

Protection of Private Life

Art. 11 Council of Europe Convention on Action against THB

26th September 2013
Julia Planitzer



Art. 11 CoE Convention on Action against THB

**Protection of
private
life and identity
of victims**

**Protection of
personal data**

**Protection of
children**

**Encouraging
the media**

Art. 11 CoE Convention on Action against THB

**Protection of
private
life and identity
of victims**

**Protection of
personal data**

**Protection of
children**

**Encouraging
the media**

- ▶ Further specific aspect: Protecting privacy in context of judicial proceedings (Art. 30, non-public hearings eg)

Art. 11 CoE Convention on Action against THB

- ▶ **Protection of personal data**
 - ▶ Using and storage of personal data according to
 - ▶ **Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**

CoE Convention for Protection of Individuals with regard to Automatic Processing of Personal Data

- ▶ Personal data have to be *obtained and processed fairly and lawfully*.
 - Fair treatment towards the individual, reliable information on the processing
- ▶ Stored for *specified and legitimate purposes* and
- ▶ *Not used* (collection, storage and disclosure) in a way *incompatible* with those purposes;
- ▶ *Adequate, relevant and not excessive in relation to the purposes* for which they are stored;
 - **Only those data that are necessary for the purpose**
- ▶ *Accurate and kept up to date*:
 - Delete or update when inaccurate or incomplete
- ▶ **Delete as soon as no longer needed for the specific purpose**

Art. 11 CoE Convention on Action against THB

- ▶ **Protection of children**

- ▶ Obligatory protection of identity/details allowing identification of children
- ▶ Exception: family tracing or for well-being and protection of the child

„Five Romanians rescued on Sylt..“

- ▶ **Encouraging the media**

- ▶ Protection of private life and identity by media

- ▶ Self-regulation, regulatory or co-regulatory measures

- ▶ Monitoring/GRETA: few States Parties general reference to awareness raising of media (Austria, Georgia), problematic eg in Armenia

Implementation of Art. 11 – Evaluation by GRETA

- ▶ **Human Rights Based Approach → monitoring/evaluation → comprehensive statistical information**
- ▶ **Which data should be collected?**
 - ▶ Comprehensive and coherent **statistical** system on trafficking in human beings
 - ▶ Compiling reliable **statistical** information from all main actors
 - ▶ Disaggregated: sex, age, type of exploitation, country of origin and/or destination;
- ▶ **.. respect the right of the data subjects to personal data protection**
- ▶ Compare: CoE Convention on preventing and combating violence against women and domestic violence (Art. 11)

Implementation of Art. 11 – Evaluation by GRETA

▶ **How should the data be collected?**

▶ Statistical data:

- Governmental authorities should use also statistical data of NGOs (trafficked persons cooperating/non-cooperating, Latvia)

▶ Personal data:

- consent form necessary (Romania)
- Limiting accessibility to correspondence containing personal data to specific focal points (Armenia)

▶ Improved information exchanges among the agencies of migration, employment and combating THB (Moldova)

Implementation of Art. 11 – Evaluation by GRETA

- ▶ **Data collection and cooperation between government and NGOs:**
 - ▶ NGOs obliged to give data for national data base: State Party has to protect rights of data subject (Montenegro, Poland, Portugal)

.. Questions

- ▶ **Which data are necessary for which purpose?**
- ▶ **What can be learned from other instruments/discussions on personal data (Data Retention)?**

Thank you for your attention!

Contact:

Julia Planitzer

Ludwig Boltzmann Institute of Human Rights (BIM)

Freyung 6 (Schottenhof),

1. Hof, Stiege II,

1010 Vienna, Austria

julia.planitzer@univie.ac.at

tel: +43 1 4277 27446

fax +43 1 4277 27429