

<b>Institution:</b> Aberystwyth University		
<b>Unit of Assessment:</b> 18: Law		
<b>Title of case study:</b> Influencing Law and Policy to Protect and Support Victims of Human Trafficking		
<b>Period when the underpinning research was undertaken:</b> 2006-2020		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Professor Ryszard Piotrowicz	Professor	1 April 1999- present
<b>Period when the claimed impact occurred:</b> 2014-2020		
<b>Is this case study continued from a case study submitted in 2014?</b> N/Y		
<b>1. Summary of the impact</b> (indicative maximum 100 words)		
<p>Piotrowicz's research has had significant impact on human trafficking law and policy in four areas:</p> <ol style="list-style-type: none"> <li>1. In monitoring States' compliance with their obligations under the Council of Europe Anti-Trafficking Convention;</li> <li>2. In informing state policy;</li> <li>3. In embedding the principle of non-punishment of trafficked people in national legal systems; and</li> <li>4. In providing training and guidelines for States on the legal issues surrounding human trafficking.</li> </ol> <p>This resulted in changes to laws and policies on human trafficking. He also devised and contributed to training programmes on human trafficking for public servants, NGOs, and international organisations.</p>		
<b>2. Underpinning research</b> (indicative maximum 500 words)		
<p>Piotrowicz's research focuses on the legal regulation in trafficking of human beings. This research clarifies the rights of people who have been, or are at risk of being, trafficked to legal protection, and the obligations of state parties to provide such protection. It also explains the duty of States not to punish those who have been trafficked.</p> <p>The underpinning research for this case study takes four forms.</p> <p>First, Piotrowicz participated in the United Nations High Commission for Refugees' (UNHCR) Global Consultations programme to discuss how best to apply the 1951 Refugees Convention to global refugee problems. As a result, he was commissioned by UNHCR to research guidelines on how refugee law can be used to assist people at risk of being trafficked. Piotrowicz's research then formed part of the foundation of Guidelines, adopted in 2006, which are recommended to States as interpretation of their obligation to provide asylum to trafficked persons, as well as those at risk of being trafficked [3.1].</p> <p>Second, Piotrowicz's research addresses how different legal systems allow for people who have committed offences as a result of being trafficked, not to be punished, as they are not acting independently. Piotrowicz and collaborators analysed the international legal foundation of the rule, and set out guidelines to assist States to amend their laws where necessary, to respect the duty of non-punishment. Their research is conceptually based but with practical application: to avoid trafficked people being punished for offences they were forced to commit [3.2, 3.3, 3.4].</p> <p>Third, Piotrowicz acted as consultant and advisor on an EU-funded project on trafficking for forced begging, focussing on Romania, Austria, Belgium, and France. Piotrowicz's research</p>		

investigated and explained how trafficking for forced begging violates the rights of victims, and how failure to prevent it may result in human rights violations, while outlining measures States should take to protect victims [3.5].

Fourth, Piotrowicz clarified the scope of the duty of legal protection. He contributed the legal section to the Organization for Security and Co-operation in Europe (OSCE) recommendations to States on cooperation with civil society [3.6] in carrying out their legal obligations to assist, support and protect trafficked people. Piotrowicz is also one of two principal authors of a "Guidance Note" [3.7] on the entitlement of trafficked persons to international protection, published by GRETA- the Council of Europe body monitoring States' compliance with their anti-trafficking obligations- in June 2020, which elucidates States' duty to allow trafficked people to remain in their territory if it is unsafe to return to their home countries.

### 3. References to the research (indicative maximum of six references)

- 3.1 United Nations, High Commissioner for Refugees, Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons at Risk of Being Trafficked, HCR/GIP/06/07, 7 April 2006. (Consultant, provided expertise and draft document that resulted in the Guidelines). Available at: [www.unhcr.org/uk/publications/legal/443b626b2/guidelines-international-protection-7-application-article-1a2-1951-convention.html](http://www.unhcr.org/uk/publications/legal/443b626b2/guidelines-international-protection-7-application-article-1a2-1951-convention.html)
- 3.2 OSCE, (2013), Policy and Legislative Recommendations towards the Effective Implementation of the Non-Punishment Provision with regard to Victims of Trafficking. See p.8. Available at: [www.osce.org/secretariat/101002](http://www.osce.org/secretariat/101002)
- 3.3 Piotrowicz, R. W., Sorrentino, L., (2016), 'Human Trafficking and the Emergence of the Non-Punishment Principle', Human Rights Law Review, 16(4): 669-699. DOI: [10.1093/hrlr/ngw028](https://doi.org/10.1093/hrlr/ngw028)
- 3.4 Piotrowicz, R., Rijken, C., & Uhl, B.H., (eds.), (2017), Routledge Handbook of Human Trafficking (1st ed.). (London: Routledge). DOI: [10.4324/9781315709352](https://doi.org/10.4324/9781315709352). *Note: Principal co-editor and author of two chapters.*
- 3.5 Piotrowicz, R., Healy, C., (2014), Manual for Law Enforcement Authorities on Trafficking for Forced Begging. (Romania: Interior Ministry of Romania). Available at: [http://old.mpublic.ro/ump/proiecte\\_finantate\\_ce/home\\_2011\\_isec\\_agthb2192/manual\\_thb\\_en.pdf](http://old.mpublic.ro/ump/proiecte_finantate_ce/home_2011_isec_agthb2192/manual_thb_en.pdf)
- 3.6 OSCE, (2018), The Critical Role of Civil Society in Combating Trafficking in Human Beings. Available at: [www.osce.org/secretariat/405197](http://www.osce.org/secretariat/405197). *Note: Contribution: one third.*
- 3.7 GRETA, (2020)06, Guidance Note on the Entitlement of Victims of Trafficking, and Persons at Risk of Being Trafficked, to International Protection. Available at: <https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>

### 4. Details of the impact (indicative maximum 750 words)

Human trafficking, also known as modern slavery, is a serious threat to the physical, sexual, and psychological wellbeing of its victims. This has been recognised by the major efforts of successive UK governments to fight it. Specifically, Piotrowicz's research on trafficking has had an impact in four areas:

1. In monitoring States' compliance with their obligations under the Council of Europe Anti-Trafficking Convention;
2. In informing state policy;

3. In embedding the principle of non-punishment of trafficked people in national legal systems; and
4. In providing training and guidelines for States on the legal issues surrounding human trafficking.

Combined, these represent a sustained and significant impact on policy and practice.

**Monitoring state compliance** – In 2012, Piotrowicz was elected to GRETA. In 2017, Piotrowicz was then elected Second Vice-President, and in 2019 he was elected First Vice-President [5.1]. In this executive role, and informed by his research, Piotrowicz helped to shape the agenda and decide priorities for GRETA's work. His work has been recognised by the Executive Secretary of GRETA:

*Prof. Piotrowicz has been a very active member of GRETA, both in its monitoring work and in contributing to the development of its policies. Both of these activities directly influence the actions of States in assisting trafficked people and prosecuting the perpetrators. [5.1]*

International guidelines and European policy informed by Piotrowicz's research is extensively referred to in GRETA country monitoring reports [5.2.a; 5.1]. Piotrowicz's research for the UNHCR human trafficking Guidelines had a direct impact on how States help trafficking victims, and those at risk of being trafficked, and influenced the development of policy in this area. The Guidelines have been cited in court judgments [5.3; 5.4], and extensively in the country monitoring reports of GRETA from 2014 to 2020 [5.2.a; 5.2.b], with the objective of persuading States to implement their duty to protect trafficked persons, as well as in UNHCR training packages [5.5; 5.1].

**Informing state policy** - As a member of GRETA, Piotrowicz made nine country monitoring visits from 2014 to 2020 [5.2.a]. The recommendations adopted after these visits must be implemented by the country concerned to fulfil its anti-trafficking obligations. Accordingly, his country-monitoring work, using expertise learned from his research in this area, directly impacted on States' anti-trafficking laws and policies [5.2.a]. Additionally, the UNHCR human trafficking Guidelines have been cited in court judgments in the UK [5.3.a-d] and Advisory Opinions of the Inter-American Court of Human Rights in 2014 [5.4].

**Embedding the principle of non-punishment** - Piotrowicz's report for the Special Coordinator for Anti-Trafficking of the OSCE on the non-punishment of victims of trafficking was cited in guidance for States published by the United Nations (UN) on 15 June 2020 [5.6], in policy statements by the UN Special Rapporteur on Trafficking in Human Beings in April and June 2020 [5.7.a; 5.7.b], by the UK government on 21 March 2016 [5.8.a], and by the UN Inter-Agency Coordination Group against Trafficking in Persons (ICAT) in 2016 and 2018 [5.8.b.i; 5.8.b.ii].

Piotrowicz's work for the OSCE in developing the policy of non-punishment of trafficked persons was also extensively referenced in GRETA's country reports between 2015 and 2020 [5.2.a]. All GRETA country reports between 2015 and 2020 refer to the OSCE policy of non-punishment of trafficked persons [5.1] as guidance for States. For the Head of International Migration Law at the International Organization for Migration, Piotrowicz's work:

*has contributed to the evolution of this principle and its wider acceptance in national legal systems. I constantly refer to his work in my activities both research and advocacy related and can for certain attest to the impact his work has had in this field. [5.9]*

**Providing training and guidelines for States on the legal issues surrounding human trafficking** - The UNHCR trafficking Guidelines were cited by the UK government in 2016 [5.8.a], and by the UN Inter-Agency Coordination Group against Trafficking in Persons (ICAT) in

2016 and 2018 [5.8.b.i; 5.8.b.ii]. They have also been used in UNHCR training packages on human trafficking [5.5]. Piotrowicz also devised training programmes in migration law across Europe, organised by the Council of Europe, International Organization for Migration (IOM), and the European Union, for personnel working in anti-trafficking roles, such as immigration officials and non-governmental organisations [5.1]. The Head of International Migration Law at IOM highlights that participants confirm that the training increases their *'understanding and awareness of the legal complexities of human trafficking'* [5.9], which is reflected in their work.

Piotrowicz was appointed adviser to the Government of Romania on an international project aimed at preventing trafficking of people for forced begging. The appointment was made after open competition, based on his research and experience in the area. His work led to the publication of a handbook [3.1] for police and judicial authorities on dealing with trafficking for forced begging, published in English, French, German and Romanian.

In conclusion, Piotrowicz's work has significantly informed policy on human trafficking in Europe, globally and in individual countries. The UK Home Office's Deputy Director of Modern Slavery confirms that Piotrowicz's *'contribution and continued commitment in this field [modern slavery and human trafficking] has been hugely valuable'* [5.10].

#### **5. Sources to corroborate the impact** (indicative maximum of 10 references)

5.1 Executive Secretary, the Council of Europe Convention on Action against Trafficking in Human Beings (GRETA) confirms Piotrowicz's significant contribution to GRETA's work, letter 25 October 2019.

#### **5.2 GRETA reports:**

- a) **Country monitoring reports from 2014 – 2020.** One or two reports for each of 47 States and reports as co-rapporteur for i) Macedonia, (2014)12 and (2017)39; ii) Germany, (2015)10; iii) Kosovo (2015)37; iv) Denmark (2016)7; v) Malta (2017)3; vi) Greece (2017)27; vii) Switzerland (2019)14; viii) Czech Republic (2020)01 and ix) Croatia (2020)10. Available at: [www.coe.int/en/web/anti-human-trafficking/country-monitoring-work](http://www.coe.int/en/web/anti-human-trafficking/country-monitoring-work)
- b) **Example of country monitoring report referring to UNHCR and OSCE Guidelines.** GRETA (2016)21, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom: Second Evaluation Round. (Strasbourg: Council of Europe); para 255 and footnote 152 refer to UNHCR human trafficking Guidelines [3.6]; para 291 and footnote 163 refer to OSCE Policy and Legislative Recommendations [3.2]. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806abcdd>
- c) GRETA (2020)05, Evaluation Report Austria: Third evaluation round; Access to justice and effective remedies for victims of trafficking in human beings, 10 June 2020; III, para16, footnote 10 refers to OSCE recommendations on the role of civil society in helping trafficking victims [3.5]. Available at: <https://rm.coe.int/greta-2020-03-fgr-auten/16809eb4fd>

#### **5.3 UK Courts and Tribunals:**

- a) COURT OF SESSION, OUTER HOUSE: LY also known as YZ (or ZY) Petitioner against The Secretary of State for the Home Office Respondent 2019 Scot (D) 16/2, [2019] CSOH; para 11 refers to UNHCR human trafficking Guidelines [3.6]. Available at: [www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2019csoh13.pdf?sfvrsn=0](http://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2019csoh13.pdf?sfvrsn=0)
- b) UPPER TRIBUNAL: HD (Trafficked Women) CG [2016] UKUT 454 (IAC); paras 21 and 22 cite OSCE Policy and Legislative Recommendations [3.2]. Available at: [www.bailii.org/uk/cases/UKUT/IAC/2016/454.html](http://www.bailii.org/uk/cases/UKUT/IAC/2016/454.html)
- c) UK UPPER TRIBUNAL: HVT v Secretary of State for the Home Department, 8 October 2018, Appeal number PA/03104/2017 (IAC); para 21 refers to UNHCR human trafficking Guidelines [3.6]. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/pa-03104-2017>
- d) UK UPPER TRIBUNAL: TVP v Secretary of State for the Home Department, 12 November 2018, Appeal number PA/02997/2018 (IAC); para 53 refers to UNHCR human

trafficking Guidelines [3.6]. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/pa-02997-2018>

5.4 **Inter-American Court of Human Rights:** Advisory Opinion OC-21/14, Rights and Guarantees of Children in the Context of Migration and/or in need of International Protection, 19 August 2014. Para 92 refers to UNHCR human trafficking Guidelines [3.7]. Available at: <https://www.refworld.org/cases,IACRTHR,54129c854.html>

5.5 **UNHCR Training packages:**

- a) UNHCR, SGBV Prevention and Response (2016); Module 15, p.4, p.11, and Handout 2 refer to the UNHCR human trafficking Guidelines [3.6]. Available at: [www.unhcr.org/publications/manuals/583577ed4/sgbv-prevention-response-training-package.html](http://www.unhcr.org/publications/manuals/583577ed4/sgbv-prevention-response-training-package.html)
- b) UNHCR, Overview of UNHCR and Concepts of International Protection, 20 December 2019; p.4, point 5 refers to UNHCR human trafficking Guidelines [3.6]. Available at: [www.uscis.gov/sites/default/files/document/foia/UNHCR\\_Overview\\_of\\_UNHCR\\_and\\_Concepts\\_of\\_Refugee\\_Protection\\_RAIO.pdf](http://www.uscis.gov/sites/default/files/document/foia/UNHCR_Overview_of_UNHCR_and_Concepts_of_Refugee_Protection_RAIO.pdf)

5.6 **UN Guidance** - UN, Working Group on Trafficking in Persons against Transnational Organized Crime, Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked, CTOC/COP/WG.4/2020/2, 15 June 2020: para 20 and footnote 5; para 61 and footnote 15; and para 69 refer to OSCE Policy and Legislative Recommendations [3.2]. Available at: [www.unodc.org/documents/treaties/WG\\_TIP/WEBSITE/CTOC\\_COP\\_WG.4\\_2020\\_2/CTOC\\_COP-WG.4\\_2020\\_2\\_E.pdf](http://www.unodc.org/documents/treaties/WG_TIP/WEBSITE/CTOC_COP_WG.4_2020_2/CTOC_COP-WG.4_2020_2_E.pdf)

5.7 **UNHRC- Special Rapporteur on trafficking in persons, especially women and children:**

- a) Trafficking in persons, especially women and children, A/HRC/44/45, 6 April 2020; paras 29, 30 and 32, and footnotes 38, 40, 41 and 55 refer to UNHCR human trafficking Guidelines [3.6] and OSCE Policy and Legislative Recommendations [3.2]. Available at: <https://digitallibrary.un.org/record/3870710?ln=en>
- b) Giammarinaro, M. G., The importance of implementing the non-punishment provision: the obligation to protect victims, June 2020; paras 4, 5, 11, 18, 24, 26, 34, 36 to 38, 41, 44 and footnotes 13 to 16, 33, 42, 45, 48 to 50, and 54 refer to OSCE Policy and Legislative Recommendations [3.2]. Available at: <https://www.ohchr.org/Documents/Issues/Trafficking/Non-Punishment-Paper.pdf>

5.8 **Policy papers:**

- a) United Kingdom, Home Office, Victims of modern slavery – Competent Authority Guidance, 21 March 2016; p.30 refers to UNHCR human trafficking Guidelines [3.6]. Available at: [www.antislaverycommissioner.co.uk/media/1059/victims\\_of\\_modern\\_slavery\\_-\\_competent\\_authority\\_guidance\\_v3\\_0.pdf](http://www.antislaverycommissioner.co.uk/media/1059/victims_of_modern_slavery_-_competent_authority_guidance_v3_0.pdf)
- b) UN Inter-Agency Coordination Group against Trafficking in Persons (ICAT):
  - i. Providing Effective Remedies for Victims of Trafficking in Persons, (2016); footnotes 29 and 75 refer to UNHCR human trafficking Guidelines [3.6]. Available at: [www.unodc.org/documents/human-trafficking/ICAT/ICAT\\_Policy\\_Paper\\_3\\_Providing\\_Effective\\_Remedies\\_for\\_Victims\\_of\\_Trafficking\\_in\\_Persons\\_2016.pdf](http://www.unodc.org/documents/human-trafficking/ICAT/ICAT_Policy_Paper_3_Providing_Effective_Remedies_for_Victims_of_Trafficking_in_Persons_2016.pdf)
  - ii. A Toolkit for Guidance in Designing and Evaluating Counter-Trafficking Programmes: Harnessing Accumulated knowledge to Respond to Trafficking in Persons (2016); p.75 refers to UNHCR human trafficking Guidelines [3.6]. Available at: <https://respect.international/wp-content/uploads/2017/10/A-Toolkit-for-guidance-in-designing-and-evaluating-counter-trafficking-programmes-ICAT-2016.pdf>

5.9 Head, International Migration Law, International Organization for Migration, confirms the influential significance of Piotrowicz's work for the field of human trafficking, letter 18 October 2019.

5.10 Deputy Director, Modern Slavery, Serious and Organised Crime Group, Home Office, confirms Piotrowicz's contribution to tackling modern slavery and human trafficking, letter 3 February 2021.