

“Not for Sale – Joining Forces Against Trafficking in Human Beings”

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Expert Panel 1: Prevention

Advance text of statement by Mike Dottridge: 855 words

MEASURES REQUIRED TO PREVENT HUMAN TRAFFICKING

Both the Council of Europe Convention and the OSCE Action Plan suggest that States have a great deal to do when it comes to preventing human trafficking. Unfortunately not nearly as much has been achieved over the past decade as could have been the case.

I will comment on four aspects and can provide further details to anyone interested.

First, to prevent trafficking requires knowledge of the patterns of recruitment, trafficking and exploitation to be prevented. This requires research: not just evidence for prosecutions or intelligence from law enforcement agencies, but empirical research by independent specialists.ⁱ However, countless projects have been launched in a vacuum of accurate information. For example, I have witnessed public information being directed at the wrong targets. In parts of Southeast Europe, children from certain Roma, Ashkali or Egyptian communities have been trafficked to other countries, but instead of trying to influence the communities involved, information campaigns have been targeted at quite different Roma communities, as if they too were involved.

Research is needed to identify the factors that allow human trafficking to occur in particular cases. I realise that some academics talk about factors that are very difficult to change, such as the distribution of power within today's global economy. However, researchers can be asked to focus on factors that can be influenced – such as people's behaviour and institutional practices or policies.

Research is needed on more than just trafficking. The countless new sectors of economic activity around Europe that have developed since 1989 and where workers have been exploited all require analysing, especially when sub-contracting is the norm, rather than formal employment, and when significant numbers of migrants are involved. Examples are the engagement of migrant care or domestic workers, seasonal agricultural work, including berry-picking in Scandinavia and strawberry farming in Greece, legally functioning but poorly regulated brothels, and children being brought from one place to another to beg or to pick pockets.ⁱⁱ

Failing to collect information about new economic activities where trafficking or related abuse is occurring would evidently be a failure by a State to act with due diligence and as such a failure to act in accordance with international law, notably the UN's Trafficking Protocol and the Council of Europe Convention.

Secondly, prevention efforts require evaluation, to find out if they have had the intended impact and also if they have had unexpected effects. Without this, no-one really knows what measures are effective. And yet, with respect to cross-border trafficking for the purpose of the exploitation of the prostitution of others, a Campbell Systematic Review in 2011 that identified 19,000 studies on

trafficking published between 2000 and 2009 and reviewed the 20 most relevant in depth concluded that none met the methodological criteria they were looking for to be sure that there was a causal link between the activities undertaken and the results attributed to them.ⁱⁱⁱ

This weakness has been highlighted repeatedly with respect to so-called awareness-raising activities, such as the public information activities that occur in much of Europe every October. It seems that the calls for more intense evaluation of these have fallen on deaf ears, although USAID's first public report urging more evaluations in Europe was published a whole decade ago.^{iv}

Thirdly, we have repeatedly urged States to take action to discourage the demand that fosters the forms of exploitation related to trafficking. Anti-prostitution lobbyists interpreted this as an opportunity to urge that paying for sexual services should be a criminal offence in every case. But this is not what the Council of Europe Convention requires.^v

It is not just individuals who generate demand, but primarily companies and organizations that buy goods and services from others. The responsibility of business to respect human rights has been the subject of much debate and progress has been agonizingly slow. In Europe we have seen little substantive action by States even on government procurement issues, in sharp contrast to the United States where a great deal of emphasis has been put on ensuring that all government-run organizations, including the military, take appropriate measures to discourage demand in the context of their purchases of services and of goods.^{vi vii} Europe has also seen what I regard as a negligent amount of activity with respect to goods imported from outside Europe that are reliably reported to be produced by people subjected to forced labour. When requiring a State to discourage demand, international treaties do not limit this obligation to cases in which people have been trafficked within that State's frontiers.

Finally, although national migration policies are difficult to influence in order to prevent trafficking, both the OSCE Action Plan^{viii} and the Council of Europe Convention^{ix} require action to enable migration to take place legally, in the expectation that this reduces pressures on people to migrate illicitly and to become dependent on criminals. However, in Europe, as in North America, politicians make policy on distinct issues without ensuring an integrated approach, so migration policies still have the effect, in the view of many, of encouraging trafficking. Evidently it is up to treaty-monitoring bodies such as GRETA to highlight a State's failings when these fall short of treaty obligations.

Thank you.

ⁱ Part IV of the OSCE's 2003 Action Plan (Prevention of trafficking in human beings) includes three action points in a section on data collection and research.

ⁱⁱ Some 30 farm workers, mostly from Bangladesh, were injured in April 2013 when their supervisor responded to a protest at seven months' non-payment of wages by opening fire on several hundred workers at Manolada in Greece.

ⁱⁱⁱ Peter H. van der Laan, Monika Smit, Inge Busschers, Pauline Aarten, Cross-border Trafficking in Human Beings: Prevention and Intervention Strategies for Reducing Sexual Exploitation, Campbell Systematic Review, 2011.

^{iv} Ruth Rosenberg et al, Best Practices for Programming to Prevent Trafficking in Human Beings in Europe and Eurasia, Development Alternatives, 2004.

^v Article 19 of the Council of Europe Convention focuses on the criminalisation of the use of services of a victim of trafficking and the Convention's Explanatory Report points out that this "provision is not concerned with using the services of a prostitute as such. That comes under Article 19 only if the prostitute is exploited in connection with trafficking of human beings" (paragraph 233).

^{vi} For example, the U.S. Federal Acquisition Regulations (FAR) require that a clause prohibiting trafficking in persons be added to all U.S. government contracts.

^{vii} This lack of action is scheduled to change as a result of a recommendation in last December's Addendum to the OSCE Action Plan. One of the recommended actions at national level for participating States in the December 2013 Addendum refers to "Considering incorporating, or, as applicable, implementing, 'zero-tolerance' policies or other similar standards in government procurement of goods and services" (Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later, OSCE document PC.DEC/1107/Corr.1, 6 December 2013, Annex).

^{viii} Part IV of the OSCE Action Plan called (in destination countries) for "Considering the liberalization by governments of their labour markets with a view to increasing employment opportunities for workers with a wide range of skills levels" and "Addressing the problem of unprotected, informal and often illegal labour, with a view to seeking a balance between the demand for inexpensive labour and the possibilities of regular migration".

^{ix} Article 5(4) of the Council of Europe Convention states: "Each Party shall take appropriate measures, as may be necessary, to enable migration to take place legally, in particular through dissemination of accurate information by relevant offices, on the conditions enabling the legal entry in and stay on its territory".