Study: Data Protection Challenges in Anti-Trafficking Policies - A Practical Guide

In February 2015, datACT published a final practical guide Data Protection Challenges in Anti-Trafficking Policies. The publication offers an overview of the relevant European data protection provisions, a methodology to conduct privacy impact assessments for anti-trafficking NGO service providers, an analysis for the privacy rights claims for trafficked persons, and data protection standards for NGO service providers. Moreover, the study contains an elaboration of legal arguments that led in 2013 to the failure of mandatory registration of sex workers in the Netherlands.

The European NGO initiative datACT - data protection in anti-trafficking action - is a joint project of KOK and LSI. In the past two years, datACT conducted a number of activities to raise awareness for the need for the protection of data of trafficked persons. Additionally, standards and procedures have been developed for improving data collection practices, by providing a solid basis and benchmark on securing the rights of the data subject and to test these procedures in light of the feedback of practitioners, trafficked persons and data protection experts. A Privacy Impact Assessment (PIA) has been made, to support service providers assessing and improve their own data-collecting systems to ensure the privacy of their clients is protected. PIA trainings have been provided to service providers in Bulgaria, the Czech Republic and Germany.

Currently, the EU data protection provisions are undergoing comprehensive reforms. The existing Directive 95/46/EC and the Framework Decision 2008/977/JHA will be transformed into two new EU instruments: a Regulation laying out a general EU framework for data protection, and a Directive establishing rules on the protection of personal data processed for the purposes of prevention, detection, investigation or prosecution of criminal offences and related judicial activities.

With the datACT research and findings, KOK and LSI hope to contribute to the consultative procedures for the reformulation of EU data protection provisions.
Balkans ACT Now!

Since January 2015, LSI is a partner in the second phase of the project Balkans ACT (Against Crime of Trafficking) Now! The project is implemented by ASTRA (Serbia), Emmaus (Bosnia and Herzegovina), Open Gate/La Strada Macedonia, and the Women’s Rights Centre (Montenegro) and funded by the Instrument for Pre-accession Assistance (IPA) of the European Union. LSI will support these organisations with consultation and advice during the project. The project aims to contribute to civil society’s influence on the debate on human rights and organised crime legislation, specifically related to human trafficking. The project will evaluate current legal mechanisms, procedures and practises regarding the treatment of trafficked persons and develop and advocate for new tools and proposals to ensure, among others, effective compensation mechanisms. Within the framework of the project, all NGOs will monitor the national situation with support of a civil society monitoring tool, which is to be adjusted and piloted to ensure effective strategic litigation. Further, a feasibility study for a state compensation fund in the four countries is foreseen, next to coalition building with state institutions and decision-makers, trainings for judges and prosecutors and a media campaign. For more information, contact the project coordinator Andrijana Lazic from ASTRA.

TRACE workshop in Cyprus, Nicosia
In February the TRACE project (Trafficking as a Criminal Enterprise) organised a workshop in Nicosia, Cyprus to discuss the first (literature) research findings on human trafficking routes, modus operandi and impact of law enforcement response. Next to project partners, several other experts, including law enforcement officials, researchers, academics and NGOs were invited to provide their feedback. All presentations can be found here.

TRACE is a two-year project funded by the EU that runs between May 2014 and May 2016. The aim of the project is to support stakeholders in combating and disrupting human trafficking by assessing and consolidating information surrounding the perpetrators and the wider trafficking enterprise. For more information, see TRACE website.

Staff changes at LSI
On 1 January Ina Hut was appointed as the new Executive Director of CoMensha/La Strada Netherlands. Ina Hut has a broad managerial experience, both in the profit sector as in the non-profit sector. She has worked as an independent entrepreneur, and at the Confederation of Netherlands Industry and Employers (VNO-NCW), was a member of the management team of University Nyenrode and was executive director of Wereldkinderen. She is experienced in the issues surrounding human trafficking. Ina Hut aims to improve the cooperation between the Dutch network partners in the fight against trafficking in human beings and to strengthen the position of CoMensha in this network.

In March, Viorelia Rusu stepped down after nearly 14 years of working as Vice-President of La Strada Moldova. Viorelia will now take the position of a Gender and Anti-Trafficking officer at the OSCE Office in Tajikistan. La Strada International thanks Viorelia for all her hard work and dedication and wishes her success in her new position and hopes to continue the close cooperation.

Award for best school multimedia projects in Macedonia
In September Open Gate/La Strada Macedonia announced a competition for high school students to create multimedia products related to human trafficking. Students were encouraged to show their innovation and creativity using a combination of three or more digital media types: text, sound, video, graphics and animation. Twenty multimedia projects were received, presenting different forms of exploitation with a focus on education and prevention.
The multimedia products were posted on a specially designed Facebook page where the public could vote to select the winner. The selection committee, comprised of relevant experts from the NGO sector, international organisations, state institutions, embassies and film critics, awarded three multimedia products, rating them according to the creativity, innovation, content, message, applicability to Macedonian society and effort in preparation. The awarded products will be promoted and presented at the upcoming LSI NGO Platform in Skopje in May. They will be offered to interested media for further dissemination and relevant anti-trafficking stakeholders to use in their work. The winner of the online voters can be seen here.

La Strada Macedonia also presented the second of its video spots, part of the project ‘Raise Your Voice against Human Trafficking’, which is broadcast on Macedonian TV to inform Macedonians about human trafficking and exploitation when travelling abroad.

La Strada Bulgaria involves businesses in preventing exploitation

In February, Animus Association/La Strada Bulgaria organised a work meeting with the employment sector in Bulgaria within the framework of LSI’s NGOs & Co project. The meeting was attended by major recruitment companies, the Labour Inspectorate and National Employment Agency and the Dutch embassy in Sofia. The aim of the meeting was to inform employment intermediaries about their role in preventing and combating human trafficking and forced labour and to work together for raising awareness among the general public about the risks associated with labour migration and illegal employment abroad. More information about the NGOs & Co project can be found on the LSI website.

New publication of La Strada Moldova on coordination of anti-trafficking policy

La Strada Moldova released the 6th edition of its La Strada Express, a thematic publication, this time dedicated to the issue of ‘Coordination as a new style of policy management in the anti-trafficking field’. The main goal of this publication is to apply innovative theories on communication and coordination to Moldova’s anti-trafficking coordination mechanism. Through this application, the publication hopes to provide new theoretical tools for more effectively identifying existing gaps and elaborating recommendations for improvement. The publication presents best practices from other countries, particularly the experience of the Dutch National Rapporteur, as well as the experience in coordinating European policy in this area.

The publication was prepared in close collaboration and with the participation of specialists of the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings. Two of the articles were drafted by the Office of the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, and the Regional Office of the International Organisation for Migration (IOM) in Brussels. It is available in English, Romanian and Russian on La Strada Moldova’s website.

What’s going on?

59th session of the Commission on the Status of Women

The 59th session of the Commission on the Status of Women took place between 9 and 20 March in New York, with a main focus on 20 years since the adoption of the Beijing Declaration and Platform for Action. At this session, the Commission reviewed the progress made in the implementation of the Declaration and Platform for Action. The review (Beijing+20) also included the outcomes of the 23rd special session of the General Assembly, the first five-year assessment conducted after the adoption of the Platform for Action, which highlighted further actions and initiatives.
Three members of La Strada International were in New York and followed the events - the International Coordinator, the Chair of the LSI Board and the Director of La Strada Macedonia. La Strada International contributed to an event organised by the Global Alliance against Traffic in Women (GAATW), entitled ‘The Labour Rights of Migrant Women: From Beijing to Post-2015’, which focused on the global experiences of the challenges that migrant women encounter and their efforts to realise their human and labour rights.

GAATW also co-sponsored three other events related to women’s labour migration, advocacy for sex workers’ rights and current challenges in combating human trafficking.

At the beginning of the 59th session, nearly 1 000 women’s groups and feminist networks from around the world reacted to the political declaration to mark the 20th anniversary of the Beijing Declaration, outlining areas where commitments to gender equality, women’s empowerment, and the human rights of women and girls need to be strengthened. The groups issued a joint statement in which they state their discontent with the bland reaffirmation of existing commitments in the political declaration. The organisations pledged to hold their governments accountable for creating the transformative change needed to ensure that all women and girls can fully exercise their human rights, free from discrimination, coercion, and violence.

La Strada International also co-signed a letter initiated by GAATW, together with other women’s groups, LGBTI and health organisations and funders, addressed to the NGO Committee on the Status of Women. In this letter, the organisations voiced their dismay of the presentation of the Woman of Distinction award to Ruchi ra Gupta, whose work and politics fail to recognise the agency and rights of all women’. ‘It is well documented that the paternalistic raid, rescue and rehabilitation approach results in rights violations against women engaged in sex work, including involuntary detention. This approach, which is touted by Ruchira and others as a viable solution, does nothing to end trafficking in persons and disrupts access to life-saving health services and care.’

International Women’s Day 2015

Every year on 8 March we celebrate International Women’s Day (IWD). The theme of the UN for this year’s IWD was ‘Empowering Women, Empowering Humanity: Picture it!’ and highlighted the 20 years since the adoption of the Beijing Declaration and Platform for Action. Ahead of the 59th session of the Commission on the Status of Women, people marched in solidarity with the women’s movement. ‘This march is about all of us sending a message,’ said UN Women Executive Director Phumzile Mlambo-Ngcuka, rallying the crowd: ‘We are here today to start a journey that has an end. Gender equality has to be something that is in sight. ... We are calling for Planet 50-50 before 2030!’

IOM focused this day on women’s migration and empowerment and called on the international community to ensure the empowerment of migrant and displaced women through the full realisation of their human rights. ‘Migration can empower women in search of new opportunities and a better life for themselves and their families. The income-generating opportunities, access to education and economic independence found through migration all serve to empower women’ said the IOM Director General in his message.

The International Trade Union Confederation called in their statement for unions, governments, policymakers and business to adopt an economic agenda for women. An agenda that includes a jobs and growth plan to increase women’s access to decent work. An economic agenda that will tackle structural barriers to women’s effective labour force participation, including through adequate investment in care provision, creating decent care jobs for women and men, family-friendly workplaces and workplaces free from violence. An economic agenda that will lift women and families out of poverty and provide a sustainable model of growth.
EU day for Victims of Crime - All Victims Recognised, No Victim Forgotten

On 22 February - EU day for victims of crime - La Strada International joined several other European organisations and networks supporting victims of crime, and issued a statement, which called on EU Member States to implement the provisions of the Victims Directive and to live up to their obligations to protect the rights of victims of crime and to ensure the availability and accessibility of support services for them. All victims of crime, should be supported in the immediate aftermath of the crime and for as long as is necessary afterwards.

The statement was accompanied by a document, highlighting the specific victimisation that different groups of victims face, such as undocumented migrants, LGBTI people and victims of human trafficking.

On the same occasion, the European Commission published a factsheet on protection of victims of crime in the EU, outlining the main provisions of the Victims’ Rights Directive, including communication in the victim’s language, access to support services and access to compensation.

World Day of Social Justice - Ending human trafficking and forced labour

The UN General Assembly has designated 20 February as World Day of Social Justice and this year’s theme was ‘Ending human trafficking and forced labour’.

In his message, UN Secretary-General Ban Ki-moon said we all need to do ‘our utmost to eradicate all forms of human exploitation. Let us strive to build a world of social justice where all people can live and work in freedom, dignity and equality.’ Additionally the ILO Director-General called for an integrated approach to forced labour and a commitment from governments, employers, trade unions and civil society to protecting, defending and empowering those who are vulnerable and creating opportunities for decent work for all. ‘There is no inevitability, no excuse: with commitment and the right policies and institutions, forced labour can be stopped. Let us forge alliances to make this a reality. The ILO recommits to working for social justice through the world of work,’ he said in his message.

Call for Papers ‘Prosecuting Human Trafficking’

The Anti-Trafficking Review has issued a call for papers for a themed issue entitled ‘Prosecuting Human Trafficking’, guest edited by Anne Gallagher.

International law requires States to prosecute trafficking in persons effectively and fairly. Along with prevention and protection, prosecution widely is seen as one of the main pillars of an effective national response to trafficking. For example, in the annual Trafficking in Persons report, the US Government considers: ‘whether the government vigorously investigates, prosecutes, and punishes trafficking’ to be a key indicator in assessing and ranking countries.

But worldwide, the number of prosecutions for trafficking remains stubbornly low - especially when compared to the generally accepted size of the problem. Very few traffickers are ever brought to justice and the criminal justice system rarely operates to benefit those who have been trafficked.

The emphasis on prosecutions has also been identified as contributing to violations of the rights of persons who have been trafficked - for example through laws and policies that compel cooperation with criminal justice agencies or make assistance conditional on such cooperation. More generally, concerns have been expressed that the focus on prosecutions has been at the expense of attention to victims’ rights including their right to protection, support and remedies.

Anti-Trafficking Review is looking for 4000-6000-word submissions, including footnotes, author bio and abstract, by 15 July. The issue will be published in Spring 2016.

UNODC It's a crime campaign

From 12 to 19 April 2015, Qatar will be hosting the Thirteenth UN Crime Congress in Doha which brings together governments, policy-makers and experts to exchange their experiences and intensify international cooperation in tackling the threat of transnational organised crime. As the international community continues to discuss the post-2015 development agenda, the 13th Crime Congress will consider how best to integrate crime prevention and criminal justice into the wider UN agenda. It will focus on links between
security, justice and the rule of law, and the attainment of a better, more equitable world.

Ahead of the Congress, UNODC launched the ‘It’s a Crime’ campaign, with a specific focus on human trafficking and migrant smuggling, corruption, cybercrime and wildlife crime. The human trafficking campaign page explains what human trafficking is and how the UN addresses it and provides a general overview of statistics about victims, trafficking routes, prosecutions, etc. from the 2014 UNODC Global Report on Trafficking in Persons.

For the conference, the UN also published the background paper Trafficking in persons and smuggling of migrants: successes and challenges in criminalization, in mutual legal assistance and in effective protection of witnesses and trafficking victims. It describes recent developments and practices in combating both trafficking in persons, especially for forced labour, and the smuggling of migrants. More specifically, the paper discusses key challenges and examples of promising practices in criminalisation, international law enforcement and judicial cooperation, and protection of rights of victims of trafficking and smuggled migrants.

Case Law Database Human Trafficking
More than a decade after the adoption of the Trafficking in Persons Protocol, most countries have criminalised most forms of human trafficking in their legislation. Nevertheless, there is still a lack of knowledge and understanding on the global stage.

To this end, UNODC presents the human trafficking case law database, which provides immediate, public access to officially documented instances of this crime. With the database, UNODC aims to increase the visibility of successful prosecutions and at the same time promote awareness of the realities of human trafficking. Such a database of human trafficking cases enables users to take experiences and court decisions from other countries into account when dealing with human trafficking issues, consult on practices in different jurisdictions and broaden their knowledge of human trafficking crimes.

UNODC would like to further improve its collaboration with NGOs by expanding the number of cases already in the database, as well as other ways of collaborating. Interested NGOs can use this form to contact UNODC.

Nominations to GREVIO Committee
After the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) entered into force on 1 August 2014, a group of independent experts is now to be selected. This ‘Group of experts on action against violence against women and domestic violence’ (GREVIO) will measure the extent to which state parties that have signed the Convention are adhering to it. In addition to reports received from national governments, these experts will rely on information from NGOs and national parliaments, and may also conduct field trips as part of their inquiry. States Parties to the Convention had until 2 March 2015 to submit nominations for up to three candidates to the Council of Europe Secretary General. The first ten members of GREVIO will be elected by the Committee of the Parties at its first meeting on 4 May 2015. Civil society also played a role in this process by encouraging States Parties to nominate strong candidates. Once GREVIO is in place, civil society can contribute to the monitoring process through shadow reports to GREVIO.

The ‘Istanbul Convention’ sets out, and calls for the implementation of legally binding standards to prevent violence against women, protect survivors and punish perpetrators, and prohibits discrimination on the grounds of migration status (Article 4). It has been signed and ratified by 36 and 16 states, respectively.

First meeting of EU Migration Forum
The first meeting of the new European Migration Forum took place from 26 to 27 January 2015 in Brussels and focused on the migratory flows in the Mediterranean, in particular on the smuggling of human beings. An initiative of the European Economic and Social Committee and the European Commission, the European Migration Forum takes over from the EU Integration Forum as a broader platform for dialogue with civil society organisations and local and regional authorities on the EU agenda for migration, asylum and integration.
Kadri Soova, Advocacy Officer of PICUM, and Yonous Muhammadi of the Greek Forum of Refugees were elected as new civil society representatives to the Bureau of the Forum.

**Life of undocumented migrant workers in the Netherlands**
The Indonesian Migrant Workers Union in the Netherlands (IMWU NL) launched in March a documentary about the lives of Indonesian migrant workers in the country. The documentary, with the title ‘Dispereert niet’, which in Old Dutch means ‘Do not Despair’, aims to show migrants’ daily lives, their concerns and sacrifices, their unfulfilled dreams as well as their collective struggle to voice their rights in the Netherlands. The launch was accompanied by a discussion on the issue and a photo exhibition.

**What’s new?**

**Support for victims of crime in the EU**
The European Union Agency for Fundamental Rights (FRA) published their research ‘Support for victims of crime in the EU’. The report examines support service provision for victims of crime across the 28 EU Member States, in line with the 2012 EU Victims’ Directive. It focuses not on abstract fundamental rights standards, but on the final practical results.

The research identified promising practices that Member States looking to improve their victim support structures might turn to for inspiration. It also found several areas where Member States currently fall short of meeting the directive’s requirements. They will need to take further legislative and policy steps to ensure that they comply with the directive by 16 November 2015.

**Global Human Trafficking: Critical Issues and Contexts**
The collection ‘Global Human Trafficking: Critical issues and contexts’ foregrounds recent empirical work on human trafficking from an interdisciplinary, critical perspective. The book shows how trafficking can be much more complex and variegated than the monolithic and sensationalized image so common in the media and in policymaking throughout the world. It challenges common assumptions about the problem by showcasing rich empirical studies from the global North and South and by providing critical insights into key debates about what is to be done about trafficking.

It includes classroom-friendly features, such as introductory chapters that provide essential background for understanding the trafficking literature, textboxes explaining key concepts, discussion questions for each chapter, and lists of additional resources, including films, websites, and additional readings for each chapter.

The authors include both eminent and emerging scholars from around the world, drawn from law, anthropology, criminology, sociology, cultural studies, and political science and the book will be useful for undergraduate and graduate courses in these areas, as well as for scholars interested in trafficking.

**Talking with the client - a study of clients of sex workers and their role in combating abuse**
In January the Amsterdam Public Health service (GGD) published the results of research (English summary from page 11) among sex workers and their clients to study the profiles of clients and their potential role as whistle-blowers for abuse and exploitation in the sex industry. The research was conducted in 2013 and 2014 with a questionnaire among 986 clients and 195 sex workers and includes direct interviews with 11 individuals from each group.

The study found that most clients disapprove of coercion and exploitation in the sex industry and feel responsible for the abuses that take place in it. Over 40% of clients are willing to report abuse in the prostitution sector but only around 20% are able to recognise the signs. At the same time, sex workers themselves have little trust in clients as whistle-blowers of abuse. Nevertheless, in general, sex workers describe the majority of their clients as pleasant.

The study concludes that clients can play an important role in combating abuse in the Amsterdam prostitution sector; however they distrust the authorities and feel largely stigmatised by those who
oppose the sex industry. The study makes several recommendations to the Municipality of Amsterdam as to how it can increase the role of clients in combating abuse in the sex industry.

**Forced and compulsory labour in international human rights law**

The prohibition of slavery, forced labour, institutions and practices similar to slavery and trafficking in persons is addressed by international legislation; however debates about the relationship between these concepts and how they should be translated into domestic law have led to confusion about how best to tackle the enormous challenges posed by contemporary forms of forced labour or what is often called ‘modern forms of slavery’.

Focusing in particular on the supervisory and monitoring mechanisms of the ILO and the UN, respectively, Lee Swepston shows in his paper ‘Forced and compulsory labour in international human rights law’ how the legal concepts of slavery and forced and compulsory labour have converged over time. He concludes that at the national level, legal imprecision should be avoided to ensure that national legal prohibitions are clear and effective, and that action against compelled labour takes into account its different forms.

**Human Rights in 2014**

In January and February, Human Rights Watch published its World Human Rights Report 2015 and Amnesty International released their report entitled, The State of the World’s Human Rights. Both organisations review human rights situations around the world, as well as by region and country. The main concerns that both organisations express in their reports regarding human rights in Europe concern the situation in Ukraine. In addition to discrimination, violence and hate speech towards LGBTIQ people, Roma, Muslims and migrants, violence against women, and the failure of the EU to adequately protect migrants and asylum seekers. The precarious journey of migrants across the Mediterranean as well as the more than 3000 deaths of migrants at sea were highlighted, as well as the EU’s refusal to accept more Syrian refugees and the grave conditions in refugee camps and poor treatment of refugees in Bulgaria, Greece and Spain. Regarding violence against women and girls, Amnesty International points to the survey of the EU Fundamental Rights Agency on violence against women, which showed that one in three women in the EU has experienced violence in her lifetime. Amnesty International also points to the lack of shelters for victims of domestic violence and the poor response of the criminal justice system.

**Study on the health of trafficked persons**

In the observational cross-sectional ‘Study on the health of men, women, and children in post-trafficking services in Cambodia, Thailand, and Vietnam’, researchers interviewed more than 1100 men, women and children in Southeast Asia who had been trafficked into at least 15 sectors - including factory work, domestic labour, sex work and fishing. The research was carried out by the London School of Hygiene & Tropical Medicine and IOM. The study found that women trafficked for other forms of labour, including factory work, domestic work and as brides, suffered worse mental health problems than those trafficked into sex work. They were more likely to suffer from post-traumatic stress disorder and high levels of anxiety, according to Cathy Zimmerman, one of the lead researchers. Men trafficked as fishermen worked for the longest periods, about 19 hours a day seven days a week, spending on average 16 months at sea with no means of escape. One man reported being at sea for about 10 years. Domestic workers were some of the worst affected, because they were extremely isolated, often did not speak the language of the family, and were kept indoors working long hours for months or years at a time, she said. The worst violence was reported by women trafficked as brides.

Documenting the health-related harms associated with human trafficking is crucial for the development of strategies to protect and promote the health of individuals who experience this serious human rights violation.

**Sex Workers Transforming Economic Power To Advance Women's Rights And Justice**

This report shares highlights from the four recipients of AWID’s ‘Innovation Seed Grants’ whose projects focused on advancing the rights of sex workers: the Association of Hungarian Sex Workers, Red Umbrella Project (USA), Debolina Dutta in collaboration with sex worker collectives DMSC and VAMP in India, and Aids Myanmar Association National Network of Sex Work Projects (AMA).
Their stories offer rich insights into how sex workers are transforming economic power to advance women’s rights and justice. They also offer useful lessons for collaborative organizing and engagement between sex workers and other women's rights and feminist activists, as well as for funders seeking to support sex worker organizing.

**Strengthening Protections against Trafficking in Persons in Federal and Corporate Supply Chains**

Verité, a US-based organisation promoting fair work, released a report about the risk of trafficking in persons in federal and corporate supply chains. Providing a comprehensive framework for evaluating the trafficking risk, this report identifies 11 key sectors at heightened risk for human trafficking and maps federal spending in each key at-risk sector. The report aims to be an essential resource for government officials and federal contractors concerned about compliance with Executive Order 13627 (on strengthening protections against trafficking related to Federal contracts), as well as for any businesses concerned about human trafficking in their supply chains.

**Perspectives on Human Trafficking and Modern Forms of Slavery**

Social Inclusion, a peer-reviewed open access journal that provides academics and policymakers with a forum to discuss and promote a more socially-inclusive society, issued an edition on human trafficking and modern slavery. This edition, *Perspective on Human Trafficking and Modern Forms of Slavery*, includes a collection of scholarship from around the world. Professor Stewart informs our understanding of contemporary slavery with a comparative look to slavery in the past. Kay and Hastie, along with Craig, analyse crucial legal challenges relating to human trafficking in Canada and the UK respectively. Acharya presents health consequences of sex trafficking in Mexico, and Reisen and Rijken outline new forms of trafficking in the Sinai Peninsula. LGBTIQ issues are interrogated, along with the roles of corruption and issues of gender in human trafficking shelters.

**OSCE publishes human trafficking report on Uzbekistan**

The Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings issued an official country visit report on the Republic of Uzbekistan, following an official country visit carried out by her Office.

The report highlights several areas where the government has been most effective in its fight against human trafficking, including raising awareness at the community level and supporting Uzbek nationals exploited abroad by offering healthcare, psychological and legal counselling, vocational training and help with their job search upon return. A number of challenges were also cited in the report, including the need to further increase the role of NGOs in identifying victims and also offering them alternative accommodation to the existing state shelter.

During the visit from 5 to 9 November 2013, former OSCE Special Representative Maria Grazia Giammarinaro (currently the UN Rapporteur) called on the government to establish a state fund for the compensation of victims, regardless of their citizenship. She also suggested that Uzbekistan's criminal justice response could be strengthened by carrying out investigations and prosecutions without relying solely on witness testimony by developing alternative strategies including financial probes.

**Unprotected Migrant Workers in an Irregular Situation in Central Europe**

This report is the result of two years of successful collaboration of six NGOs in Central Europe (Poland, Hungary, The Czech Republic, Slovakia and Romania). It summarises the findings of the project ‘For Undocumented Migrants’ Rights in Central Europe’ and identifies the main problems and obstacles towards full implementation of the Employer Sanction Directive.

The main aim of the project was to observe the implementation and application of the Directive in Central Europe. In addition to studying undocumented migrants, the project also included documented migrants performing work deemed “irregular” by national regulations, and potentially leading to the withdrawal of legal status. Activities undertaken within the framework of the project have been aimed at enhancing the protection of migrant workers from labour exploitation and raising awareness about their rights. The core of the project was a free legal assistance programme for undocumented migrant
workers and for third-country nationals who were at risk of losing their legal status due to employment complications. Furthermore, the participating NGOs have been researching the situation of migrant workers and advocating at national levels. The report is intended to encourage policymakers - both at national and EU level - to strengthen the protection of migrant workers against labour exploitation.

Civil Society Space and the United Nations Human Rights System
The Office of the UN High Commissioner on Human Rights (OHCHR) published a guide for civil society actors (CSAs), highlighting issues related to their work. It begins with a working definition of the terms 'civil society' and 'civil society space'. It then provides an overview of the conditions and relevant international human rights standards for freedoms of expression, association and peaceful assembly, and the right to participate in public affairs. The Guide includes some examples of how Governments and CSAs have worked together to develop space for civil society to carry out its work to advance enjoyment of all human rights (civil, cultural, economic, political and social) for all. Obstacles and limitations to civil society work are identified, including harassment, intimidation and reprisals against CSAs. The Guide invites CSAs to use the UN human rights system to promote and protect civil society space at the local level. Resources and contact details are provided at the end of the Guide. The Guide aims primarily to assist CSAs who are not yet familiar with the UN human rights system. Its development has been enriched from the outset by input and advice from diverse CSAs.

What’s new on the web?

Child Protection Hub for South-East Europe
The Child Protection Hub is an interactive platform for professionals working on child protection to exchange experiences and knowledge, learn from each other, offer and receive support. The Child Protection Hub brings together resources for quick learning, such as podcasts, videos, and other, as well as webinars, resources for trainers and different materials for independent learning. In the forum people can discuss different topics with colleagues from other countries and organisations, can ask any professional question or even request advice on advocacy actions, propose to discuss a difficult case or participate in other case discussions.

#MigrantHeroes
IOM launched this new social media campaign in order to change the lens through which people view migrants and migration. The campaign highlights the many ways in which migrants positively contribute to their countries of origin and host communities. Moreover, this campaign will build upon and reinforce the ongoing IOM ‘Migrants Contribute’ Campaign, working to counter misinformation by presenting evidence of positive impacts in accessible ways.

Human rights jurisprudence
The UN Human Rights Office has launched a major public online database that contains all case law issued by the UN human rights expert committees, the Treaty Bodies. The site details case law indexed by various categories, including State, date, subject and keywords, which can all be used as search criteria.

Online guide on workers’ rights
The UK Trade Union Confederation launched the online guide Working in the UK in 13 languages to combat the exploitation of migrant workers. Working in the UK provides information every worker should know about their rights, such as minimum wage levels, rest break and how employment status affects your rights - agency workers employed for less than 12 weeks and self-employed workers, for example, have fewer rights than those on ‘employee’ contracts. It also provides advice on what to do if workers are being paid under the minimum wage or on a fake or misleading self-employed contract.
What’s happening where?

- 12-19 April - 13th United Nations Congress on crime prevention and criminal justice, Doha, Qatar
- 13-14 May - ‘Victims of Crime in Europe: the future is now!’, Lisbon, Portugal
- 27-28 May - La Strada International NGO Platform, Skopje, Macedonia
- 2 June - FRA launch of the report ‘Severe Labour Exploitation of Migrant Workers in the European Union’, Brussels, Belgium
- 5 June - Presentation of the first results of the DemandAT project, Brussels, Belgium
- 10-12 June - TRACE workshop and presentation of results of TRACE to European Commission, Brussels, Belgium
- 2nd week of June, Regional meeting of the Norway-funded IOM-La Strada Programme against human trafficking in Eastern Europe, Kiev, Ukraine
- 15 June - 3 July - 29th session of the UN Human Rights Council, Geneva
- 6-7 July - OSCE Alliance against Trafficking in Persons conference, Vienna, Austria

What’s on your mind?

Revisiting the definition of human trafficking 15 years on

Marika McAdam is an independent consultant on human trafficking, migrant smuggling and related issues. She has conducted research for UNODC issue papers on the definition of trafficking and written several other tools and publications, recently including OHCHR’s Principles and Guidelines on Human Rights at International Borders and a UNODC/IFRC tool on Combating Violence against Migrants. Marika has a PhD in international human rights law.

The Trafficking in Persons Protocol turns 15 this year. It is an easy birthday to remember; the phrases ‘trafficking in persons’ or ‘human trafficking’ are frequently heard on airwaves and read in sensational news headlines. Awareness-raising campaigns have generated such outrage and gained such traction that the term human trafficking has all but entered mainstream vernacular. But ask those who bandy the term about what human trafficking actually is, and many will be confounded. Human trafficking is a complex crime with a technical definition that is onerous to wield, even for expert legal practitioners called to prosecute or defend its perpetrators. In the fifteen years that have passed since we first gave a name to the phenomenon, do we actually know what it is?

Few could recite the 107-word definition from Article 3 of the Trafficking in Persons Protocol. The oft-repeated refrain is that trafficking in persons entails the perpetration of an act, by a means for an exploitative purpose. The definition is in fact comprised of five possible acts, a non-exhaustive list of eight possible means, and eight examples of exploitative purposes included as a minimum that States are encouraged to exceed. Any combination of any act, means and exploitative purpose can constitute human trafficking. But digging deeper into the meaning of each individual element shows the definition to be flexible enough to capture almost any reprehensible human interaction, or rigidly precise to the point of improvable, depending on who is digging.

For this reason, in 2010, the Working Group on Trafficking in Persons recommended that UNODC elaborate a series of Issue Papers to assist criminal justice officers understand difficult concepts. The first study, addressed the ‘means’ of abuse of a position of vulnerability. The research involved in-depth surveys of criminal justice practitioners in twelve countries, and revealed lack of clarity on this concept across them all. Is it relevant for instance, whether vulnerability exists prior to the trafficking situation, or is created by the trafficker? How is abuse of vulnerability proven: must the trafficker intend to abuse a victim’s vulnerability or is it enough that he or she knows of it? In short, how abuse of position of vulnerability is understood and applied in practice can serve to expand or contract the definition of trafficking.
The second issue paper addressed the role of consent in the trafficking protocol. Article 3(b) of the protocol explains that the victim’s consent is irrelevant where any ‘means’ have been used, and is always irrelevant where victims are minors, whether means have been used or not. This principle is clear, but in practice is it enough that means are simply used, or must the quality of consent actually be affected? Where the means used is ‘abuse of a position of vulnerability’, can an impoverished person ever consent to exploitative work without being considered a victim? Does it matter what type of work they consent to? Should it? The survey revealed that a victim’s consent is always irrelevant in theory, but in practice may make them hard to identify, less so where ‘severe’ means such as use of force have been used, but certainly where ‘subtle’ means such as abuse of a position of vulnerability are in play.

The most recent issue paper, to be released this year, explores the concept of ‘exploitation’ in the trafficking definition. The ‘purpose of exploitation’ is a key element of the trafficking crime, yet exploitation itself remains undefined. In interpreting its meaning domestically, States must grapple with questions such as whether a certain threshold of severity is required to establish exploitation, and if so, whether that threshold is lower for some forms and higher for others (for instance, sex work compared to other work). What is the relationship between exploitation and the means used? Is it even possible to meaningfully consent to exploitation? And does the answer change depending on cultural or other context? The research revealed that while the answers to these questions may be irrelevant to what trafficking is considered to be in theory, they are fundamental to identifying and addressing it in practice.

The birth, fifteen years ago, of a universal definition of human trafficking was an astonishing achievement. It equipped States with a powerful tool in rallying around a common cause. The conceptual confusion they inherited will not be quickly resolved, but nor perhaps should it be. Definitional certainty brings precision to the application of the law, but interpretive ambiguity - in the hands of capable practitioners - ensures the law is a living tool that can adapt to an evolving phenomenon. The leeway that practitioners are afforded should not result in sloppy prosecutions for vague offences; serious crimes warrant serious treatment. But on the other hand, activists should be allowed some licence to simply know human trafficking when they see it, in order to widely and loudly condemn it.

In 2015 La Strada International receives (project) funding from the European Commission, GOOGLE giving, ICCO/Church in Action and the Norwegian government. La Strada International members are supported by various other donors.

We greatly appreciate financial support from private donors for our work. For more information on how you can contribute to La Strada’s work see our website.