



Organization for Security and Co-operation in Europe

Special Representative and Co-ordinator
for Combating Trafficking in Human Beings

ALLIANCE AGAINST TRAFFICKING IN PERSONS

An Agenda for Prevention of Human Trafficking: Non-Discrimination and Empowerment

Vienna, Hofburg, Neuer Saal
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Concept Note

I. Background

OSCE commitments on non-discrimination are numerous and longstanding, including within the commitments on trafficking in human beings (THB). The OSCE Action Plan to Combat Trafficking in Human Beings, which is based on a human rights approach, addressed the “root causes of trafficking in human beings, occurring both in countries of origin and destination [...] in particular causes such as poverty, weak social and economic structures, lack of employment opportunities and equal opportunities in general, violence against women and children, discrimination based on sex, race and ethnicity”.¹ Participating States recognized the significance of “identifying the most vulnerable segments of the population”²; “taking appropriate measures to eliminate discrimination against women in the field of employment”³; “addressing all forms of discrimination against minorities”⁴ whether in countries of origin or destination; and awareness-raising campaigns targeting “the most vulnerable groups, including persons belonging to national minorities, children, migrants and internally displaced persons (IDPs)”.⁵ Discrimination against children was highlighted as a priority in OSCE Ministerial Council Decision No. 13/04, encouraging participating States to “counter factors which contribute to making children particularly vulnerable to trafficking in human beings, including: discrimination, based, *inter alia*, on race, sex, religion or belief, national or social origin, birth or other status”.⁶ Most recently, the Vilnius Ministerial Declaration promoted awareness-raising campaigns “aimed at persons at risk of being trafficked and addressing the social, economic, cultural, political, and other factors that

¹ OSCE Permanent Council, *Decision No. 557/Rev. 1 OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005), Preamble.

² *Ibid.*, Part IV, 1.

³ *Ibid.*, Part IV, 3.3.

⁴ *Ibid.*

⁵ *Ibid.*, Part IV, 4.7.

⁶ OSCE Ministerial Council, *Decision No. 13/04 The Special Needs for Child Victims of Trafficking for Protection and Assistance* (Sofia, 7 December 2004), para. 2.

contribute to the vulnerability of being trafficked”⁷ as well as a commitment to “increase and support prevention efforts by focusing on the demand that fosters all forms of trafficking”.⁸

To prevent and combat racism, xenophobia, intolerance and discrimination, OSCE participating States have established a robust framework including the 1991 Moscow⁹ and 1994 Budapest¹⁰ Documents, the 2005 Ministerial Council Decision on Tolerance and Non-Discrimination,¹¹ and the 2009 Ministerial Council Decision on Combating Hate Crimes.¹²

Discrimination has been identified as a crucial component of any trafficking pattern by many forward-looking instruments and documents,¹³ including the OSCE Action Plan. However, this complex link has rarely been analysed. The 2012 *Alliance* Conference does not aim to discuss in depth the core concepts related to discrimination, which have a rich cultural and legal tradition. Rather, the conference aims to pave the way to better identify linkages between trafficking in human beings and various aspects of discrimination, and to explore how anti-trafficking and anti-discrimination measures can enhance each other.

The 2012 *Alliance* Conference consists of four main segments. Firstly, keynote speakers will consider lessons learned from the anti-slavery movement and how discrimination historically played and continues to play a role in justifying patterns of slavery, forced labour, and trafficking. While racial discrimination is still a factor in modern-day slavery, other forms of discrimination also play a major role, especially as they serve to justify exploitation. In the first panel, “Discrimination on any Grounds - a Vulnerability Factor”, speakers will address how various forms of discrimination based on race, gender, membership of a national or ethnic minority, social and migration status and other grounds contribute to rendering certain groups particularly vulnerable to human trafficking. The second panel, “Exploring Non-Discrimination, Empowerment and the Law”, will then examine how to make the most of complementary legal frameworks including on non-discrimination, human rights, gender and labour law. Finally, the conference will conclude with a roundtable discussion on “Non-Discrimination and Empowerment as a Prevention Strategy”, in which speakers will present relevant good practices.

II. Core concepts

The principles of equality and non-discrimination are at the core of all human rights treaties. The right to non-discrimination consists of a number of elements, including, first, the right to be treated equally before the law and to enjoy equal protection under the law, without any

⁷ OSCE Ministerial Council, *Declaration on Combating All Forms of Human Trafficking*, MC.DOC/1/11/Corr.1 (Vilnius, 7 December 2011), para. 11.

⁸ Ibid.

⁹ CSCE, *Document of the Moscow Meeting of the Conference on the Human Dimension of the Conference for Security and Co-operation in Europe* (Moscow, 1991).

¹⁰ CSCE Summit, *Budapest Document 1994: Towards a Genuine Partnership in a New Era* (Budapest, 5-6 December 1994).

¹¹ OSCE Ministerial Council, *Decision No. 10/05 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding* (Ljubljana, 6 December 2005).

¹² OSCE Ministerial Council, *Decision No. 9/09 on Combating Hate Crimes* (Athens, 2 December 2009).

¹³ See in particular, OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, especially Guidelines 1 and 7 (2002), <<http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>>, accessed 25 July 2012.

discrimination; second, the right to be protected against discrimination and any incitement to discrimination; and third, in the case of a violation, the right to access effective remedies.¹⁴

The non-discrimination principle has an extensive foundation in international human rights law,¹⁵ and has also been specifically linked with obligations to protect victims of trafficking. The Palermo Protocol, Article 14 (2), states that nothing in the instrument “shall be interpreted and applied in a way that is discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.”¹⁶ The Council of Europe Convention on Action against Trafficking in Human Beings provided for the rights of victims to protection “without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”.¹⁷

The linkage between the principle of non-discrimination and anti-trafficking is therefore entrenched in international instruments, and requires that all the relevant measures, and measures aimed at protecting and supporting victims in particular, be implemented without discrimination on any grounds. Such a linkage is also relevant in the context of economic, social and cultural rights. A seminal contribution in this regard was the 2009 General Comment No. 20 of the UN Committee on Economic, Social and Cultural Rights¹⁸. The Committee stated that discrimination “undermines the fulfilment of economic, social and cultural rights” and remained a barrier to sustainable development.¹⁹ Furthermore, the Committee clarified that “discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited

¹⁴ Aim for Human Rights, M. Wijers and M. Chew, *The Right Guide: A tool to assess the human rights impact of anti-trafficking rights and policies* (The Netherlands, 2010), see “Factsheet 6: Right to non-discrimination, equality before the law and equal protection by the law”, p. 23.

¹⁵ See especially: United Nations, *Universal Declaration of Human Rights* (10 December 1948), United Nations, *International Covenant on Civil and Political Rights* (16 December 1966), United Nations, *International Covenant on Economic, Social and Cultural Rights* (16 December 1966), United Nations, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (10 December 1984), United Nations, *Convention on the Rights of the Child* (20 November 1989), United Nations, *International Convention on the Protection of the Rights of Migrant Workers and Their Families* (18 December 1990); International Labour Organization (ILO), *Convention concerning Discrimination in Respect of Employment and Occupation*, C111 (1958); United Nations (UN), *Convention on the Elimination of All Forms of Discrimination against Women* (18 December 1979); United Nations (UN), *International Convention on the Elimination of all Forms of Racial Discrimination* (21 December 1965); United Nations (UN), *General recommendation No. 26 on women migrant workers*, UN document, CEDAW/C/2009/WP.1/R (5 December 2008); United Nations (UN), *General recommendation No. 30 on discrimination against non-citizens*, UN document, CERD (10 January 2004); United Nations (UN), *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime* (15 November 2000), Article 14 (2); Council of Europe (CoE), *Convention on Action against Trafficking in Human Beings*, CETS No. 197 (Warsaw, 16 May 2005); European Union, *Charter of Fundamental Rights of the European Union* (2000/C 364/01) (18 December 2000).

¹⁶ United Nations (UN), *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime* (15 November 2000), Article 14 (2).

¹⁷ Council of Europe (CoE), *Convention on Action against Trafficking in Human Beings*, CETS No. 197 (Warsaw, 16 May 2005).

¹⁸ United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 20 “Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)”* (May 2009).

¹⁹ *Ibid.*, para. 1.

grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights”.²⁰

The Committee further called upon UN States parties to address formal and substantive discrimination, direct and indirect discrimination, as well as systemic discrimination. Formal discrimination is that which is contained in a State’s constitution, laws and policy documents and denies benefits on the basis of prohibited grounds.²¹ Substantive equality requires more detailed analysis including “paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations”.²² Thus a State must immediately take measures to combat attitudes and conditions which can perpetuate *de facto* discrimination. Whereas direct discrimination occurs when there is differential treatment to another person in a similar position for a reason related to a prohibited ground, indirect discrimination can be said to occur when laws or policies appear to be neutral, but in practice have a disproportionate impact on certain groups of people.

Indirect discrimination can be particularly relevant as a vulnerability factor leading to victimization in the context of trafficking, especially regarding women, national and ethnic minorities, and migrants. An example is the requirement of a birth registration certificate for school enrollment that may discriminate against ethnic minorities or non-nationals who have been denied or do not possess such certificates.²³ As a consequence of discriminatory practices, the person concerned can find himself/herself in a situation of destitution and decide to migrate or agree to unsafe and exploitative work conditions.

Lastly, systemic discrimination may occur in situations of “persistent and deeply entrenched” discrimination against certain groups.²⁴ Systemic discrimination causes higher vulnerability to trafficking in human beings. For example, Romani women and children were found to be particularly vulnerable to trafficking as a result of structural forms of ethnic and gender discrimination, poverty and social exclusion.²⁵ In this case, trafficking in human beings should be seen as inherently discriminatory.²⁶

In assessing claims of discrimination, national and international courts have tended to rely upon a “comparator approach”.²⁷ In other words, in order for a violation to be found, there has to be a comparative analysis with a person in a similar situation.²⁸ Furthermore, it has to be shown that the differential treatment did not have an objective and reasonable justification, and that there is proportionality between the aim sought and the means employed.²⁹ However

²⁰ Ibid., para. 7.

²¹ Ibid., para. 8.a.

²² Ibid., para. 8.b.

²³ Ibid., para. 9.

²⁴ Ibid., para. 12.

²⁵ European Roma Rights Centre (ERRC), *Breaking the Silence: Trafficking in Romani Communities* (2011), <<http://www.errc.org/article/breaking-the-silence-trafficking-in-romani-communities/3846>>, accessed 25 July 2012.

²⁶ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Occasional Paper Series no. 5* on trafficking in human beings amounting to torture or other forms of ill-treatment, M. Nowak and J. Planitzer Ludwig Boltzmann Institute of Human Rights (Vienna, forthcoming).

²⁷ The “comparator approach” is based on EU Directive 200/43 and 2000/78.

²⁸ S. Goldberg, “Discrimination by Comparison”, *120 Yale Law Journal* 728 (2011).

²⁹ Aim for Human Rights, M. Wijers and M. Chew, *The Right Guide: A tool to assess the human rights impact of anti-trafficking rights and policies* (The Netherlands, 2010), “Factsheet 6: Right to non-discrimination, equality before the law and equal protection by the law”, p. 23.

in recent years, the comparator model has come into question given the complexity of modern-day identities as well as structural discrimination theories.³⁰ It simply may not be possible to separate multiple and overlapping categories of gender, race, nationality, etc., for the sake of comparative analysis.

One methodology that has been advanced to address the dilemma of multiple discrimination³¹ is the “intersectional approach”.³² “Intersectionality” is an analytical tool that examines the ways in which different identities converge and how they may produce distinct experiences.³³ For example, an intersectional approach to trafficking for the purpose of domestic servitude would thus examine the intersection of a worker’s complex identity as female, foreign national, migrant worker, poor, and of low social status; and how that particular constellation of vulnerability may relate to a broad spectrum of laws and policies (such as employment, citizenship, and policies related to gender-based violence).³⁴ The goal is not to identify and list multiple grounds as compound factors but rather to understand the full context and experience of vulnerability. This methodology is particularly relevant while assessing the situation of trafficked persons, particularly of trafficked women, very often affected by both multiple dependencies and multiple discrimination.

III. Panel I: Discrimination on any Grounds - a Vulnerability Factor

The relationship between persons vulnerable to trafficking in human beings (THB) and to discrimination is multi-fold. Discrimination poses challenges and obstacles to vulnerable persons throughout the trafficking process. Trafficked persons, in the vast majority of cases, are among any society’s most vulnerable populations. They are poor and socially excluded; they are often migrants with an irregular employment or status, asylum seekers, refugees or stateless persons, they lack access to opportunities and resources, and have lost their freedom of choice. Women and girls often bear the brunt of discrimination and are denied access to equal opportunities, making them disproportionately affected by extreme poverty. These vulnerable people live outside the protection of the rule of law, are unaware of their rights, and face concrete and serious challenges in accessing justice, and effective remedies. Furthermore, their situation of poverty and exclusion creates a dangerous and vicious circle in which they are discriminated against because they lack access to the rule of law and vice versa, which contributes to a higher risk of re-trafficking. As the speakers in Panel I will show, multiple identities reflecting race, migration status, national or ethnic origin, gender, age, and other grounds often intersect in ways that reinforce trafficked persons’ vulnerability, and that require specific and targeted responses.

³⁰ See, among others, S. Burri and D. Schiek, *Multiple Discrimination in EU Law. Opportunities for legal responses to intersectional gender discrimination?*, The European Network of Legal Experts in the Field of Gender Equality (2009). For example, in the UK Bahl case (Bahl v. Law Society, 2003), an Asian woman was required to bring separate evidence of discrimination on grounds of gender and ethnicity, i.e., she would have to name a man as a comparator in one field and a non-Asian in the other field.

³¹ See European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, *Tackling Multiple Discrimination: Practices, policies and laws* (2007); European Union Agency for Fundamental Rights (FRA), *EU MIDIS: European Union Minorities and Discrimination Survey* (2011); Sandra Fredman, “Double Trouble: Multiple Discrimination and EU Law”, in *European Anti-Discrimination Law Review*, Issue No. 2 (2005).

³² “Intersectionality” as a concept was first introduced by African-American feminist legal theorist, K. Crenshaw in 1989. See also “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color”, *Stanford Law Review*, Vol. 43, No. 6 (1991), pp. 1241–1299.

³³ Association for Women’s Rights in Development (AWID), “Intersectionality: A Tool for Gender and Economic Justice” (2004), p. 2.

³⁴ *Ibid.*, pp. 2-3.

Discrimination may contribute to a certain group's vulnerability to THB even prior to the initiation of the trafficking process. Members of certain populations such as national minorities and Romani communities may have experienced hatred, intolerance and discrimination. Research has confirmed the occurrence of previous discrimination also with respect to domestic servitude and sexual exploitation.³⁵ Moreover, discrimination affects the demand for trafficked persons' services, which is socially and culturally mediated. For example, the behaviour of employers reducing domestic workers to slavery-like conditions often reflects racialized and discriminatory attitudes towards migrants, women, and 'others'. Therefore, it is important to recognize the role that discrimination against these groups can play in shaping a society's attitude towards exploitation and injustice.

Discrimination is also closely linked to larger migratory labour patterns in an increasingly globalized economy. Discrimination reduces the kinds of employment that are available in the first place, but it may also deliberately obstruct recruitment in specific cases. The increasing prevalence of discriminatory job advertisements in several states, which specify that only nationals may apply for the position, for instance, is one concrete manifestation of this discrimination. Migrant workers may face racism, xenophobia and intolerance. They may bear discrimination on the job as reflected in gaps in salary, access to welfare and benefits, and working conditions, and are more likely to accept dangerous work and longer hours. Lastly, migrant workers have consistently been shown to have reduced access to remedies.³⁶ In many countries, migrant workers are not aware of the existence of national human rights mechanisms for recourse, or are prevented from reporting cases of abuse either from explicit lack of access or their own fear of deportation. Discrimination at work and lack of access to justice can be crucial components of social vulnerabilities that might be abused by traffickers. Furthermore, in the context of trafficking in human beings, many victims are unfortunately penalized or punished for acts resulting from their victimization, such as being charged with immigration or status-related offences.³⁷

Gender-based violence is another area of intersection with discrimination, including on grounds of race, ethnic and national origin, and discrimination against migrants, leading to increased vulnerability to THB. In the context of migration, women may be more willing to accept exploitative conditions in order to escape domestic abuse in the family or a more generalized level of violence and lack of protection and opportunities in a given society.³⁸ Furthermore, where discrimination against women affects education, property rights, control or access to a family's resources or marital property, it may also contribute to women's vulnerability to THB.

Discrimination experienced by children, and especially by child migrants, asylum seekers, refugees and stateless children is also closely connected to the status and situation of their parents, and in particular, of their mothers. Gender studies have long recognized the importance of promoting women's rights as a way to improve the rights and lives of girls and

³⁵ See for instance, B. Anderson and J. O'Connell Davidson, *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study*, IOM Migration Research Series No.15 (2003), pp. 29-32.

³⁶ See most recently, International Labour Organization (ILO), "Equality at work: The continuing challenge" *Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work* (2011).

³⁷ UN Commission on Human Rights, *Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, on trafficking in women, women's migration and violence against women, submitted in accordance with Commission on Human Rights resolution 1997/44*, E/CN.4/2000/68 (29 February 2000), para. 44, <<http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/e29d45a105cd8143802568be0051fcfb?OpenDocument>>, accessed 25 July 2012.

³⁸ A. Gallagher, *The International Law of Trafficking* (Cambridge, 2010), pp. 423-425.

boys so that they are in a better position to exercise their full range of rights as adults. Moreover, the tension between different policy agendas, such as child protection and the enforcement of immigration control³⁹, directly contributes to migrant children's lack of equal access to education, health and other child protection services, and places various levels and agencies of government at odds with each other.

Speakers in Panel I will address questions such as: How does discrimination on grounds of race, ethnic or national origin or other grounds play a role in new forms of slavery by producing stereotypes justifying abuse and exploitation (i.e., sexual exploitation and domestic servitude)? How do marginalization, intolerance and discrimination contribute to produce a higher level of vulnerability to trafficking of communities such as Roma and Sinti and Travellers, as well as national minorities? Is low social status a common feature of the victimization process, and is it a contributing factor to trafficking in human beings (THB)? How does the cultural construction of the migrant as 'the other', with a lower level of entitlements, contribute to vulnerability to THB? How are female migrant workers particularly vulnerable to THB because of multiple dependencies/discrimination? Why should trafficking based on the victimization of certain minorities be considered an inherently discriminatory form of trafficking? How does domestic violence intersect with sexual violence and violence against children as root causes of trafficking?

IV. Panel II: Exploring Non-Discrimination, Empowerment and the Law

In this panel, speakers will consider how a more robust use of the international human rights law framework and specifically the principles of non-discrimination and equality can reinforce the rights of trafficked persons, and offer additional channels of legal protection and entitlements.

A first step is to consider new developments in international, regional and national jurisprudence which strengthen the protection of victims' and presumed victims' human rights. In the landmark *Rantsev*⁴⁰ case from the European Court of Human Rights (ECHR), for instance, the Court construed a broad obligation of states towards victims⁴¹ including potential, presumed, and actual victims of trafficking. In particular, the Court ruled that states must put into place measures of protection including in the private sector, in order to regulate businesses that may operate as part of human trafficking operations.⁴² Moreover, the Court held that the states' obligations towards victims of THB are not solely related to criminal law but also extend to any immigration rules that could be found to encourage, facilitate or tolerate trafficking. Where a state was aware, or ought to have been aware of a "credible suspicion that an identified victim had been, or was at real and immediate risk of being, trafficked or exploited", the state may have to take direct and immediate measures of protection.⁴³ Concrete ways to implement obligations stemming from Council of Europe instruments – where relevant – need to be further explored, and should address *inter alia* discrimination as a vulnerability factor, both in countries of origin and destination. To this

³⁹ Centre on Migration, Policy and Society (COMPAS), University of Oxford, *No Way Out, No Way In: Irregular migrant children and families in the UK* (Oxford, May 2012), p. 8.

⁴⁰ European Court of Human Rights (ECHR), *Case of Rantsev v. Cyprus and Russia*, Application no. 25965/04 (Strasbourg, 7 January 2010).

⁴¹ R. Piotrowicz, "States' Obligations under Human Rights Law towards Victims of Trafficking in Human Beings: Positive Developments in Positive Obligations" (Oxford University Press, 2012), forthcoming in *International Journal of International Refugee Law*, pp. 16-17.

⁴² Ibid.

⁴³ Ibid.

end, states should make full use of anti-discrimination laws and mechanisms with a view to enhancing prevention of human trafficking and protection of victims' rights.

For instance, the implementation of the UN States parties' obligations toward victims implies strengthening human rights protection, especially with respect to economic, social and cultural rights, without any discrimination.⁴⁴ These measures should include review and monitoring of national legislation, strategies, policies and plans to provide for mechanisms that address the individual and structural nature of the harm caused by discrimination.⁴⁵ States parties have an obligation to ensure that all persons have access without discrimination to relevant institutions including courts, labour and employment tribunals, administrative authorities, national human rights institutions, and ombudspersons. States parties furthermore have an obligation to ensure access to effective remedies via these same institutions.⁴⁶

Speakers in Panel II will address questions such as: How can developments in international human rights law and jurisprudence on THB, and the most recent international instruments on trafficking strengthen the legal framework of the protection of victims of trafficking, regardless of their origin, status, race, ethnicity, etc.? What protective obligations stem from the Rantsev judgement? How can developments in law and policy regarding violence against women be used to help strengthen anti-trafficking policy? What is the role and importance of legal empowerment, the rule of law, and access to justice for victims of trafficking in countries of origin and destination? How is discrimination a factor in victims' access to justice? How can the non-discrimination framework be useful as an additional layer of legal protection for victims of trafficking? Have victims of trafficking ever used the legal framework of non-discrimination?

V. Roundtable Discussion: Non-Discrimination and Empowerment as a Prevention Strategy

During the roundtable discussion, participants will address the potential of the principle of non-discrimination as well as empowerment in terms of a prevention strategy for THB, including in the fields of integration policies, especially targeting migrants, minorities and Romani communities, including access to education, employment and health services. They will also address protection of freedom of assembly and association as well as the protection and promotion of labour rights.

Access to effective legal redress procedures is another essential component of legal empowerment as a prevention strategy. Where complaint or formal redress mechanisms for victims of discrimination are in place, participating States must take practical measures to facilitate trafficked persons' access to justice, including equal access to legal assistance with a view to civil compensation,⁴⁷ as well as to redress mechanisms for victims of discrimination. Education for judicial and legal authorities on the importance of multiculturalism, non-discrimination and equality would also be an important preventive strategy in this regard.

⁴⁴ United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 20 "Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)"* (May 2009), para. 41.

⁴⁵ *Ibid.*, para. 40.

⁴⁶ *Ibid.*

⁴⁷ International Commission of Jurists, *Courts and the Legal Enforcement of Economic, Social and Cultural Rights: Comparative Experiences of Justiciability* (Geneva, 2008), p. 61.

Furthermore, an empowerment and non-discrimination based prevention strategy should also promote the change of cultural norms, attitudes and practices which may serve to justify or normalize exploitation. A first step in this line is thus to acknowledge explicitly the connections between trafficking, migration, racism and racial discrimination⁴⁸ as well as discrimination on national or ethnic grounds, and to promote interdisciplinary and long-term approaches that address the entire process of the trafficking cycle.

Speakers in the roundtable discussion will address questions such as: What is the strategic importance of women's legal and economic empowerment to the prevention of THB? Likewise, how can the empowerment of migrant workers through trade union membership, freedom of association and the strengthening of labour standards including rigorous labour inspections, contribute to the prevention of THB for labour exploitation? How can non-discrimination strategies and policies be helpful in terms of the social integration of vulnerable groups? How to strengthen existing THB policies by better addressing discrimination and social inclusion issues, especially with respect to communities such as Roma and Sinti, and Travellers? How can the empowerment of children through information sharing, life skills training, participatory methodologies, and the principle of best interests determination contribute to the prevention of child trafficking? What is the potential of an empowerment strategy that addresses the dreams, aspirations, and life projects of persons who are migrating? What is the contribution and role of national human rights bodies to the prevention of THB? What is the importance of a victim-centred approach to combating trafficking in human beings, and in particular, victim advocacy and victim empowerment (as seen from the perspective of survivors and NGOs and service providers working directly with victims)? What are the most successful integration policies targeting Romani communities, national minorities and migrants?

The proceedings of the Conference, including its recommendations, will be summarized and published by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in due time.

⁴⁸ United Nations, "The Race Dimensions of Trafficking in Persons – Especially Women and Children" (2001), Backgrounder to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa, 31 August – 7 September 2001.