

Regional Implementation Initiative 2017 on Preventing & Combating Human Trafficking

Improving National and Transnational Coordination and Cooperation in Preventing and Combating all Forms of Human Trafficking; Developing and Strengthening National and Transnational Networks and Partnerships

International Round Table

Re-Branding Human Trafficking

The Interface of Migration, Human Trafficking and Slavery

Haus der Europäischen Union/Representation of the European Commission in Austria

29 September 2017, 9.00 a.m. – 6.00 p.m.

Food for Thought and for Discussion, Annotations, Background Information

Is the worldwide fight against human trafficking in danger of turning into inefficient pottering due to tight migration policies? Do we have to accept Human Trafficking and Restrictions of Human Rights as Collateral Damage of the Refugee/Migration Crisis?

Peter von Bethlenfalvy: *Director of the Centre for European and International Policy Action (CEIPA) at the occasion of a recent discussion in Brussels on 'Migration Agenda: Fostering Regular Migration and Development', where participants shed some light on the nexus of migration and trafficking in human beings in the context of the current political discussion on different levels and analysed the trends, disparities and convergence, of the positions EU governments and the EU institutions are embarking when positioning themselves to new unexpected challenges.*

The reaction of EU governments and EU institutions to the challenges of the past two years to complex issues such as THB, smuggling in persons, illegal migration, terrorism, asylum, human rights, humanitarian assistance, development aid, foreign relations, internal and international security show that EU migration policies are in a serious crisis and need of reform. It is evident that the classical defensive reactions manifesting divergent policies and approaches towards future migration, THB, human rights and humanitarian assistance within the European institutions and within the EU Member States are not sufficient nor satisfactory. The shift of huge EU budgets towards migration issues predominantly focusing on the prevention of illegal migration and on supporting returns/deportation of people are not enough. Common principles and new policies need to be defined and tested. The existence, functioning and leadership structures of EU institutions are being challenged by serious differences amongst the governments of the EU member states on how to set common long term policies towards migration and how to enforce the solidarity principle being a basic pillar of the functioning of the EU. The EU institutions are running the risk of becoming dominated by the EU Council. Subsequently the role of the EC might be reduced to a cash providing institution in fields such as migration, development aid, fight against trafficking in human beings. The European Parliament, with its increasing disparities in its positions towards EU issues has been already sidelined to an European debating club.

This all is being witnessed when the EU institutions are most needed in the process of formulating solutions and taking the leadership in future migration, humanitarian, security, development and human rights policies. How can EU institutions reinvigorate a constructive discussion between governments preventing the ever increasing disbalance between protection of human rights, (including those of victims of trafficking), on the one side, and ever increasing security measures restricting our civil liberties on the other side? How can the EU institutions contribute sensibly to reorient the debate on illegal migration, asylum, human rights, THB and development aid in order to arrive to transparent and balanced common EU policies? It is of course needless to re-iterate that the UN institutions are in a same dilemma when looking at the root causes of illegal migration, THB, humanitarian crisis world wide. \

It has been noted that neither the UN nor the EU have been able to prevent or to remedy the human tragedy in Syria, neither on the political nor the humanitarian level. Similar failures of the international community are well documented: genocide in Cambodia in 1975, in Rwanda in 1994, in Bosnia and Herzegovina in 1995, in Sudan in 2003 - to name a few. These most deplorable failures are reminders urging us to seriously reassess the priorities and future capacities (political, financial, material, military) of the European Union.

How can the EU act more decisively in order to prevent similar crisis situations which often lead to genocide and severe human rights abuses?

What can the EU undertake to strengthen and consequently monitor the application provisions of EU and UN legal instruments protecting human rights of refugees and victims of THB? What political measures is the EU capable and willing to impose in order to counteract the inability of the world's leading powers to protect human rights and prevent grave human rights breaches? Distrust and national protectionism in EU MS has been growing since the dramatic arrival of large groups of migrants, refugees and victims of THB on the European borders and soil. Initially, Germany, Sweden and – to a certain extent – Austria showed a keen interest in doing their share, but this has since proved politically unpopular. It is very unfortunate that European diplomacy through its external service (EEAS) is experiencing major difficulties in producing satisfactory results in strengthening democracy, good governance, provisions for protecting human rights and the rule of law, when preventing irregular migration and protecting victims of trafficking world wide. Its most renowned initiative, the destruction of traffickers' and smugglers' vessels in the mediterranean region prior to their departure, has been regarded by many NGOs, but also state officials and authorities as an absurd and inefficient activism in prevention of illegal migration to Europe as well as disregard to protection of victims of trafficking. Thus, Article 78/3 of the TFEU which promulgates the mandate for European diplomacy to prevent large scale of mass movements effectively and protect human life and rights, has become a myth.∨

The recent approaches and declarations made by the EU MS leadership in Paris, Rome, Berlin are at least giving hope for a positive re-orientation. The months ahead will show what concerted steps will be implemented to remedy the prevailing situation.'

OSCE/OCEEA Expert meeting (Vienna, 4 July 2017): Strengthening the resilience of local communities to the presence of migrants - Discussion Papers: Analysis of the Factors that can enhance the Resilience of local Communities to the presence of large in-flow of Migrants from an economic and governance Perspectives:

United Nations' Development Programme (UNDP) – see pdf attached, and

Central European Initiative (CEI)/ Stefano Volpicelli Sociologist, CEI Consultant – pdf attached

The Interface of Migration, Human Trafficking and Slavery

As a rule, migrants in general – and irregular and undocumented migrants in particular - are most vulnerable and therefore often at the mercy of traffickers and their accomplices. Traffickers ruthlessly exploit the almost total lack of social and legal protection. And the fact that in recent years migration in general is more and more often associated with criminality and organised crime, impacts most negatively on the attempts that are made to fight trafficking in human beings. In contrast to the free movement of goods and capital, free movement of people has remained a sensitive political and social issue, even though more and more countries are coming to realise that they will need foreign labour, if they wish to maintain their current growth rates and in response to demographic developments. Owing to the fact that most industrialised countries wish to restrict immigration to the absolute minimum and that they seem to compete (at least in Europe) for the „most restrictive asylum regulations“, the choice left to the majority of migrants is irregular migration. Although it is generally recognized, and has been forcefully and repeatedly proclaimed by government officials in countries around the world that human trafficking is a gross violation of human rights, most countries organize their response to trafficking in persons in a rather narrow way, based almost exclusively upon prevailing notions of national security and national sovereignty. When we look into the practice of many European countries, it becomes quite obvious that the protection of the rights, of the fundamental rights of the victims of trafficking takes second place to the promotion of state interests. It is high time for States and governments to understand that human trafficking must not be seen primarily or exclusively from the perspective of national security, nor must governments continue to regard it as a spin-off of illegal immigration. We must be aware of the fact that state policies that primarily focus on measures of control and (so-called) self-protection as opposed to a more comprehensive approach to the issue are

counterproductive and, therefore, part of the problem because these approaches, very often, have led to the criminalization of trafficked persons, who are punished for being undocumented, who are frequently detained and often forcefully deported, having no access to the assistance and protection measures to which they are entitled under international law. (Helga Konrad)

The strict categories of trafficked and smuggled person do not adequately reflect the fine-grained nature of international migration – a fact no better reflected than in the failure of the protocol drafters to adequately define questions of consent and of exploitation, argues **Benjamin S. Buckland** in his **Chapter 'Smuggling & Trafficking: Crossover & Overlap'** in Cornelius Friesendorf (ed.): **Strategies Against Human Trafficking: The Role of the Security Sector** (Geneva: Geneva Centre for the Democratic Control of Armed Forces, in preparation, 2009). Rather, smuggled and trafficked people fall along a continuum of exploitation – quite clearly distinguishable at the extremes but increasingly hard to tell apart at the centre.

Possible responses to trafficking can be divided into a series of frames – economic, security, human rights, migration, and labour market, are just some of the possible alternatives. What I argued in the second major section of this chapter is that because the security frame has been dominant, attempts to extend wide human rights protections to both trafficked and smuggled people, or to use labour market approaches to the problem have been heavily curtailed. Furthermore, I suggested that misleading preconceptions about the problem have led to a failure among policy makers to address the full spectrum of those in need of protection. Imagining that migrants can be delineated into clear categories – smuggled, trafficked, refugee, asylum seeker, economic migrant et cetera – leads to a policy outcome whereby border management tools attempt to classify, separate, and process migrants according to relevant criteria. While this may work well in theory, it is clear that in practice categories of migrants are much more fine-grained – the crossover between smuggled and trafficked people being only one example among many. Ignoring the overlap between smuggled and trafficked people has led to negative consequences for a number of groups. To give just three examples, trafficked people may be subject to increased exploitation as traffickers seek to recoup higher operating costs incurred by tighter border controls and law enforcement pressure. Trafficking and smuggling networks may expand as more people are forced into using illegal migration channels. And, lastly, refugees and asylum seekers may be unable to access protection. In the end, it is difficult not to conclude that the true beneficiaries of current policies have been migrant smugglers and trafficking networks, lawmakers and law enforcers. This will continue to be the case until we face up to the difficult, complex and uneasy challenges of 21st century migration.

In his introduction to *Collateral Damage*, a report on the human rights impact of counter-trafficking policies worldwide, **Mike Dottridge** argues that a rights-based approach means identifying those most vulnerable to human rights abuses and then designing policy to address their needs. In practice, counter-trafficking and counter-smuggling policy has worked in the opposite direction. Assumptions have been made about who is most vulnerable, a framework for action has been chosen and policy has, ultimately, failed to adequately protect the rights of many migrants in all categories.

UN Global Compacts: In the course of the events that will lead to the development of the UN Global Compact for Migration and the UN Global Compact on Refugees, ICMPD's experts not only participate in the informal thematic sessions and the thematic discussions, but also share their ideas for the Compacts in our 'expert voice blog series'. Read the two latest ones:

The Global Compact on Refugees, Thematic Discussions, 1: [Past and current burden- and responsibility-sharing and arrangements](#)

The Global Compact for Migration, Informal Thematic Sessions, 3: [How to ensure inter-State cooperation on safe, orderly and dignified return?](#)

[Past, Present and Future Solidarity: Which Relocation Mechanisms Work and Which Do Not?](#)

In this policy brief, ICMPD's experts, Martin Wagner and Paul Baumgartner, provide a summary of existing relocation mechanisms in the European Union and analyse their potential for the future.

Joseph H. Carens, Aliens and Citizens: The Case for Open Borders;

Teresa Hayter, Open Borders. The Case Against Immigration Controls;

Reece Jones, Violent Borders. Refugees and the Right to Move.

Routledge Handbook of Human Trafficking

Edited by **Ryszard Piotrowicz, Conny Rijken, and Baerbel Heide Uhl**

(September 2017, HB: 9781138892064, eBook: 9781315709352)

Trafficking in human beings (THB) has been described as modern slavery. It is a serious criminal activity that has significant ramifications for the human rights of the victims. It poses major challenges to the state, society and individual victims. THB is not a static given but a constantly changing concept depending on societal changes and opinions, economic situations and legal developments. THB occurs both transnationally and within countries. The complexity of THB is such that it requires a wide range of expertise fully to address the phenomenon. Edited by a team of leading international academics, the *Routledge Handbook of Human Trafficking* will provide an interdisciplinary introduction to THB. It is aimed at academics, students, research universities and non-governmental organisations, as well as policy makers. It will review THB through the lens of law, anthropology, social and political science and will address statistical, data will provide an interdisciplinary introduction to THB. It is aimed at academics, students, research universities and non-governmental organisations, as well as policy makers. It will review THB through the lens of law, anthropology, social and political science and will address statistical, data protection issues and showcase the most effective research methods, analyse the various actors and stakeholders and the different types of exploitation of trafficked persons. It will critically highlight and analyse the most pressing current challenges posed by THB.

Editors:

***Ryszard Piotrowicz** is Professor of Law at Aberystwyth University. He was a member of the European Commission's Group of Experts (2008-15) and has been a member of GRETA, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings, since 2013. He has published extensively in the field of migration law, especially with regard to refugees and trafficking in human beings. Prof. Piotrowicz is the Book Reviews Editor of the International Journal of Refugee Law. He has lectured and spoken at conferences on human trafficking across the world. Most recently he has worked on the issue of non-punishment of victims of trafficking (for OSCE) and on trafficking for forced begging.*

***Conny Rijken** is Professor of Human Trafficking and Globalisation at INTERVICT, Tilburg Law School, Tilburg University. Prof. Rijken has done extensive research on various aspects of trafficking in human beings including the European perspective, migration, labour exploitation and human rights. She has been leading several (EU funded) international and interdisciplinary research projects, e.g. 'Combating THB for Labour Exploitation', 'Corporate Social Responsibility to Prevent Human Trafficking' and one on Joint Investigation Teams. Central in her research is the focus on human rights and engagement with the position of the individual.*

***Baerbel Heide Uhl** is a political scientist and has been working on anti-trafficking politics both in academia and in operational missions in Europe for more than two decades. She is a co-founder of the European NGO network 'La Strada' and a founder of the NGO initiative dataACT, data protection in anti-trafficking action. Dr. Uhl held positions of anti-trafficking expert for the OSCE Mission to the Federal Republic of Yugoslavia and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). In addition, she advised EU candidate countries and new Member States, including Turkey, Croatia, Bulgaria and Romania, on European anti-trafficking policies within the framework of EU enlargement procedures. Dr. Uhl was a member of the European Commission's Experts Group to Combat Trafficking in Human Beings from 2003-2007 and served as the Chairperson to the second Group from 2008-2011. She is a Member of the Advisory Board of La Strada International. She earned her PhD and her Diploma in Political Science at the Free University of Berlin.*

Re-branding Human Trafficking?

Vladislava Stoyanova: *Human Trafficking and Slavery Reconsidered. Conceptual Limits and States' Positive Obligations in European Law* (Cambridge University Press, 2017) available here www.cambridge.org/9781107162280

By reconsidering the definitions of human trafficking, slavery, servitude and forced labour, Vladislava Stoyanova demonstrates how, in embracing the human trafficking framework, the international community has sidelined the human rights law commitments against slavery, servitude and forced labour that in many respects provide better protection for abused migrants. Stoyanova proposes two corrective steps to this development: placing a renewed emphasis on determining the definitional scope of slavery, servitude or forced labour, and gaining a clearer understanding of states' positive human rights obligations. This book compares anti-trafficking and human rights frameworks side-by-side and focuses its analysis on the Council of Europe's Trafficking Convention and Article 4 of the European Convention on Human Rights. With innovative arguments and pertinent case studies, this book is an important contribution to the field and will appeal to students, scholars and legal practitioners interested in human rights law, migration law, criminal law and EU law.

- Critiques and compares the definitions of human trafficking, slavery, servitude and forced labour by applying a case study approach
- Highlights the inconsistencies and contradictions inherent in anti-trafficking and human rights frameworks operating alongside one another
- Offers a detailed clarification of the applicable law which will appeal on both individual and institutional levels

'Vladislava Stoyanova's book is as intellectually courageous as it is meticulously researched. She effectively challenges the dominant discourse of human trafficking, showing that human rights are more effectively ensured by grappling with the modern meaning of slavery, servitude, and forced labour. This is a fine legal analysis, proving the wisdom of grounding advocacy in legal norms of indisputable authority.' James Hathaway, University of Michigan Law School

Jutta Henneberger, Prosecutor, Germany: *With large and highly complex investigations – such as in the building sector – it can often be months or even years before the investigating authorities transmit the case files to the public prosecutor. In many cases, victims are no longer in the country, additional questioning is necessary and mutual assistance is extremely slow. This needs to change.*

Ulrich Nachtberger, Presiding Judge, Special Court Unit for Human Trafficking and People Smuggling cases, Vienna: *'THB cases need a broad variety of reactive, proactive and disruptive investigation methods because these are extremely complex crimes comprising a multitude of different criminal elements.'*

New Publication by **Albin Dearing** (Programme Manager Research - Criminal Law and Criminal Justice Freedom and Justice Department European Union Agency for Fundamental Rights FRA)

Justice for Victims of Crime

Human Dignity as the Foundation of Criminal Justice in Europe

- ⤴ Explains the paradigm shift from a state-centred to a human-rightsbased criminal justice system
- ⤴ Offers a comprehensive overview of the rights of crime victims under European law
- ⤴ Provides readers access to relevant case-law of the European Court of Human Rights

This book analyses the rights of crime victims within a human rights paradigm, and describes the inconsistencies resulting from attempts to introduce the procedural rights of victims within a criminal justice system that views crime as a matter between the state and the offender, and not as one involving the victim. To remedy this problem, the book calls for abandoning the concept of crime as an infringement of a state's criminal laws and instead reinterpreting it as a violation of human rights. The state's right to punish the

offender would then be replaced by the rights of victims to see those responsible for violating their human rights convicted and punished and by the rights of offenders to be treated as accountable agents.

Modern Day Slavery versus Human Trafficking

Understanding the Effects and Consequences of Policies and Agendas behind the different Concepts including Money-pulation

Donor organizations strongly influence the anti-trafficking agenda and define its type and scope. This is to say, that on the level of rhetoric, cooperation is supposed to cover all types of institutions – including those responsible for protecting victims and addressing root causes of trafficking in the countries of origin – in practice it is very much focused on prosecution and anti-migration measures prioritized by the countries of destination. Intergovernmental cooperation in the field of anti-trafficking has been single-mindedly focused on prevailing notions of national security and national sovereignty by stepping up border controls and trying to prevent irregular migration and illegal immigration. To this comes that the governmental institutions related to law enforcement and responsible for coordinating anti-trafficking responses are the ones to establish the rules of cooperation with the non-governmental service providers for victims, which consequently reflect state security concerns and occasionally oblige service providers to even violate human rights standards. We must take into consideration that the problems with anti-trafficking responses are not exclusively related to the complexity and international nature of the crime. They are, to a large extent, the result of conflicting approaches, agendas and mandates of the states, institutions and organizations involved. And, to a large extent they are also part of a much broader debate on labour migration and the protection of migrants' rights. Irrespective of the fact that trafficking has, for several years now, been a priority issue of many countries around the world and has attracted many donors, prevention (real prevention, not simply awareness raising) has not been at the focus of their attention. On the contrary, funding of anti-trafficking programmes has increasingly resulted in shifting attention and support away from issues of development, equality and human rights protection to issues of state security and migration. Actually even independent foundations and international agencies have drifted away from supporting human rights, development and non-discrimination programmes and have instead turned to supporting anti-migration projects reflecting the short-sighted interests of countries of destination, rather than seeking long-term solutions. (Barbara Limanowska, Helga Konrad in Chapter '**Problems of Anti-Trafficking Cooperation**' in Cornelius Friesendorf (ed.): **Strategies Against Human Trafficking: The Role of the Security Sector** (Geneva: Geneva Centre for the Democratic Control of Armed Forces, in preparation, 2009)

Human Trafficking for Labour exploitation, Slavery, Servitude, Forced labour

Recently, the first '**Corporate Human Rights Benchmark**' (taking a UN Guiding Principles approach) was launched for measuring companies on what they are doing with regard to human rights issues. It aims to increase transparency, 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.

The International Labour Organization (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.

Roger Plant, *Independent Consultant, Former Head of the ILO's Special Action Program to Combat Forced Labour and Trafficking, UK*: 'As for the trends of who are the victims or offended persons, who are the offenders, in which sectors is the trafficking taking place, and what are the forms of trafficking, assessments from Europol and studies on the trafficking of adult men in Europe and beyond generally confirm what we were saying for a long time, that adult men are as likely as women and children to be trafficked for labour

exploitation in Europe. It really depends on the sector. Obviously men in construction, often in agriculture, mainly women in domestic service, either men or women in the service sector including hotels and restaurants, or in factories and food processing. Much attention is being placed on criminal groups and hubs and their modus operandi. We need to reflect on this. To what extent is it an issue of serious organized crime, raking in huge profits? And to what extent is it a question of smaller groups, murky recruitment agencies, or even families and individuals finding loopholes in the law, operating in something between the legitimate and the black or underground economy? A number of people and organizations note that there is a gradation of offences in labour trafficking, or what others call a “continuum” from forced labour and slavery-like practices through to decent work. Another problem in Europe is that labour trafficking is defined in different ways in different countries, in various laws, using different benchmarks and indicators. Some place their emphasis on overt or at least subtle forms of coercion, others on the *intent* to exploit, others on objective criteria of unacceptable living and working conditions (excessively long hours, little if any pay or late payment of wages). The German criteria is on huge disparity between the wages paid to foreign migrant workers and to German nationals. Or there is the Belgian and French criterion of conditions incompatible with human dignity, etc. This is why operational indicators are so important. But we must understand that it is not just a question of better indicators to help law enforcement, to know when and on what grounds to prosecute. It is a question of which form of justice, what penalties to apply, what compensation to provide to victims. Ultimately, one almost always comes up against legal loopholes, inadequacies in either law or practice for identifying and cracking down on abusive recruitment systems. We are not only discussing burdens and criteria of proof. We are discussing difficult issues of labour markets, temporary job agencies, fee charging, visa arrangements, and also migration policies.' (Round Table 2016)

Manfred Buchner, MEN VIA, Vienna: Challenges in Identification of and Support for Male Victims of THB

'Working in the field of THB requires thinking and acting beyond gender stereotypes. This is also true when supporting boys and men as victims. When we say that certain men can be vulnerable and are at risk of being exploited, this does not fit into the typical hegemonic images of masculinity, of 'how a real man should be'. But it is a fact, that men can be vulnerable and that men can suffer from situations, where basic needs for life cannot be met. And it is also a fact that perpetrators ruthlessly abuse such positions of vulnerability, be it women, children or men. It is necessary to be aware that also men can find themselves in such difficult situations and it is necessary to speak about that. One of our goals in victim protection and awareness-raising is that men can experience they are not alone and that men can reach out for and find support. Men and women can be vulnerable e.g. because of their economic situation, because of social exclusion or lack of social security, because of a personal handicap, or because of a combination of these and other factors. Wherever men (as well as women) lack economic security and stable life conditions (as do e.g. many refugees in Austria), this makes them vulnerable for all kinds of abuse, violence and exploitation. It raises the risk that men, women or children get to know the wrong people and become victims of THB.'

What has Shrimp Consumed in Europe to do with Slavery in Thailand?

Stephan Jermendy: 'Over the past 17 years EJF has documented how many injustices suffered by people living in poor and disenfranchised communities are often closely related to the destruction, over-exploitation and other abuses of the natural environment they depend on. Unsustainable and illegal fishing practices have devastated wild fish populations, creating powerful economic forces that have been a primary driver in the trafficking of humans on to fishing vessels and violent human rights abuses aboard these boats, including slavery and murder. These abuses and the environmental destruction must be addressed as interconnected issues. By working to investigate, document and expose environmental and human rights abuses, the Environmental Justice Foundation (EJF) aims to support and give a voice to vulnerable communities working to protect the local environment that sustains their basic human needs. From illegal logging and charcoal production in Brazil to the fishing industry in Thailand, links between environmental degradation, poverty and increased vulnerability to human rights abuses, slavery and human trafficking can be observed. These are often generated by international supply chains and can be in part attributed to competition over a declining pool of natural resources - with negative impacts on conditions of employment that can result in human trafficking, forced, bonded and slave labour. According to the International Labour Organization (ILO), workers in the fishing industry are especially vulnerable to abuse. Documented cases suggest that illegal fishing operations often go hand in hand with trafficking for the purpose of forced labour as operators

seek to maximise profits while benefiting from a lack of transparency and control in fisheries. Exploitation, trafficking and forced, bonded and slave labour are all on the rise in the global fishing industry and often intersect with a range of other social and environmental problems, including overfishing, pirate fishing, migrant rights issues, corruption and organized crime. Multiple international organisations have already identified these intersections in fisheries as a critical issue. Interpol launched Project Scale to support member countries in addressing transnational fisheries crimes, which also include human trafficking. An increasing number of cases in recent years highlighted the intensifying risks of human trafficking and slavery in fisheries supply chains, both in Southeast Asia and globally, and Interpol recently issued an alert to regional law enforcement on human trafficking for labour exploitation in fisheries. A United Nations Office on Drugs and Crime (UNODC) campaign on fisheries crimes addresses a wide range of illegal activities in fisheries, including human trafficking. Research by the International Organisation for Migration (IOM) further substantiates that overfishing, illegal fishing and the scarcity of fisheries resources as a result of market demand have negatively impacted fishermen in terms of work, forced labour and human trafficking.'

Pirates and Slaves: <https://vimeo.com/117925642>

ICMPD: As the **DemandAT research project** has come to an end, findings and results are being published in due course. Follow-up on the most recent ones:

DemandAT Working Paper No. 9: “Learning from Demand-Side Campaigns Against Trafficking in Human Beings: Evaluation as knowledge-generator and project-improver”

DemandAT Working Paper No. 10: “From Zero-Tolerance to Full Integration: Rethinking Prostitution Policies”

European Policy Brief: “Preventing Exploitation and Trafficking in the Sex Work Sector”

European Policy Brief: “Four Principles for Addressing Trafficking, Forced Labour and/or Slavery in Supply Chains”

Demand AT Project Report: “Globalised Production of Goods”

The 'Feminization' of Migration and its Impact on Human Trafficking

In recent years, the flow of migrants and refugees – among them a growing number of women - through the Balkans has significantly increased. To date, there has been limited empirical evidence of when, why and how vulnerability to human trafficking arises in mass movements of migrants and refugees. FAFO (Norway) and the NEXUS Institute (USA) together with the NGOs Atina and Center for Youth Integration (CIM) in Serbia, launched a new study on **‘Vulnerability and Exploitation along the Balkan route - Identifying Victims of Human Trafficking in Serbia**. 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.

In her paper **'Gender and Migration: Why are Women more Vulnerable?'** (in Femmes en mouvement) **Mary Kwar**, senior specialist on gender and employment at the International Labour Organization ILO, highlights the disadvantages and risks that women face as compared to men, when migrating:

During the decision to migrate many women may have unrealistic expectations, lack of proper information on the migration process and procedures and on employment opportunities. They may also lack the know-how and ability to cover expenses. Thus they may end up in irregular and exploitative situations.

- As compared to men, women migrant workers tend to be concentrated in a more limited number of occupations.

- The migration of women is mostly unrelated to career advancement and skill acquisition. There is enough evidence to suggest that a significant number of migrant women possess skills and qualifications often not recognised or unneeded in the types of work that they perform. In fact, many studies indicate that migration involves deskilling for some groups of women. For example many Filipino women with college degrees work in domestic service or the entertainment industry.
- As compared to men, most migrant women end up performing the 3D jobs and are in isolated situations with limited opportunities to build networks. Therefore they have limited access to information and social support.
- Women more than men tend to occupy jobs within the informal sector which is not covered by any labour legislation or social protection. • Women migrants themselves lack knowledge of their rights, fear the authorities and are not organized.
- From an individual perspective, most women migrate to overcome poverty and limited viable employment opportunities in their home country. Most see their employment as temporary to achieve certain personal/family objectives (e.g. savings to establish a business, build a house, pay debts or for the education of the children). However, these objectives are difficult to achieve in the short term or over a single contract period due to a variety of reasons: problems with debt bondage, withholding of wages, receiving less wages than original contract, lack of knowledge on money management and savings, among many others. This means that the women stay longer than anticipated or go back and forth in migration cycles between source and destination countries.
- The authorities in most destination countries treat women migrant workers as workers with limited or no legal rights. In cases of exploitation and abuse, the judicial system is not always construed in favour of the abused worker. In some European and Latin American countries legal amendments have been adopted with regard to labour and human rights of migrant workers. But many Asian and Middle Eastern destination countries have yet to recognize the rights of migrant workers and to take concrete steps to uphold these rights.
- The return and reintegration process of migrant workers can also be more problematic for women than men (e.g. socio-psychological effects, family relationships, financial difficulties and employment related problems).

In principle regular labour migration for jobs which are in demand should stimulate economic growth and promote cultural diversity or integration. However, most of the times migrant workers face negative reactions, sometimes taking the form of open racism. Migrants are perceived as taking away jobs from the native population despite the fact that migrant workers, especially women, usually perform the jobs that the native population shun. The following provides some reasons why this situation persists despite the growing demand for migrant workers in many countries:

- Governments lack a clear policy framework with regards to migrant workers ;
- Governments lack of effective enforcement mechanisms with regards to management of migration, especially with regard to illegal recruiters and employers who violate rights of migrant workers;
- Governments lack adequate support services for migrants;
- Existing gaps in equality of opportunity and treatment between men and women at the national level;
- The economic contribution of migrant workers remains unrecognized in the destination country;
- There are pre-existing gender inequalities in the policies of countries of destination.

Where have all the Children gone?...and when will we ever learn?

In line with international and European standards, States are under the obligation to protect children from violence, and hold primary responsibility to establish comprehensive child protection systems. The European Commission (Directorate-General Justice and Consumers) issued the '**10 Principles for Integrated Child Protection Systems, including the Right to Participation**'. http://ec.europa.eu/justice/fundamental-rights/files/2015_forum_roc_background_en.pdf. In May this year, 47 European States adopted the **Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe** (2017-2019). The EU has also emphasized the need to promote and support child protection systems outside of the EU through its external relations role. The European Council adopted **EU Guidelines for the Promotion and Protection of the Rights of the Child**. <http://www.coe.int/en/web/portal/-/47-european-states-agreed-on-an-action-plan-on-how-to-protect-children-in-migration>. However monitoring of the practical situation should show whether EU member states follow their obligation in reality.

Assisting and Reintegrating Child Victims of Trafficking: Improving Policy and Practice in the EU Member States <https://www.ceeol.com/search/book-detail?id=515956>

In recognition of the importance of adequate support and protection of child VoT for remedying abuse, the **Center for the Study of Democracy** has conducted a comparative study that has aimed to assess the progress made in three countries prevalently viewed as destinations (Austria, Italy, Sweden) and three countries prevalently viewed as sources (Bulgaria, Hungary, Slovakia) of trafficked children. Building on previous research in this field, the study has aimed to provide a more in-depth analysis of the efforts made to assist child VoT in their physical, psychological and social recovery. (Authors: Alexandra Malangone, Tímea Stránská, Kamelia Dimitrova, Mila Mancheva, Helmut Sax).

Helmut Sax: 'To what extent is the voice of (former) trafficked children heard in the current anti-trafficking discourse? All children have a right to be heard and taken seriously, and this applies to children with trafficking experiences as well. While methodological and ethical questions clearly need to be addressed, practice has already shown the immense value of direct involvement and feedback of young former victims of trafficking in research and prevention, in detection, identification and protection - as an essential strategical element to end invisibility of child trafficking.'

Wenke, Daja: *IMPACT – Improving Monitoring and Protection Systems Against Child Trafficking and Exploitation, Transnational Analysis, Defence for Children International Italy and Family and Childcare Centre Greece et al., February 2014,* <http://www.impact-eu.org/files/IMPACT%20content%20web%20final%20Jan.pdf>.

In the four IMPACT countries (Greece, Italy, Cyprus, Portugal) and throughout Europe, national governments have developed specific anti-trafficking responses, including targeted laws, policies and institutions. In the short-term, these measures have shown success by achieving the identification and assistance of individual victims and, in some cases, the successful prosecution of perpetrators. In the longer term, the struggle to reduce child trafficking continues unabated. Policy makers and practitioners continue struggling to develop methods for the identification of child victims and children at risk, they continue struggling to make children gain trust in national authorities, to see them accept assistance and testify against perpetrators, and they continue facing myriads of dilemmas and unresolved controversial issues. There is sufficient evidence to identify the shortcomings of anti-trafficking responses as they are currently planned and implemented in Europe. Research reports keep reiterating findings that point to the weak capability of governments to intercept the disempowering cycle of vulnerability, exploitation and trafficking. This evidence is however not yet capitalised on to guide an effective strategy for change. Reforms are pursued mainly in terms of law reform, creating institutions, defining mandates and offering support services. Yet, there are concerns that these reforms continue lagging behind the dynamics of child exploitation and achieve only marginal success. Innovative approaches embracing the lessons learned are rare. The underlying structural factors that create vulnerability to exploitation and trafficking are well known but little progress is seen in redressing them in an effective and sustainable way. Addressing structural vulnerabilities offers however invaluable opportunities for prevention. It would be cost-effective to invest in longer-term strategies that prevent exploitation and scale up the protection and empowerment of children at risk. Reflecting about a new perspective on prevention is not only timely in the times of the financial and

economic crisis in Europe, it is also a human rights imperative. IMPACT engages in a critical discussion of the ‘categorisation approach’ in child rights policy. It finds that policies in the sectors of health care, education, guardianship and employment are, to varying degrees, rooted in *inclusive laws* but that the way they are being implemented in practice results in different outcomes for different groups of children. The discussion evidences that in some instances, a child’s status determines the type of services and entitlements that a boy or a girl has access to. Although anti-discrimination laws have been enacted in all four countries, some groups of children are affected by discrimination, particularly so children belonging to the Roma communities. In consequence, there are children who remain excluded from essential services related to health, education and guardianship, and some are deprived of opportunities to work and to gain an income. Against this background, IMPACT proposes to re-focus the attention of the anti-trafficking debate. From measuring progress in law reform, action plans and programmes, specialised shelters, victims assisted, and successful prosecutions, the proposal is to move towards measuring also the capability of the public administrations to implement their national laws and policies in practice. Methods and approaches are needed to measure not only the capability of administrations to implement but also the progress they make in advancing their capability in this regard. IMPACT builds on the assumption that strengthening the implementation of the UN Convention on the Rights of the Child in practice will contribute to reducing risks of exploitation and trafficking. There are currently no empirical studies to prove the direct causality between a more effective implementation of the CRC and a reduced prevalence of child exploitation and trafficking. Nevertheless, an overwhelming body of circumstantial evidence indicates that children who are exposed to exploitation have often previously experienced multiple infringements against their rights. Based on this evidence, the hypothesis is that children are better protected from exploitation when their rights to a safe and healthy development are safeguarded in practice, in line with international standards.

'Just like slaves': African migrant children face highest risk of abuse:

LONDON, September 2017 (Thomson Reuters Foundation) - Migrant children trying to reach Europe face beatings, forced labor and sexual exploitation, with sub-Saharan African children facing the highest risks, in part stoked by racism, a report found on Tuesday. Up to three quarters of children face abuse, exploitation and trafficking on Mediterranean migration routes, a joint report by the United Nations children’s agency UNICEF and its migration agency, the International Organization for Migration (IOM), found. While all migrants and refugees are at high risk, children and youths on the move are far more likely to experience exploitation than adults over 25, while children from sub-Saharan Africa were found to be most vulnerable. The voyage from North Africa, primarily Libya, across the Central Mediterranean to Italy and the route between Turkey and Greece known as the Eastern Mediterranean route have become the two most common paths to Europe. “If you try to run, they shoot you. If you stop working, they beat you,” the report quoted Aimamo, a 16-year-old unaccompanied child from Gambia, as saying. “We were just like slaves,” said the child, who described being forced into months of gruelling manual labor by traffickers in Libya. About 83 percent of children from sub-Saharan Africa trying to reach Europe through Libya were at risk of exploitation and trafficking compared to around 56 percent of those from elsewhere, with racism a significant contributing factor behind the discrepancy, the report found. The global number of refugee and migrant children moving around alone has reached a record high, with at least 300,000 unaccompanied and separated children recorded in about 80 countries in 2015–2016, up from 66,000 in 2010–2011, the report said. “The stark reality is that it is now standard practice that children moving through the Mediterranean are abused, trafficked, beaten and discriminated against,” Afshan Khan, UNICEF’s regional director in Europe, said in a statement. “EU leaders should put in place lasting solutions that include safe and legal migration pathways, establishing protection corridors and finding alternatives to the detention of migrant children.”

In a separate report published on Monday, the IOM said they had recorded more than 23,000 migrant deaths and disappearances globally since 2014. With the real number likely to be much higher, the report found, as many deaths go unrecorded or bodies are never found or able to be identified. “For people who leave their countries to escape violence, instability or poverty, the factors pushing them to migrate are severe,” said Eugenio Ambrosi of IOM. “They make perilous journeys knowing that they may be forced to pay with their dignity, their wellbeing or even their lives.” (Reporting by Adela Suliman)

Lessons Learnt from (Health) Screening of Migrants for Preventing & Combating Human Trafficking

Myths and Realities on refugee and migrant mental health

<http://www.euro.who.int/KHHMWebinars>

Recognizing and responding appropriately to the mental health needs of migrants and refugees can pose many challenges. There are specific stressors associated with migration and resettlement, such as the traumatic journeys that are frequently endured. Differences in language and culture can make it difficult for migrants as well as health practitioners to articulate and identify mental health needs, which can lead to the unnecessary medicalization of certain symptoms.

A webinar on 5 September 2017 explored the myths and reality surrounding the mental health of refugees and migrants, showcase successful interventions and responses as well as critically examined current policy options.

Myths and Realities is part of an ongoing series of webinars on health and migration which are live-streamed to an international audience.

Precious Flint

Cultural Mediator
Médecins Sans
Frontières

Guglielmo Schinina

*Head of Global Mental
Health*
International Organization
for Migration

Marjory Harper

Professor of History
University of
Aberdeen

Essam Daod

*Co-Founder &
Director*
Humanity Crew

Fahmy Hanna

Technical Officer
World Health
Organization

Prof. István Szilard: 'From a health point of view trafficked persons are exposed to multiple exploitation, they may suffer from physical, sexual and psychological harm, occupational hazards. Their condition needs specially trained health and mental health professions at both level: during the direct/ emergency health assistance and rehabilitation. (Szilard I, Barath A: Trafficked Persons and Mental Health in: : Violence and Mental Health – its Manifold Faces, Ed.: J. Lindert, I. Levav, Springer Science+Business Media Dordrecht 2015, pp. 243 – 266).'

Traffickers exert very often extremely brutal and manipulative control over their victims, from both physical and psychological terms. They use rape, beating, torture, starvation, isolation, deception and death threats to force the victims of trafficking into obeying their rules and orders. Moreover, for victims of trafficking, apart from the typical circumstances of sexual violence, the repeated incidents of being startled and the deliberately malicious treatment by their traffickers intensify the severity of the experience. The victims very often are not free to decide when to eat or if to eat at all, when to rest or if at all and are again and again physically injured and invaded. This loss of control is reported as being the most humiliating aspect of the trafficking situation and often causes severe trauma. After escaping the immediate exploitative situation, victims may be re-traumatized and revictimized during the interrogation by law enforcement and immigration authorities, or while giving court testimony. Accumulated fears and traumas make victims of trafficking often incapable of trusting any one. The experiences made by victims translate into an inability to control whatever is inflicted on them and by whom and where and when, if at all, they are able to seek help for violations, injuries and pain. The reality around them becomes distorted, and the victims begin to doubt themselves and others. Therefore, very often, it is difficult for them to make a radical decision such as breaking the circle of violence and looking for help. Impaired cognitive functioning can significantly reduce a trafficking victim's ability to recall and recount what happened to her/him, which may mistakenly be interpreted as a victim being uncooperative or untruthful. It is essential that all relevant authorities, but especially police, immigration services and the judiciary, understand that trauma leads to dissociation and significant memory problems. After having endured high levels of repeated physical, sexual and psychological abuse, most of the trafficking victims suffer from severe psychological distress, often severe enough to warrant a diagnosis of Posttraumatic stress disorder. This means that trafficking victims often are experiencing symptom levels that are frequently identified among torture victims. And indeed, being held captive and repeatedly raped and beaten should certainly qualify as torture. There is evidence, that victims of

trafficking, after having been exposed to such terrifying experiences, have re-living moments of the trafficking process in nightmares or sudden memories of events, spontaneously revealing the traumas they went through. The longer trafficking victims remain under the control of their traffickers, the more severe and long lasting are the effects of their trauma. Again, for victims of trafficking who are obliged to participate in legal proceedings, these symptoms are likely to impair their ability to respond in a meaningful way. These facts are important not only for service providers, but also for law enforcement personnel, immigration services and also the judiciary who often evaluate a victim's credibility on the clarity and consistency of her/his story. (Cathy Zimmerman, London School of Hygiene and Tropical Medicine, IOM, UN.GIFT 'Caring for Trafficked Persons' - research and various reports on health implications of human trafficking; University of Pecs Medical School);

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