

Institution: Aberystwyth University
Unit of Assessment: 20 - Law
Title of case study: Trafficking in Human Beings
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>The work of Ryszard Piotrowicz in international law has had demonstrable impact through his influence in the development of law and policy with regard to human trafficking, including court citations. Recognition of Piotrowicz's published work led to appointment (twice) to the European Commission's Group of Experts on Trafficking in Human Beings, and his nomination by the UK Government, and election to GRETA (Council of Europe's Group of Experts on Action against Trafficking in Human Beings). He is the only person to sit on both bodies and contributes significantly to the development of national, and international, law and policy on trafficking. His work on GRETA has already contributed to several country reports, which assess States' compliance with their obligations and makes recommendations for change where necessary. States should implement the recommendations made. His work on the EU Group contributed directly to the "EU Strategy towards the Eradication of Trafficking in Human beings" (2012-2016). His research has also produced impact through training programmes on human trafficking for public servants which he is invited to run, as well as regular media appearances on the BBC, which have impact by raising popular awareness of international affairs and human rights.</p>
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>In the 1990s, Piotrowicz developed his interest in refugee law, which has since 2000 evolved into a significant body of work on legal regulation of trafficking of human beings. In 2001, Piotrowicz was nominated by Australia to participate in the United Nations High Commissioner for Refugees' (UNHCR) Global Consultations programme: a series of meetings to which UNHCR invited specialists on refugee law, senior government officials as well as representatives of civil society to contribute to discussions on how best to apply the 1951 Convention on the Status of Refugees to global refugee problems. Piotrowicz contributed to the discussions, which influenced the development of refugee policy in the first decade of the 21st century. In particular, he raised the issue of trafficking of human beings, which had not been on the agenda. Subsequently, he was commissioned by UNHCR to draft guidelines on how refugee law can be used to assist people at risk of being trafficked. The draft prepared by Piotrowicz formed the foundation of Guidelines, published by UNHCR in 2006, which advise States on their obligations in this situation. The research elucidated how persons at risk of being trafficked may be entitled to asylum. Most importantly, Piotrowicz has demonstrated that the common perception of human trafficking as a human rights violation is incorrect. It is in fact a criminal act with a human rights dimension: trafficking is perpetrated by criminals; human rights become an issue in terms of the response of the state to this situation and how the state protects those at risk from traffickers. This aspect has been further analysed and explained by Piotrowicz. This work has been published in international journals. In 2012, Piotrowicz published an article in the <i>International Journal of Refugee Law</i> (3.2) on the practical ramifications for the human rights obligations of States towards people at risk of being trafficked, in light of a decision of the European Court of Human Rights in 2010. The article clarifies the exact nature of States' duties to prevent trafficking and to protect and assist those at risk of being, or who have been, trafficked.</p> <p>In 2009 Piotrowicz published an article in <i>Intercultural Human Rights Law Review</i> (3.5), which critically analysed the legal nature of trafficking and demonstrates that it is primarily a criminal act with a human rights dimension. This article showed the development of his thinking and clarified how States should address trafficking in their legal systems. The article strongly influenced his work in drafting the Opinion No.6/2010 of the EU Group of Experts on Trafficking in Human Beings (5.1).</p> <p>In 2013 Piotrowicz was the principal author of a study on non-punishment of victims of trafficking,</p>

published by the Organisation for Security and Cooperation in Europe (OSCE) (3.1), which has already been cited in the English courts (5.9). This study addresses the issue of how different types of legal system can allow for people who have committed offence as a result of being trafficked not to be punished for this, on the basis that they are not acting independently. It analyses the international legal foundation for this and sets out guidelines to assist states to amend their national laws, where necessary, to respect the duty of non-punishment. The work is conceptually based but with very practical application.

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

3.1 R. Piotrowicz and L. Sorrentino (2013, 22 April), OSCE, "Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking", SEC.GAL/73/13, 36 pages (ISBN: 978-92-9234-438-2) (<http://www.osce.org/cthb/101002>). DOI: **10.1093/ijrl/ees023**

3.2 R. Piotrowicz (2012), "States' Obligations under Human Rights Law towards Victims of Trafficking in Human Beings: Positive Developments in Positive Obligations", vol 24 *International Journal of Refugee Law*, pp. 181-202 (ISSN 0953-8186) (**REF2 submitted**).

3.3 R. Piotrowicz and J. Redpath-Cross (2012), "Human Trafficking and Smuggling", in B. Opeskin, R. Perruchoud and J. Redpath-Cross (eds), *Foundations of International Migration Law* (CUP, ISBN: 978-1-107-60836-8) pp. 234-259.

3.4 R. Piotrowicz (2010), "Human Security and Trafficking of Human Beings", in A. Edwards & C. Ferstman (eds) *Human Security and Non-Citizens* (CUP, ISBN: 978-0-521-51329-6) pp. 404-418. DOI: **10.1017/CBO9780511808371.012**

3.5 R. Piotrowicz (2009), "The Legal Nature of Trafficking in Human Beings", vol.4 *Intercultural Human Rights Law Review*, pp.175-203 (**REF2 submitted**).

3.6 R. Piotrowicz, (2008), "The UNHCR's Guidelines on Human Trafficking", vol. 20 *International Journal of Refugee Law*, pp. 242-252 DOI: **10.1093/ijrl/een013**

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

Piotrowicz's research for the UNHCR trafficking guidelines has had a direct impact on how states deal with those at risk of being trafficked and has influenced the development of policy. The Guidelines have been cited in court judgments (eg, *AZ v Secy of State for the Home Department* [2010] UKUT 118, para 116) (5.7). His academic work has had impact through his appointment and election to international bodies (5.4). This recognises his expertise, which in turn he has used in his work with these organisations. He has contributed to the development of law and policy on trafficking in the EU through his participation in the European Commission's Group of Experts. As stated by the Chairperson of the Group, Dr Uhl, "[h]e contributed profoundly to the work and discussions of the Group with his legal expertise" (5.6). Piotrowicz's nomination in 2012 by the UK Government for election to GRETA was based on his academic work, demonstrating external recognition of its quality. He has already made one country-monitoring visit, to Macedonia, and the recommendations made subsequently are assisting the country concerned to fulfil its anti-trafficking obligations.

In 2012 Piotrowicz was appointed by the Special Coordinator for Anti-Trafficking of the OSCE to advise on the development of guidelines on how States should apply the principle of non-punishment to victims of trafficking. This was based on recognition of his academic expertise as developed in his publications. His work resulted in a report (April 2013), which will have direct impact on how States execute their obligation, through its elucidation of the legal basis of the principle and its application in different legal systems. The report has already been cited by the

English Court of Criminal Appeal (*L, HVN, THN and T v R*, [2013] EWCA Crim 991) (5.8). Piotrowicz was nominated to be the rapporteur for two Opinions adopted by the EU's Group of Experts, and the adopted Opinions were about 70% and 90% of his work respectively. The first (5.2), on residence permits for victims of trafficking (2009), drew partly upon Piotrowicz's previously published research ("European Initiatives in the Protection of Victims of Trafficking Who Give Evidence Against Their Traffickers", 2002 (14) *International Journal of Refugee Law* pp. 263-278). The Opinion has been referred to by the European Commission in the drafting of a new Directive on the subject.

The second Opinion (5.1) was an evaluation of the first ever judgment of the European Court of Human Rights on human trafficking. The research for this has been incorporated in an article published in 2012 (3.2) The Opinion clarifies in practical terms States' human rights obligations towards people at risk of being trafficked. Its impact will be that it contributes significantly to States' awareness of their obligations towards victims and promotes their welfare. Subsequently, Piotrowicz was invited to address a high-level conference (government ministers and ambassadors) of the OSCE in Vienna in 2011 (5.9), the effect being to communicate the results of his research to the highest levels with regard to policy-making in the field.

Piotrowicz has also had significant impact in anti-trafficking law through training programmes in migration law, organised by International Organisation of Migration and the European Union, to which he has been invited to contribute in many countries, including Austria, Turkey, Latvia, Italy and Germany. These involve the delivery of concentrated training sessions on anti-trafficking law and policy to those working in anti-trafficking, such as immigration officials and non-governmental organisations. Also in the area of direct dissemination of expertise, Piotrowicz participated in a project leading to publication of a handbook on migration law, by CUP, in 2012 (3.3), aimed at practitioners in migration (government, international organisations and non-governmental organisations). The impact of Piotrowicz's published work is illustrated by the comment on one of his articles on trafficking by the Head of the International Migration Law Unit at the International Organization for Migration, Dr Touzenis, who wrote "how valuable that article has been to me in my work, both research and in training activities, because of its clarity, its approach and its very complete analysis" (5.3).

In addition, Piotrowicz is a regular contributor to the mass media, including print journalism (*The Guardian, Times Higher Education*) and the radio (BBC, Voice of Russia, Voiced of America), which regularly invites him to offer comment and analysis on the legal dimension of major international news stories. Consequently his research-driven expertise enables him to contribute to public debate of major issues and has impact by raising awareness of these issues. In October 2012 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 based directly on his expertise as shown by his research and experience in the area. His work has led to a handbook for police and judicial authorities on how to deal with the phenomenon. He has co-organised four international workshops on the subject in 2013 (in Poiana Brasov, Vienna, Paris and Brussels) and is co-organising a conference in Bucharest in November 2013 at which the handbook will be launched, This handbook will be made available to police and judicial authorities throughout Europe.

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

5.1 Opinion of the EU Group of Experts on Trafficking in Human Beings; *Rantsev v. Cyprus and Russia*

http://ec.europa.eu/home-affairs/doc_centre/crime/docs/opinion_expert_group_10_06_22_en.pdf

5.2 Opinion of the EU Group of Experts on Trafficking in Human Beings: On a possible revision of Council Directive 2004/81/EC

http://www.pedz.uni-mannheim.de/daten/edz-k/gdj/09/op_2009_04_en.pdf

Impact case study (REF3b)

5.3 Letter from Head of International Migration Law Unit, International Organization for Migration, Geneva.

5.4 Letter from 12 December 2012: election to Council of Europe Group of Experts on Action against Trafficking in Human Beings.

5.5 Article on Council of Europe website regarding Ryszard Piotrowicz's election to GRETA.
<http://www.coe.int/t/dghl/monitoring/trafficking/docs/news/>

5.6 Letter from Chairperson of the European Commission's Group of Experts on Trafficking in Human Beings (2007-2011).

5.7 *AZ v Secy of State for the Home Department* [2010] UKUT 118.

5.8 *L, HVN, THN and T v R*, [2013] EWCA Crim 991.

5.9 Invitations from OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings to address 11the Alliance against Trafficking in Persons Conference (17 May 2011 and 19 July 2012).