



Module 3:

Ethical Considerations and Relevant Legal Frameworks



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Module Overview

- Duration: approximately **3–4 hours** (adaptable to training needs)
- Target group: **sports coaches, trainers, social workers**, and professionals working with **victims of trafficking**
- Delivery mode: **face-to-face or blended**
- Methodology: **Constructive Alignment** – learning outcomes, methods, and assessments are fully integrated
- Aim: to **equip** personnel with the mandatory legal knowledge and ethical standards required to support VoTs effectively.

Executive Summary and Context

Key Purpose: To equip personnel with the mandatory legal knowledge and ethical standards required to support VoTs effectively.

Core Challenge: Addressing the inherent power imbalance and vulnerability of survivors.

The Framework: We establish a comprehensive support structure rooted in international human rights law and specific anti-trafficking directives.

Learning Objectives

By the end of this module, participants will be able to:

1. **Identify** core international legal frameworks (EU Charter, ECHR, CRC)
2. **Identify** the TIP Protocol and the EU Anti-Trafficking Directive 2011/36/EU.
3. **Promote** appropriate victim assistance.

Introduction: Trafficking and Sport

Sport Trafficking: A serious, often little-known human rights violation.

The 'crime' involves methods used to create control, limiting earning potential and fundamental rights/freedoms.





Recover Video: Beyond the Field: Tackling Trafficking in Sports



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Foundational Human Rights

The EU Charter of Fundamental Rights:

- Explicitly prohibits trafficking in persons.
- Enhances national legal systems; national courts must uphold these rights.

Foundational Human Rights



The European Convention on Human Rights (ECHR):

- Protects civil and political rights.
- Ensures dignity, liberty, and protection from abuse.

The Convention on the Rights of the Child (CRC):

- Requires States to take all appropriate measures to prevent the abduction, sale, or traffic in children for any purpose (Article 35).
- The child's best interests must be paramount.

Core Anti-Trafficking Legislation



The Global and Regional Legal Pillars

Protocol to Prevent, Suppress and Punish Trafficking in Persons - *The TIP Protocol* (International):

- Primary legal instrument defining trafficking globally since 2000.
- Serves as the starting point for most domestic laws.
- Defines trafficking by the elements of Act, Means, and Purpose.

EU Anti-Trafficking Directive 2011/36/EU (Regional):

- Establishes minimum rules for criminal definitions and sanctions.
- Strengthens victim protection and prevention.
- Expands Definition: Clarifies that 'acts' include "exchange or transfer of control."

The EU Directive (2011/36/EU)

Key Clarifications in the EU Directive

Expanded Definition of Exploitation:

- Adds begging and exploitation of criminal activities to the minimum forms of exploitation listed in the TIP Protocol.

Defining 'Position of Vulnerability' (Article 2(2)):

- A situation where the person concerned has no real or acceptable alternative but to submit to the abuse involved.

Purpose: To **eliminate ambiguity** and ensure a wider range of exploitative scenarios can be prosecuted and addressed.



Other International Instruments (Supporting Legal Frameworks)

These instruments inform the interpretation of exploitation and forced labour:

- **1999 Worst Forms of Child Labour Convention:** Recognises trafficking of children within the definition of 'worst forms of child labour.'
- **1930 Forced Labour Convention:** Provides the international definition of forced or compulsory labour.
- **1926 Slavery Convention:** Provides the international definition of slavery.
- **1979 CEDAW:** Requires States to suppress all forms of trafficking in women.

Intersecting Legal Areas: Beyond Criminal Law: Legislative Intersections

Trafficking is primarily a criminal concern, but other legal domains are crucial for prevention and support:

Child Protection & Children's Rights:

- Parents/guardians have obligations to protect children from exploitation.
- Sport trafficking can involve pressure from families, putting minors at risk.

Regulation of Recruitment:

- Sport agents and intermediaries are key players.
- Need to strengthen rules (licensing, certification, independent oversight) to combat trafficking in this setting.

Victim Assistance and Support:

- Expand comprehensive support services regardless of the industry.
- Victims must be empowered to pursue their established right to compensation against their traffickers.

Recommended Ethical Principles (OHCHR): *The Human Rights Framework*

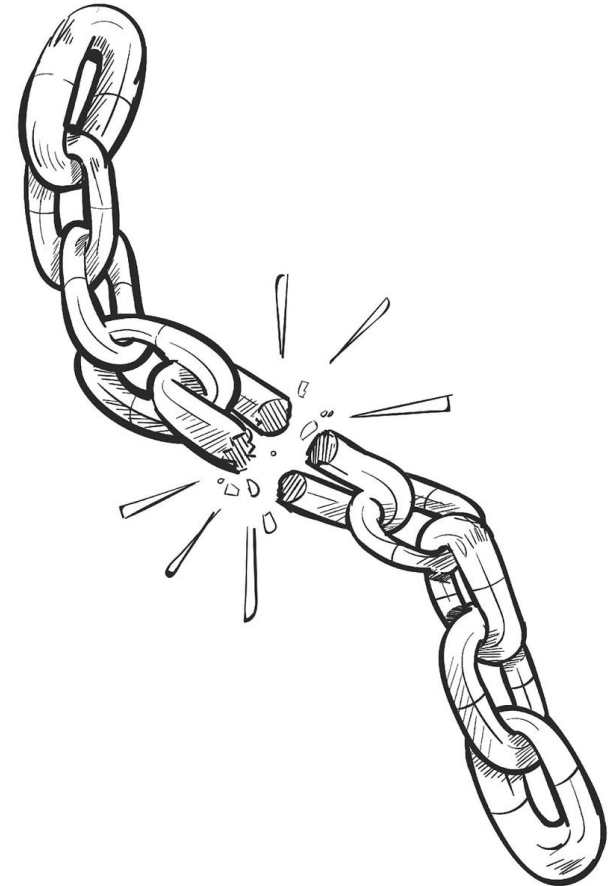
| <u>Category</u> | <u>Key Principle</u> |
|-------------------------|--|
| Primacy of Human Rights | Human rights of trafficked persons must be at the center of all efforts. Measures must not adversely affect dignity. |
| Protection & Assistance | Protection is not conditional upon the victim's willingness to cooperate in legal proceedings. |
| Law Enforcement | States are responsible for due diligence; law enforcement must ensure the safety and immediate well-being of victims. |
| Child Victims | Their best interests shall be considered paramount. Evidence of deception or coercion is not required for the crime to be established. |
| Redress | Victims have an enforceable right to fair and adequate remedies and full rehabilitation. Confiscated assets of traffickers should be used for compensation. |

Application: The Principle of Non-Punishment

Core Ethical and Legal Rule: Trafficked persons shall not be detained, charged, or prosecuted for:

- The illegality of their entry.
- Involvement in unlawful activities that are a direct consequence of their situation as a trafficked person.

Why? The victim should not be penalized for crimes committed under duress or while being trafficked. This principle is vital for encouraging survivors to seek help.



Ethical Practice: Prioritising the Survivor (Survivor-Centered Care and Dignity)

Prioritise the survivor's dignity and self-determination above programmatic convenience.

Self-Determination: Ensure the survivor's informed consent is central to all decision-making regarding their recovery plan. They are the author of their own life, not just a case file.

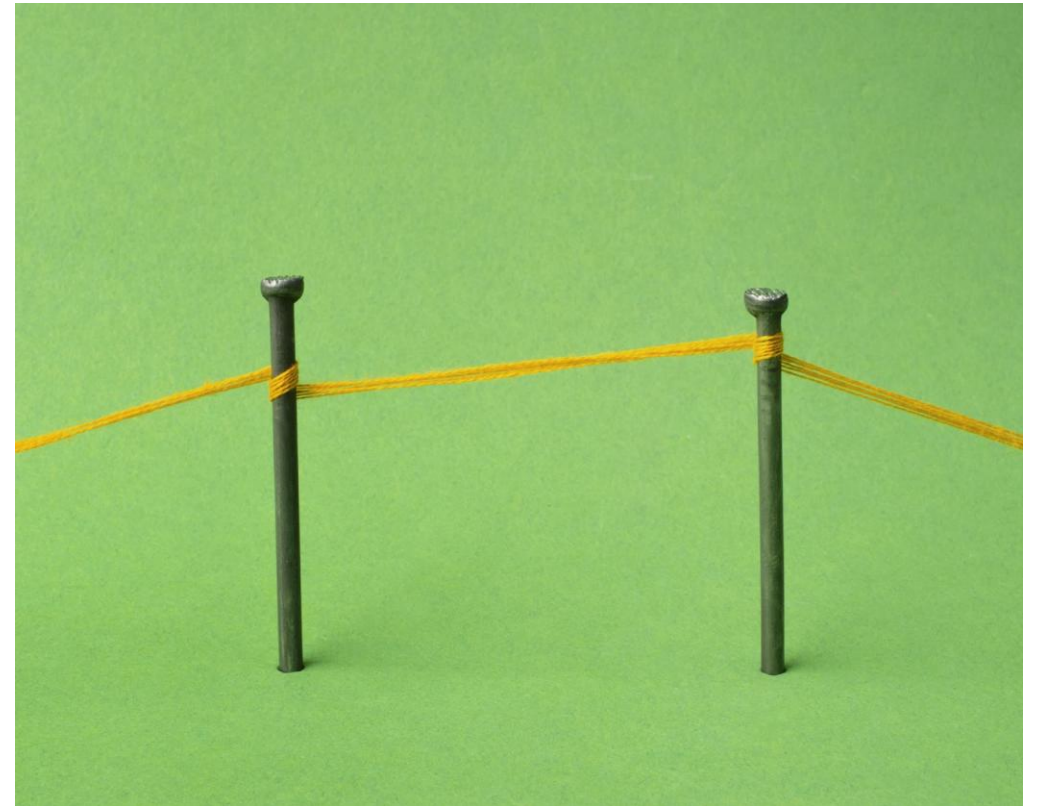
Non-Judgmental & Respectful: Maintain a respectful and culturally sensitive approach. Do not impose your personal assumptions about what "recovery" looks like.

Ethical Practice: Professional Boundaries (Maintaining Professionalism and Safety)

Boundaries: Clear roles, limits, and relationships prevent the risk of re-traumatisation and maintain professional integrity.

- Avoid dual relationships (personal and professional).
- Document the disclosure fully, but keep it confidential (unless mandatory legal reporting is required).

Supervision: Continuous ethical reflection and clinical supervision are necessary to mitigate compassion fatigue and decision-making bias.



Training Method: Legal-Ethical Decision-Making Matrix

This matrix is a structured tool for resolving complex ethical dilemmas:

- Step 1: Referencing the relevant legal/ethical principles (e.g., Primacy of Human Rights, Best Interests of the Child).
- Step 2: Analysing potential courses of action and their legal risks/consequences.
- Step 3: Documenting the decision and rationale.

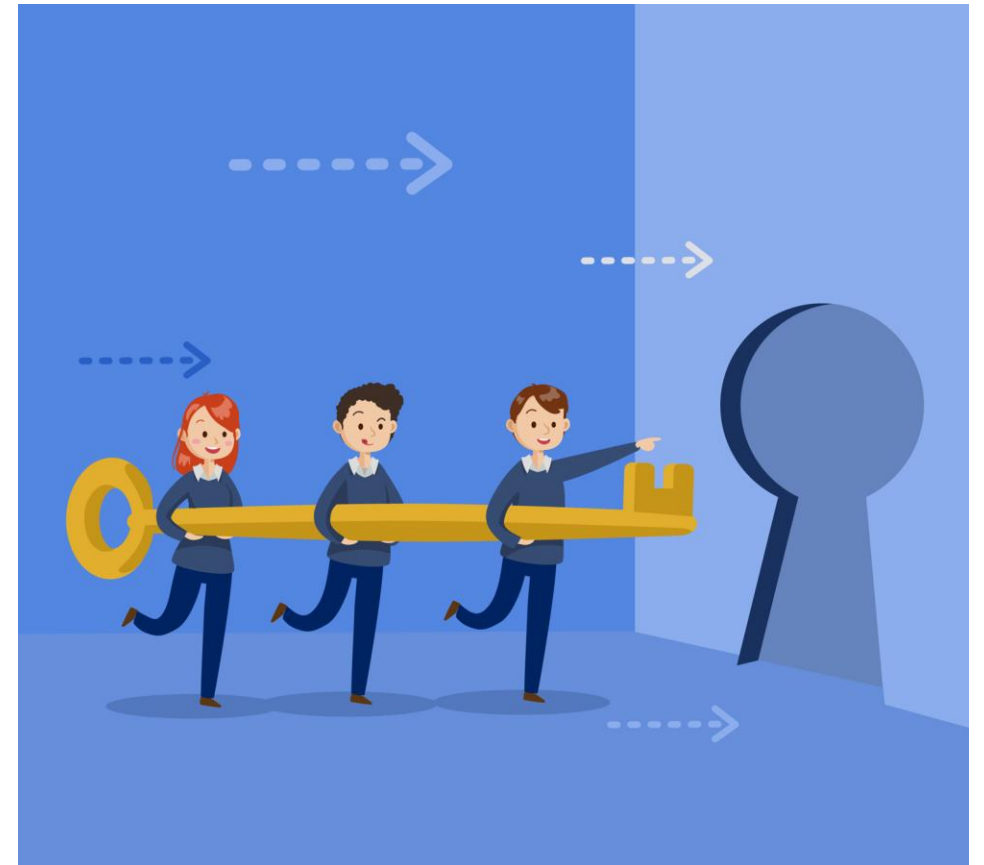
Goal: To move beyond instinct and ensure all actions are legally compliant and ethically sound.



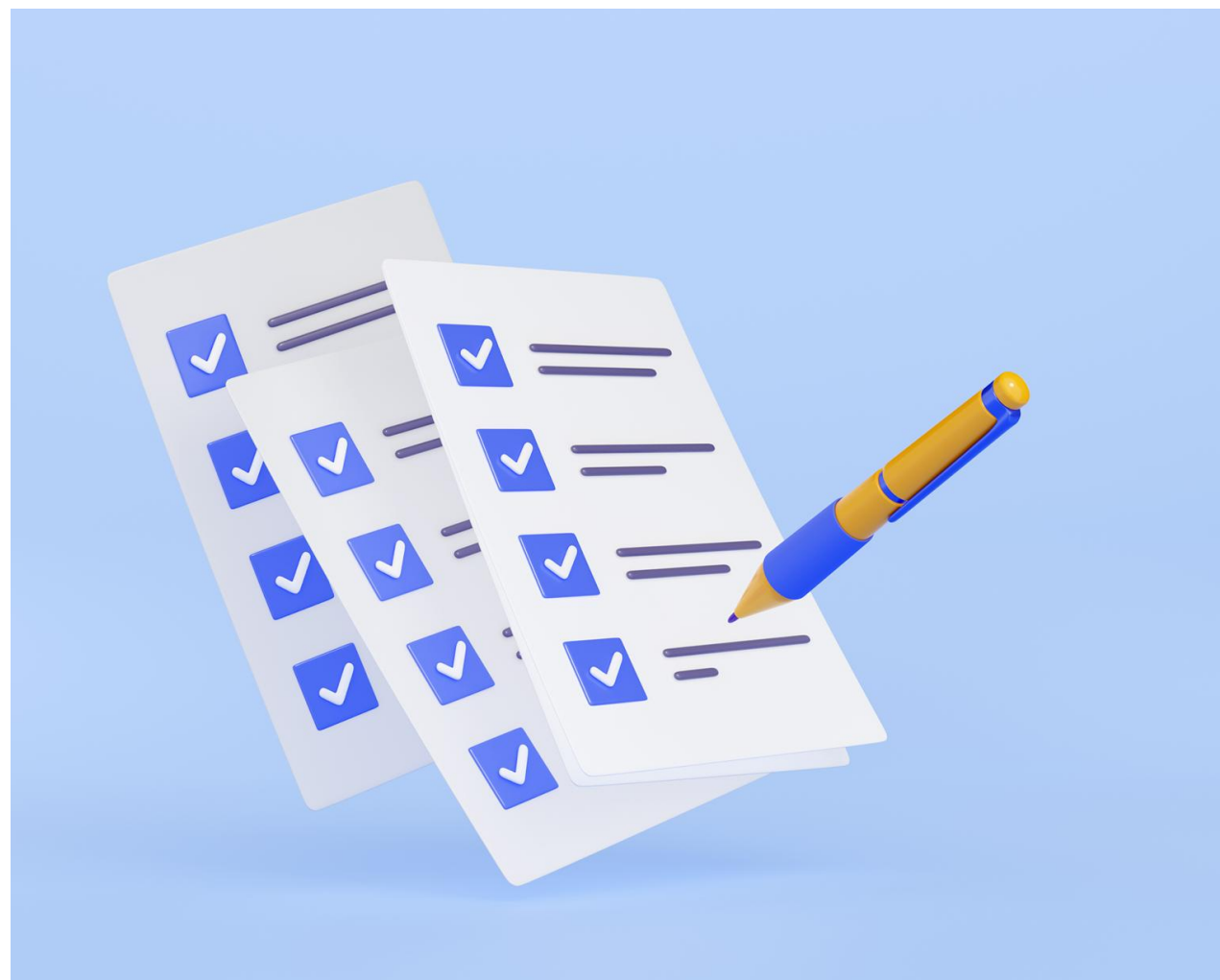
Conclusion

Key Takeaways:

- Legal: Knowledge of the EU Charter, TIP Protocol, and Directive is mandatory.
- Ethical: Adopting non-judgmental, culturally sensitive, and boundary-aware approaches is non-negotiable.
- Action: Utilising the ethical decision-making matrix ensures all support efforts are responsible and legally compliant.



Let's test our knowledge!!!



Question 1: Which international legal instrument provides the primary, internationally agreed-upon definition of human trafficking, encompassing the "Act, Means, and Purpose" elements?

- A. The European Convention on Human Rights (ECHR)
- B. The EU Anti-Trafficking Directive 2011/36/EU
- C. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (TIP Protocol)
- D. The Convention on the Rights of the Child (CRC)

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Question 2: According to the EU Anti-Trafficking Directive (2011/36/EU), a "position of vulnerability" in the context of exploitation specifically refers to:

- A. The victim being under the age of 18 at the time of recruitment.
- B. A situation where the person has no real or acceptable alternative but to submit to the abuse involved.
- C. The victim's lack of immediate national identity documents or legal status.
- D. Any physical or mental impairment that restricts the victim's mobility.

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Question 3: In all actions concerning child Victims of Trafficking (VoTs), particularly when making decisions regarding support, relocation, or legal processes, what must be considered the paramount consideration?

- A. The needs and requirements of the investigating law enforcement agency.
- B. The wishes and agreements made by the child's identified guardian or coach.
- C. The ultimate financial costs associated with the support and protection measures.
- D. The best interests of the child, as per the Convention on the Rights of the Child.

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Question 4: A survivor discloses sensitive personal information that is relevant to their psychological recovery but does not constitute a mandatory legal reporting requirement (e.g., immediate threat of harm). What is the most appropriate professional attitude in handling this information?

- A. Immediately share the information with the project manager to ensure complete transparency within the organization.
- B. Document the disclosure fully, but keep it confidential to maintain the survivor's trust and respect their dignity.
- C. Advise the survivor that all information shared during the recovery process must be reported to the authorities.
- D. Use the disclosure as leverage to encourage the survivor to cooperate with media visibility efforts.

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Question 5: The principle of non-punishment and non-detention for trafficked persons means that VoTs:

- A. Are exempt from all forms of legal responsibility, regardless of their actions.
- B. May be detained if they entered the country illegally, but cannot be prosecuted for unlawful activities.
- C. Shall not be detained, charged, or prosecuted for unlawful activities that were a direct consequence of their situation as a trafficked person.
- D. Must cooperate fully with law enforcement before being granted immunity from prosecution.

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