

***Regional Implementation Initiative 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*



*Think-tank Event*

***International Expert Round Table***

**MIND THE GAP!**

**TACKLING THE LACK OF ATTENTION ON PREVENTING HUMAN  
TRAFFICKING & EXPLOITATION**



**Chamber of Labour, Vienna, Theresianumgasse 16-18, 4<sup>th</sup> District  
30 September 2022, 9:30 – 16:00**

*in Cooperation with*



**MENSCHEN  
RECHTSBÜRO**



*supported by*

 **Federal Chancellery**  
Federal Minister for Women,  
Families and Youth

 **Federal Ministry  
Republic of Austria**  
Social Affairs, Health, Care  
and Consumer Protection



***The Round Table will be held in English - No interpretation. Attending the Round Table is free of charge.  
Registration is obligatory and open from 15 - 25 September 2022***

Participants are invited to take note that there may be photographs taken and videos recorded for documentation purposes, a selection of which might be published on our websites and/or social media channels later on. Participants' speeches and presentations will be recorded and published on image and sound carriers as well as internet (Livestream) and television broadcast, reproduced and used audio-visually. By registering for the above Round Table you agree that your personal data (name, function, company or institution) can be automatically processed by the 'Regional Implementation Initiative on Preventing & Combating Human Trafficking' for the indicated purpose. You may revoke your arrangement(s) any time by sending us an e-mail. If you don't agree that your e-mail address is used for information provision and invitations on activities (Round Tables, meetings, workshops, info sessions) of the 'Regional Implementation Initiative on Preventing & Combating Human Trafficking', please let us know via e-mail. We shall delete your e-mail address from the list(s).

**AGENDA**

## 9:30-10:00 *Opening and Introduction*

- **Helga Konrad**, *Head/Coordinator 'Regional Implementation Initiative on Preventing & Combating Human Trafficking'/Institute for the Danube Region and Central Europe IDM: **Introduction & Moderation***
- **Renate Anderl**, *President of the Chamber of Labour* / **Christoph Klein**, *Director General, Chamber of Labour, Vienna, Host*
- **Petra Schneeberger**, *Ambassador, Director General, Austrian Federal Ministry for European and International Affairs, National Coordinator on Trafficking in Human Beings, Austria*
- **Diane Schmitt**, *EU Anti-Trafficking Coordinator EUATC*

## I. *The Guiding Principles for the Prevention of Human Trafficking* 10:00 – 11:00

**What are the Principles that should underpin and guide all efforts to prevent Trafficking in Human Beings and related Exploitation?** International human rights law requires States to take action to prevent anyone being subjected to certain violations of human rights, such as slavery, servitude (including debt bondage and most forms of forced or compulsory labour, including forced prostitution, torture and arbitrary detention). States are consequently under an obligation to act with due diligence to prevent trafficking in human beings. State obligations relate not only to people who have been trafficked but also to others who might be exploited or abused in different ways, whether by agents of the State or private citizens (such as criminals or abusive employers) in the course of migration, employment or other lawful or unlawful activities.

### **Keynote:**

- **Mike Dottridge**, *Independent Expert and Consultant, Author of the RII's Compilation of 'Principles to Guide Initiatives to Prevent Trafficking in Human Beings and to Discourage Trafficking-Related Demand:*  
'**The most effective way of preventing trafficking in human beings is NOT likely to involve using the criminal justice system to punish people, but rather for governments to modify some of their policies. Most governments are reluctant to do this.**'

### **Comments & Debate - Panel Discussion with selected Commentators**

- **Helmut Sax**, *Senior Researcher, Ludwig Boltzmann Institute of Human Rights, Austria:*  
'**Prevention of trafficking from a human rights perspective requires not only identification of individuals at risk, but also, structurally, of mechanisms and, eventually, whole sectors of the labour market creating such risks.**'
- **Kristiina Kangaspunta**, *former Chief of the Crime Research Section/Head of the Global Report on Trafficking in Persons, UNODC:*  
'**There are conflicting and competing views on what should be prevented, and the preventive measures may not prevent the victimization of human trafficking in practice.**'
- **Kiril Sharapov**, *Researcher, Associate Professor of Applied Social Sciences, Edinburgh Napier University, Scotland:*  
'**Anti-trafficking has been spreading in a networked way, with moral certitude accompanied by little or no accountability. We need to challenge such certitude and spread of anti-trafficking by developing our understanding of what borders, potential and ethics mean within the context of anti-trafficking.**'
- **Peter von Bethlenfalvy**, *Executive Director, Center for European and International Policy Action CEIPA, Brussels:*  
'**Unfortunately it is a fact that the coordination amongst EU agencies, their mandates and impact upon strengthening rule of law, human rights, democracy and anti discrimination efforts, are a weak spot of the EU institutions**'.

## 11:00-11:30 Break

## II. *Discouraging Demand* 11:30– 13:30

**What are the Principles related to measures to Discourage Demand that fosters all forms of Exploitation for which people are trafficked?** The obligation on States to discourage the demand that fosters all forms of exploitation of persons implies that States must take action to identify factors that foster 'exploitation of persons' and contribute to demand, including the full range of factors that cause or facilitate human trafficking. It would not be appropriate for States to claim that the preventive measures being implemented are based on evidence without making such evidence publicly available.

### 11:30-12:00

#### **Introduction:**

- **Mike Dottridge**, *Author of the RII's Compilation of 'Principles to Guide Initiatives to Prevent Trafficking in Human Beings and to Discourage Trafficking-Related Demand:*  
'**A more rigorous approach is needed to identify measures to discourage demand for all sorts of products and services (including commercial sex) that involve people who have been trafficked, men and boys as well as women and girls.**'

#### **Commentators:**

- **Roger Plant**, *Independent Expert, Former Head of ILO Special Action Programme to Combat Forced Labour:*  
'**Effective prevention will always be a pipe dream in the absence of a sound legal framework, based on fundamental principles of human and labour rights, together with a vigorous and adequately funded enforcement mechanism.**'
- **Noemi Magugliani**, *Research Fellow in Anti-Trafficking Law and Policy, BIICL British Institute of International and Comparative Law:*  
'**The combination of discriminatory laws and policies and a State's tolerance of so-called legal black holes, which facilitate rather than discourage demand, ought to be considered, analysed and framed as tools of State-sponsored vulnerability that are in direct contrast with the principle of good faith.**'

### 12:00-13:30 *Reality-Check on Discouraging Demand* - Panel Discussion

- **Teresa Rodriguez Montanes**, *Senior Expert, Univ.Prof., Rapporteur of the Spanish Draft Law against Human Trafficking and Exploitation*: 'The new Law against Human Trafficking and Exploitation will change everything in the Spanish approach.'

- **Suzanne Hoff**, *International Coordinator, La Strada International*:

'Broadening the criminal liability and criminalizing all those that knowingly use services which involve exploitation might not only be impractical and hence have limited impact on human trafficking, but can also be dangerous.'

- **Olav Laegdene**, *Director of NGO Bymisjon centre, Norway*:

'Practical experience shows that the so called 'Nordic model' (the law prohibiting the purchase of sexual services), introduced in Norway with a view to reduce the prostitution market and to change attitudes towards prostitution, does not have the often claimed effect to prevent human trafficking. Could it actually be the opposite?'

- **Daja Wenke**, *Independent Researcher and Policy Analyst, Rights of the Child - Implementation of International Standards*:

'There is broad consensus on human rights principles but unless we learn to implement, they risk being mere lip service. I would like to see a paradigm shift from 'protection system' to 'prevention system'.'

- **Gabriella Bottani**, *Sister, former Coordinator of TALITHA KUM worldwide Network*:

'A society free from human trafficking and all forms of exploitation is possible. Transforming mindsets and behaviours is fundamental to achieving this.'

Q & A

**13:30-14:00 Break**

### III. *The Principle of Non-Discrimination* 14:00 – 16:00

**How can we ensure that anti-trafficking measures do not adversely affect the Human Rights and Dignity of human beings?** The principle of non-discrimination is a fundamental rule of international law and one of particular relevance to the situation and vulnerabilities of foreigners in general and irregular migrants in particular. States must ensure that measures to prevent or combat human trafficking, including measures to discourage demand, do not violate the prohibition on discrimination. At the same time, one regional human rights court has confirmed that States have an obligation to take preventive measures in specific cases where it is apparent that certain groups of persons are being trafficked or enslaved in disproportionately larger numbers than others. To find out if this is the case, States are obliged to collect relevant personal data about trafficking victims, such as whether they belong to a particular ethnic or minority group.

**14:00-14:30**

#### **Introduction:**

- **Mike Dottridge**, *Author of the RII's Compilation of 'Principles to Guide Initiatives to Prevent Trafficking in Human Beings and to Discourage Trafficking-Related Demand*:

'How can we balance the need for privacy with the need for data about discrimination? The problem is that we have learned not to trust 'Big Brother' to guarantee the confidentiality of personal data.'

#### **Commentators:**

- **Ryszard Piotrowicz**, *Professor Aberystwyth University, Dept. of Law and Criminology, former Member of GRETA, Wales*:

'The conflation of human trafficking and smuggling by politicians and the mass media victimises trafficked people all over again, because they are not recognised as people who have been subjected to severe exploitation.'

- **Katharina Beclin**, *Ass. Professor for Criminology, Faculty of Law, University of Vienna*:

'Making a difference between 'good and useful' victims, whose testimony could lead to a conviction of offenders, and victims who do not dare to report their victimization to the police, may lead to the discrimination of the most vulnerable victims.'

#### **14:30-16:00 Reality-Check on Non-Discrimination - Panel Discussion**

- **Vassilis Kerasiotis**, *Director HIAS GREECE, Lawyer of the Applicants "Chowdury and 42 others vs Greece, ECHR*:

'We are entering in a new era of post-covid competition between EU Member States for migrant workforce'

- **Evelyn Probst**, *Coordinator of LEFÖ-Intervention Centre for Trafficked Women and Girls (IBF), Austria*:

'Human Trafficking is possible because the non-discrimination principle can not be converted in a discriminatory framework.'

- **Markus Zingerle**, *Sociologist, MEN VIA- Support for Male Victims of Human Trafficking & Exploitation, Vienna*:

'Victim support should aim at counteracting the stereotypes that often form the basis for discrimination. Data about affiliations of affected people can be shared to put a negative spin on a discriminated group - or otherwise can be used for anti-discrimination measures.'

- **Pierre Cazenave**, *Anti-Trafficking Specialist, ICMPD*:

'Many anti-trafficking initiatives have done more harm than good, included when their intended beneficiaries were children. This is particularly true when the anti-trafficking agenda is used to stop vulnerable populations to move across borders.'

- **Jean-Pierre Gauci**, *Senior Fellow, Project Lead, BIICL British Institute of International and Comparative Law*:

'Discrimination is intimately tied with experiences of trafficking and the barriers faced by trafficked persons, responses to trafficking and how governments and others understand and respond to trafficking realities. Understanding and addressing the links between these issues is key.'

Q & A

**16:00 Closing of the Think-Tank Event 2022**