make recommendations based on the conclusions of GRETA's reports and will be an international observatory for the prevention and combating of trafficking and the protection of its victims. The Committee may authorise international non-governmental organisations to send representatives as observers to its meetings on an ad hoc basis. Amnesty International, Anti-Slavery International, La Strada International and the International Federation Terre des Hommes (IFTDH), have been specifically mentioned by the Committee as possible observers.

CEDAW recommendations for women migrants relevant to anti-trafficking work



The Committee on the Elimination of Discrimination against Women ([CEDAW](#)), affirming that migrant women, like all women, should not be discriminated against in any sphere of their life, decided at its 32nd session (January 2005), pursuant to article 21 of the Convention on the Elimination of All Forms of Discrimination Against Women to issue a General Recommendation on Women Migrant Workers ([PDF](#)) who may be at risk of abuse and discrimination.

The scope of the recommendation, published on 7 November 2008, is therefore limited to addressing the situation of migrant women who, as workers, are in low paid jobs, and may be at high risk of abuse and discrimination and may never acquire eligibility for permanent stay or citizenship, open to professional migrant workers in the country of employment. The recommendation further focuses on the vulnerable position women migrant workers might have due to gender violence and discrimination; considering they are likely to face higher risks of exploitation, abuse and violence as a consequence of their irregular status. It is recommended that “occupations dominated by women migrants workers such as domestic work and some forms of entertainment, are protected by labour laws including wage and hour regulations, health and safety codes, holiday and vacation leave regulations”.

Although the recommendations do not refer specifically to trafficking, the Committee emphasises that many elements of the present general recommendation are also relevant in situations where women migrants have been victims of trafficking.

La Strada International is very pleased with the recommendation as it accurately describes the vulnerable position of migrant women and puts forward solutions that tackle root causes instead of symptoms, an approach commonly lacking in anti-trafficking policies. One could question whether we need specific anti-trafficking policies if these strong recommendations would be applied to all categories of workers, translated into policies and implemented on the ground. The only flaw of the recommendations is that although the problematic situation of impunity in diplomatic service is mentioned, no solution is proposed. This leaves domestic workers who work in the households of diplomats unprotected.

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Evaluation of EU Action Plan on Combating Human Trafficking



All stakeholders involved in the implementation of the EU Action Plan have taken action and achieved some results. However, some measures have not yet been implemented. Moreover, it is still difficult to assess the real impact of actions that have been implemented on the actual development of anti-trafficking policy. Although the Commission and the Council have been particularly active in the field of victim assistance and protection, the factual situation shows substantial weaknesses.

This is the sad, but accurate conclusion of the evaluation that the European Commission conducted on the monitoring and implementation of the EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings, adopted in December 2005.

In the report, however, the Commission also promises to launch activities based on key issues that should lead to better results by the end of 2009. Some of these include: the institution of national rapporteurs and national mechanisms for referral and identification, agreements between law enforcement based on the human rights approach, support and sufficient funding for NGOs and systematic trainings of key stakeholders. LSI believes that these proposed actions can indeed ensure more effective results as there should be less conferences and meetings and much more actual implementation of effective and rights-based measures. If member states fully concentrate on these key actions, major step in combating trafficking can indeed be made.

USAID might lose prostitution pledge with Obama's election

Hopes are high in the US that the president elect Obama will facilitate and not hinder the work of health rights activists and abolish the anti-prostitution conditionality now attached to grants of the US Agency for International Development (USAID) (see [LSI newsletters](#) no's 2 & 5). Activists marched as part of a [campaign](#) for making ending AIDS a priority in the first 100 days of Obama's first term. Obama promised to remove the ideological strings the Bush administration attached to HIV/AIDS prevention funding and end the Prostitution Loyalty Oath. Currently, any NGO applying for or receiving US federal anti-trafficking or HIV/AIDS funds must sign a statement that it "does not promote, support, or advocate the legalization or practice of prostitution".



In May 2006, federal judges in New York and the District of Columbia had [declared the pledge unconstitutional](#) when ruling on a lawsuit against USAID filed by the Open Society Institute. La Strada International has always believed the pledge to be counter-productive and harmful to people engaged in the sex industry and hopes the expected changes will also apply to funding for anti-trafficking projects.

EU migration policy developments



Various migration-related policies have been adopted in October and November this year: The [French presidency proposal for a 'European Pact on Immigration and Asylum'](#), which was controversially received by civil society for, amongst others, its plan to put an end to large-scale regularisation programmes for undocumented migrants, has been adopted by the European Council on 16 October. Further, the European Parliament (EP) backed a Commission [draft Directive on a "Blue Card" scheme](#) to attract highly-skilled immigrants to take jobs

in EU economic sectors suffering from skill shortages. In a consultation report drafted by Ewa Klant (EPP-ED, DE) and adopted in plenary in November, the EP laid down eligibility requirements. On 23 October, the EP also agreed to grant [€10 million more funding](#) to the EU border agency FRONTEX compared to last year's budget.

The conflation of trafficking *vs.* smuggling practices in the context of FRONTEX media coverage also deserves some attention. An [article by the European Voice](#) quoting FRONTEX chief Laitinen refers to organisations trafficking people across the Mediterranean sea and then continues to refer to figures of "clandestine migrants", thereby failing to distinguish between trafficking and undocumented migration. Laitinen is quoted saying that "traffickers force migrants to sink the boats they are sailing in, so that they will be rescued by Frontex vessels." It remains unclear whether Laitinen here refers to human trafficking, with the purpose of labour exploitation, or smuggling of persons, the business of bringing undocumented migrant into Europe, often by charging extortionate fees, but excluding the element of labour exploitation. Furthermore, it remains unclear what happens to victims of trafficking and how migrants are treated once 'rescued'.

The [final report](#) of the High Level Advisory Group on the Future of the European Home Affairs Policy ("Future Group") has been met with [serious critique](#) by the civil liberties watchdog [Stawatch](#). LSI shares this critique as the Future Group continues to perpetuate the conflation between security and migration, rather than adopting a human rights-based approach to dealing with international migration flows. The paper says that "Europe will increasingly become a region of destination for worldwide illegal migration, organised crime and international drug-trafficking and a target of terrorist attacks", and fails to mention root causes that are linked to EU policies such as uneven development, the global financial crises, armed conflict and intervention, or poverty. The report also admits the need for immigration to "ease the negative repercussions of demographic ageing", reflecting an unbalanced approach to immigration (control) that serves only EU interests and the failure to promote development or the basic right of persons to migrate.

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Public shaming of sex workers in Ukraine and Macedonia

17 December is the [6th annual International Day to End Violence Against Sex Workers](#), on which sex workers rights organisations will again call for better protection of sex workers world wide. This remains an important and timely demand, as recent developments in Macedonia and Ukraine show. On 20 November, a huge police raid was performed at the open sex work scene in Skopje, Macedonia. Sex workers and an outreach worker from the Healthy Options Project Skopje (HOPS) were detained without an explanation as to the reasons for the arrest. The next day, police ordered a clinic for infective diseases to perform HIV and Hepatitis B and C testing on “arrested prostitutes”, based on a court order. Police allowed media to tape and photograph named persons. Moreover, not only did the Ministry of Interior disclose personal data of the persons suspected, they even published photographs and video tapes from the sex workers recorded at the police station on its website, which were consequently published in the national TV stations and printed media. HOPS has issued a [statement against force testing or public humiliation of sex workers](#).

A similar incident took place in Ukraine, [DPA reported](#) on 21 October. Ukrainian law enforcers have started writing unpleasant notes to the parents of arrested sex workers so they force their children to leave the business. Aleksey Lazarenko, an Internal Ministry spokesman believes this invasive action to be actually effective: "As soon as the parents of one girl found out how their daughter was earning a living, there was such a scandal in the household, that (the prostitute) had no quiet at home for an entire week, and she quit the business." The public shaming exercise is not only ineffective because ignoring root causes but is a serious violation of privacy and the rights of sex workers.



La Strada is convinced that the criminalisation of prostitution will neither prevent trafficking in human beings from occurring, nor will it help women who work in prostitution, under force or voluntarily, to escape violence and exploitation. Public humiliation not only represents an abuse of police power and violates privacy rights, it violates the presumption of innocence and stands in direct opposition to recommendations by the CEDAW Committee by which not sex workers but the exploitation of prostitution should be criminalised. CEDAW [recommends States parties to take protective and rehabilitative measures](#) for women engaged in prostitution and women subject to trafficking. It also notes that the marginalised and sometimes unlawful status of prostitutes makes them vulnerable to violence at the hands of non-State and State actors. The latter seems to be the case in Ukraine in Macedonia.

What's new ?

Detention of Trafficked Persons in Shelters: A Legal and Policy Analysis

This study ([PDF](#)) by Anne T. Gallagher from the Asia Regional Trafficking in Persons (ARTIP) Project and Elaine Pearson from Human Rights Watch considers the international legal aspects of victim detention in shelters and weighs up the common justifications for such detention from a legal, policy and practical perspective. It is based on desk research of shelter practices in a number of countries and field based research undertaken principally in South East Asia. The Study concludes that routine detention of victims or suspected victims of trafficking in public or private shelters is unlawful. The second part of the Study deconstructs various policy arguments in favour of victim detention by asking: Can victims consent to their own detention? Is it indeed true that detention provides the only – or even the best chance of delivering much needed support and protection to victims of trafficking?



The impact of integration policies on migrant women workers

Migration flows to EU countries during the last few decades indicate a growth in feminisation, with female migrants increasingly entering informal labour markets in care, health, domestic services and the sex industry. This policy brief by FeMiPol, entitled [Integration of Female Immigrants in Labour Market and Society. Policy Assessment and Policy Recommendations](#), examines the impact of integration policies on the

position of migrant women within EU countries in the last decade, and formulates recommendations for policies which foster integration of new female migrants.

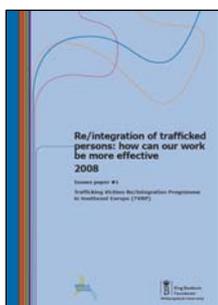
New gender and migration news search engine by WURN

The Women's UN Report Network (WURN) has added a [gender and migration search engine](#) to their website. This tool provides a database of international news articles regarding gender and migration issues and allows users to search specific keywords within it.

Gender analysis of illegal migration

The policy brief [Illegal migration: how gender makes a difference](#), is based on the IMISCOE publication *Illegal Migration and Gender in a Global and Historical Perspective* (2008). The policy brief argues that to understand a migrant's choice to migrate illegally and to remain illegal in the receiving country, their differing position prior to migration must be considered. Women often experience unfavourable circumstances in their country of origin, so migrating illegally and/or remaining illegal become attractive options for them. Policymakers acknowledge differences between men and women within illegal migration, but this mainly manifests itself as an oversimplified representation of women as being at risk and men as posing a threat, which creates different circumstances for those who try to migrate illegally.

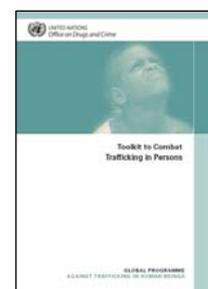
Publications by the KBF Trafficking Victims Re/integration Programme



The King Baudouin Foundation has published two papers on re/integration of trafficked persons. The first paper, entitled ["How can our work be more effective"](#), tackles obstacles to sustainable recovery and re/integration and is the first of a series that will shed light on good practices in the area of re/integration as well as important lessons learned from the day to day re/integration work of KBF's Trafficking Victims Reintegration Programme partner organisations in five countries of Southeast Europe. The second, entitled ["Handling 'difficult' cases"](#), focuses on specialised assistance and tailored services to victims with mental health problems, disabilities, dependent children or family members, substance abuse and addiction, amongst others.

UNODC Toolkit

In October 2008, the Anti Human Trafficking and Migrant Smuggling Unit of UNODC published the updated [Toolkit to Combat Trafficking in Persons](#). The Toolkit follows the Palermo Protocol and is intended to provide guidance and promising practice and recommend resources in the thematic areas. Chapters address, amongst others the (international) legal framework, problem assessment and strategy development, international criminal justice cooperation, law enforcement and prosecution, victim identification and assistance, immigration status of victims and their return and reintegration, prevention and monitoring and evaluation. The toolkit is available in English, Chinese, Russian, Arabic, French and Spanish [here](#).



Educating employers and business on forced labour issues



In a series of seven booklets, the ILO's [Combating forced labour: a handbook for employers and business](#), provides practical tools and guidance to enable employer organisations and their members to understand, and identify and prevent situations of forced labour by taking the necessary measures to avoid being involved in those situations and in contributing to the total elimination of forced and compulsory labour. Even though the issue of forced labour is addressed in many international instruments, there is little understanding of it and sometimes it is ignored. For the business community, forced labour might not have been a priority in the past, but today there is growing interest to avoid the risk of being linked to it, especially through supply chain activities.

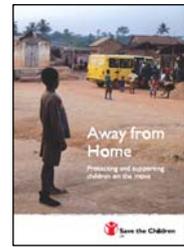
Monitoring the human rights impact in trafficking court cases in Poland

Monitoring the Observance of Human Rights for Victims of Trafficking in Persons ([PDF](#)) by La Strada Poland analyses the human rights protection of trafficked women who participated in cases against their traffickers

in Poland. The research considered cases that concluded between 1995 and 2006. Obstacles to accessing justice in Poland include limited translation services, prolonged proceedings, failure by the authorities to detect and detain the perpetrators, limited witness or victim protection, lack of information about legal rights, lack of legal representation, and absence of orders for the confiscation of trafficker's assets that could be used to pay compensation.

Protecting and Supporting Children on the Move

Millions of children are on the move today, both within and between countries. They move with or without their parents. [Away from Home. Protecting and Supporting Children on the Move](#) by Save the Children provides vital insights into why children move, the risks they face and what is needed to better protect and support them. It looks at how policy-makers can protect children on the move, including tackling the worst forms of children's movement and exploitation.



Statistical Methods for Estimating the Number of Trafficking Victims

In 2007, UNIAP launched a competition in which NGOs, academics, and government and non-government research institutions were invited to submit proposals for innovative, rigorous methodologies to estimate the numbers of trafficking victims in a given geographic area and/or industry. This 8-page [report by SIREN](#) outlines the process of the UNIAP Trafficking Estimates Initiative and presents the top three methodologies submitted.

What's happening where ?

- 17 December 2008 [6th International Day to End Violence Against Sex Workers](#)
- 18 December 2008 [Global Day of Action for the Migrant Workers' Convention](#)
- 22-23 January 2009 Brussels, Belgium. [Undocumented Children in Europe: Invisible Victims of Immigration Restrictions](#), organised by [PICUM](#)
- 4 February 2009 European consultation on the interim report on a needs assessment and feasibility study for the European Hotline on trafficking. Date subject to change.
- 9-10 February, 2009 LSI board meeting Sofia, Bulgaria.
- 13 February 2009 Utrecht, the Netherlands. Conference '[Human trafficking, turning our attention to labour exploitation](#)', organised by the Science Shop of Law, Economics and Governance, Utrecht University and the Bureau of the Dutch National Rapporteur on Trafficking in Human Beings.
- 20-22 March 2009. Ljubljana, Slovenia. International conference: "[Ways of Implementing the EU Directives on Violence against Women, Children and Youth: Good Practices and Recommendations](#)", organised by the [University of Ljubljana](#).
- March 2009 Geneva, Switzerland 10th Session of the [Human Rights Council](#), with a focus on THB. GAATW expected to hold side event on the links between domestic work and trafficking.

What's on your mind ?



Do trafficked persons benefit from personal data collection?

Bärbel Heide Uhl co-founded the La Strada Programme in 1995 and was director of La Strada Czech Republic. She currently works as a consultant based in Bucharest. Bärbel is the chair of the EU Experts Group on THB and member of LSI's International Advisory Board.

This article is based on a speech given to the conference: "European Approaches Towards Data Collection On Trafficking In Human Beings", Brussels, 18-19 September 2008, organised by the Austrian interior ministry and the IOM.

There seems to be a need and desire by various intergovernmental organisations to collect data from trafficked persons. Discussing this increasing urge to collect data, the central question should be:

Does a trafficked person really benefit from collecting data, including storing and processing his/her own personal data? What consequences does this have for a trafficked person when all his/her personal data is being recorded in combination with information about his/her suffering as being sexually exploited and abused and/or being treated like a slave? Does it support his/her social inclusion and human rights protection when these data are being shared with the respective countries of origin? Is it not more likely, that the recording of data (eventually shared with other governments) with an unclear purpose and an unclear timeframe potentially threatens the trafficked person's human security, and can lead to harassment, stigmatisation and his/her social exclusion?

EU data protection provisions guarantee that:

- data must be given freely,
- the data subject must be duly informed about what he/she is consenting to,
- the consent must be related to a specific situation of the use of data and timeframe,
- the consent can be withdrawn at any time.

What does this mean for current and future data collection procedures? In concrete terms: Does a trafficked person have access to his/her files and the possibility to rectify them? What kind of infrastructure is in place in order to receive an informed consent by the trafficked person, once his/her data is being shared with other parties, such as other governments? How can we make sure that personal data are being erased after a certain period of time? And: How can we monitor whether the recording of personal data does not lead to restriction of freedom of movement or to the denial of entry to Schengen States? If, for example, a certain age, gender, nationality has being "profiled" a typical of a trafficked person, how can we make certain that anti-trafficking prevention measures by trained border law enforcement representatives or embassy employees do not lead to a denial of issuing visa?

The other food for thought refers to a rather conceptional problem: How can we set up a comparable data collection system when there is no status definition of a trafficked person? All we can refer to is a definition of the elements of the crime. We do not have official EU wide administrative procedures that would designate the status of a trafficked person. Due to the lack of a legally binding EU human rights instrument that would define the claims, rights and standards for victim protection structures, each Member State has a different set up in this regard. For example: in some Member States there are systems in place that have a low-threshold access for presumed trafficked persons to have access to counselling and support structures. In other Member States again there is a highly bureaucratic procedure for trafficked persons to access counselling and support structures, based on the approval requirements by the Ministry of Interior to clear their status. Thus, I would like to draw your attention to the conceptional confusion: At which stage do we start to count trafficked persons?

The moment when a presumed trafficked person enters support structures? Or after the conviction of the perpetrator when the crime has been proven in a fair criminal trial? How do we deal with the conceptual grey zone of the term "exploitation" as the purpose in all European criminal legal definitions of trafficking? How can we measure exploitation when it is not even defined in international law?

Transparent and comparable data collection is not feasible and realistic without the establishment of a standardised EU-wide human rights protection system for all presumed trafficked persons. Existing and future data collection systems have to take into account the complexity and the comprehensive dynamics of the crime. Data collection procedures should therefore broaden their focus to all relevant policy areas instead of solely looking into the existing specialised anti-trafficking measures.



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