



La Strada International De Wittenstraat 25 1052 AK Amsterdam T 00 31 (0)20 6881414 F 00 31 (0)20 6881013

With this quarterly newsletter, La Strada International wishes to inform and update you on developments in the field of trafficking in human beings and the activities of La Strada International and the La Strada member organisations. We welcome your feedback and input. Please [e-mail us](#) by 1 June 2017 if you have news, information about your organisation, a new report or documentary or an outspoken opinion on (inter)national developments.



<p><b>La Strada News</b></p> <p><b>Final Conference DemandAT research</b></p> <p><b>LSI joins two AMIF funded projects, SAFE and TRAM on early identification of trafficked persons among migrants and refugees and safe return</b></p>	<p><b>What's going on?</b></p> <p><b>UN Global Compact for Safe, Orderly and Regular Migration (GCM)</b></p> <p><b>EU Commission plans on returns and detention create more harm and suffering</b></p>	<p><b>What's new?</b></p> <p><b>FRA renews its civil society cooperation platform</b></p> <p><b>ILO General principles and operational guidelines for fair recruitment</b></p>	<p><b>What's on your mind?</b></p> <p><b>Towards growing recognition of the non-punishment principle with regard to victims of trafficking?</b></p> <p><b>Ryszard Piotrowicz and Liliana Sorrentino</b></p>
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## La Strada News !

# RIGHTS AT WORK!

### Field visits conducted to Poland, Bulgaria and Romania for Rights at Work project

In September 2016, La Strada International started the project *Rights at Work - Tackling labour exploitation in all economic sectors in Bulgaria, Poland and Romania*.

A project initiated together with the Dutch NGOs: SOMO, TIE and Fairwork in close cooperation with LSI's members and partners in Bulgaria (Animus Association), Poland (La Strada Poland) and Romania (AIDRom), as well as other stakeholders in these countries.

This two year project aims to contribute to prevent and address labour rights infringements and exploitation, including severe forms as human trafficking and forced labour, and improving the rights situation on the ground in Bulgaria, Poland and Romania. This is done by increasing the

knowledge of the context of exploitation and by building the capacity of workers, trade unions and NGOs and strengthen their cooperation, as currently there is not much cooperation between them.

This should enhance the identification, referral and support of trafficked and exploited persons within the 3 countries, including the use of grievance mechanisms to seek remedy. In particular for Bulgaria and Romania this means a 'approach change' as most attention has so far been put on nationals being exploited or trafficked abroad. La Strada International believes that with the expected increase of migrant workers in all 3 countries, it is essential that stakeholders start to get more attention for cases of human trafficking and labour exploitation occurring within the country.

In the period February - April, field visits have been conducted to Poland, Bulgaria and Romania to meet with the most relevant stakeholders, who are all to be engaged in the project. Findings will be used for the preparation of 9 local seminars and 6 trainings and as input for ongoing research conducted on the issue. A final conference of the project is planned for April/May 2018.

### Demand-side measures against trafficking DemandAT Final Conference 10 May 2017



*Should consumers be held responsible for exploitative practices that may be involved in production of consumer goods or services they consume? Should clients of sex workers be criminalised? What about firms and large institutional procurers purchasing goods and services through supply chains? In what ways can they be encouraged, or indeed be obliged, to address trafficking?*

In the anti-trafficking debate these and similar questions are often discussed under the broader terms "demand" and "demand reduction". Addressing demand is also a legal obligation incorporated into anti-trafficking legislation, including the EU Anti-Trafficking Directive (2011/36/EU). However how demand should be best addressed by all different stakeholders, and whether it is a useful approach, is still issue of debate.

In 2014, the project "Demand-side measures against trafficking" (DemandAT)\*, a research study funded under the EU's 7th framework programme was launched, involving a multidisciplinary team, including La Strada International and La Strada Czech Republic, to examine demand-side approaches in the context of trafficking in different perspectives. The study which lasted 3,5 years combined theoretical analyses of the concept of demand and different types of policies interventions with a mapping of policy debates and implemented policies across a large range of countries as well as different fields in which trafficking occurs. The final conference will take place on May 10, in Brussels, Belgium. Here researchers, invited guest speakers and other participants will critically examine the potential and the limits of demand-side approaches. For enquiries and registration: [demandat-final-conference@icmpd.org](mailto:demandat-final-conference@icmpd.org) or download the registration form [here](#). For more information on the project, see the [project website](#).

### Safe & Adequate Return, Fair Treatment & Early Identification of Victims of Trafficking

In January 2017, the SAFE! project started, a two year project coordinated by the Dutch shelter organisation HVO Querido and funded by the EU AMIF fund. The overarching goal of the Safe! Project is "to ensure the safe return and sustainable re-integration of victims of trafficking and to enable their early and adequate identification and protection". A focus is put on the identification of victims in the context of the current asylum and migration processes'. Within the framework of this project, La Strada International and La Strada Netherlands - both members of the international project consortium of NGO's, GO's and IGO's from the Netherlands, Hungary, Bulgaria and Macedonia, have launched a [survey questionnaire](#) to collect input about trends, bottlenecks, needs and best practices related to the issue. The results of the questionnaire will provide input for

national strategies and a planned international training programme. Based on the input received a research paper will be published later this year. We would like to invite national based representatives of NGOs, GO and IOs to submit the questionnaire until 11 May 2017.

### Trafficking along Migration Routes (TRAM): Identification and Integration of Victims of Trafficking among Vulnerable Groups and Unaccompanied Children

In January, La Strada International became member of a second international project consortium for a project, called 'Trafficking along migration routes' (TRAM) on Identification and Integration of victims of trafficking among vulnerable groups and unaccompanied children. This project is coordinated by the International Centre for Migration Policy Development (ICMPD) and jointly implemented with the Council of the Baltic Sea States Secretariat (CBSS), the Greek National Centre for Social Solidarity (EKKA), Terre des Hommes (Tdh) and the Bulgarian National Commission to Combat Trafficking in Human Beings (NCCTHB);

The project aims to support and enable the integration of victims of trafficking among vulnerable migrants and refugees by establishing a multidisciplinary and transnational approach for early identification, referral, service provision and protection in the context of the current migration and asylum processes in transit and destination countries along the migration route. The project activities include assessments, an online-learning module and local model strategic plans for integration of victims among migrants and refugees in Sweden, Germany and Finland. Further the development of a Roadmap document is foreseen, functioning as an overview and checklist of measures to facilitate the integration of trafficked people. For more information contact [ICMPD](#).

## What's going on ?

### UN Global Compact for Safe, Orderly and Regular Migration (GCM)



The Global Compact for Safe, Orderly and Regular Migration (GCM) is a state-led process, aiming to 'set out a range of principles, commitments, and understandings among Member States regarding international migration.' On 19th September 2016, the UN called for a high level meeting where several heads of governments came

together to discuss migration and refugees related issues. The Governments acknowledged the need to have a comprehensive and collaborative plan for advancing a human rights centered approach to migration. They adopted the [New York Declaration for Refugees and Migrants](#) where they committed to the adoption of a Global Compact on Safe, Regular and Orderly Migration in 2018, in line with the [Agenda 2030 for Sustainable Development](#). ([Annex II](#) of the New York Declaration lays out the agenda and the process of drafting the Global Compact on Migration).

The Modalities [resolution](#) A/71/L.58 approved on 6 April 2017 divides the process in three phases, of which the first is a **consultation phase** to be held from April 2017 to November 2017. Provide the opportunity for discussion with all relevant stakeholders at global, regional, national and local level it comprises a series of thematic, regional consultations, and multi-stakeholder hearings. The outcomes of the consultations will feed into the development of the GCM. IOM will lead the civil society regional consultations.

6 broad themes have been identified which will be discussed during thematic consultations in New York, Geneva, and Vienna. UNODC is leading the planning and organization of one preparatory thematic in Vienna, in September 2017, on “Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims”. This Vienna thematic session is open to a broad audience of migration actors as well as the regular governmental representation. The first thematic session, on the human rights of all migrants, will be held in Geneva on 8-9 May, and will consist of 4 consecutive round tables.

After this consultation phase, a **stocktaking phase** will follow from November 2017 to January 2018 and thirdly an **intergovernmental negotiations** phase to be held at the UN Headquarters in New York with sessions in February - July 2018. The GCM is expected to be presented for adoption at an intergovernmental conference on international migration in New York at the General Assembly just prior to the opening of the general debate in September 2018. Together with GAATW- IS, PICUM and our members and partners, LSI will try to monitor the process and engage civil society. For a full overview of events, see the [calendar](#).

### **EU Commission plans on returns and detention create more harm and suffering**

In March this year, 90 civil society organisations addressed the EU Commission in a [joint statement](#) to react to the EC’s recommendations to member states on return and detention. A policy which was released without any prior consultation with civil society and local authorities, on the same day they gathered for the EU Migration Forum, the Commission’s official annual forum to consult stakeholders.

As well as falling short in terms of good governance, the undersigning NGOs feel that the Commission’s document puts forward an interpretation of human rights that effectively undermines them. It urges member states to detain migrants more quickly and for longer periods of time, and presents increased returns as a key deterrent to migration. The results of such policies are expected to be a weakening of human rights safeguards in the return and the asylum process. The linking of asylum to return, as well as the explicit targeting of specific nationalities of asylum seekers accused of « abusing » the asylum system is shocking. There is no evidence that immigration detention or forced removal has a deterrent effect, or is sustainable. Detention and forced returns are extremely harmful practices that have long-lasting severe physical and mental health impacts as well as high risks of suicide. Re-emigration rates among returnees are high and forced removal has not been shown to lower the migration aspirations of the communities where people are returned to.

The Commission has set out to dismantle the key tenets of the EU Returns’ Directive by encouraging member states to interpret the directive in a way that would allow for the lowest possible safeguards to be applied, abandoning positive advances made by a number of member states. The Commission has also stated that it stands ready to revise the Returns’ Directive if it transpires that the safeguards presented in the directive will stand in the way of increasing return rates.

### **EU guidelines adopted for the promotion and protection of the rights of the child**

In March 2017, the European Council adopted [EU Guidelines for the promotion and protection of the rights of the child](#). This 2017 version is a revision of the 2007 EU guidelines. The guidelines recall international standards on the rights of the child and provide comprehensive guidance as well as concrete ways to promote effectively and protect the rights of the child. With these guidelines, the EU reaffirms its commitment to the comprehensive protection and promotion of the rights of the child in its external human rights policy. However monitoring of the practical situation should show whether EU member states follow these guidelines in reality.

### **Network of sex workers in Eastern Europe & Central Asia launched**

A new network of sex workers in Eastern Europe and Central Asia has been [launched](#) in Tallinn, Estonia. This network, called EECA Sex Workers’ Alliance is created to promote the development of policies on sex workers based on humanity, tolerance, protection of health, dignity and human rights. EECA Sex Workers’ Alliance will work in all countries of Eastern Europe and Central Asia to develop the movement of sex workers, establish a tolerant attitude to sex workers in society, and implement programs to prevent violence and socially significant diseases.

### FRA renews its civil society cooperation platform

The Agency is inviting civil society organisations to register for the renewed Fundamental Rights Platform (FRP). As per FRA's Founding Regulation, the FRP is the Agency's "mechanism of exchange and pooling of knowledge" created for facilitating a "structured and fruitful dialogue" with and among civil society organisations. The FRP is not an organisation and there is no membership. All interested civil society organisations are invited to register for the database of organisations. Information on how to register can be found [online](#).

**More justice for victims of business-related human rights abuses** - While businesses can have an impact on human rights, victims may struggle to find justice despite various initiatives to improve respect for rights. The latest [Opinion from the European Union Agency for Fundamental Rights \(FRA\)](#) examines the various difficulties victims may face when seeking access to justice. FRA also suggests what the EU can do to increase access to remedies for victims. These include: lowering barriers to make judicial remedies more accessible; enhancing the effectiveness of judicial remedies - especially in extraterritorial situations; ensuring effective remedies through criminal justice; ensuring effective non-judicial remedies - state based and non-state based; implementing access to remedy - transparency and data collection and implementing access to remedy - action plans, coordination and due diligence. FRA's findings from research in related areas suggest that more could be done to ensure effective access to remedy for business-related human rights abuse within the EU.

### First Corporate Human Rights Benchmark ranks 98 companies

Recently, the first [Corporate Human Rights Benchmark](#) was launched. The Benchmark measures companies on what they are doing and publicly demonstrating regarding addressing human rights issues, and takes a UN Guiding Principles approach. It aims to increase transparency, for example for investors and consumers. Amongst the 98 companies assessed, were the 35 largest agriculture/food companies in the world. These companies scored highest on the theme Transparency and lowest in Company Human Rights Practices.



### ILO General principles and operational guidelines for fair recruitment

The International Labour Organisation (ILO) has issued non-binding [General principles and operational guidelines for fair recruitment](#), including for migrant workers. The principles outline that legislation and policies on employment and recruitment should apply to all workers and all aspects of the recruitment process; and that written contracts should be understandable to the worker, provided sufficiently in advance of departure, subject to measures to prevent contract substitution, and enforceable. Freedom of workers to move within a country, or to leave a country, should be respected. Workers' identity documents and contracts should not be confiscated, destroyed or retained. Migrant workers should not need their employers' or recruiters' permission to change employer. Further, workers, irrespective of their presence or residence status in a state, should have access to free or affordable grievance and other dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process, and effective and appropriate remedies should be provided where abuse has occurred.

Pending the investigation or resolution of a grievance or dispute, whistle-blowers or complainants should be protected, and migrant workers should have timely and effective access to procedures. Governments should also take steps to ensure that mechanisms can be accessed across borders after a worker has returned to their country of origin. Governments should promote policies aimed at identifying and eliminating barriers to effective access to grievance and other dispute resolution mechanisms, such as complex administrative procedures, unreasonable costs, fear of discrimination or retaliation and dismissal and, in the case of migrant workers, fear of detention or deportation. Guidelines also address governance of labour migration; matching recruitment to labour market needs and labour migration policies; and ensuring standards and oversight of recruitment in bilateral/multilateral agreements on labour migration, as well as their implementation.

## What's new ?

### Case Digest - Evidential Issues in Trafficking in Persons Cases

In March, UNODC published the "[Case Digest - Evidential Issues in Trafficking in Persons Cases](#)", on the basis of 135 cases, which have been analysed from 31 jurisdictions with input from experts from all parts of the globe. The Case Digest arose from a need the United Nations Office on Drugs and Crime (UNODC) identified among practitioners who fight trafficking, to be given tools to address typical evidential problems which arise in trafficking cases. The digest aims to assist criminal justice practitioners in addressing the evidential issues typical to trafficking cases, under the assumption that there are particular issues which recur and are central to the success or failure of cases. It aims to equip these practitioners with an arsenal of possible creative solutions that have been tried and tested elsewhere in actual cases before courts. UNODC hopes that by using these tools, practitioners will be inspired to think "outside the box" when encountering problems related to evidential issues in human trafficking cases. In the same vein, the Case Digest tries to alert practitioners that patterns which at first glance may appear to be weaknesses in the case, may actually strengthen it. Most cases in the Case Digest are drawn from UNODC's Human Trafficking Case Law Database. This database is freely available at [www.unodc.org/cld](http://www.unodc.org/cld).



### What's needed to stop abuse of migrant workers?

In March, PICUM, the Platform for International Cooperation on Undocumented Workers, of which LSI is member, launched [guidelines](#) explaining how to establish effective complaints mechanisms for labour rights violations, for all workers, including undocumented workers. Undocumented workers across Europe can be exploited and abused with impunity. Michele LeVoy, Director of PICUM, said: "Governments need to address the impunity of employers who exploit instead of preventing workers from reporting exploitation and getting justice, because they have no residence status. This harms individuals and their families, and undercuts labour standards for all."

The guidelines among others inform that personal data about the worker cannot be shared between labour authorities and immigration authorities. This 'firewall' must extend through labour inspections and labour courts. Other key elements include providing legal representation and residence permit - at least for the proceedings with possibilities to extend - so that the worker can participate, and ensuring there is a competent and well-resourced body to handle complaints. The guidelines are available in [English](#), [Czech](#), [Dutch](#), and [German](#) on PICUM's website. They will also be available in French and Spanish in the coming months.

### New study published 'Vulnerability and exploitation along the Balkan route'

In April, FAFO (Norway) and the NEXUS institute (USA) together with the NGOs Atina and Center for Youth Integration (CIM) in Serbia, launched a new study '[Vulnerability and exploitation along the Balkan route - Identifying victims of human trafficking in Serbia](#)'.

In recent years, the flow of migrants and refugees through the Balkans has significantly increased. To date, as the researchers state 'there has been limited empirical evidence of when, why and how vulnerability to human trafficking arises in mass movements of migrants and refugees. New patterns of vulnerability and exploitation challenge established procedures for identification of and assistance to trafficking victims. The research paper presents different experiences of trafficked migrants and refugees who have moved to and through Serbia over the past two years, and explores challenges and barriers to their formal identification and assistance as victims of human trafficking. The paper concludes with specific recommendations on how government and civil society stakeholders may begin to work more effectively on this issue to and to better identify and assist trafficked migrants/refugees.

## 8<sup>th</sup> ATR 'Where's the Evidence?' - The Politics of Evidence in Anti-Trafficking Work: Implications and ways forward



Despite increasing interest for the issue of human trafficking, many actions are still based on assumptions that are not well-proven or adequately questioned. Policy formations, advocacy campaigns, concrete interventions and popular understandings of trafficking have all been accused of making exaggerated claims and resting on thin, if any, evidence. There is an almost obsessive desire to know the scale, proportion, size, major sectors and geographical concentrations of human

trafficking, with far less attention paid to the actual experiences and circumstances of affected people. At the same time, the monitoring and evaluation of interventions is not robust enough to understand which ones are effective.

[Issue 8 of the Global Alliance's Anti-Trafficking Review](#) explores the role of evidence, research and data in anti-trafficking work and how they influence our understanding of trafficking and responses to it. According to the editors, the issue demonstrates that research, if designed, implemented and analysed properly, can produce the evidence necessary for better responses to trafficking and exploitation. However at the same time there is a need to look more critically at the political and social factors that often lend an implicit bias to research and evidence.

Published by the Global Alliance Against Traffic in Women (GAATW), the Anti-Trafficking Review is a peer-reviewed academic journal that promotes a human rights based approach to anti-trafficking, and offers a space for dialogue for those seeking to communicate new ideas and findings. The journal is an open source publication with a readership in over 100 countries. The next issues of the ATR will be on 'the lessons of History' and 'Life after trafficking'. Calls for input for future issues, are announced at the ATR [website](#) where you can also download earlier editions of the ATR.

### Toolkit on evaluation launched by ICAT

Earlier this year, ICAT published a [Toolkit for Guidance in Designing and Evaluating Counter trafficking programmes](#). This document developed by the Inter-Agency Coordination Group against Trafficking in Persons ([ICAT](#)) provides an accessible and easily employable set of tools that practitioners can use to put sectoral learning to work and improve their counter-trafficking programmes. These tools are intended to help strengthen programme design, inform planning for evaluation, and engender formative and summative learning.



Part I provides a general overview of counter- trafficking programming design issues, and highlights the value of (a) drawing on behaviour change and good practice and (b) considering the potential for interventions to, negatively, displace rather than reduce trafficking - an important issue for prevention programmes and prosecutorial responses. It provides an overall starting point for the design of counter-trafficking interventions, outlining a series of questions to help map the specifics of individual trafficking patterns and identify the most appropriate set of responses. Part II elaborates on seven types of counter- trafficking activities. Each section contains (a) a brief discussion of lessons learned; (b) a set of questions aimed at assisting in programme design; and (c) a non-exclusive set of possible indicators for measuring progress in responding to trafficking.

## What's new on the web ?

### Demand clothing companies to publish supplier factory information

Human Rights Watch launched an [online petition](#) for people to demand that clothing companies publish their supplier factory information and join the **Transparency Pledge** in order to make the apparel industry more transparent and to foster an environment of better corporate responsibility for the human rights of workers.

HUMAN  
RIGHTS  
WATCH

### Slovakia - Mobile App Developed by IOM to Help Prevent Human Trafficking in Slovakia

"Be prepared, spread the word, and recognize the signs" is the tagline of a free [new mobile application](#) called SAFE Travel & Work Abroad developed by IOM in Slovakia to raise awareness about the risks of human trafficking through an interactive game. Designed as a preventative and educational tool, the application presents a scenario where four main characters are planning journeys abroad. The app user steps into their shoes and makes decisions that will influence the direction of their lives, confronting and learning about the pitfalls of human trafficking along the way. Whether the protagonists end up travelling and working abroad safely - or fall into the traps set by traffickers - is in the hands of the player. In addition to the interactive game, the application provides vital information about human trafficking, including warning signs to look out for. It also provides tips for safe travelling and working abroad, including emergency contacts, and information on employment services and labour agreements. The app is available in five language versions: Slovak, English, Czech, Polish, and Hungarian.

## What's happening where ?

*only a selection of upcoming NGO events is provided*

- 12 - 13 May 2017 - PICUM Annual meeting, Brussels Belgium
- 30 - 31 May 2017 - EU Civil Society Platform, Brussels, Belgium
- 12 - 13 June 2017 - Global Conference on Children on the Move, Berlin, Germany
- 19 - 20 June 2017 - Project SAFE consortium meeting, Amsterdam, Netherlands
- 28 - 1 July 2017 - GFMD, Berlin Germany
- 31 July 2017 - World Day against trafficking in persons
- 23 - 27 October La Strada General Assembly meeting and NGO platform, Skopje Macedonia



In 2017 La Strada International receives (project) funding from the European Commission, the Dutch Ministry of Foreign Affairs, 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](#).



## What's on your mind ?

Towards growing recognition of the non-punishment principle with regard to victims of trafficking? Ryszard Piotrowicz and Liliana Sorrentino



*Ryszard Piotrowicz is Professor of Law at Aberystwyth University; Liliana Sorrentino is an independent consultant on the issue of human trafficking.*

*They worked together on the drafting of the OSCE's 'Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking' (2013)*

The principle of non-punishment for trafficking-related offences is firmly established under European and international law, in particular under the Council of Europe Convention on Action against Trafficking in Human Beings, the 2011 EU anti-Trafficking Directive, and more recently the 2014 ILO Protocol on Forced Labour and the 2015 ASEAN Convention against Trafficking in Persons, Especially Women and Children. This principle establishes a right for victims not to be punished for offences they have been compelled to commit in the course, or as a result, of having been trafficked; and a duty for States not to punish.

The non-punishment provision does not provide blanket impunity for trafficking victims; rather it recognizes that they lack real choice, have no autonomy because of the abusive and coercive means used to control and exploit them, and thus should not be held liable for violations of the law they committed as a result of being trafficked.

GRETA, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings, has stressed that "the criminalisation of victims of trafficking not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for human trafficking" (Council of Europe, 4th General Report on GRETA's activities, March 2015). Many States are coming to accept that trafficked people should not be punished for trafficking-related offences they have been compelled to commit.

GRETA has routinely examined the implementation of this provision, and stresses that States have a duty to adopt measures addressing the non-liability of victims of trafficking, including legislation on non-punishment of victims of trafficking and/or the specific guidelines for justice officials. In April 2015 GRETA's [4th General Report](#) indicated that 27 of 35 evaluated countries did not have specific legislation on non-punishment, relying instead on general duress provisions or mitigating circumstances not specific to trafficking victims. GRETA's most recent 6th [General Report](#) noted significant progress; most countries evaluated in the second evaluation round have adopted specific measures on non-punishment. However that is not to say that all such measures fully recognize the non-punishment principle or that it is fully respected in practice.

There are still significant differences in how States apply the non-punishment provision. Many fail to comply fully with their non-punishment obligation because of a failure to appreciate the

rationale for, and scope of, the principle, or very often because of failure to identify people as victims of trafficking in the first place.

The States' duty is based on recognition of the human rights of victims of trafficking and acknowledgement of their lack of autonomy, and hence responsibility, when committing trafficking-related offences. International law gives States a degree of discretion regarding how to implement this requirement, but not over whether to apply it or not.

Another critical issue concerns the appreciation of compulsion. The OSCE argues that the requirement of compulsion is to be understood in light of the illicit means referred to in the definition of THB i.e. threat/use of force, other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability. There is also limited appreciation of the scope of the principle in cases involving child victims of trafficking in which there is no need to prove compulsion, given that the trafficking definition requires evidence only of 'acts' and 'purpose'.

Also controversial is whether the non-punishment provision should apply to all trafficking-related offences. We argue that there is no exhaustive list of trafficking-related offences, since new forms of exploitation and new patterns of trafficking may, and do, emerge. However, several countries have adopted specific legal provisions that foresee the application of non-punishment only to certain offences.

It is unjust that victims of trafficking be arrested, detained, charged and prosecuted because of their irregular status, or because they possess forged documents, or because they made false declarations, or because they were compelled to steal or commit other violations of the law by their traffickers. It is rather their trafficking that is the real and serious crime that should be investigated and prosecuted, while ensuring that victims receive adequate care and support, are not re-victimized or traumatized, and have access to effective remedies. This in turn will contribute to enabling victims to properly explain the circumstances of the crime, and provide evidence and testimony in the prosecution of offenders.

Our recent article in the Human Rights Law Review outlines the emergence of the principle in human rights law and discusses some challenging issues related to the scope of the principle in light of recent case law.

See *Piotrowicz R. and L. Sorrentino L., Human Trafficking and the Emergence of the Non-Punishment Principle, Human Rights Law Review, 2016, vol.16 no. 4, pp 669-6990*