



International Expert Conference

Making Prevention Work: Addressing the Root Causes of Human Trafficking in Europe

Sofia, Bulgaria

4-5 December 2012

Concept Note

Please note that this is a provisional version.

Background

In the declaration made in Istanbul on 11 May 2011 at the close of the 121st Session of the Committee of Ministers of the Council of Europe, human trafficking was mentioned as one of the threats to security and the rule of law on the European continent. It is also one of the grossest violations of human rights and an offence to the dignity and integrity of the human being. As such, it undermines the very values on which the Council of Europe is based. This is why over the last 20 years the Council of Europe has been actively engaged in combating human trafficking in its member States and beyond. This engagement culminated in 2005 with the adoption of the Convention on Action against Trafficking in Human Beings (“the Convention”), a far-reaching treaty which provides States with effective tools to prevent human trafficking, protect its victims and prosecute traffickers. The Convention entered into force on 1 February 2008 and has already been ratified by 37 Council of Europe member States, and signed by a further six. As trafficking in human beings is a world-wide phenomenon, the Convention is not restricted to Council of Europe member States; non-member States and the European Union also have the opportunity of becoming Parties.

The Convention is a legally binding instrument which builds on already existing international instruments, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime. At the same time, the Convention goes beyond the minimum standards laid down by other international instruments and aims to strengthen the protection afforded by them. The main added value of the Convention is its human rights perspective and focus on victim protection. The Convention clearly defines trafficking as being first and foremost a violation of human rights and an offence to the dignity and integrity of the human being; greater protection is therefore needed for all of its victims. The Convention also has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children, whatever the form of their exploitation).

Furthermore, the Convention provides for the setting up of a mechanism to monitor compliance with the obligations contained in it. This monitoring mechanism, composed of the Group of Experts on Action against Trafficking in Human Beings (GRETA), a multidisciplinary panel of 15 independent experts, and the Committee of the Parties to the Convention, is one of the added values of the Convention, to the extent that it ensures that the Convention's provisions do not remain merely a theory on paper but are effectively implemented. As of the end of June 2012, GRETA has adopted 13 final country evaluation reports, 10 of which have been made public. GRETA's evaluation reports contain an analysis of the situation in each country regarding action taken to combat trafficking in human beings, as well as proposals concerning the way in which the country may strengthen the implementation of the Convention and deal with problems identified. On the basis of GRETA's reports the Committee of the Parties to the Convention may adopt recommendations concerning the measures to be taken to implement GRETA's conclusions.

Focus on improving prevention

Because of the intrinsically clandestine nature of human trafficking, it is difficult to state with accuracy how many people are trapped in this modern-day slavery. It is estimated that every year trafficking in human beings affects millions of people worldwide. Considerable efforts and funds have been spent in combating trafficking in human beings. And yet the contrast between the number of trafficking victims who are identified and assisted, and the multi-billion profits gained from human trafficking criminal activities, is striking. The reasons for this are manifold, including social and economic inequalities within and between countries, discrimination of certain social groups, and inadequate labour legislation enforcement. Research shows that prevention-based efforts remain the least utilised of the anti-trafficking techniques, in large part because credible means of measuring their effectiveness are still underdeveloped.¹ This is why the Council of Europe devotes this international expert conference, organised in co-operation with the Bulgarian National Commission for Combating Trafficking in Human Beings, to the theme of prevention and ways to address the root causes of human trafficking in Europe. The conference will bring together experts from across the European continent and provide a forum for sharing experiences and innovative ideas on how to improve prevention.

All countries, whether of origin, transit or destination of victims of trafficking, are concerned by the need to step up prevention. It is therefore essential to make the link between prevention "at the source", in countries of origin where poverty, lack of employment opportunities, social exclusion or gender-based violence drive people into the hands of traffickers, and prevention "at the receiving end", in countries of destination where the demand for sexual services, cheap labour or organs, be it due to lack of awareness or poor regulation, makes it possible for traffickers to treat human beings as merchandise.

Prevention is one of the fundamental "3Ps" for any strategy for combating trafficking in human beings (the other "Ps" being protection of victims' rights and prosecution of traffickers). The Convention's provisions (Articles 5 to 9) place obligations on States to take measures, in partnership with civil society and in co-operation with other States, to raise awareness, carry out research, tackle the underlying causes of trafficking through social and economic initiatives, discourage demand, strengthen the detection of victims through border controls, and ensure the integrity, security and validity of travel or identity documents.

¹ W.Shinkle, *Preventing Human Trafficking: An Evaluation of Current Efforts*, Institute for the Study of International Migration, Georgetown University, Policy Brief No. 3. August 2007, p.12.

The Convention promotes a holistic, multi-disciplinary approach to prevention and encourages co-ordination between the various bodies responsible for preventing and combating trafficking (Article 5.2). State Parties are to promote a human rights-based approach and use gender mainstreaming and a child-sensitive approach to the development and implementation of prevention policies and programmes (Article 5.3). Further, Parties are required to take specific prevention measures with regard to children, notably by creating a protective environment for them (Article 5.5).

It is noteworthy that stepping up the prevention of trafficking in human beings has been identified as one of the five priorities of the recently published EU Strategy towards the Eradication of Trafficking in Human Beings (2012–2016)². Understanding and reducing demand, co-operation with the private sector, and awareness raising activities and prevention programmes are among the priority actions envisaged in the Strategy.

Objectives of the conference

The overall objective of the conference is to unite in a common endeavour Council of Europe member States, civil society and the private sector, by emphasizing the value of a comprehensive approach and inclusive international partnerships for prevention of trafficking in human beings. Exploring existing good practices and exchange of information on effective policies in different settings will contribute to developing and implementing effective prevention strategies.

In addition, the conference will contribute to raising the visibility of the Council of Europe's work to combat trafficking in human beings and will promote the Convention on Action against Trafficking in Human Beings.

The conference will focus on four themes related to prevention:

- prevention among minorities at risk, with a special focus on Romani communities;
- measures to discourage demand, including through private-public partnerships;
- role of research and data collection in the prevention of trafficking in human beings;
- alternative/interactive awareness-raising methods.

Addressing the root causes of human trafficking will be a cross-cutting theme for all four modules. Discussions will bear in mind the broader context of what creates dependencies and vulnerabilities, not just on an individual level, but for entire social groups, including aspects of societal status (of women, migrants, minorities, children), social exclusion, ineffective social assistance policies, weak labour law enforcement, weak policies on youth unemployment, etc.

Module 1: Prevention among minorities at risk, with a special focus on the Roma communities

In the report *Human rights of Roma and Travellers in Europe* released in February 2012, the Commissioner for Human Rights of the Council of Europe underlined that “anti-Gypsyism continues to be widespread throughout Europe” and noted that “trafficking in human beings in Europe affects Roma disproportionately.”³

² European Commission, Brussels, *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016*, 19 June 2012, COM(2012) 286 final.

³ Commissioner for Human Rights of the Council of Europe, *Human rights of Roma and Travellers in Europe*, Strasbourg, February 2012.

Recent research conducted by the European Roma Rights Centre (ERRC) and People in Need (PiN) in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia indicates that trafficking in human beings affects Roma disproportionately⁴. Regardless of the lack of official disaggregated data, there is evidence that Roma are highly vulnerable to trafficking due to structural forms of ethnic and gender discrimination, poverty and social exclusion which result in low educational achievement, high levels of unemployment, domestic violence and difficult living conditions that affect predominantly women and children⁵.

That said, the focus on Roma in anti-trafficking preventive and protection services remains low. Despite the host of awareness-raising measures in countries of origin, preventive measures tend to aim at raising broad awareness rather than focusing on the most vulnerable groups. There is a shortage of preventive measures that take place in Roma neighbourhoods and/or reach out to the Roma communities. The fact that Romani communities have a predominantly oral culture limits the impact of written information materials.

In a recent report entitled *Roma Migrants in Europe*, the Parliamentary Assembly of the Council of Europe (PACE) noted that the Roma are amongst the most disadvantaged, discriminated, persecuted and victimised groups in Europe⁶. The related Recommendation 2003(2012) adopted by the PACE on 28 June 2012 asks the Committee of Ministers to instruct the relevant Council of Europe committees and bodies to pay particular attention to establishing whether the Roma community is affected by and/or involved in trafficking in human beings, and examine whether the standards and measures contained in the Convention on Action against Trafficking in Human Beings are effectively implemented as regards Roma and whether any further specific measures are necessary.

In several of its country evaluation reports⁷, GRETA has stressed the need to step up preventive measures among vulnerable groups, such as the Roma communities. For example, in the report concerning Bulgaria, GRETA noted that “there is clearly a need for a comprehensive, co-ordinated and adapted approach towards the problems in the Roma community, aiming at improving their integration and access to education, health care and social assistance as an ultimate prevention measure against trafficking in human beings.”⁸ GRETA highlighted as a good example of local preventive action the outreach programme developed in Varna for high-risk groups in two Roma neighbourhoods. The programme follows a multifaceted approach to prevention (targeting not only human trafficking but also HIV/AIDS and drug abuse).

In the report concerning Albania, GRETA noted that a number of children, particularly from the Roma or Egyptian⁹ minorities, have not been recorded in the civil status register, which makes it impossible to enrol them in schools and increases the risks of trafficking. GRETA has urged the Albanian authorities to step up trafficking prevention measures geared to fostering access to education and jobs for vulnerable groups, particularly women and members of the Roma and Egyptian communities.¹⁰ The authorities should also ensure that all children are recorded in the civil status register.

⁴ European Roma Rights Centre (ERRC) and People in Need, *Breaking the Silence: Trafficking in Romani Communities*, Budapest, March 2011.

⁵ *Ibid.*, p.12.

⁶ Parliamentary Assembly of the Council of Europe, *Roma Migrants in Europe*, Doc. 12950, 8 June 2012.

⁷ See in particular GRETA reports concerning Albania, Bulgaria, the Republic of Moldova and Romania.

⁸ GRETA Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria, Strasbourg, 14 December 2011, p.7.

⁹ The "Egyptians" are an Albanian-speaking community living in Albania whose members define themselves by their ethnic origin and historical roots as descendants of the Egyptians, their traditions and cultural heritage. This group, comparable to Roma in certain respects, wishes to be recognised as an ethnic group distinct from Roma.

¹⁰ GRETA Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, Strasbourg, 2 December 2011, pp.25-26.

GRETA has also noted that Roma victims of trafficking are more vulnerable, less informed and have a lower capacity to escape trafficking channels. Further, GRETA has stressed the need for providing training to law enforcement officers, prosecutors and the judiciary which aims to overcome entrenched negative attitudes and prejudices vis-à-vis Roma victims of trafficking.

Other Council of Europe bodies such as the Congress of Local and Regional Authorities¹¹, the European Commission against Racism and Intolerance¹² and the European Social Charter have adopted a number of documents concerning the Roma communities. Reference can also be made to the Council of Europe *Dosta!* Campaign.¹³

Speakers in Module 1 will share experiences and best practices as regards prevention among minorities at risk and will consider how States, in partnership with intergovernmental and non-governmental organisations and, where appropriate, using development co-operation programmes, can design and implement appropriate policy initiatives. The Conference will also promote networking between Romani NGOs, community representatives and mediators (such as the Council of Europe's Romani Mediator Programme), and the anti-trafficking authorities, to combat human trafficking in Romani communities.

Module 2: Measures to discourage demand, including through private-public partnerships

The Convention on Action against Trafficking in Human Beings places a positive obligation on Parties to adopt legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of victims of trafficking, especially women and children. Article 6 of the Convention provides a list of minimum measures, including research on best practices, methods and strategies, use of the media to raise awareness, targeted information campaigns, and educational programmes for children which promote gender equality and human dignity. The Convention also contains a provision encouraging Parties to make it a criminal offence to knowingly use services of a victim of trafficking, by way of suppressing demand that drives trafficking in human beings (Article 19).

It should be stressed that, according to the Explanatory Report of the Convention, measures to discourage demand should target all forms of exploitation, i.e. not just the sex industry. Indeed, the past few years have shown an increase in trafficking for labour exploitation, which highlights the importance of involving the business community and trade unions in combating human trafficking.

The importance of addressing the demand end of trafficking is widely acknowledged. As stated in the Recommended Principles and Guidelines on Human Rights and Human Trafficking, strategies aimed at preventing trafficking in human beings shall address demand as a root cause of trafficking¹⁴. However, it appears that the demand side of trafficking is often neglected by prevention programmes. Activities rather tend to focus on the supply side with a view to curtailing it and prosecuting traffickers. It is important to attack the problem of trafficking at its source by lowering incentives to trade, as well as decreasing demand for the products and services of exploited people. Furthermore, it is important to have careful consideration and co-ordination of all policies and programmes for discouraging demand of trafficking.

¹¹ Congress of Regional and Local Authorities, Rec 315(2011) *The situation of Roma in Europe: a challenge for local and regional authorities*.

¹² European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No.13 on Combating anti-Gypsyism and Discrimination against Roma.

¹³ See Council of Europe *Dosta!* Campaign, *Is this a stereotype? A tool for fighting stereotypes towards Roma*.

¹⁴ Principle 4 of Addendum to the report of the United Nations High Commissioner for Human Rights (E/2002/68/Add. 1), <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

Research has shown a link between the demand for trafficked persons' services and discrimination of minority groups. "The racially/ethnically different worker is not perceived as an equal human being and so can be used and abused in ways that would be impossible in respect of workers of the same race/ethnicity".¹⁵ Furthermore, the absence of effective regulation of certain labour market segments (e.g. paid sex and domestic work) is one of the factors that help to create an environment in which it is possible and profitable to use unfree labour.¹⁶

As part of their demand-reduction efforts, some Council of Europe member States have criminalised the use of services of a victim of trafficking.¹⁷ That said, there have been only a few convictions. Furthermore, some countries (e.g. Republic of Moldova, Ukraine) have taken steps to license companies that provide services to facilitate employment, travel or marriage overseas. The credibility of such efforts remains to be seen.¹⁸ In the UK, engagement with the private sector in tackling demand is included in the Human Trafficking Strategy for 2011-2015.

There is a need for continued research and analysis of the factors that generate demand for exploitative commercial sexual services and labour. Understanding and reducing demand is one of the priority actions included in the *EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016*. As noted in the Strategy, it should build on work done in the areas of public awareness campaigns targeting consumers and users of services, corporate social responsibility, codes of conduct (such as the IOM's Buy Responsibly Campaign)¹⁹, business and human rights initiatives aimed at eliminating human trafficking from the supply chains of businesses. This is linked to co-operation with the private sector and the planned setting up of a European Business Coalition against trafficking in human beings in 2014.

Speakers in Module 2 will exchange best practices that can help reduce demand for all forms of trafficking, examine the factors and business structures that may drive or facilitate the use of services from trafficked persons, and consider policies that may be used to discourage demand. Particular attention will be paid to labour legislation and regulation, and the role of the private sector.

Module 3: Role of research and data collection in the prevention of trafficking in human beings

Despite the growing attention to trafficking in human beings, knowledge about this dynamic phenomenon remains limited. There is a lack of credible qualitative and quantitative data and a need for evidence-based research to inform policy-making.

In its country evaluation reports, GRETA has stressed the importance of research and data collection for effective prevention programmes. An essential element is the regular availability of comprehensive statistical information on both trends in human trafficking and on the performance of main actors in the fight against trafficking. An additional requirement for human rights-based anti-trafficking policies is the conduct of research and analysis with special attention to the rights and interests of victims. GRETA considers that future actions in the area of prevention should be designed in the light of the assessment of previous measures and be focused on the needs identified. Supporting research on THB-related issues is an important source of information for future policy measures.

¹⁵ 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.

¹⁶ *Ibidem*.

¹⁷ For example, Bulgaria, Croatia, Georgia and Romania.

¹⁸ W.Shinkle, *Preventing Human Trafficking: An Evaluation of Current Efforts*, Institute for the Study of International Migration, Georgetown University, Policy Brief No. 3. August 2007, p.10.

¹⁹ <http://www.buyresponsibly.org>

According to the previously quoted Recommended Principles and Guidelines on Human Rights and Human Trafficking, effective prevention strategies should be based on existing experience and accurate information. In a recently published paper, Ann Jordan notes that “only a well-grounded understanding of the empirical situation and a right-based approach to human trafficking can ensure that vulnerable populations and victims are able to realise and exercise their rights and that people are not harmed by ill-devised, often ideologically driven, schemes to save them”.²⁰

Speakers in Module 3 will share experiences and research methodologies and explore strategies for improving the accuracy of data and encouraging evidence-based research on trafficking in human beings.

Module 4: Alternative/interactive awareness-raising methods

Numerous anti-trafficking prevention programmes have been implemented in recent years by governmental, non-governmental and international bodies. As regards in particular countries of origin, raising awareness about human trafficking has played a key part in the prevention efforts. However, evaluation of the impact of prevention initiatives is rarely undertaken. According to the previously mentioned *EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016*, little is known about the added value, coherence and consistency of such initiatives and the links between them.

In its country evaluation report, GRETA has highlighted that future actions in the area of awareness raising and education should be designed in the light of the assessment of previous measures and be focused on the needs identified. Increased emphasis should also be placed on changing social attitudes towards victims. The success of the efforts will depend on efficient data collection, adequate funding and regular evaluation.

It is equally important to explore new, innovative ways of prevention that differ from the traditional approaches (e.g. TV and radio spots), such as games, art tasks, mainstreaming trafficking issues into other policies, etc. Community-based prevention programmes (“grassroots action”) should also be developed as a sustainable option to combat human trafficking. Furthermore, innovative ways of training relevant professionals can equip them to identify situations of trafficking, become sensitive to the circumstances, mindset and emotional needs of victims, communicate effectively with victims and the public and mobilize their cooperation in detection, prevention and prosecution of trafficking.

Speakers in Module 4 will share experiences in the use of alternative/interactive prevention methods and explore how they can effectively reach the target audiences.

²⁰ Ann Jordan, *Fact or Fiction: What Do We Really Know about Human Trafficking?*, Centre for Human Rights and Humanitarian Law, Issue Paper 3, May 2011.