

# **Action against trafficking in human beings: prevention, protection and prosecution**

**Proceedings of the regional seminar,  
Bucharest, Romania, 4–5 April 2006**

**Organised by the Equality Division,  
Directorate General of Human Rights of the Council of Europe,  
in co-operation with the Romanian Ministry of Administration  
and Internal Affairs**

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The main aims of the organisation are to promote democracy, human rights and the rule of law, and to develop common responses to political, social, cultural and legal challenges in its member states. Since 1989 it has integrated most of the countries of central and eastern Europe and supported them in their efforts to implement and consolidate their political, legal and administrative reforms.

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## Introduction

Trafficking in human beings is the modern form of the old worldwide slave trade. It treats human beings as a commodity to be bought and sold. The victims are put to forced labour, usually in the sex industry but also, for example, in the agricultural sector or in sweatshops, for a pittance or nothing at all. Trafficking in human beings directly undermines the values on which the Council of Europe is based: human rights, democracy and the rule of law.

The *Council of Europe Convention on Action against Trafficking in Human Beings* [CETS No. 197] was adopted by the Committee of Ministers on 3 May 2005 and opened for signature in Warsaw on 16 May 2005, on the occasion of the Third Summit of Heads of State and Government of the Council of Europe member states.

This new Convention, the first European treaty in this field, is a comprehensive treaty focusing mainly on the protection of victims of trafficking and the safeguarding of their rights. It also aims to prevent trafficking and to prosecute traffickers. In addition, the Convention provides for the setting up of an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the Convention.

By the end of August 2006, the Convention had been ratified by Moldova and Romania and signed by 28 other Council of Europe member states: Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, France, Georgia, Germany, Greece, Iceland, Italy, Latvia, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Sweden, "the former Yugoslav Republic of Macedonia" and Ukraine. One non-member state has signed the Convention: Montenegro.

The *Council of Europe Campaign to Combat Trafficking in Human Beings* was launched in 2006 under the slogan "*Human being – Not for sale*". The aim of the Campaign is to raise awareness of the problem of trafficking in human beings as well as possible solutions to it among governments, parliamentarians, local and regional authorities, non-governmental organisations and civil society. The Campaign should promote the signature

and ratification of the Convention, which is a practical tool for international co-operation to fight trafficking and assist states in developing effective national legislation and policies.

Among the activities taking place in the context of the Campaign is a series of regional information and awareness raising seminars organised under the title "*Action against trafficking in human beings: Prevention, protection and prosecution*".

The first regional seminar took place in Bucharest (Romania) on 4 and 5 April 2006 in the framework of the Romanian Chairmanship of the Committee of Ministers of the Council of Europe. In addition to the Romanian authorities, the following countries participated in the seminar: Austria, Bosnia and Herzegovina, Bulgaria, Croatia, France, Germany, Greece, Hungary, Moldova, Netherlands, Serbia and Montenegro, "the former Yugoslav Republic of Macedonia", Turkey and Ukraine.

The main objectives of the seminar were:

- To present the *Council of Europe Convention on Action against Trafficking in Human Beings* as an efficient tool for combating trafficking in human beings by means of its multi-disciplinary approach incorporating measures for preventing trafficking, protecting the human rights of victims and prosecuting traffickers
- To present and discuss measures and actions against trafficking in human beings taken at national level by the participating countries, in particular in the light of the multi-disciplinary measures of the *Council of Europe Convention on Action against Trafficking in Human Beings*.

The seminar brought together nearly 40 participants. It constituted a valuable opportunity for participants to exchange and share their experiences of national legislative measures and policies to combating trafficking in human beings.

These proceedings of the seminar are prepared on the basis of written contributions available in English. Therefore, regrettably, some valuable contributions from the Romanian representatives are not reflected.

## Opening of the seminar

### Mr Teodor Baconschi, Secretary of State, Ministry of Foreign Affairs of Romania

Distinguished guests,

First of all, I would like to stress that it is my sincere pleasure to welcome you on behalf of the Romanian Chairmanship of the Committee of Ministers of the Council of Europe and to be here today taking part in a regional seminar seeking to bridge the gap between policy and practice in order to successfully combat trafficking in human beings.

Looking at the statistics, we notice that every year, thousands of people, the majority of whom are women and children, fall victim to trafficking for the purposes of sexual, labour and other exploitation.

Trafficking constitutes a blatant and terrible violation of human rights and fighting this phenomenon cannot be the responsibility of only a limited number of Governments, but a challenge for us all. It is therefore of major importance that we use all instruments at our disposal, promoted by different fora, and in particular, the Council of Europe, to increase the cohesion and effectiveness of our actions against this modern form of slavery. At the same time, we have a duty to ensure that, on the national level, the necessary legal provisions and institutional mechanisms are established for fighting trafficking and for providing appropriate assistance to the victims.

Ladies and gentlemen,

The Romanian authorities understood their responsibilities in this field and undertook firm action on different dimensions – prevention of trafficking of human beings, prosecution of perpetrators, and protection of victims. The Romanian Government pursued its endeavours to improve the legislative and the institutional framework, in order to ensure an appropriate response to this scourge.

With regard to preventive action, the Romanian Government has identified the necessity of raising awareness of human trafficking by educational means. In this respect, several themes related to trafficking in persons were included in the national educational curricula. Moreover, an anti-trafficking message was communicated via mass media channels in order to underline the existent risks of being trafficked.

Bearing in mind its own profile as a country of origin and transit, Romania is aware that the root causes of human traf-

ficking are poverty and lack of decent labour. Special programmes are currently being developed to ensure equitable access of vulnerable groups to the labour market and to regulate the flows of workers, in order to reduce the number of people tempted to immigrate illegally, and thus become possible victims of trafficking.

At present, the Romanian Government is focusing on the improvement of the process of identification of a person as a victim and also on the proper and complete assistance and protection of trafficked victims, placing emphasis on the special needs of children. In this regard, last year, we managed to improve our system of collecting statistical data by implementing a standardised application form to be used by all competent institutions. Moreover, the situation of the shelters, both for adults and children, providing all kinds of counselling and assistance, has considerably improved in comparison with two years ago.

A new body was created at the beginning of January 2006 – the National Agency for Preventing Trafficking in Human Beings and Monitoring the Protection of the Victims, competent to co-ordinate and evaluate the prevention activities and the assistance afforded to victims. The Agency will co-operate with NGOs and international organisations for a better understanding of the dimension of the phenomenon and its consequences, in order to establish and develop an effective national referral mechanism.

Dear participants,

Romania has always had a mandate to encourage the development of the international framework dealing with human trafficking. Having this purpose in mind, Romania has become party to the most important international instruments on this matter, proving its commitment to find appropriate and effective answers to this 'modern form of slavery'.

We therefore highly appreciate the action taken by the Council of Europe for fighting this phenomenon, which violates the core values of our Organisation, namely the human rights and the dignity of victims.

Deeply confident about the added value the Council of Europe could bring to the human rights perspective, Romania





has always supported its work in the field, in particular the elaboration of the Convention on action against Trafficking in Human Beings.

Romania signed the Council of Europe Convention as soon as it was opened for signature during the 3rd Summit of the Council of Europe, in Warsaw, on 16 May 2005, and the ratification procedure is on-going. Your presence here gives me hope that you too regard the Council of Europe Convention as a major instrument for fighting trafficking and I am convinced that the conditions for its entry into force will be soon fulfilled.

In summing up, let me reiterate that to be effective in our fight against human trafficking, we should not content ourselves with isolated solutions. What we need is a profound un-

derstanding of all that human trafficking involves and of all that is required to counteract it – from the proper identification of trafficking situations via the proper protection of victims, from a thorough investigation of the criminal networks to the prosecution and conviction of the perpetrators.

Before ending, I would like to thank our colleagues from the Ministry of Administration and Interior for their valuable initiative in organising this meeting and to our hosts, the SECI Centre, which is a major contributor in fighting trafficking in human beings in the region.

I wish you a very successful seminar.

Thank you very much for your attention.

## Mr Anghel Andreescu, Secretary of State, General Questor PhD, Ministry of Administration and Interior of Romania

Ladies and Gentlemen, Distinguished representatives of the Council of Europe, Dear participants,

First of all, I would like to welcome your participation in the Regional Seminar "Action against trafficking in human beings", which is a new standpoint of dialogue and co-operation, at European level, included on the Agenda of the Romanian Presidency of the Committee of Ministers of the Council of Europe.

I highly appreciate the initiative and the generous contribution of the Council of Europe to extend the legal instruments basis which assists the Member States in the common fight against trafficking in human beings.

We are gathered here today to assess the progress made by the Member States of the Council of Europe in issues such as: prevention and combating trafficking in human beings, but also the assistance granted to the victims of this new form of slavery that affects the European continent.

I strongly believe that the commitment of the signatory Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, on 16 May 2005 in Warsaw, will result in the entering into force of this document, as soon as possible and also in implementing the provisions of the Convention, as an efficient instrument for combating such kind of threats against civil society.

Fighting against trafficking in human beings is a priority for Romania, as well as for Council of Europe, found on the agendas of specialised institutions and governmental agencies and I would like to underline, on this occasion, the importance of the present issue, as well as the efforts that we have made towards combating this negative phenomenon.

At national level, the issue of preventing and combating the scourge of trafficking in human beings is managed by the Inter-Ministerial Working Group for co-ordination, Evaluation and Monitoring of the Activities of Prevention. It prepares the respective national strategies and monitors the activity of all governmental institutions involved in this specific area.

In this respect, national legislation is relevant, one conclusive example being the adoption, last year, of a supplement to the Law no. 678/2001 regarding the prevention and combating of trafficking in human beings, which punishes more severely the crimes of trafficking in minors.

At the time being, Europe faces a series of unconventional threats to its internal security and stability, enough

reasons to be taken very seriously judging by their dimension and their effect; we should not ignore terrorist activities, the consequences of illegal migration and the "so-called" asylum seekers, trafficking in human beings and the development of organised crime in all its forms.

Therefore, we are prepared for pan-European dialogue, as a basis for multilateral promotion, on the political field, of the necessary measures for implementing the European legal instruments in conformity with specific international ones, such as the Declaration on the prevention and combating trafficking in human beings (Brussels 2002) and the Additional Protocols on the UN Convention for fighting against transnational organised crime (Palermo 2000).

Moreover, as a candidate country to the European Union, Romania focuses on security and migration policies, being aware of the importance of the objectives and priorities set up by the Hague Program and the Action Plan for its implementation.

Romania is placed at the crossroads between the Eastern and the Western part of the continent, and also the Southern part of Asia and the North and West of Europe, being included in the transit area, on "the Balkan Route" of illegal migration. Due to this fact, we have to treat this matter with the highest consideration, being at the same time aware of the fact that local activities have a strong influence on the perception of external co-operation partners from the Council of Europe, the European Union, its responsible actors, and also public opinion of the Member States.

Ladies and gentlemen,

Within the perspective of becoming a future external border of the European Union, Romania has to protect 2.050 Km of border, a responsibility which places our country in second position, regarding this matter, after Finland. We are talking about an extreme challenge, which encourages us to promote a strong policy in the field of border control and security.

Moreover, Romania's intention to accede to the Schengen Agreement has generated a development and enhancement program for the Romanian Border Police, as well as launching a comprehensive borders securing project, in the framework of an integrated management system, in conformity with the European Community principles, which include domestic and international co-operation mechanisms.



The Romanian Border Police forces have been extended, so that during 2005, 4 282 persons have been recruited. This process has been oriented to the borders with Ukraine, Moldova and the Black Sea maritime border, so that by the time Romania becomes a member state of the European Union, the percentage of the occupied places at these frontiers should be as near as possible to 100%.

The Romanian authorities put into practice, with good results, The National Strategy for Combating Organised Crime for the period 2004-2007 and The National Strategy on Migration, by Action Plans regarding their implementation and sustained by Measure Plans to intensify the actions for combating illegal migration and transborder crime.

At the same time, the legal framework regarding the aliens regime in Romania, as well as legal measures for the implementation of the European Union Council Regulation 2252/2004 on biometrical data passports, will present the necessary legal framework for the issuing of simple passports with biometrical data.

Concrete results came up quickly: in 2005 the Romanian authorities traced and dismantled 37 criminal groups in which 238 persons were involved, of which 115 were transporters (82 Romanians and 33 aliens). In the field of fighting against organised crime, in 2005, 731 cases were registered involving 1335 traffickers (1280 Romanians and 55 aliens), of which 285 were arrested. Moreover, 2250 victims were identified, of which 1808 were women (317 of them under age).

The co-operation and media campaign on fighting illegal migration, which we have accomplished with our partners within the Home Office and IOM, have proved fruitful and we are still expecting positive effects.

The 73 international police co-operation documents and the 32 readmission agreements concluded with the EU Member States, the 24 internal affairs attachés and the 4 liaison officers in the capitals of Europe underline the importance of specific co-operation with foreign partners on combating transborder crime.

Ladies and Gentlemen,

The prevention and fight against organised crime are a priority for Romania. To be more precise, the Reflex Project became operational in the field of combating trafficking in human beings and legal migration at the level of the 15 Re-

gional Centres on combating organised crime and will continue until 2007.

For better results in combating smuggling and organised crime, the TRIDENT Romania project became operational, by setting up three specialised units in the Seaport of Constantza, the Henry Coanda Airport and the Giurgiu border crossing point, with competences exclusively focussed on combating THB and illegal migration.

We have already established action co-ordinates for 2006-2010 in the field of prevention and fighting trafficking in human beings, based on a clear Action Plan, founded on a coherent National Strategy and with important support of foreign partners.

Due to the volatility of the phenomena of organised crime it is unlikely for the separate actions of affected countries to be sufficient or successful. It's time we grant more attention to new solidarity forms, able to deal with a wide range of current tensions and risks.

In this context, I would like to emphasise the importance of information based operations, of the development of common teams for combating the organised crime network, and of increased information exchange for facilitating common activities.

The efficient and effective use of the technology we have, the development of the second generation of SIS and the implementation of a new Visa Information System are of great concern to us. These are the reasons for the rapid insertion of biometrical data in all the documents we are going to issue: ID documents, passports or visas.

Ladies and Gentlemen,

Finally, I would like to reiterate the importance of the rapid implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, and the fact that we appreciate the efforts of the Council of Europe in elaborating this legal instrument, which I am convinced that the Parties will use successfully in combating this scourge which threatens those most vulnerable: women and children.

I am convinced that this seminar will be a platform for experience sharing for the participants and a new occasion for intensifying bi- and multilateral co-operation.

I wish you an interesting exchange of opinions and a pleasant stay in Bucharest.

Thank you very much.

## Mr Hanno Hartig, Head of Minorities, Media and Equality Department, Directorate General of Human Rights, Council of Europe

Secretary of State of the Ministry of Foreign Affairs of Romania, Secretary of State of the Ministry of Administration and Interior of Romania, Ladies and Gentlemen,

It is a pleasure for me to represent the Council of Europe and to have the opportunity to address the participants of this **Regional Seminar on Action to Combat Trafficking in Human Beings**. In this respect, I would like to express my gratitude to the co-organisers and in particular to the Romanian Ministry for Foreign Affairs and the Romanian Ministry of Administration and Interior.

I would like to underline that this Regional Seminar is organised in the framework of the *Council of Europe Campaign to*

*Combat Trafficking in Human Beings* and in the framework of the Romanian Presidency of the Committee of Ministers of the Council of Europe.

The *Council of Europe Campaign to Combat Trafficking in Human Beings* was launched in 2006 and I am very pleased to announce that this Regional Seminar is the first event organised in the framework of this Campaign. The Campaign aims to raise awareness among governments, parliamentarians, local and regional authorities, NGOs and civil society of the extent of the problem of trafficking in human beings in Europe today. It will highlight the different measures which can be taken to prevent this new form of slavery, as well as measures to protect the



human rights of victims and prosecute the traffickers. The campaign also aims to promote the widest possible signature and ratification of the Council of Europe Convention on Action against Trafficking in Human Beings in order that it may enter into force rapidly.

Trafficking in human beings constitutes a grave violation of human rights and is a very serious criminal offence. From East to West, from South to North, people, especially women and girls, are attracted by the prospect of well-paid jobs as domestic servants, waitresses or factory workers. Another cause is the demand in destination countries for sex services and cheap labour.

Over the past decade, trafficking in human beings has reached epidemic proportions. No country is immune. The search for work abroad has been fuelled by economic disparity, high unemployment and the disruption of traditional livelihoods.

Traffickers face few risks and can earn huge profits by taking advantage of large numbers of potential immigrants. This is also alarming because illicit profits are frequently used for corruption and other criminal activities. It is therefore urgent that this crime is properly prosecuted and that preventive measures are taken to avoid it spreading any further. In many cases, trafficking patterns are also related to conflict situations as combatants create a market for the services of victims, and the effects of conflict erode the capacity of law enforcement and other authorities to tackle the problem.

Given that one of the primary tasks of the Council of Europe is the safeguarding and protection of human rights and human dignity, and that trafficking in human beings directly undermines the values on which the Council of Europe is based, it is logical that finding solutions to this problem is a top priority for the Organisation. It is all the more relevant as the Council of Europe has, among its 46 member states, countries of origin, transit and destination of trafficking victims.

On 3 May 2005, the Committee of Ministers adopted the *Council of Europe Convention on Action against Trafficking in Human Beings*. The Convention was opened for signature in Warsaw on 16 May 2005, on the occasion of the 3rd Summit of Heads of State and Government of the Council of Europe.

In the Action Plan adopted during the 3rd Summit of the Council of Europe, the Heads of State and Government of the member States firmly condemned trafficking in human beings which undermines the enjoyment of human rights and is an offence to the dignity and integrity of the human being. They welcomed the opening for signature at the Summit of the Council of Europe Convention on action against trafficking in human beings and called for its widest possible ratification and swift entry into force. They stated that this was a major step in the fight against trafficking which would strengthen the prevention of trafficking, the effective prosecution of its perpetrators and the protection of the human rights of the victims. They also stressed that the independent monitoring mechanism set up by the Convention would ensure its effective implementation by the Parties. Finally, they pointed out the need to ensure close co-operation between the Council of Europe, the United Nations, the European Union and the OSCE in this field.

To date the Convention has been signed by 25 member States (Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Georgia, Germany, Greece, Iceland, Italy, Luxembourg, Malta, Moldova, Netherlands, Norway,

Poland, Portugal, Romania, Serbia and Montenegro, Sweden, "the former Yugoslav Republic of Macedonia" and Ukraine).

This new Convention is the first European treaty in this field. It is a comprehensive treaty focusing on the protection of victims of trafficking and the safeguarding of their rights. It also aims to prevent trafficking and to prosecute traffickers. In addition, the Convention provides for the setting up of an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the Convention.

The Convention is not restricted to Council of Europe member States; non-member States and the European Community also have the possibility of becoming Party to the Convention.

The Convention applies to all cases of trafficking in human beings, be it national or international, linked or not to organised crime, as well as to women, children and men alike. The Convention applies not only to trafficking for the purpose of sexual exploitation but also to forced labour. It contains numerous added-values as compared to existing international texts. Amongst those, let me mention:

- that trafficking in human beings is a violation of human rights and violates human dignity and integrity, and that greater protection is therefore needed for all its victims;
- no other international text defines victims, leaving it to each State to define who is a victim and therefore deserves the measures of protection and assistance. In the Council of Europe Convention a victim is any person who is subject to trafficking as defined in the Convention.
- a list of mandatory assistance measures to victims of trafficking; in particular victims of trafficking will be granted physical and psychological assistance and support for their reintegration into society. Medical treatment, counselling and information as well as appropriate accommodation are all among the measures provided. Victims will also receive compensation.
- a recovery and reflection period of at least 30 days: this is a real improvement in the way victims of trafficking are going to be treated in the countries of destination;
- the possibility to deliver residence permits to victims of trafficking, either on a humanitarian ground or on the ground of the victims' co-operation with the law enforcement authorities;
- the criminalisation of the "clients" and
- the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so.

Civil society has an important role to play as regards prevention of trafficking and protection of the victims. Consequently, the Convention encourages co-operation between public authorities, non-governmental organisations and members of civil society.

The fight against trafficking calls for a multidisciplinary approach including prevention, protection of the rights of victims and prosecution of the traffickers, while at the same time seeking to harmonise relevant national laws and ensuring that these laws are applied effectively. Our seminar will deal today and tomorrow with all these aspects. I firmly believe that



no country is capable of defeating trafficking alone: isolated action is bound to fall, while concerted actions have a far greater chance of being effective. With the new Council of Europe Convention, we have a new tool to prevent and combat trafficking more effectively.

Ladies and gentlemen, let me conclude my intervention by extending a warm welcome to you all and wishing us all constructive and fruitful discussions today and tomorrow.

## Council of Europe Convention on Action against Trafficking in Human Beings: Keynote speakers

### Prevention of trafficking in Human Beings: Ms Klara Skrivankova, Trafficking Officer, Anti-Slavery International

Ladies and gentlemen, Mr Chairman, I wish you a very good morning.

I would like to start off by thanking the Council of Europe for giving me the opportunity to speak at this forum. I very much look forward to hearing especially the respective country report and I believe we will be able to take home with us inspirations from good practices that are also gathered into standards on the Convention.

Anti-Slavery International regards the Convention to be a very important step towards the creation of standards in promotion and protection of human rights of trafficked people and combating trafficking in persons. We lobby very strongly for the UK's signature and commitment to provide these standards.

I have structured my presentation around the prevention article of the Convention by looking at what measures in practice are reflecting the ideas of the Convention.

Before we start concrete preventive measures, we need to ask ourselves a question – What is it that we want to prevent? – in order to define our problem as clearly as possible. Frequently we see rather vague references to awareness raising, training, etc.

We want to prevent trafficking – hence we have to take into account the whole process from recruitment, to transportation and means to the very purpose. We want to prevent the exploitation outcome of trafficking, the situation of slavery when people are forced to do what they have not agreed to or in conditions they have not consented to. In order to do that, we have to address the root causes of trafficking in persons and focus on long-term, far-reaching impacts.

Root causes shall be tackled at both ends – in countries of origin as well as in the countries of destination. There are two rather common misconceptions connected to prevention: a) Prevention is often seen as an issue for the countries of origin. b) Prevention is considered to be THE answer to trafficking.

However, a two-ended approach to prevention of trafficking focused at development and solutions to lack of opportunities in the countries of origin and on the demand for cheap

and unprotected labour in the countries of destination. Furthermore, prevention needs to be both pro-active and reactive, carried out at several levels.

The Convention covers prevention in the second chapter under Article 5. Other articles also focus on other aspects of prevention and related issues. What is the great advantage of the Convention is the comprehensive coverage, taking into account the importance of multi-disciplinary and multi-stakeholder involvement, as well as highlighting the different stages and sets of instruments to carry out prevention.

When developing a prevention strategy, its complexity is one of the key elements. It needs to be comprised of specific contents, focusing on reaching set targets by using a co-operative framework. Co-operative framework is dealt with in the 1st and 6th paragraph of the relevant Convention article, such a co-operative framework is embedded in different mechanisms, such as national action plans, committees or steering groups and shall have some basic characteristics: be multi-disciplinary and involve all the relevant actors.

A co-operative framework is crucial to the implementation of an effective prevention policy. For that, involvement of different actors is essential. They represent different interests, carry different responsibilities and have specific expertise at disposal. Governmental agencies, one of the traditional actors, shall be responsible for securing political support and sustainable financing of prevention, as they have access to these. NGOs, at a grass-root level, with essential information from the trafficked persons and with knowledge of the needs of the target and at-risk groups are most likely to be able to formulate a suitable message and identify outreach tools. However, apart from the usual suspects, there are other actors that should be involved in prevention, if we want to ensure multi-disciplinarity and coverage of all forms of trafficking. The private sector can, for example, offer jobs or training for vulnerable groups, unions can organise migrant workers, etc.

Content, the actual message, is the essence of every prevention effort. Hence, it is crucial that we take time to develop



its components, starting from thorough research, using the information all the way to the final educational or awareness raising activity. This issue is covered by paragraphs 2 and 4 of the relevant Convention article.

Research is the first of the three fundamental elements and should precede any activity. It is a continuous process that starts before we elaborate an activity or policy measure in order to gain in-depth knowledge, describe the root causes and establish links with other phenomena, such as social exclusion, discrimination, corruption, gender-based violence or local issues like conflict. These all make specific groups more vulnerable to trafficking and hence need to be carefully assessed. The connection with assistance to trafficked persons comes into place here – information that we have from trafficked persons helps us formulate a message for the target groups. However, it is important to bear in mind the ethical dimension of doing research into trafficking.

Information is the second element. What information is provided determines the research. Message and language are the fundamentals here. It is key that we reach our target group in the right way with the information they need: To make them aware of the risk around the migration process and to let them know how to migrate safely.

Awareness-raising is the third element. The target groups are, simply put, all people in both countries of origin and destination that need to be made aware of different aspects of trafficking. All society layers need to be made aware of human rights violations at all stages of the trafficking process. Groups at risk need to get information about safe migration and places of help. Those in direct contact with (potential) victims have to, as well as other matters, know how to identify and refer. Societies in the countries of destination must be made aware of the working conditions of migrants.

If tailored well at the respective target group, we have an invaluable tool for reaching at-risk groups. By using a message that a) is clear, simple and age appropriate b) empowers the recipients to take action c) advises and recommends, we increase the chance to reach a positive effect. As experience has shown, for example, statements that simply discourage migration in countries of origin have little impact. People who want to or need to migrate for work look for ways how to do that. It is important that they have access to information on how to migrate safely.

Aims or targets are another pillar of a comprehensive prevention strategy. They mean the concrete measures, respectively their effect with regards to prevention of trafficking. Measures concerned should have effect in the long, medium and short term and shall be implemented both in countries of destination and origin. Furthermore, they shall be designed as sustainable, as mentioned in the article 5.2 of the prevention chapter of the Convention.

Measures need to be implemented at three levels. Moreover, prevention of re-trafficking (the tertiary prevention level) needs to be tied to assistance. Of equal importance is a prevention measure that rests with policy-making: the creation of legal migration channels to prevent driving the “would-be” migrants into the hands of traffickers (Article 5.4).

The Convention further highlights fundamental approaches to prevention. It is very significant that these are anchored in an international instrument as years of experience in dealing with this issue have shown the importance of effective-

ness of approach. The approaches concerned are: human-rights, child-sensitive and gender-balanced approach.

Chapter II: article 6. of the Convention covers measures to discourage demand. This subject is a rather new one in anti-trafficking efforts. The Convention encourages the states to research best practices, methods and strategies, and target campaigns at this issue to raise awareness.

Addressing demand is seen as a pro-active strategy that seeks to tackle one of the root causes of trafficking. However, how do we define demand, or rather, what forms of demand are there, that at times are met by supply from traffickers. It is on one hand the demand for sexual services and on the other hand the demand for cheap labour (cheap goods).

More than in the other instance, there is an urgent need of in-depth research and assessment of demand. We need to understand the behaviour of the customers and consumers and offer them alternatives. Equally important is to consider the impact on the situation of a victim – what adverse effects can be created.

There are several examples of campaigns targeting demands. In Germany, the Netherlands and Switzerland, campaigns aimed at raising awareness of users of sex services towards trafficking were carried out. The health prevention motive ran in tandem. The message was disseminated via the internet, hot-lines and clips providing indicators of trafficking and information about practical help.

In the area of forced labour, a Rugmark brand was established. Goods with the Rugmark brand ensure that no illegal child labour was used in the production.

As with other prevention activities, approaches to tackling demand that are set positively proved to be more successful. When anchored in human-rights approaches, refraining from judgemental statements, trying to empower the recipients into action and make them aware without prejudice, those approaches are the ones that can have a real effect.

Article 7, Chapter II, of the Convention talks about border measures and especially about the importance of controls and document handling. At the same time, it talks about prevention. Although the possibilities of prevention at the points of entry are rather limited, they can play an important role in conveying information and getting the message across.

The main task of preventive border measures lies with primary prevention – delivery of information, such as passport inserts with useful numbers etc. Border officials have very limited time. Hence, these activities have to be carefully considered as to what form of information shall be used to avoid discrimination and to be gender-sensitive. This is the first time the individuals come into contact with an official in a given country, thus this is an opportunity to send a message of approachability of the authorities. Various examples border measures from practice are available as, already mentioned, passport inserts (Turkey), posters and welcome cards (UK) etc.

Nevertheless, border measures per se should not be overestimated and seen as a sure way of prevention of trafficking. Stopping people from entering a country does not protect them from being trafficked – rather the contrary. I have had many discussions with border guards on this issue. I believe we all know the risks of adverse effects, but nonetheless I wish to point this fact out once more. Denying entry on the grounds of protection from trafficking does not have real impact.





Before I conclude, I would like to stress one more issue – the connection between prevention and victim assistance. After a person has escaped the trafficking situation, it is prevention of re-trafficking along with assistance that comes in. The bridge between these two is the national referral mechanism, a co-operative framework to protect and promote human rights of traf-

ficked persons. This is further linked to identification. Only when properly identified and referred to assistance, are we on the way to preventing further exploitation and secondary victimisation.

Ladies and gentlemen, thank you for your attention.

## Measures to protect and promote the human rights of victims of trafficking: Ms Athanassia Sykiotou, Lecturer of Criminology, Faculty of Law, Democritus University of Thrace, Komotini, Greece

The protection of the victims of trafficking in human beings is the heart of the trafficking issue. We must not forget that the victims of trafficking in human beings are the most vulnerable of all victims of violent crimes. We must not forget also, that trafficking constitutes a severe violation of human rights and that as a crime it is committed nowadays, mainly, in an organised form and as such, victims can neither easily escape from it, nor easily be protected. The new European Convention on Action against Trafficking in Human Beings takes these facts seriously into consideration and provides for specific protection and assistance measures to victims of trafficking in human beings.

In the very beginning, in the preambular part, the European Convention states that the respect for victims' rights and the protection of victims of trafficking "must be the paramount objectives".

### Identification of the victims (Article 10)

The Convention considers that the most important step to the protection of the victims of trafficking is their identification as victims; and for that reason it places first the related provision on identification among the measures to protect and promote the rights of victims in Chapter III.

Article 10 of the Convention provides that for the purposes of the identification procedure each member State "shall provide its competent authorities with persons who are trained and qualified" in trafficking in human beings (Article 10 para 1).

The protection of the victim starts from the moment that "the competent authorities have reasonable grounds to believe that a person has been victim of trafficking in human beings"; and from that moment, "that person shall not be removed from its territory until the identification process as victim has been completed by the competent authorities". During the identification procedure States should ensure that "that person receives

Further on, the Convention dedicates the whole of Chapter III on the measures to protect and promote the rights of victims, guaranteeing also gender equality. Moreover, we can find protecting provisions in other chapters, as in Chapter V (investigation, prosecution and procedural law) and in Chapter VI (International co-operation and co-operation with civil society). In total the Convention dedicates ten provisions on the protection and assistance to victims.

Speaking of "protection" we must not forget that protection is – and must be – linked closely to persecution, in the sense that if perpetrators are not arrested and convicted, this undoubtedly affects the protection of victims. However, in the framework of this presentation we will only focus on the strict concept of protection and assistance measures to victims as provided in particular by the European Convention on action against trafficking in human beings.

*the assistance provided for in Article 12, paragraphs 1 and 2" (Article 10 para 2).*

Specific provisions for child victims are included in the Convention (Article 10 para 3): "When the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age".

Moreover, para 4 states that as soon as an unaccompanied child is identified as a victim, each Party shall:

"(a) provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child;

(b) take the necessary steps to establish his/her identity and nationality;

(c) make every effort to locate his/her family when this is in the best interests of the child".

### Recovery and reflection period (Article 13)

Article 13 of the Convention gives a specific protection to victims of trafficking before the identification procedure is completed. On the basis that the authorities have "reasonable grounds to believe that the person concerned is a victim", internal law should provide for a recovery and reflection period of at least 30 days in order for the person concerned to recover and escape the influence of traffickers and/or to take an informed decision on co-operating with the competent authorities (Article 13 para 1).

The important point is that during this period it is not possible to enforce any expulsion order against the victim.

During this period, the States should authorise the victims to stay in their territory and be entitled to the assistance measures contained in Article 12, paragraphs 1 and 2 (Article 13 para 2). Of course, the States are not bound to observe this period if grounds of public order prevent it or if it is found that victim status is being claimed improperly (Article 13 para 3).



## Assistance to victims (Articles 12 and 15)

The Convention (mainly in **Article 12**) provides for specific assistance measures<sup>1</sup> for victims of trafficking (involving, where appropriate, NGOs committed to the protection of or assistance to victims), in order to assist victims in their physical, psychological and social recovery, including accommodation (where appropriate, secure accommodation<sup>2</sup>), counselling for their legal rights and the services available to them, psychological and material assistance; access to emergency healthcare (providing necessary medical or other assistance but only to victims lawfully resident within its territory who do not have adequate resources and need such help); availability of an interpreter, practical access to law-enforcement authorities, free legal aid (Article 15 para 2); access to education for children; and for the "lawfully resident victims" access to the labour market, to vocational training and education (Article 12 para 4).

The Convention stresses that each Party in the implementation of the assistance measures shall take "due account of the victim's safety and protection needs" (Article 12 para 2).

The most important paragraph of Article 12 is para 6 which states that: "Each Party shall adopt such legislative or other measures as may be necessary to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness".

This paragraph is very important, because it clearly reflects the **non-discrimination principle**, on the basis of which a victim of crime should be protected and assisted on his/her mere quality as a victim independently of the fact that he/she collaborates with the authorities for the purposes of investigation; which means that a victim of trafficking should also be protected on that basis, as any other victim of crime. It is true that the investigation and collection of proof is rather difficult in this type of crime. However, this is not the only crime that presents difficulties in investigation. What would happen in our criminal systems if, for any crime that presents difficulties in investigation, we set this kind of condition to victims in order to assist them? Authorities should not blackmail victims as traffickers do.

1. See also Article 6 para 2 of the Protocol of Palermo.
2. Some countries, as Greece, provide expressly in their law for a secure accommodation with the assistance of the police.

## Residence permit (Article 14)

At the end of the identification procedure which actually coincides with the end of the reflection period, the Convention gives the possibility to the States of issuing a temporary and/or permanent residence permit (as it states in Article 14 para 1: "a renewable residence permit") in one or the two following situations: (a) "the competent authority considers that their stay is necessary owing to their personal situation"; and/or (b) "the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings". The Convention does not require the cumulative combination of the two factors in order for the authorities to issue a residence permit for the

During the drafting of the Convention, member States of the European Union thought that they were bound by the Directive of the European Council of 29/4/2004 (2004/81/EK) "on the short term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who co-operate with the competent authorities" (OJEC L 261, 06/08/2004, p.19-23). However, the Directive itself states in Article 4 that it does not prevent member States *from adopting or maintaining more favourable provisions* for the persons covered by the Directive.

Moreover, in paragraph (7) of Article 6 of the European Convention it is stressed that: "For the implementation of the provisions set out in this article, each Party shall ensure that services are provided on a consensual and informed basis, taking due account of the special needs of persons in a vulnerable position and the rights of children in terms of accommodation, education and appropriate health care".

In order to avoid any misunderstanding, we must note that the "vulnerable position" of a victim is an element of the victim (biological, psychological or social) which the perpetrator is taking advantage of. However, the framework decision of the Council of the European Union of 19/7/2002 on combating trafficking in human beings<sup>3</sup> considers among other things that a victim is "particularly vulnerable"<sup>4</sup> at least when:

- the offence has been committed by use of serious violence or has caused particularly serious harm to the victim (Article 3 c); and
- the offence has been committed within the framework of a criminal organisation (Article 3 d).

We must note that the above-mentioned elements are not elements of the vulnerability of the victim on which the perpetration was based in order to take advantage of him/her. The "use of violence" refers to the means of the crime; the "serious harm" to the result of the crime; and the "committal of the crime within the framework of a criminal organisation" refers to the *modus operandi* of the perpetrator. None of these are inherent to the victim.

3. 2002/629/JHA, 1.8.2002 L 203/3 *Official Journal of the European Communities*.
4. The framework decision considers also that a victim should be considered particularly vulnerable when he/she was under the age of sexual majority under national law and the offence has been committed for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, including pornography (Article 3 b).

victim. It is not necessary for the victim to collaborate with the authorities; the authorities can only take into account the "personal situation" of the victim.

The same conditions apply accordingly to child victims (Article 14 para 2).

According to para 5 of Article 14, "each Party shall ensure that granting of a permit according to this provision shall be without prejudice to the right to seek and enjoy asylum".

This provision deals with the subject of residence permits in a more detailed manner than the Protocol of Palermo. Article 7 of the Protocol of Palermo provides for measures to allow the temporary or permanent residence of victims of traf-





ficking in persons in the territory of the host country (para 1), given due consideration to humanitarian and compassionate factors (para 2).

### Protection of private life (Article 11)

The Convention pays particular attention to the protection of the private life of victims of trafficking in particular by the media.

Article 11 of the Convention provides that:

- “1. Each Party shall protect the private life and identity of victims. Personal data regarding them shall be stored and used in conformity with the conditions provided for by the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).
2. Each Party shall adopt measures to ensure, in particular, that the identity, or details allowing the identification, of a child victim of trafficking are not made pub-

licly known, through the media or by any other means, except, in exceptional circumstances, in order to facilitate the tracing of family members or otherwise secure the well-being and protection of the child.

3. *Each Party shall consider adopting, in accordance with Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms as interpreted by the European Court of Human Rights, measures aimed at encouraging the media to protect the private life and identity of victims through self-regulation or through regulatory or co-regulatory measures”.*

### Compensation and legal redress of the victims (Article 15)

Article 15 of the new European Convention on Action against trafficking of Human Beings provides for the **compensation and legal redress of the victims**. By this provision the Convention covers another important shortcoming in national legislations. Provisions concerning the compensation of victims could be an important incentive for victims to co-operate with the authorities in a criminal procedure against traffickers. Article 15 para 4 provides that: *“Each Party shall adopt such legislative or other measures as may be necessary to guarantee compensation for victims in accordance with the conditions under its internal law, for instance through the establishment of a fund for victim compensation or measures or programmes aimed at social assistance and social integration of victims, which could be funded by the assets resulting from the application of measures provided in Article 23”* (confiscation of the instrumentalities and proceeds of criminal offences). The Protocol of Palermo refers in general to the national measures that the States should take in order to offer the possibility of obtaining compensation for the damage suffered (Article 6 para 6).

Many years before the elaboration of the European Convention against Trafficking, the Council of Europe made several efforts in that same direction.

The first text in which the Council drew attention to the issue of the compensation of victims of crime (in general) is the **Decision of the Committee of Ministers of the Council (77) 27 on the Compensation to Victims of Crime**. The first binding text between member States of the Council of Europe is the **European Convention on the Compensation of Victims of Violent Crimes (1983)**. More recently, and more focused to the issue of trafficking, the subject of compensation has also been raised by the recommendation of the Committee of Ministers of the Council **Rec. (2000) 11 on Action against Trafficking in Human Beings for the Purpose of Sexual Exploitation** (point 33)<sup>5</sup>.

5. The subject of compensation of victims of trafficking is also covered by Article 6 para 6 of the Protocol of Palermo. It is also covered by Articles 14 para 2 and 25 of the UN Transnational Organised Crime Convention (regulating the Disposal of confiscated proceeds of crime or property) and Article 25 of the same Convention *which provides that “Each State Party shall establish appropriate procedures to provide access to compensation and restitution for victims of offences covered by this Convention”*.

### Repatriation and return of victims (Article 16)

A victim cannot be obliged to stay in the receiving country if he/she does not wish so, even for the purposes of the criminal proceedings and in that respect, he/she should be assisted to return to his/her country.

The Convention provides for the possibility of and assistance for repatriation, under safe conditions, of victims of trafficking stating that:

- “1. The Party of which a victim is a national or in which that person had the right of permanent residence at the time of entry into the territory of the receiving Party shall, with due regard for his or her rights, safety and dignity, facilitate and accept, his or her return without undue or unreasonable delay”.

In order for the repatriation to take place, a State should safeguard the rights, safety and dignity of the victim and of course that repatriation should be voluntary (Article 16 para 2).

In order, not only to facilitate repatriation, but also to avoid re-victimisation, the Convention provides under Article 16 para 5 that each State should establish repatriation programmes, involving relevant national or international institutions and non governmental organisations.<sup>6</sup> Each Party should make its best effort to favour the reintegration of victims into the society of the State of return, including reintegration into

6. According to Article 9 (b) of the Palermo Protocol, the States should establish comprehensive policies, programmes and other measures: *“To protect victims of trafficking in persons, especially women and children, from revictimisation”*.



the education system and the labour market, in particular through the acquisition and improvement of their professional skills. With regard to children, these programmes should include enjoyment of the right to education and measures to secure adequate care or receipt by the family or appropriate care structures.

Special mention is given to the repatriation of child victims<sup>7</sup> under para 7 that provides that: "*Child victims shall not be returned to a State, if there is indication, following a risk and security assessment, that such return would not be in the best interests of the child*".

States should be in contact with each other in order to assist victims in the country where they are returned or repatriated.

7. On the subject of repatriation, see the European Convention on the repatriation of Minors, no 071 (1970).

### Victim and witness protection

Particular attention is paid by the Convention to the issue of victims and witness protection as well as to the protection of members of their families during investigations and court proceedings, but also, during the transfer of proceedings.

Article 28 of the European Convention provides for specific measures of protection of victims, witnesses and collaborators with the judicial authorities during and after investigation and prosecution of perpetrators. In particular, Article 28 provides that:

"1. Each Party shall adopt such legislative or other measures as may be necessary to provide effective and appropriate protection from potential retaliation or intimidation in particular during and after investigation and prosecution of perpetrators, for:

Victims;

(b) As appropriate, those who report the criminal offences established in accordance with Article 18 of this Convention or otherwise co-operate with the investigating or prosecuting authorities;

(c) witnesses who give testimony concerning criminal offences established in accordance with Article 18 of this Convention;

(d) when necessary, members of the family of persons referred to in subparagraphs (a) and (c).

2. Each Party shall adopt such legislative or other measures as may be necessary to ensure and to offer various kinds of protection. This may include physical protection, relocation, identity change and assistance in obtaining jobs.

3. A child victim shall be afforded special protection measures taking into account the best interests of the child.

4. Each Party shall adopt such legislative or other measures as may be necessary to provide, when necessary, appropriate protection from potential retaliation or intimidation in particular during and after investigation and prosecution of perpetrators, for members of groups, foundations, associations or non-governmental organisations which carry out the activities set out in Article 27, paragraph 3.

ated, such as law enforcement offices, non-governmental organisations, legal professions able to provide counselling and social welfare agencies (Article 16 para 6). According to the **Recommendation (2000) 11** of the Committee of Ministers of the Council of Europe on Action against Trafficking in Human Beings for the Purpose of Sexual Exploitation States should "promote co-operation between reception facilities and NGOs in countries of origin to assist the return and reintegration of victims" (para 37).

In the implementation of protection measures the Convention pays particular attention to gender equality providing that: "Each Party shall, in applying measures referred to in this chapter, aim to promote gender equality and use gender mainstreaming in the development, implementation and assessment of the measures" (Article 17).

5. Each Party shall consider entering into agreements or arrangements with other States for the implementation of this article".

Protection of victims and witnesses is extended to the course of judicial proceedings by Article 30 which provides, in accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 6, that each Party shall adopt legislative or other measures as may be necessary to ensure:

"a. the protection of victims' private life and, where appropriate, identity;

b. victims' safety and protection from intimidation, in accordance with the conditions under its internal law and, in the case of child victims, by taking special care of children's needs and ensuring their right to special protection measures".

A point which is not mentioned in the Convention but is expressly stressed by **Recommendation (2000) 11** of the Committee of Ministers of the Council of Europe on Action against Trafficking in Human Beings for the Purpose of Sexual Exploitation is that States should establish victim protection systems to combat intimidation as well as real threats to the physical security of the victims and their families not only in countries of destination but also in countries of origin (para 30). States should also provide protection in the country of origin for the families of victims of trafficking when the latter bring legal proceedings in the country of destination (para 31); and moreover, this protection should be extended to members of associations or organisations assisting the victims during civil and penal proceedings (para 32).

In many countries up to now there has been an absence of specific victim and witness protection provisions for trafficking. Investigation does not follow specific rules for the protection of minors and even if some countries have adopted measures as suggested in the past by the Council of Europe **Recommendation No. R (97) 13 concerning intimidation of witnesses and the rights of the defence**, they were not sufficient for cases of trafficking where extra attention must be given not only to the physical protection of the victim, but also to his/her psychological protection, where the victim is very often is submitted to multiple interviews (testimonies, medical examinations, etc.), risking to cause further psychological trauma<sup>8</sup> to the



already damaged soul of the victim –particularly if the victim is a child.

**Recommendation (2000) 11** of the Council of Europe, also, (in points 28 to 32), suggested appropriate measures concerning the protection and assistance to victims and witnesses, provided not only during national investigations and court proceedings, but also during the **transfer of criminal proceedings**; (also the TOC Convention in Article 24 and 25). The Recommendation includes in the witness and victims protection the possibility, (particularly for children and witnesses), to report and file complaints with special (audio or video) facilities, which should be designed to protect their private lives and their dignity and reduce the number of official procedures and their traumatising effects.

According to the Recommendation, this protection should be extended, where appropriate, to members of associations or organisations assisting the victims during civil and penal proceedings (point 32). However, there is no efficient protection if the victims and the witnesses do not benefit from a temporary residence status in the country of destination, in order to enable them to act as witnesses during the judicial proceedings against offenders; and of course, during this time, it is essential to ensure that victims have access to social and medical assistance, as suggested by Recommendation (2000) 11 in points 34 and 35, proposing to the States to provide, if necessary, a temporary residence status on humanitarian grounds (point 35).

8. See, C. May-Chahal – M. Herzog, *Child Sexual Abuse in Europe*, Council of Europe Publications, 2003, p.144-145.

### Other texts protecting victims of trafficking in human beings

We should not forget the existence of provisions of other texts prepared by the Council of Europe, which also apply to the protection of victims of trafficking in human beings, such as the **Recommendation of the Committee of Ministers (85) 11 on the position of the victim in the framework of criminal law and procedure** and the **Recommendation of the Committee of Ministers (87) 21 on the assistance to the victims and prevention of victimisation**.

Of course –last but not least- we must not forget **Article 4 of ECHR on the prohibition of slavery, servitude, as well as forced and compulsory labour**, which could also apply in cases of trafficking.<sup>9</sup> The provision of the ECHR is at the same time more wide and more narrow than the European Convention

9. See the very last decision of the ECHR, *Cecilia v. France*,

### Conclusion

Closing my presentation I would like to repeat what I have mentioned at the beginning, that protection is closely linked to and depends a lot on effective persecution of the perpetrators. It is not enough to set a framework of assistance measures for victims if perpetrators still circulate in freedom.

Moreover, in order to efficiently protect the victims of trafficking States should:

- set uniform legal rules for the protection and persecution of trafficking and for that purpose

Furthermore, provisions on the protection of victims are also included in **Article 32 and 33 of Chapter VI** of the Convention, regulating the **international co-operation and co-operation with civil society**.

In particular, **Article 32** entitled "*General principles and measures for international co-operation*", provides that:

"The Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through application of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

- *preventing and combating trafficking in human beings;*
- *protecting and providing assistance to victims;*
- *investigations or proceedings concerning criminal offences established in accordance with this Convention*".

Moreover, **Article 33** entitled "*Measures relating to endangered or missing persons*" provides that:

- "1. When a Party, on the basis of the information at its disposal has reasonable grounds to believe that the life, the freedom or the physical integrity of a person referred to in Article 28, paragraph 1, is in immediate danger on the territory of another Party, the Party that has the information shall, in such a case of emergency, transmit it without delay to the latter so as to take the appropriate protection measures".

against Trafficking. On one hand it is wide, because it prohibits the above-mentioned behaviour as a severe violation of human rights, without requiring that this behaviour should have a specific aim, such as the exploitation of a human being (as this is required in Article 4 of the European Convention). On the other hand, it is narrow because it does not cover all forms of trafficking (since it refers only to slavery, servitude and forced or compulsory labour).

At an international level, measures for the protection and assistance to victims of trafficking are also provided by the **2000 Protocol of Palermo** which supplements the UN Convention on Transnational Organised Crime. However the provisions of the Protocol of Palermo are in general less specific than the corresponding provisions of the European Convention.

- they should ratify all existing instruments that fight trafficking (mainly the European Convention on Action against Trafficking in Human Beings);
- they should take measures to make clear the difference between prostitution and trafficking which leads most times to confusion (*pandering with trafficking*) and make authorities think that a victim of trafficking has a free choice to chose the country in which he/she will be prostituted or in any other way exploited. However, I believe that unless States fight the indifference that hinders the understanding that trafficking constitutes



a serious violation of the fundamental rights of the person who is victimised, the true protection of victims will always be far off.

## The criminal aspects of trafficking in human beings: Mr Simon Claisse, Lawyer, Ministry of Justice, Belgium

Trafficking in human beings has become a major problem. At a global level, according to the International Labour Organisation, the estimated minimum number of persons exploited at a given time as a result of trafficking exceeds 2 million. Most people are trafficked for sexual exploitation (43%) but many are also trafficked for economic reasons (32%).

Trafficking in Human Beings is the third most profitable criminal activity in the world after illegal drugs and weapons trafficking. The total illicit profits produced in one year are estimated to about US\$32 billion.

These figures show us the necessity to effectively combat trafficking. To this end, the elaboration of a legal framework is a must.

The provisions contained in the Council of Europe Convention on action against trafficking in human beings form the

basis on which a legal framework to combat trafficking can be built.

The Council of Europe Convention is a comprehensive treaty aiming to:

- Prevent trafficking
- Protect the Human Rights of victims of trafficking
- Prosecute the traffickers

For the purpose of this presentation, I shall only give a general overview of the provisions of the Convention related to criminal law and prosecutions.

Two important chapters of the Convention are dedicated to these issues: chapter 4 concerning the substantive criminal law and chapter 5 concerning investigation, prosecution and procedural law.

### Chapter IV – Substantive criminal law

Chapter IV comprises nine articles. Articles 18, 19 and 20 deal with making certain acts criminal offences. This kind of harmonisation facilitates action against crime at national and international level, for several reasons. Firstly, harmonisation of countries' domestic law is a way of avoiding a criminal preference for committing offences in a Party that had previously less strict rules. Secondly, it becomes possible to promote exchange of common data and experience. Lastly, international co-operation (in particular extradition and mutual legal assistance) is facilitated, for example as regards the rules on dual criminal liability.

Article 18 seeks to have trafficking in human beings treated as a criminal offence.

Under this Article, Parties are required to criminalise trafficking in human beings as defined in Article 4 of the Convention. It must be pointed out that the Convention has **reiterated the definition of trafficking** in persons set out in the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime.

Trafficking in human beings is defined as a combination of three basic components, each to be found in a list given in the definition:

3 components are:

- the **action** of: "recruitment, transportation, transfer, harbouring or receipt of persons";
- **by means of**: "the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person";
- **for the purpose of exploitation**, which includes "at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced

labour or services, slavery or practices similar to slavery, servitude or the removal or organs".

This definition shows the difference between trafficking and illegal migration. Trafficking is characterised by the threat or use of force or other means given by the definition, **for the purpose of exploitation**. Under Article 4 (c) and (d), none of these means is necessary to the offence if a person aged under 18 is involved as a victim. Consequently, to prove trafficking in human beings in such a case the prosecuting authorities only need to establish that there has been an act such as the recruitment or transportation of a child for the purpose of exploitation.

It must also be underlined that, in accordance with the definition, the offence laid down in Article 18 is constituted at an early stage: trafficking in human beings does not imply the exploitation of persons. It is sufficient that these persons be subjected to one of the actions in the definition by one of the means in the definition for the purpose of exploitation. Thus, trafficking in human beings exists before any actual exploitation of the individual.

Under Article 18, Parties are obliged to criminalise trafficking, whether by means of a single criminal offence or by combining several offences covering, as a minimum, any conduct likely to fall within the definition.

Article 18 is the most important obligation. However, two other articles contain provisions concerning criminalisation:

- The first one is article 19. Under this article, Parties must consider Criminalising anyone who knowingly uses the services of a victim of trafficking. The drafters wished to discourage the demand for exploitable people that drives trafficking in human beings. The user must be aware that the person is a trafficking victim and cannot be penalised if unaware of it. Proving knowledge may be a difficult matter for the prosecution authorities. Aware of the problems of





collecting evidence, it was considered that this provision should encourage Parties to adopt this measure, without making it a binding provision.

- The second one is article 20. The purpose of Article 20 is to treat certain actions in relation to travel or identity documents as criminal offences when they are committed to allow trafficking of human beings. Such documents are important tools of transnational trafficking. Consequently, identifying the channels through which false documents pass may bring to light criminal networks involved in trafficking in human beings.

Other provisions of chapter IV regard attempt and aiding or abetting (Article 21), corporate liability (Article 22), sanctions (Article 23), aggravating circumstances (Article 24) and previous convictions (Article 25). Article 26 deals with criminal non-liability of victims of trafficking.

Article 22 is consistent with the current legal trend towards the recognition of corporate liability. The intention is to make commercial companies, associations and similar legal entities liable for criminal actions performed on their behalf by anyone in a leading position within them. Article 22 also establishes liability where someone in a leading position fails to supervise an employee or agent of the entity, thus enabling him or

## Chapter V – Investigation, prosecution and procedural law

Chapter V contains provisions aiming at adapting Parties' criminal procedure for two purposes: to protect the victims of trafficking and to assist the prosecution of the traffickers.

### *Measures to protect the victims of trafficking*

Article 27 (1) enables the authorities to prosecute offences under the Convention without the necessity of a complaint from the victim. The aim is to avoid traffickers subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities.

In addition to the victims, other persons may also be witnesses or intelligence sources. But there are real risks for them to make statements. Therefore, under Article 28 Parties must take the necessary measures to provide effective and appropriate protection to the victims, collaborators with the judicial authorities, witnesses and members of such persons' families.

The protection measures required depend on the risks that such persons run. Article 28 (2) gives examples of such measures. In some cases, it will be sufficient to install preventive technical equipment, to agree on an alert procedure, to record incoming and outgoing telephone calls or to provide a confidential telephone number, a protected car registration number or a mobile phone for emergency calls. Other cases will require bodyguards or, in extreme circumstances, further-reaching witness-protection measures such as a change of identity, employment and place of residence.

Court proceedings in human-trafficking cases – as, often, with any serious form of crime – may have unfortunate consequences for the victims: a victim giving evidence against traffickers or claiming compensation for injury suffered could be subjected to threats from criminal elements.

In criminal procedure there are values – defence rights on the one hand, victim and witness privacy and safety on the other – that converge and sometimes clash. In addition, proce-

her to commit any of the offences established in the Convention.

Article 23 requires Parties to lay down criminal penalties that are "effective, proportionate and dissuasive". In the case of an individual committing trafficking, Parties must provide for prison sentences that can give rise to extradition. There is also an obligation for the Parties to adopt legal instruments enabling them to confiscate offenders of the instrumentalities and proceeds of criminal offences.

Article 23 also provides for the closure of any establishment used to carry out trafficking in human beings. It also allows the perpetrator to be banned, temporarily or permanently, from carrying on the activity in the framework of which the offence was committed.

Thus, the Convention provides for such measures so as to allow actions to be taken against establishments that might be used as a cover for trafficking in human beings, such as matrimonial agencies, placement agencies, travel agencies, hotels or escort services. The measures are also intended to reduce the risk of further victims by closing premises where trafficking victims are known to have been recruited or exploited (such as bars, hotels, restaurants or textile workshops) and banning people from carrying on activities that they used for trafficking.

procedure varies greatly from country to country: a method of victim and witness protection employed in one system may be incompatible with the basic principles of another.

The drafters of the Convention accordingly took the view that the only possible solution was for the Convention to contain a provision on court proceedings which was compulsory as to the objectives (safeguarding the victims' privacy and guaranteeing their safety) but which left it to the Parties to determine the measures in order to attain the objectives.

Article 30 states that measures must comply with Article 6 of the European Convention on Human Rights: care must be taken that measures maintain a balance between defence rights and the interests of victims and witnesses.

The following means can be used, in accordance with the Court of Human Rights' case-law, to achieve the objectives of Article 30:

- Non-public hearings
- Audiovisual technology. The use of audio and video technology in order to take evidence and conduct hearings can, as far as possible, avoid repetition of hearings and of some face-to-face contact, thus making court proceedings less traumatic.
- Recordings of testimony
- Anonymous testimony

It would be too long to speak here about the case-law of the Human's right Court concerning Anonymous testimony. This issue is especially tricky in the sense that the protection granted to threatened persons must go hand in hand with the protection of the rights of the defence.

### *Measures to assist the prosecution of traffickers*

Under Article 29 § 1 Parties have to adopt the necessary measures to promote specialisation of persons or units in anti-human-trafficking action and victim protection. Therefore, each



country must have anti-trafficking specialists. There must also be sufficient numbers of them and they need appropriate resources.

Specialisation can take various forms: countries can opt to have a number of specialist police officers, judges, prosecutors and administrative officers or to have agencies or units with a special responsibility for various aspects of combating trafficking. Such agencies or units can be either special services set up to take charge of anti-trafficking actions or they can be specialist units within existing bodies. Such units need to have the capability and the legal and material resources to at least receive and centralise all the information necessary to prevent trafficking and unmask it. In addition, and independently of the role of other national bodies dealing with international co-operation, such specialist authorities could also act as partners to foreign anti-trafficking units.

Trafficking in human beings is often a transnational criminal activity perpetrated by organised networks that, typically, are mobile and adapt rapidly to change (for example, changes in a country's law) by redeploying. To be effective, action against such organisations must be co-ordinated. Article 29(2) stresses the need to co-ordinate policy and action of public agencies responsible for combating trafficking in human beings. Such co-ordination can be performed by specially established co-ordination bodies.

To combat trafficking effectively and protect its victims, it is essential that public authorities have proper training. The Convention specifies that such training must cover methods of preventing trafficking, prosecuting the traffickers and protecting the victims.

Concerning jurisdiction, each State has to establish jurisdiction over offences committed in its territory. In addition the Convention provides for the possibility for each State to prosecute offences committed by one of its nationals or against one of its nationals.

It will often happen, especially in case of transnational trafficking, that more than one Party has jurisdiction over some or all of the participants in an offence. For example, a victim may be recruited in one country, then transported and harboured for exploitation in another. In order to avoid duplication of effort, unnecessary inconvenience to witnesses and competition between law-enforcement officers of the countries concerned, the affected Parties are required to consult in order to determine the proper place for prosecution.

Finally, I would like to say a few words about judicial co-operation: countries will overcome trafficking only by joining their forces; on their own, they have very little chance of success. The drafters of the Convention took the view that cross sector instruments applying to a large number of offences are better adapted to achieve co-operation between Parties. The Council of Europe has already a substantial body of standard-setting instruments. The *European Convention on Extradition* and the *European Convention on Mutual Assistance in Criminal Matters* and their protocols are the most significant. Between the European Union member states, the European arrest warrant is also relevant. Therefore, the Convention encourages Parties to co-operate to the widest extent possible under these existing instruments for the purpose of investigations or proceedings concerning trafficking and related offences.

# Actions to combat trafficking in human beings carried out by the Parliamentary Assembly of the Council of Europe

## Ms Minodora Cliveti, Chairperson of the Committee on Equal Opportunities for Women and Men of the Parliamentary Assembly of the Council of Europe

Among the priorities set out by the Parliamentary Assembly of the Council of Europe for 2006 I shall mention the following: combating the trafficking in human beings, combating violence against women and combating the "femicide".

Given these priorities, the Committee on Equal Opportunities for Women and Men, in its turn, established its own priorities:

- fighting the violence against women, including sexual offences, as well as the so called "crimes of honour" and the "femicide".

Among the possible topics:

- develop the parliamentary dimension of the Council of Europe's pan-European campaign to combat violence against women, including domestic violence
- elaborate a report on femicide
- ensure that complaints made by women to the police are taken seriously. Our committee has actively participated in the meetings of the working group that elaborated the Council of Europe Convention on Action against Trafficking in Human Beings, insisting on granting special rights to victims, offering them free legal assistance, finding solutions for their protection in order to avoid the expulsion of the illegal migrant women as prostitutes.

As regards the first topic: "United parliaments in combating domestic violence against women". In its Recommendation 1681 (2004), the Parliamentary Assembly of the Council of Europe called the Committee of Ministers to undertake a pan-European campaign against domestic violence in 2006, in cooperation with European and national players such as the European Commission, the European Parliament, associations and NGOs.

As a result of Recommendation 1693 (2005) on the measures undertaken in order to fight all types of violence and trafficking in human beings, the Heads of State and Government of the member states, meeting at the Third Summit in Warsaw on 16 and 17 May 2005, stated in paragraph 9 of the Summit's

Final Declaration that they were "committed to eradicate violence against women and children, including domestic violence".

The Parliamentary Assembly of the Council of Europe decided to launch the pan-European campaign in 2007:

Proposed measures:

- The establishment of a task force for the evaluation of the progress achieved in the field by the 46 member states has been agreed;
- The Committee of Ministers has already engaged itself into the protection of women's rights by its Recommendation 2002 5 addressed to the Member States;
- The Committee of Ministers has advanced, at the inter-ministerial level and with the help of The Equality Division of the Council of Europe, measures of analysis of the good practices of the national legislation, identification of the measures regarding male aggressors in families, suggestions on therapeutic treatments of the authors, and the elaboration of the violence domestic indicators. This working group will have to define the overall guiding lines and strategy needed for the European campaign. Measures shall be set out at the inter-governmental level, at local and regional level as well as at the national parliaments' level.

Actions promoted by the Parliamentary Assembly of the Council of Europe:

- Promoting national parliaments in the campaign: liaison with NGOs;
- PACE asks the national parliaments to play an active role in denouncing violence, to enforce legislation in the field, to organise public debates in order to raise public awareness
- Adopting solemn declarations on fighting against the phenomenon
- Budgetary measures and national plans on fighting against violence. Our previous experience has demonstrated that although there is a law on prevention and fighting against domestic violence, there aren't suffi-



cient funds to pay medical and legal certificates, to build shelters for victims and centres for the treatment of aggressors.

- Co-operation between national parliaments of certain countries with high risk of violence: South Caucasus (The Committee on Equal Opportunities for Women and Men held a hearing at Tbilisi in 2005)
- Inviting representatives of the observer countries' parliaments to the Council of Europe: PACE invited the Mexican Congress to associate with the Congress of the Chihuahua state to this campaign. The Mexican Congress has accepted the proposal.
- The Sub-Committee on violence against women held one of its meetings at Stockholm; during this meeting important subjects were debated, as follows:
  - the situation of women from the rural areas, Roma women
  - the co-operation on this topic among the Council of Europe bodies: The commissioner for human rights
  - the co-operation with the European Parliament: the European Parliament adopted a resolution on the necessity of a campaign combating violence against women. A resolution on the present situation of combating violence against women, based on a report presented by Mrs Carlshamre was adopted on February 2, 2006. The Committee on Equal Opportunities for

Women and Men had a meeting to which participated Mrs Zaborska, chairperson of the Women's Rights and Gender Equality Committee of the European Parliament.

- Adequate budgets and human resources are needed.  
Conclusions:
- The Committee on Equal Opportunities for Women and Men proposed an urgent debate on forced prostitution in the context of the FIFA World Cup held in Germany
- Council of Europe Parliamentary Assembly President, René van der Linden, expressed, during a press release, his concerns about the risk of an increase in forced prostitution on the occasion of this year's World Cup and urged the organisation's member states as well as the European Community to adhere to the Convention on action against trafficking in human beings. "Whilst fully supporting all current initiatives for a 'red card' to forced prostitution".
- The commissioner Franco Frattini expressed his concern on trafficking in human beings in the context of the Fifa World Cup and recommended Romania to take extra measures for preventing this phenomenon
- The Council of Europe Convention on Action against Trafficking in Human Beings has been signed only by 25 member states out of 46.



## Measures and actions against trafficking in human beings taken at national level by the participating countries: Presentations by Romanian representatives

*The Romanian Representatives gave the following presentations. It has not been possible to include these in the proceedings since no translation into English is available.*

"New approaches in Romania as regards combating trafficking in human beings." Mr Ion-Gabriel Sotirescu, Head of the Directorate for Combating Organised Crime, Romanian Police, Ministry of Administration and Interior

"Reorientation of trafficking in human beings for occupying new interests areas." Mr Gheorghe Barbu, General Directorate for Information and Internal Protection

"Activities carried out by the Romanian Border Police for combating trafficking in human beings." Mr Ionut Smarandache, expert, Department for combating trafficking in persons - Romanian Border Police

"Legislative progress in the field of preventing and combating trafficking in human beings." Ms Iuliana Kope, expert, Legal Department

# Measures and actions against trafficking in human beings taken at national level by the participating countries: Country-by-country reports

## Austria

Ms Julia Planitzer, Federal Ministry of Social Security, Generations and Consumer Protection, Gender Mainstreaming, Human Rights, Health Issues

The Council of Europe convention on action against trafficking in human beings offers Europe a great opportunity to improve the situation of victims of trafficking. This convention emphasises the importance of the protection of the human rights of victims and the further development of the standards already established.

Austria signed the convention on the first day of the signing period in Warsaw on 16 May 2005, on the occasion of the 3rd Summit of Heads of State and Government of the Council of Europe. The process of ratification is currently on its way.

In the meantime Austria has taken a number of measures, which emphasise the great importance of the protection of the victims' rights.

At the beginning, I would like to mention the "Intervention Centre for victims of trafficking in women", which offers help and support to women and girls who are victims of trafficking in Vienna.

The Intervention Centre is financially supported by the Federal Ministry of Health and Women and the Federal Ministry of the Interior. The main task of this Intervention Centre is to provide the victims with a temporary shelter in which support and counselling for victims is offered. In addition the victims are accompanied to authorities or courts by social workers of the Centre. Joint work with women's organisations in the countries of origin of the victims helps them with their return or the Centre tries to support their integration in Austria.

In 2005, the Intervention Centre gave support to 151 women and girl victims.

But also legal measures, which support the victim centred approach of the Council of Europe convention, have been taken in Austria.

Firstly I would like to point out, that the criminal offence "trafficking in human beings" was extended in the Austrian

criminal code. A new provision against trafficking in human beings for the purpose of sexual exploitation, exploitation by removal of organs and exploitation of labour was created in the general part of the criminal code. This provision criminalises all persons who recruit, house or accommodate, transport or offer or pass on to a third party, a minor or a person of full legal age with the intention to exploit that person in any form. In the case of persons of full legal age unfair means like intimidation or deceit regarding the facts have to be used. Any person committing such an offence using violence or serious threat shall be sentenced to a term of imprisonment ranging from six months to five years.

In the code of criminal procedure a new provision supports victims of trafficking through ensuring better protection of their rights during proceedings. Victims who are strongly affected emotionally have a special standing in the proceedings which has to be respected by the prosecuting bodies. This includes, for example, persons who might have been exposed to violence or infringement of their sexual integrity.

As of 1 January 2006 these victims are entitled to free psychological assistance and legal aid in order to make the stress of the proceedings bearable for them.

In the field of residence law it has to be mentioned that a new provision regarding residence permits explicitly refers to victims of trafficking. Victims can apply for a residence permit on humanitarian grounds, which has a minimum duration of 6 months.

In 2004 an inter- and multidisciplinary committee called "Task Force against Trafficking" was set up at the Federal Ministry for Foreign Affairs. As well as representatives of all relevant ministries external experts and representatives of the aforementioned Intervention Centre take part in the Task Force. In addition several institutions or non-governmental organisations



present their work or actions in the field of combating trafficking of human beings as appropriate.

Working on a regular basis the Task Force makes sure that all relevant information constantly exchanges between all actors concerned and serves at the same time as a contact point, which improves the co-operation. A very important issue is the co-ordination of all activities and measures against trafficking, which leads to high effectiveness of work and to concrete results.

A supplementary working group deals with minors, who were trafficked to Austria, primarily Vienna, for begging, forced labour, prostitution or delinquency. The minors coming from South East European countries are mainly identified by law enforcement authorities. Representatives of the ministries involved and the reception centre for unaccompanied minors of the city of Vienna work together in order to enhance and improve co-operation between the Austrian authorities and the authorities in the country of origin and to solve questions of a legal nature.

The Federal Ministry of Social Security, Generations and Consumer Protection and the Federal Ministry of Health and Women support a project called "W.E.S.T. – Women East Smuggling Trafficking". The project W.E.S.T. was carried out in the frame of the INTERREG IIIB CADSES programme of the European Union to analyse the flows and routes of trafficking in co-operation with Italy and Albania. Integral parts of this project aim at

raising public awareness towards trafficking of women from Eastern Europe and includes various research. Training for specific target groups has been developed, especially for social workers and law enforcement. More than 300 students in universities and colleges took the opportunity to deepen their knowledge about the issue from various perspectives.

Finally I would like to inform you about the most recent action taken in Austria. The Federal Ministry of the Interior together with the International Organisation for Migration (IOM) carried out comprehensive training for law enforcement authorities responsible for child trafficking, which receives the financial support of the European Commission under the AGIS Programme 2005. The partners of this project are the Ministry for Foreign Affairs of Sweden, the Belgian Federal Police, EUROPOL and the OSCE. The international training seminar was held under the Austrian Presidency of the European Union as counter-trafficking in children has been identified as a priority. The seminar took place in Vienna from 14 to 17 of March 2006 with 110 participants from 39 different countries. A resource book for law enforcement officers – on good practice – has already been published. The recommendations on combating child trafficking, identified during the seminar, have been presented within the High-level Conference on Combating Trafficking in Human Beings, Especially Women and Children of the OSCE on 17 March in Vienna.

## Bosnia and Herzegovina

### Mr Samir Rizvo, State Co-ordinator for fight against Trafficking in human beings and Illegal Migration

In the late 1990s trafficking in persons for the purpose of sexual exploitation became a very serious and complex problem in most post conflict countries and countries in transition in the south-eastern Europe as it did in Bosnia and Herzegovina. In Bosnia and Herzegovina, dozens of night bars and similar facilities were established for the purpose of sexual exploitation of victims who most commonly were coming from Moldova, Romania, Ukraine, Russia and, increasingly, Serbia and Montenegro. Victims used to be trafficked en route to Croatia, Slovenia and Western Europe. Also, many of the victims from Bosnia and Herzegovina and Serbia and Montenegro were trafficked throughout the former Yugoslav republics and then back again in a seasonal, rotating pattern.

Having faced that phenomenon Bosnia and Herzegovina begun combating trafficking faced with many burdens because of lack of a legislative framework, lack of institutional capacities, lack of victim protection mechanisms, a very low level of public awareness about the problem in general, particularly among professionals who were obliged to react (police, border guards, immigration offices, prosecutors, judges, social protection services) and especially a lack of international co-operation in the fight against trafficking as a necessity because of the transnational nature of these kind of organised criminal activities.

Being aware that only a comprehensive approach which includes activities in investigation of trafficking cases, prosecution of traffickers, protection of victims and prevention can suppress trafficking and improve the situation, the Council of Ministers of Bosnia and Herzegovina adopted, in 2001, a Na-

tional Action Plan (NAP) to Combat Trafficking in Human Beings and, in 2003, appointed a State Co-ordinator for Combating Against Trafficking in Human Beings and Illegal Migration.

During the period between 2001-2004 almost all of the tasks from the NAP were implemented and the overall situation has improved in all three areas of counter trafficking (prosecution, protection and prevention) through legislative reform, capacity building, and raising of public awareness, development of victims' protection mechanisms and enhancement of international co-operation.

During legislative reform a better legislative framework to combat trafficking has been developed through a new Criminal Code which penalises trafficking in human beings and similar activities in full conformity with the UN Convention against Transnational Organised Crime and its Protocols; the Criminal Procedure provides, for prosecution services and law enforcement agencies, the necessary tools to effectively investigate trafficking using special investigation techniques; the Law on Protection of Witnesses under Threat and Vulnerable Witnesses and Law on Witness Protection Program provides for procedural and non procedural protection of witnesses prior, during and after trial. The Law on Stay and Movement of Aliens and Asylum and related by-laws introduced a wide range of protective measures for foreign victims of trafficking such as a temporary residence permit on humanitarian grounds, safe accommodation, medical, psycho-social assistance, free legal counselling.

In capacity building activities, the following improvements have been achieved:



- The Law on the Court of Bosnia and Herzegovina and Law on the Prosecutor's Office of Bosnia and Herzegovina give exclusive competence to these, the most competent and experienced judicial institutions to prosecute trafficking in human beings.
- Adoption of the Law on the State Border Service and Law on Control and Surveillance of the State Border and establishment of the State Border Service and its full functioning resulted in an improvement in the situation in migration and border management and a significant decrease of illegal migration, creating additional obstacles for traffickers.
- In 2004 the Law on the State Investigation and Protection Agency was adopted and that Agency has now been established. Within the Agency the Special Teams for the Fight against Trafficking in Human Beings and Sexual Offences have been formed and partially staffed, as well as the Witness Protection Unit. Those Teams and Unit will take over competencies in combating trafficking and witness protection from the local police services which have had a lot of problems in the co-ordination of their activities. The new, centralised approach should improve the situation and increase the number of successfully prosecuted trafficking cases as well as preventing police failure to fully investigate possible cases of trafficking.
- For the purpose of the implementation of joint policies and procedures of the competent bodies of Bosnia and Herzegovina in the area of suppression of trafficking in human beings and illegal immigration, as well as the setting up of effective co-ordination of the activities proscribed by the valid laws of Bosnia and Herzegovina, which is a competence of different Bosnia and Herzegovina institutions, the State Coordinator for Combating Trafficking in Human Beings and Illegal Migration and the Strike Force for the Fight against Trafficking and Illegal Migration, were established in 2003.

In parallel with the adoption of new legislation a significant number of training programmes on combating trafficking and protection of victims have been offered to the law enforcement officials, border guards, immigration officers, prosecutors, judges and other governmental and non-governmental officials.

Respecting the work and results of non-governmental organisations to provide support and assistance to the victims of trafficking and in the field of prevention activities the authorities of Bosnia and Herzegovina decided to entrust the implementation of protective and most of the preventative activities to NGOs by signing Protocols of co-operation with them. Five of them run safe houses which provide for victims secure accommodation, food, medical care, psycho-social care, free legal counselling and eventually repatriation to their countries of origin and assistance in the reintegration into the victims' respective societies.

In close co-operation with several international organisations and thanks to their technical and financial assistance and with several NGOs, the authorities of Bosnia and Herzegovina have implemented a lot of preventative activities through awareness raising campaigns targeted at the general public, professionals, potential clients and vulnerable groups with the

aim of strengthening efforts towards combating trafficking and protection of victims.

It is also important to emphasise, once more, that following IOs and NGOs were pioneers in the fight against trafficking in Bosnia and Herzegovina and let me extend on behalf of the Government of Bosnia and Herzegovina sincere appreciation to them for all the assistance and support they provided to the Government in legislative reform, institutional capacity building, protection of victims and preventative activities.

They are: United Nations Mission in Bosnia and Herzegovina; UN Office of the High Commissioner for Human Rights, International Organisation for Migration, International Center for Migration Policy Development, UN High Commissioner for Refugees and the United Nations International Children's Emergency Fund, Lara, La Strada, Forum of Solidarity, Women of Bosnia and Herzegovina, Medica, Vasa Prava.

Also, a lot of the countries provided support and assistance to Bosnia and Herzegovina's efforts to fight and suppress trafficking on a bilateral base.

In the past, Bosnia and Herzegovina has enhanced its international co-operation in the fight against organised crime including the fight against trafficking and was involved in the work of all international, regional and bilateral institutions and initiatives working on counter trafficking issues. The most important and the most efficient channel of such co-operation used to be and currently is the SECI Centre. The SECI Centre was established to enlarge and to diversify co-operation amongst the State Parties within the framework of the Southeast European Co-operative Initiative. Through this channel, the Parties, through their designated authorities, assist each other, in accordance with Agreement on co-operation, to prevent and combat transborder crime and in preventing, detecting, investigating, prosecuting and repressing transborder crime.

Also, Bosnia and Herzegovina has concluded some bilateral agreements on police and judicial co-operation and agreements on readmissions with neighbouring and some source and transit countries.

All of the above mentioned measures have resulted in successful investigations, prosecutions and convictions pronounced by the Courts of Bosnia and Herzegovina against traffickers in human beings. In previous years, the results were pretty modest but in 2004 they were as follows:

48 investigations were conducted against traffickers, 40 of which were concluded successfully and resulted in criminal records being filed to the prosecutors' offices.

Competent prosecutors have issued 18 indictments against 30 suspects.

18 verdicts were handed down, 16 of which resulted in convictions of imprisonments of up to 3 years and fines of up to 20 000 BAM/10 000 EUR.

Most of the investigations, indictments and verdicts were against small criminal groups or gangs, sometimes well connected with criminal groups from neighbouring countries and source countries of victims.

The current trafficking situation in Bosnia and Herzegovina may be described as follows:

- In the past years Bosnia and Herzegovina has significantly improved its legislative, regulative and institutional capacities in the fight against THB.
- Co-operation and co-ordination of activities among governmental institutions, non-governmental organi-



sations and international organisations has also significantly improved.

- The number of successful investigations against traffickers has significantly increased.
- The number of identified foreign VoT is significantly decreasing as well as illegal immigrants. A number of anti-trafficking strategies and measures initiated within the framework of the State Action Plan appear to have had a positive impact on reducing the number of trafficking cases in Bosnia and Herzegovina. The border control, for example, has been strengthened and the border is now less porous than in the past.
- However, the number of identified domestic VoT is increasing because of the above-mentioned burden for traffickers to traffic foreign victims. Due to lack of supply of foreign victims traffickers victimise more domestic girls.
- Traffickers changed their modus operandi using more sophisticated methods and switching to sexual exploitation of local victims instead of foreign ones. Nonetheless, traffickers have adopted new strategies to traffic persons into Bosnia and Herzegovina, including fake arranged marriages of citizens of Bosnia and Herzegovina to foreign women. Similarly raids on nightclubs and bars resulted in a dramatic decrease in

the number of trafficking victims referred to shelters. However, trafficking has not stopped, but rather has gone underground, with trafficked victims being shifted to private apartments, where they are denied any sort of protection.

- In Bosnia and Herzegovina there still exists demand and supply and other social and economic circumstances (poverty, unemployment) which generate prostitution and THB.

Being aware that there still exist *lacunae* in the legislation, that institutional capacities can be improved, that there is still enough scope to act preventively and that international co-operation can be strengthened the Council of Ministers of Bosnia and Herzegovina adopted a revised State Action Plan to combat trafficking in human beings 2005-2007 in April 2005.

In line with set principles and guidelines, the State Action Plan for Combating Trafficking in Human Beings 2005-2007 further develops a supporting framework which will enable adequate response to the problem of trafficking through action in following areas:

- Prevention
- Protection and support to victims and witnesses
- Prosecution and international co-operation.

Thank you for your attention.

## Bulgaria

Ms Nadezhda Todorova, Chief expert, International Legal Co-operation and Eurointegration Department, Ministry of Justice

Good morning, ladies and gentlemen,

It is a pleasure to present to you the main achievements of the Bulgarian legislator in the field of combating trafficking in human beings as well as some examples of good practice in this area in our country.

### *The Crime "Trafficking in Human Beings"*

The Bulgarian Penal Code foresees a general *corpus delicti* for the crime "trafficking in human beings". Pursuant to the amendments to the Penal Code promulgated in issue 92 of the State Gazette of 27 September 2002 a special "Human Trafficking" Section was established in Chapter II "Crimes against the Person" of the Penal Code incriminating this particular type of crime in compliance with the UN Convention against Transnational Organised Crime and the respective Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

The provisions of Articles 159 a-c of Chapter II, Section IX "Trafficking in Human Beings" in the Penal Code incriminate all cases of recruitment, transportation, transfer, harbouring or receipt of persons for the purpose of exploitation even when it does not include any of the means stipulated in Article 2, *bis* "a" in sentence 1 of the Palermo Protocol. Human trafficking is punishable in all hypotheses when it is committed for the purpose of exploitation in all of its possible forms stipulated in Article 2, *bis* "a" in sentence 2 of the same protocol, including also trade in bodily organs.

The section of the Penal Code that has been referred to takes into account the requirement of Article 2, *bis* b "b" that

human trafficking be punished also when the victim has given consent to be trafficked.

As with the general hypotheses, trafficking in children is punishable even when it does not include any of the means specified in the basic definition in Article 2, *bis* b "a", sentence 1 but is committed in another way.

The above provisions of the Penal Code incriminate both transborder and internal human trafficking. Trafficking in persons is punishable also when it is not committed by an organised criminal group.

The "Trafficking in Human Beings" section contains provisions on more severe punishment for cases of serious trafficking including trafficking for the purpose of sexual exploitation. The penalties envisaged with regard to severe cases of trafficking are in line with the requirements of the Palermo Protocol and include 5 to 15 years of imprisonment and a fine of up to 20 000 BGN (approximately 10 000 Euros) as well as an option for the court to rule on the confiscation of part or of the entire property of the convicted person.

Further to being specifically incriminated in the provisions of Section IX of the Penal Code, human trafficking is criminalised also with regard to other related criminal offences in the Penal Code, in particular:

- Articles 142, 142a, 156 – kidnapping and illegal deprivation of liberty, also for the purpose of placing the kidnapped persons at disposal for acts of debauchery;
- Article 155 – maintaining premises for acts of debauchery, persuasion to practising prostitution and acting as a procurer for performing acts of lewdness;



- Article 188 – forcing minor or underage persons to prostitution;
- Article 280 – illegal facilitation across the state border;
- Article 152, Paragraph 3, Item 4 – rape for the purpose of further placing at disposal for acts of debauchery or prostitution;
- Article 93, Item 20 – legal definition of the concept of "organised criminal group":

An "organised criminal group" is a structured sustainable association of three or more persons with the purpose of committing crimes in a concerted manner both in the country and abroad that are punishable by deprivation of liberty of more than three years and are aimed at providing property proceeds. The association shall be considered structured also in the absence of formal distribution of functions between the participants, sustainability of participation or a developed structure."

The purpose of our national substantive law is to exhaust both the forms of the act of trafficking and all cases of complicated criminal activity related to human trafficking which is subject to more severe punishment than the basic *corpus delicti*.

In the sense of the Additional Provisions in the Law on Combating Trafficking in Human Beings, in § 1.1. "illegal trafficking in human beings" is the gathering, transportation, transfer, hiding or acceptance of persons, regardless of their will, when it is done for the purpose of exploitation. The contribution of our legislator in rationalising and introducing the elements of the corpus delicti of trafficking is the extended interpretation of the act committed, compared with the definition of the crime under the Protocol supplementing the UN Convention namely, that the gathering, transportation, transfer, hiding or acceptance of persons in view of exploitation is considered trafficking in human beings regardless of the fact whether by duress, abduction, illegal deprivation of liberty, fraud, abuse of power, abuse of subjection or through giving, receiving or promising profit in order to obtain the consent of a person exercising control of another person, **in all cases where it is done for the purpose of exploitation**. The means of achieving this purpose (refer to the criminal corpus delicti of the Penal Code of the Republic of Bulgaria: Article 159a, Article 159b??? and 159c) are always elements of the objective side of the criminal corpus delicti of trafficking for which more severe punishments are envisaged, in particular when victims of trafficking are children or when it is committed by an errand or in fulfilment of a decision of an organised criminal group. Crime is not only transnational, but also the national, domestic trafficking in persons. In the Law there are definitions of the terms "exploitation", "child", victim of trafficking", "risk group", "risk regions", thus securing their equal interpretation by the institutions and the citizens. These terms are valid, in their legally established interpretative form, for the bodies of the judiciary enforcing the penal responsibility of trafficking where there is no definition of trafficking, but it is applied by analogy to the Law, thus unifying the term in our legislation, with regard to the content, for all structures involved in the prosecution of trafficking, for the bodies of the executive power and the judiciary.

An important part of the measures for prosecuting trafficking is the protection and compensation of the victims of the crime. The issue of victim protection within the framework of the operational action of the bodies of the executive power should differ from its status in the penal proceedings where it

could be, depending on the respective legal systems, as is in the penal procedure system in the Republic of Bulgaria, in addition to a witness enjoying specialised protection if he/she is prepared to co-operate with the prosecution, also a party having the procedural right to be constituted as a private prosecutor and a civil plaintiff in the process and to defend actively its position and its legal interest.

An inter-agency working group, co-ordinated by the Ministry of Justice of the Republic of Bulgaria, in which representatives of Non-Government Organisations, engaged in the field of protection of victims of crimes have also take part, has elaborated a Draft National Strategy for Implementation into Bulgarian legislation the requirements of the **Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings and Council Directive 2004/80/EC of 29.04.2004 relating to compensation to crime victims**.

#### *Witness protection*

In compliance with the standards of international legal instruments the institute of the witnesses protection was implemented in the Bulgarian Penal Procedure Code in 1997-Article 97a. The norm of this article provides for the bodies of the pre-trial proceedings, the judge reporting the case or the court, upon request, or with the consent of the witness, to take measures for his/her protection if there are sufficient grounds to believe that due to the testimony there has arisen or may arise real danger to the life, health or the property of the witness, his relatives of ascending or descending line, brothers, sisters, spouse or persons with whom he is in very close relationship. In 1999 the institute of witnesses protection was improved with some amendments in the text of Article 97a aiming at the **maximum degree of defence of human rights** of the persons under protection bearing in mind the character of the measures for protection, which could restrict human rights. In first place the scope of the application of witness protection was broadened to the witnesses pointed out by the defence counsel (Article 97a, par.7). Secondly the measure of providing guards with regard to relatives of ascending or descending line, brothers, sisters, spouse or persons with whom the witness is in very close relationship shall be taken **only with their consent or with the consent of their legal representatives** (Article 97a, par.3). And finally the obligation for the submission of the transcripts of the protocols for interrogation of the witness that do not bear his signature to the accused and to the defence counsel thereof, and in judicial proceedings – to the parties who may put questions to the witness in writing is introduced in the text of Article 97a, par.5. This obligation avoids the possibility of affecting the right of the accused person to a fair and impartial trial. In the *newly adopted Penal Procedure Code* which enters in force on 28 April 2006 the regulatory framework is further refined and broadened.

On 9 November 2004 a special **Law on the Protection of Persons Endangered in Criminal Proceedings** was adopted by the National Assembly.<sup>1</sup>

The purpose of the Law is to secure the safety of those persons whose testimony or explanations are of particular importance for the penal proceedings, to enhance the protection provided for in the Penal Procedure Code, thus assisting the fight against serious crimes including organised crime and trafficking in human beings.

The main elements of the Law refer to the:





1. Regulation of the **applicable field** of the Law from the point of view of the categories of crimes which give grounds to apply special protection, and the circle of persons covered by such protection.
2. Detailed legal regulation of the **Programme for Protection** of endangered persons as a set of measures carried out by determined state bodies and designed for special protection of persons who have obtained protected person status.
3. Competent authorities for implementation of the Programme for Protection:
  - A Protection of Endangered Persons Council is being established by the Minister of Justice as a decision-making body for the inclusion of a particular endangered person in the Protection Programme;
  - A Protection of Endangered Persons Unit is being established as a specialised department of the Directorate General "Security" within the Ministry of Justice to implement the measures under the Programme.
4. **Procedure** for inclusion to the Programme.
5. **Content of the agreement** to be concluded between the endangered person and the Protection Unit as well as the obligations of the protected person and the Protection Unit. The agreement has no nature of a civil legal contract within the meaning of the Law on Obligations and Contracts.
6. Grounds for **suspension** of the Programme by the Protection Council.
7. **International co-operation** - on the basis of an international treaty to which Bulgaria is a Party or on the basis of reciprocity.

#### *Law on Combating Trafficking in Human Beings*

In May 2003 a special Law on Combating Trafficking in Human Beings was adopted. The law codifies non-criminal aspects of trafficking emphasising prevention, protection of victims and their re-socialisation. The Law is entirely compliant with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children as well as with European legislation in this area. The aim of the Law is to provide protection and support to the victims of trafficking, with full recognition of their human rights, as well as to ensure co-operation between state and public authorities and between them and NGOs.

Thus, Bulgarian legislation has been put in full compliance with international standards in this area. The Law codifies the activities aimed to prevent and counter trafficking in human beings, and provides protection and assistance for the victims. It guarantees effective co-operation among governmental, municipal and non-governmental organisations in the further development of national policy in this area.

The Law introduces two regimes for granting **protection and support to the victims** of trafficking - general and special,

1. The Draft Law was developed by a large inter-departmental group during one year. In its work the group used the laws on witness protection adopted in the last few years in the Czech Republic, Lithuania, Hungary and Romania as well as the relevant provisions in the legislation of Germany, Spain, and District of Columbia, USA. Detailed discussions were held on the Draft-Law during a special workshop with the participation of experts of the Ministry of Justice of the United States.

and shelters and support centres are being established to serve as temporary residences for the victims.

The National Commission on the fight against THB was set up at the end of 2004 to co-ordinate and monitor the implementation of the national policy against THB. A Deputy Prime Minister was appointed as Chairman of the **National Commission on Combating Trafficking in Human Beings**. Members of the Commission are the Deputy Ministers of Foreign affairs, Labour and Social Policy, Interior, Justice, Health, Education and Science, Vice-President of the State Agency for Child Protection, Vice-President of the Supreme Cassation Court, Deputy Chief-Prosecutor and Deputy Director of the National Investigation Service.

On 26 January 2005 the Commission adopted an **Annual National Programme on Combating Trafficking in Human Beings and Protection of its Victims for 2005**, which was approved by the Council of Ministers on 17 February 2005.

The Programme envisages the establishing of administrative structures at national and local level, as stipulated in the Law on Combating Trafficking in Human Beings, raising the public's awareness on issues relating to human trafficking and the mechanisms for its prevention. The measures to be undertaken aim at risk groups' inclusion, training of specialists responsible for issues relating to human trafficking, conducting research and launching information campaigns.

The Annual National Programme also envisages measures aimed at providing assistance to human trafficking victims as well as protection of their rights and their social reintegration. The programme considers also measures to improve international co-operation and exchange of best practice in combating trafficking in human beings.

#### *Co-operation mechanisms foreseen under the anti-trafficking law of May 2003*

The Law on the fight against Trafficking in Human Beings in Bulgaria foresees the establishment of a National Commission for Combating Trafficking in Human Beings at the Council of Ministers, which is to be chaired by the Deputy Prime Minister. The multi-agency approach in the composition and the work of this Commission is the key element of the co-operation mechanism.

The commission is to be composed of deputy ministers and deputy chairpersons of different ministries and Government bodies, as well as a Deputy President of the Supreme Court of Cassation, a Deputy Prosecutor General and a Deputy Director of the National Investigation Service. The meetings of the National Commission may be attended by anti-trafficking NGOs and international organisations.

With regard to this latter issue, the intention is to allow for the participation of all NGOs providing services to victims of trafficking.

The National Commission is to be assisted by a secretariat.

As trafficking in human beings occurs not only in Sofia but also in other areas, in particular in certain cities, the Black Sea coast and border regions, Local Commissions for Combating Trafficking in Human Beings are to be created in a number of municipalities. These local Commissions shall, among others, include NGOs as well as professional experts (teachers, lawyers, psychologists etc.).

The National Commission is tasked to organise and co-ordinate the work of all relevant institutions, develop an annual



work programme against trafficking in human beings, contribute to international co-operation, develop training programmes, carry out awareness campaigns, and manage and supervise the work of Local Commissions.

It shall furthermore register individuals and NGOs providing shelter to victims of trafficking. In fact, the law foresees two types of shelters for temporary housing of victims, namely, shelters set up by the National Commission and shelters set up by individuals and non-profit legal entities. Terms and conditions for the establishment of shelters are provided for in a governmental regulation adopted this year.

Under the Regulation for the Structure and Functioning of the National Commission adopted by the Government in 2004, the Commission will receive a central budget from which shelters, centres and commissions will be funded. NGOs will thus be able to apply for funding of shelters from this budget.

#### *NGO involvement in the anti-trafficking effort*

Approximately 15 NGOs are working in the anti-trafficking field in Bulgaria providing different types of support. Examples are:

- *Nadja Centre Foundation.* This centre was established in 1996 as part of the first Bulgarian Programme against Violence against Women. It is an independent NGO providing medical, psychological, psychiatric and social assistance and legal advice as well as temporary shelter. The shelter is the first of its kind in Bulgaria. It was opened in 1997. Partners of the Nadja centre include the police, prosecutors, courts, health and social services, the Ministry of Labour and Social Policy, Ministry of Justice, Ministry of Interior, Academy of the Ministry of Interior, State Agency for Child Protection, Bulgarian Red Cross, International organisations and other NGOs. It co-operates with IOM (Bulgaria) on trafficking in human beings. The Nadja Centre Foundation also participated in the working group which drafted the new anti-trafficking law of May 2003.
- *Animus.* The Animus Association Foundation was created in 1994 as a women's NGO. The main focus of its work is on domestic violence but the proportion of activities related to trafficking in human beings is increasing. Since 1998 it is the Bulgarian partner in the international 'La Strada' programme for the prevention of trafficking in women in central and eastern Europe involving nine countries. The Animus Foundation maintains activities in three fields: (1) a rehabilitation centre for women, adolescents and children survivors of violence; (2) work in the community: lobbying, prevention and establishing a network of partners and like-minded individuals; (3) training and dissemination of good practice through a training centre. The Foundation co-operates with a range of national and international partners. It has concluded co-operation agreements with public institutions and has been a member of the working group elaborating the anti-trafficking law.
- *Gender Research Foundation.* The primary aim of this NGO is to promote a gender-balanced society in Bulgaria. It consists of lawyers, researchers and women's

rights activists. Its research work has focused on questions of violence against women, social and economic rights of women and advocacy of women's political representation. It co-operates with other NGOs in Bulgaria and is part of international human rights and women's networks. Recently, the Gender Research Foundation also started to address the issue of trafficking in human beings and, like the above NGOs, participated in the drafting of the anti-trafficking law.

The co-operation of NGOs in the preparation of the anti-trafficking law can be regarded as good practice ensuring that the practical experience of NGOs is reflected in the law, and enhancing ownership in view of the implementation of the law.

Most NGOs are active in the field of prevention. In view of the implementation of the new anti-trafficking law, the capacities of the NGOs to provide direct protection and shelter to victims will be expanded. NGO shelters may receive funding under this law.

With regard to Government funding of other types of support provided by NGOs – such as counselling and legal advice – the working group on the implementation of the EU Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings is established at the Ministry of Justice with the task to elaborate the National Action Plan on protection of victims of crime, including THB. This will include measures on the involvement of victim support services and organisations, including their funding from State budgets.

#### *Co-operation agreements*

NGOs and governmental institutions have been co-operating with each other for a number of years. To some extent, co-operation has been based on written agreements. The Nadja Centre, for example, has signed three such agreements:

- On 15 September 1999, the National Directorate of the Police and the Nadja Centre agreed to co-operate against violence against women and children, to develop a concept against violence through training and awareness creation, and to carry out activities complementing each other's work.
- On 19 March 2002, the Nadja Centre and the Border Police concluded an agreement aimed at preventing trafficking in human beings for sexual exploitation and protecting victims, covering the following:
  - Development of programmes for joint training on prevention of trafficking and protection of victims.
  - Sharing of information and exchange of experience.
  - Common rules and principles on the treatment of victims.
  - Ensuring confidentiality, etc.
- On 29 November 2002, the Nadja Centre agreed with the Police Academy that:
  - they will co-operate against violence against women and children, and for the prevention and combating of trafficking in human beings
  - the Nadja Centre will provide trainers on domestic violence, sexual violence and violence against children
  - the Nadja Centre will train interns of the Police Academy at the Nadja Centre
  - they will develop common training projects.





### Regional co-operation activities

Bulgaria actively participates in the work of the Anti-trafficking Task Force of the Stability Pact for South-East Europe. The Ministry of Justice has appointed the national anti-trafficking co-ordinator as a contact point for the regional co-operation activities. In 2003 Bulgaria was a host country of the 4th Regional Forum of the ministers of justice and home affairs of the Southeast European countries. The ministers signed the Declaration on the witness/victim protection and the fight against trafficking in children in the region.

A new Project "Enhancement of the Implementation Strategies for National Anti-Trafficking Action Plans in Bulgaria and Romania" was launched in May this year and is implemented in conjunction with the regional EU CARDS project for the Western Balkan countries. The project is implemented by ICMPD in close co-ordination and consultation with the agencies and organisations already active in the field (such as Stability Pact Task Force on Trafficking in Human Beings (SPTF) and OSCE/ODIHR) and is funded by the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ). The purpose of the project is to elaborate regional guidelines for comprehensive anti-trafficking responses, comprising regional best practices and standards.

### Co-operation with international organisations

For several years already, the IOM in Bulgaria has actively supported the anti-trafficking development process of our legislation and institutional capacity building. The National Campaign against trafficking of women from Bulgaria launched in 2002 by the IOM, in partnership with the major governmental and non-governmental players in the anti-trafficking field, had a major impact on public awareness raising as well as on the forming of a multi-level, multi-disciplinary and multi-agency approach in tackling the THB problem in Bulgaria.

The governmental institutions received from ABA CEELI in Bulgaria very active involvement and assistance in drafting the new anti-trafficking legislation in compliance with interna-

tional and European standards, along with the support in anti-trafficking training and qualification activities for law-enforcement and judicial bodies and social services.

### Effectiveness of co-operation

In terms of trafficking in human beings, Bulgaria is an important country of origin, transit and destination. Recent years have seen an increasing recognition on the part of public authorities as well as civil society organisations that a comprehensive effort against trafficking is required. The adoption of the anti-trafficking law of May 2003 and the sub-laws for its implementation from 2004 is a major step forward.

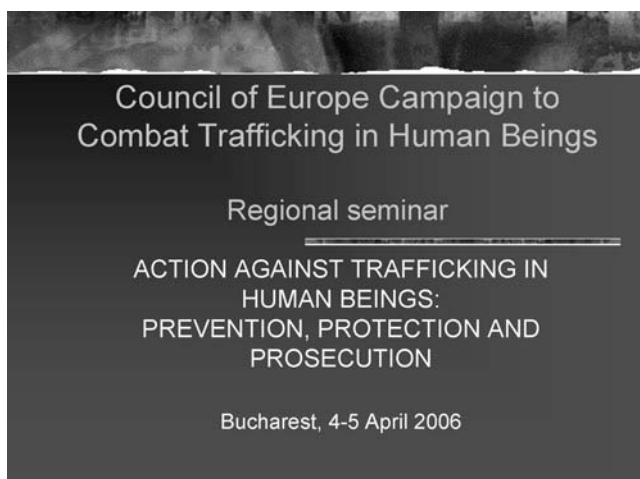
The conditions for a co-operative approach against trafficking in Bulgaria have been assessed by the PC-S-CO Best Practice Survey (2003) on "Co-operation against THB" as rather favourable:

- A number of NGOs and international organisations are involved in the anti-trafficking effort and have developed subject-matter expertise.
- Public institutions, including law enforcement bodies and the judicial system, have also been active in this field.
- There is past experience in multi-agency approaches, as well as experience in co-operation and the conclusion of co-operation agreements between law enforcement bodies and NGOs.
- The preparation process of this law benefited from the co-operation and contributions from a number of stakeholders.
- Co-operation and co-ordination is a primary objective of the law, which foresees specific provisions and institutional mechanisms in this respect.

The co-operative effort in the preparation of the anti-trafficking law and sub-laws on its implementation and the provisions on co-operation in Bulgaria can be considered good practice, which may inspire other countries.

## Croatia

Ms Ines Loknar Mijatovic, Counsellor, Office of the Government for Human Rights and Vice-Secretary of the National Committee for suppression of the trafficking in human beings





## National System for Suppression of Trafficking in Persons

- National Programme for Suppression of Trafficking in Persons 2005 – 2008
  - Action Plan for 2005
  - National Action Plan against Trafficking in Children for the period from 1 October 2005 to 31 December 2007
  - Action Plan for 2006
- Reports on Implementation

NATIONAL PROGRAMME FOR SUPPRESSION OF TRAFFICKING IN PERSONS 2005-2008 + ACTION PLAN FOR THE SUPPRESSION OF TRAFFICKING IN PERSONS FOR 2005

## National Anti-Trafficking Response Present Situation

### National Committee

The Chairperson of the National Committee is the Deputy Prime Minister of the Government of the Republic of Croatia in charge of social affairs and human rights

National Coordinator – the Head of the Office for Human Rights of the Government of the Republic of Croatia

Members of the National Committee – representatives of ministries, state administrative organisations, State Attorney's Office, non-governmental organisations and media

### Operative Team

#### Working Group on Suppression of Trafficking in Children

## National Anti-Trafficking Response

- In May 2002 The National Committee for the Suppression of Trafficking in Persons was established
- The National Committee developed the National Plan for the Suppression of Trafficking in Persons that was adopted in November 2002

## Office for Human Rights as National Coordinator's Office

- **trafficking – violation of human rights and human dignity**
- Human rights approach
- **importance of coordination (structure)**
- Coordinated approach
  - National Coordinator
  - Secretariat of National Committee for Suppression of Trafficking in Persons and of Working Group on Suppression of Children

## National Anti-Trafficking Response Present Situation

- In December 2004 the Government of the Republic of Croatia adopted National Programme for Suppression of Trafficking in Persons 2005 – 2008 and the Action Plan for 2005
- On 30 September 2005 Croatian Government adopted National Plan for the Suppression of Trafficking in Children for the period from 1 October 2005 to 31 December 2007
- Action Plan for the Suppression of Trafficking in Persons for 2006 was also adopted by the Government on 23 December 2005

## Structure of the National Programme for Suppression of Trafficking in Persons and Action Plans

- LEGAL FRAMEWORK
- IDENTIFICATION OF THE VICTIM, DETECTION, PROSECUTION AND SANCTIONING OF THE PERPETRATOR OF THE CRIMES RELATED TO TRAFFICKING IN HUMAN BEINGS
- ASSISTANCE TO AND PROTECTION OF VICTIMS
- PREVENTION
- EDUCATION
- INTERNATIONAL CO-OPERATION
- CO-ORDINATION OF ACTIVITIES

Action Plans elaborate programme objectives, work out in detail measures, activities for implementation, responsible authorities, deadlines, indicators and required funds.



## LEGAL FRAMEWORK

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Programme objective:

To improve regulations for the purpose of ensuring more effective protection of victims and detection, prosecution and sanctioning of perpetrators of crimes related to trafficking in persons.

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## CONVENTION OF THE COUNCIL OF EUROPE ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS

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Activities:

- Prepare a Draft Law on the Ratification of the CoE Convention on Action against Trafficking in Human Beings
- Send the Draft Law on the Ratification of the CoE Convention on Action against Trafficking in Human Beings to legislative procedure of Croatian Government

Facilitator: Office for Human Rights  
 Deadline: 31 December 2006  
 Required funds: HRK 10,000.00

Implementation indicators:

- Adopted Law on the Ratification of the CoE Convention on Action against Trafficking in Human Beings

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## INTERNATIONAL DOCUMENTS IN THE FIELD OF SUPPRESSION OF TRAFFICKING IN HUMAN BEINGS TO WHICH THE REPUBLIC OF CROATIA IS A PARTY

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- UN Convention against Transnational Organised Crime
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- Convention on the Rights of the Child
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- Council of Europe Convention on Action against Trafficking in Human Beings

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## IDENTIFICATION OF THE VICTIM, DETECTION, PROSECUTION AND SANCTIONING OF THE PERPETRATOR OF THE CRIMES RELATED TO TRAFFICKING IN HUMAN BEINGS

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Programme objectives:

1. To enhance and improve procedures for identification of trafficked persons.
2. To enhance and improve procedures for detection, prosecution and sanctioning of perpetrators of crimes related to trafficking in persons.
3. To develop co-operation among bodies responsible for detection, prosecution and sanctioning of crimes related to trafficking in persons.
4. To develop international co-operation in detection, prosecution and sanctioning of perpetrators of crimes related to trafficking in persons.

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## CONVENTION OF THE COUNCIL OF EUROPE ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS

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- Croatian Prime Minister signed the Convention at the 3rd Summit of Heads of State and Government of the Council of Europe member States in Warsaw on 16 May 2005
- Croatia among the first signatories

**Action Plan for 2006**

**LEGISLATIVE FRAMEWORK**

Program objective:  
 Improve the legislation with a view to protecting victims more effectively and to detecting, prosecuting and appropriately punishing offenders trafficking in human beings.

**MEASURE:**  
 Ratification of the Coe Convention on Action against Trafficking in Human Beings

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## National Referral Mechanism – Protocol for the identification, assistance and protection of victims of trafficking in persons

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- SOURCES OF INFORMATION
  - Ministry of the Interior (20 police directorates)
  - other sources of information (National Committee, non-governmental and international organisations, SOS phone 0800-77-99, etc. )
- IDENTIFICATION OF THE VICTIM OF TRAFFICKING IN HUMAN BEINGS
  - Ministry of the Interior (if the victim is a child or a juvenile, a representative of the Ministry of Health and Social Welfare is obligatory included)
- ASSISTANCE AND PROTECTION
  - Non-governmental organisations
  - Ministry of Health and Social Welfare

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## Prosecution

- Criminal Code of the Republic of Croatia  
– Article 175 “Trafficking in human beings and slavery”  
(the title and characteristic of the criminal offence taken over from Article 3 of the Palermo Protocol)

The insertion of a new paragraph (4) has been proposed  
(Article 19 of CoE Convention on Action against Trafficking in Human Beings)

The Act on the Liability of Legal Persons for Criminal Offences lays down the sanctioning of a legal person for a criminal offence committed by a responsible person

## ASSISTANCE TO AND PROTECTION OF VICTIMS

- Updating the data-base on cases related to trafficking in human beings
- 42 identified victims in Croatia from 2002
- Mobile teams
- Shelter for victims of trafficking and alternative accommodation
- Victims are provided with health-care and psycho-social and legal assistance
- Cooperation with non-governmental and international organisations (Petra Network, Croatian Red Cross, IOM)
- Regulating the Residence of Victims in Trafficking (in compliance with the Instruction on Methods for Regulation of the Stay of Trafficking Victims)

In 2005 Ministry of the Interior approved the extension of temporary stays for two identified trafficking victims in Croatia.

## Prosecution of the perpetrator and the status of a victim

- criminal proceedings shall be instituted by the State Attorney’s Office on his own motion (Article 8 of the Criminal Code)
- criminal charges are filed by the Ministry of the Interior sua sponte
- the victim does not have an obligation to take part in the criminal proceedings against the perpetrator
- the status of a victim of trafficking in human beings is not conditioned by his/her co-operation with judicial and police bodies

Act on the Witness Protection - regulates the provision of assistance to a victim appearing as a witness

## Protection of Children Victims of Trafficking in Human Beings

- The Republic of Croatia is a party to the Convention on the Rights of the Child and the Optional Protocol on the sale of children, child prostitution and child pornography
- Article 175 paragraph 2 of the Criminal Code sanctions trafficking in children as a severe criminal offence (imprisonment from 5 to 15 years)
- Protection of children victims in the criminal procedure is ensured by the Juvenile Courts Act and the Criminal Procedure Act

National Plan for the Suppression of Trafficking in Children from 2005 to 2007

## ASSISTANCE TO AND PROTECTION OF VICTIMS

Programme objectives:

1. To provide trafficked persons with assistance, protection and safety by applying a comprehensive approach to each victim of trafficking or any similar crime.
2. To ensure the recovery, return and integration/reintegration of victims of trafficking.
3. To ensure the confidentiality of the identities of victims of trafficking in persons.
4. To improve forms of protection and assistance offered to Croatian citizens identified as victims of trafficking.

## PREVENTION

Programme objectives:

1. To identify the causes and consequences of trafficking in persons and to explore them systematically.
2. To conduct research into the causes and consequences of trafficking in persons.
3. To create economic and social conditions for the prevention of trafficking in persons in the Republic of Croatia.
4. To systematically monitor potentially vulnerable groups.
5. To inform the community and to raise public awareness of the phenomenon of trafficking in persons and its consequences.



## PREVENTION

- Public awareness-raising campaign "Stop Trafficking in Persons"
- SOS phone 0800-77-99
- Campaign for the prevention of trafficking in children
- Grants for NGOs projects and programmes
- Media
- Distribution of brochures, fliers, posters
- IOM Migration Service Centre

## INTERNATIONAL CO-OPERATION

Programme objective:

To develop systematic co-operation between the Republic of Croatia and other countries and international and intergovernmental organisations involved in the effort to combat trafficking in persons.

- *Bilateral and multilateral cooperation with the countries in the region*
- *Cooperation with Council of Europe, OSCE, UN*
- *Cooperation with member countries of the EU and candidate countries for EU membership*
- *Cooperation with Interpol and Europol*

Counter-Trafficking web pages  
on web-sites of the Office for Human Rights  
[www.liudskaprava-vladarh.hr](http://www.liudskaprava-vladarh.hr)  
and Ministry of the Interior ([www.mup.hr](http://www.mup.hr))

## INTERNATIONAL and REGIONAL CO-OPERATION

- "STOP TRAFFICKING IN HUMAN BEINGS" Cavtat, 18 - 20 October 2005 - organised by the Office for Human Rights and the OSCE Mission to Croatia
- REGIONAL POLICE COOPERATION THROUGH THE SECI REGIONAL CENTRE IN BUCHAREST
- REGIONAL PROJECTS
  - Enhance the Implementation Strategies for National Anti-trafficking Action Plans in SAP countries
  - Establishment of Legal, Regulatory and Institutional Foundations pertaining to Asylum, Migrations and Visas Compatible with EU Frameworks
  - Enhancement of Police Capability against Severe Crime in South East Europe
  - Suppression of Trafficking in Persons Through Prevention-Education

## EDUCATION

Programme objective:

To continue with the education of target groups on the phenomenon of trafficking in persons at both national and international levels, including: police officers, customs officials, social workers, teachers, judicial officials, diplomatic and consular staff, military officers and police officers participating in international missions, civil society organisations, the media, professional staff members who care for trafficking victims and render assistance to them, etc.

*Topics dealing with the trafficking in human beings have been incorporated into the curricula of the Police Academy, the Judicial Academy and the Diplomatic Academy.*

## CO-ORDINATION OF ACTIVITIES

Programme objectives:

1. To strengthen co-ordination of activities undertaken by all competent government authorities, international organisations and non-governmental organisations in the effort to combat trafficking in persons.
2. To systematically monitor the implementation and efficiency of action plans to combat trafficking in persons.



ICMPD Programme for the Enhancement of Anti-trafficking Responses

Guiding principles (Regional Best Practice Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response)

- Government ownership
- Civil society participation
- Human rights based approach
- Interdisciplinary and cross-sectoral approach
- Sustainability

For further information:

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## Germany

Ms Nicole Zündorf-Hinte, Protection of Women from violence, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth

### General remarks

Perceived as one of the richest western industrialised states with good opportunities to earn money quickly, Germany is one of the **target countries** of human trafficking. Moreover, it is situated between the western countries on the one side and the central and east European countries on the other. This also makes Germany a **transit country** for human trafficking to the other west European countries.

Trafficking in human beings is a **human rights violation** and a **crime** that must be prevented and controlled. This is the universal political consensus – both across ministerial responsibilities and across national borders and has been for more than a century. So why are we still discussing this topic then?

The two **main causes** underlying trafficking in human beings can, if we take a realistic look at them, hardly be controlled by any regulatory or legal measures: first, the absence of hope for a better future and the poverty of the victims, mostly women, in their countries of origin are factors that cannot be remedied by economic assistance in the short term. Second: the demand in the target countries, e.g. for prostitutes or cheap labour.

Another reason is the difficulty to reach a political consensus over the measures to be taken. As soon as the details and strategies for preventing and controlling a problem as complex as trafficking in humans are on the agenda, it becomes evident that there are diverse interests and interest groups that pursue different and sometimes conflicting goals. Such **conflicts of goals** are not unique to relations between governments and NGOs, but also exist within the various fields of policy.

So there are different approaches to solving the problem, varying with the aspects of trafficking in women they emphasise.

- Trafficking in human beings is focused on as a moral problem: here the question is how a society deals with prostitutes,
- prosecution problem: here it is about police and judicial measures to prosecute the traffickers,

- migration problem: policies relating to the aliens law are in the foreground, the intention being not to allow possible victims into the country in the first place or to deport them immediately on getting hold of them,
- labour problem: here the focus is on issues of labour migration and protection at the workplace (protection from exploitation), but also questions of work permits for foreign people and immigration in general,
- human rights violations: here the question is how a state that is based on the rule of law can prevent such human rights violations from happening and afford the victims maximum support and also compensation.

This last approach shall be the focus of my presentation today. Before that, however, I would like to call your attention to the fact, that Germany is a federal country, where many of the effective and good measures for victim protection lie within the responsibility of the Länder. Therefore the approaches may vary, but the legal framework e.g. in the Alien's Law or the Social Benefits Act is the same for all.

### Federal Working Group "Trafficking in Women"

In order to achieve a co-ordinated approach towards the complexities of trafficking in human beings, the Federal Government instituted in 1997 the Federal Working Group "Trafficking in Women", which meets about four times a year. This reflects the obligations laid down in Article 29, Para 2 of ETS 197 (Council of Europe Convention on Action against Trafficking in Human Beings).

Its composition takes account of the highly complex problem of trafficking in women as relating to various fields of policy, addressees and levels:

- Federal Ministry for Women (central co-ordinator and manager)
- Federal Foreign Office
- Federal Ministry of the Interior
- Federal Ministry of Justice
- Federal Ministry of Labour and Social Affairs



- Federal Government Commissioner for Migration and Integration
- Federal Ministry for Health
- Federal Ministry for Economic Co-operation
- Federal Criminal Police Office
- Representatives from each of the technical conferences of the Länder ministries of the Interior, Justice, Social Affairs and Equality
- Counselling centre SOLWODI e.V.
- Diakonisches Werk (welfare organisation of the protestant church)
- Co-ordinating group of the technical counselling centres.

The tasks of the working group include

- continuous exchange of information on the numerous activities going on in the Federal Länder and in the national and international bodies,
- analysis of the concrete problems in combating trafficking in women,
- elaboration of recommendations and, if appropriate, joint campaigns to combat trafficking.

One of the most important outputs of the Federal Working Group was the Co-operation Concept between the Police and specialised counselling services in the field of victim protection, which by now has become a standard in the majority of the 16 Länder.

Before presenting this model scheme developed by the Working Group, I want to spend a few words on the scope of detected cases of trafficking. Since 1994 the Federal Police Office publishes data on cases of THB. This means, Germany has monitored and documented the developments for over 10 years by now and these data are used to adjust strategies in preventing and fighting THB.

In 2003 the federal police registered 1235 victims of trafficking resulting in 431 investigations of THB, in 2004 972 victims were freed and 370 investigations initiated. These are amongst the highest numbers of investigations worldwide. However, these cases follow the old legal provisions, which were reformed on 19 February 2005, so only cases of trafficking for sexual exploitation went into the statistics. The broader definition which is now in force grants the same rights to victims of labour exploitation, however, the infrastructure in counselling is not yet in place and we do not have the experience on functioning models, so I will focus on trafficking for sexual exploitation.

For a successful investigation it is crucial that police and counselling services, which are NGOs, co-operate for the following reasons:

- the stabilisation and empowerment of victims of trafficking is a human rights issue, which must be taken seriously;
- cases of THB can only be discovered and prosecuted by personal evidence. Without witnesses there are no investigations and no court proceedings and the offenders cannot be punished;
- in order to be able to give a valuable statement in court, witnesses must be stable.

A scientific study of the Max Planck Institute for Criminology from 2002 confirmed that there is a direct connection between prosecutions, verdicts and good care for victims.

All victims of trafficking are granted a reflection period of 28 days, which will be adjusted to one month and will include

also the purpose of recovery in the course of ratifying ETS 197 (Article 13) and implementing the EC Directive 81/2004 on short term residence permits for victims of trafficking. The vast majority of victims freed by the police are then brought into contact with specialised counselling services. If victims are children, then under the provisions of the Social Benefits Act the Youth Services must be involved and take over guardianship. Children receive age appropriate help and support. The counselling services mentioned above give advice and discuss the opportunities of staying in Germany or returning home after the reflection period. In order to facilitate and institutionalise the co-operation between the 16 Länder police forces and 45 acknowledged counselling institutions in the field of victim protection and later on witness protection, the Federal Working Group "Trafficking in Women" has developed the above mentioned co-operation concept, which corresponds to Article 32 of ETS 197.

#### *Co-operation concept*

This co-operation concept, after an initial memorandum of understanding, lays down the different tasks that police and counselling services must fulfil in order to provide adequate protection and the necessary stabilisation for victims of trafficking. Victims need support for their physical integrity, safe accommodation, subsistence and a residence status, as laid down in Article 12 of ETS 197.

To meet these goals the police ensure that victims, during their first contact with law enforcement authorities, are informed of their possibility of receiving support by an independent counselling service. It is the police who establish the contact after finding a potential victim. (Article 12, 1 d, e).

The police take care of the formalities with the other authorities (e.g. immigration officers for a residence permit) and make arrangements guaranteeing that no information on the witness is divulged. (Article 11 ETS 197)

Protection measures before, during and after court procedures within and without the court room are to be carried out by the police. (Article 30, ETS 197). The police also advise the female counsellors on their protection.

The counselling services, in consultation with the police, decide upon the future accommodation.

The counselling services provide continuous psycho-sociological care and arrange medical care.

If the victims want to, the counsellors may be present during interviews.

The counselling service provides offers of re-integrative training and education to the witness.

What is remarkable is the fact, that those victims of trafficking who received independent counselling during the reflection period, very often were willing to testify and were granted a right to stay at least during the court proceedings. This also meant, they were allowed to work legally in Germany, based on a decree by the Federal Ministry of Labour, which helped them to find a way back into life and set up perspectives for the future. You might ask yourselves, why – if their statement is so crucial in the court proceedings – are victims of trafficking often not included in the "classical" witness protection programs for witnesses of organised crime? Well, some are, but the majority due to either trauma or simply the humane urge to stay in contact with relatives and friends at home, cannot be included into these programs which mean amongst other things a





new identity and a breach of contact with the friends from the past. So there was a need for a different approach.

#### Outlook

Germany at the moment is transferring the EC Directive 81/2004 on short term residence permits for victims of THB and 10 other directives into national law. Apart from the improvements stemming from these EU-legal instruments the Federal Government is considering the necessity of improving the administrative procedures for a long term stay for endangered witnesses after the trial, as suggested by Article 14, Paragraph 4 of ETS 197. The improvements following the EC Directive 81/2004 are very important for the victims, because their social rights (health care, amount of social benefits etc.) are derived from their residence status in accordance with the Social Charter of the Council of Europe.

Since in the federal system the Länder are responsible for the financing of the counselling services, we constantly need to remind the responsible finance ministers that in order to be able to prosecute THB and give the victims back their dignity these counselling services must be paid for. The Federal Government within its limited competence is paying for the networking of the counselling services. For the Federal Government this has also the advantage of having one partner for co-operation, since the umbrella organisation is doing the co-ordination and networking of the NGOs.

New challenges also stem from the broadened definition of trafficking. So far, the police have set up co-ordinating institutions between Federal Police, labour inspectors and customs officials (who are in charge of searching for illegal labour), however, as mentioned above, the counselling landscape in the field of labour exploitation is just starting to develop.

#### FIFA World Cup

At the very end of my presentation let me spend a few words on the preparation of the major sports event of this summer, the FIFA World Championship. As in the run-up to the Olympic Games in Athens 2004 there are concerns that this event will also lead to a higher figure of trafficked women for sexual exploitation to Germany. The Federal Government is well aware of these concerns and has worked out the following strategy:

Human trafficking, forced prostitution and the associated crime are inhumane and are an expression of flagrant contempt of the basic values of our society.

Fighting human trafficking and forced prostitution was therefore a high priority in Germany already before the 2006 FIFA World Cup and will continue to be one after this sporting event, too, requiring all parts of society to make a contribution.

## Greece

Ms Athanasia Vasilopoulou, Dept. of Special Legal Affairs of the EU and International Organisations, Hellenic Ministry of Justice

#### Introduction

Nowadays, it's a well known fact, that trafficking in human beings for various exploitative purposes is an international, organised, criminal phenomenon that has a grave affect

On the other hand, prostitution as such is not prohibited in Germany, and this will not be changed by the 2006 FIFA World Cup.

The 2006 FIFA World Cup will be a particular challenge to the federal and *Land* police forces; they will guarantee that this international tournament can take place safely in Germany. To this effect, we will not only concentrate on measures against terrorism and hooliganism, but also give high priority to fighting other forms of crime including forced prostitution and human trafficking.

Overall, the police will step up controls specifically in the host cities, which will have a deterrent effect on potential traffickers of human beings. Stricter and more extensive controls will also increase the probability of detecting cases of human trafficking.

We expect an increase in the demand for and supply of prostitutes during the World Cup, as is typical for large-scale events.

We must also assume that this demand will be met partly by women who are forced into prostitution and may have been smuggled into Germany for this purpose. In this context, concerns have been raised that up to 40,000 women could be smuggled into Germany and forced into prostitution during the World Cup. This is a purely arbitrary figure lacking any serious foundation.

The federal and *Land* police forces have developed a co-ordinated policing strategy in this field, which takes account of existing regional and local specificities.

Among other things, this strategy includes setting up a federal office for the collection and analysis of information at the Federal Criminal Police Office and conducting focused search operations by the *Land* police forces if there is reasonable evidence to suspect a crime.

There will be two nationwide emergency hotlines for victims of trafficking operated by specialised counselling services with financial aid by the Federal Government. Furthermore the general emergency line 110 of the police will be operated by officers who have received special training regarding trafficking in human beings, therefore being able to respond to any calls referring to forced prostitution.

The German Women's Council has opened its campaign "Final Whistle – Stop Forced Prostitution" sponsored by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth in order to use publicity to raise the general awareness of the topic.

Germany has taken all possible measures to guarantee the security of the FIFA World Cup. This includes preventive and repressive measures against forced prostitution and human trafficking.

Thank you very much for your attention.

on democratic societies and strikes to the very core of human rights and dignity.

This crime, which has been characterised as modern-day slavery, demands a rapid and professional counter-trafficking





response on the part of law drafters, politicians, judges, judicial officials, law enforcement agencies, police and civil society at both the national and international level.

My country, Greece, was one of the first countries in Europe, and especially in South Eastern Europe, which drafted in 2002 and put into effect a national law on this particular issue: "Combating trafficking in human beings, crimes against sexual freedom, child pornography and the financial exploitation of sexual life in general and assistance to the victims of these acts", Law 3064/2002. The Presidential Decree 233/2003 about the protection and assistance to the trafficked victims which followed the above law as well as the recently established Law 3386/2005 about "the entrance, residence and social integration of third countries' nationals in the Greek territory" strengthen the protection of trafficked victims.

I am going to present the above mentioned national laws giving emphasis to their contribution and particular to the new aspects they have brought to the legislation regarding counter-trafficking measures in Greece.

#### Law 3064/2002 on combating trafficking in human beings

The need for developing an updated and appropriate legislation framework for preventing and combating human trafficking derives from our country's obligations and commitments to International and European conventions and other legal instruments,<sup>2</sup> in combination with the new forms of criminal activities related to sexual and financial exploitation of human life.

The logic/aim of the legislator when drafting this law was: a) to connect human trafficking with organised crime, b) to criminalise exploitation of labour, sexual exploitation and the trafficking of human organs and c) to protect and assist trafficked victims.

So in addition to the pre-existing criminal provisions in the Penal Code and the specific criminal laws the Law 3064/2002 on trafficking brought certain new aspects:

1) A new (till then) article, Article 323A, with the title *trafficking in human beings*, was added to the Penal Code after Article 323 (slave trade). This article deals with other forms of human trafficking such as those taking place for the purpose of removal of human organs, the forceful or deceitful exploitation of human labour and the recruitment of minors for the purpose of using them in armed conflict. The penalties are incarceration of up to 10 years plus a fine of 10 000-50 000 Euros, and if the act is against a minor, or it is committed by an official in the course of his/her occupation, or results in the victim's grave physical injury, a penalty of incarceration of no less than 10 years and a fine 50 000-100.000 Euros is foreseen in this article. Furthermore, the person (client) who accepts the

2. Just to mention some of these Conventions herewith: 1) the UN Convention on the Rights of the Child (1989) 2) the ILO Convention on the Worst Forms of Child Labour, 1999 (No. 182) 3) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN TOC Convention, 2000 (Palermo Convention), 4) the European Convention for the cyber-crime (2001), 5) the conclusions of the Tampere European Council (1999), 6) the Common action 97/154/JHA (24.2.1997), 7) the Council Framework Decision of 19 July 2002 on combating trafficking in human beings and 8) the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings.

labour of another person under the conditions of these actions will be punished with incarceration of at least 6 months (see also Article 351/P.C. para 3).

- 2) Another 2 articles were added to the Penal Code (P.C.): a) Article 348 A about *child pornography* and so for the first time the crime of child pornography was enacted. Human trafficking is associated with trafficking in pornographic material involving minors, whose weakness is exploited, with the age limit of minors protected under the law being increased to the age of 18. Child pornography is punished with severe penalties, with minimum sentences in certain cases of ten years of incarceration and a fine. b) the Article 351 A (*indecent assault with a minor for pay*), established for the first time the criminal nature of gross indecency committed by an adult at the expense of a minor for pay or other material consideration. The penalty threatened by this provision escalates depending on the minor's age.
- 3) With this law the following amendments to pre-existing articles of the Penal Code were made: a) in Article 338/P.C. about *the abuse for indecent assault* was amended making extramarital intercourse or sodomy, which takes place by way of the abuse of another person's incapacity to resist or insanity, punishable irrespective of the victim's sex, the previous provision in effect was limited only to women. b) *the crime of procuring*, Article 349/P.C. was reformed in order to provide substantial protection to minors, since the punishment is incarceration, instead of imprisonment, for a period of up to 10 years plus a fine and in aggravated cases (if the crime was committed against a person younger than the age of 15 or with the use of fraudulent means or by an ascendant blood relative or by affinity, an adoptive parent, spouse etc., or by an official, incarceration plus a fine. c) the Article 351/P.C. regarding *the crime of solicitation to prostitution* became the principal provision of the relevant chapter of the Penal Code pertaining to the financial exploitation of sexual life, in order to deal in particular with human trafficking when it is committed with violence, threat or other means of coercion and for the purpose of exploiting sexual life. Thus, the coercive exploitation of sexual life or the exploitation of sexual life in a state of awareness of the victims' vulnerable situation, will be punished as felonies, while the act will be punished as an aggravated crime when it involves minors or is associated with illegal entry into the country, illegal residence or illegal exit from the country of foreign nationals or by relatives or in a professional manner or by an officer or results in heavy physical injury of the victim. Also, it defines the meaning of sexual exploitation, in order to avoid any misunderstandings and also in order to include not only any indecent act for profit but also the use in any manner whatsoever of the victim's body, voice or image and labour and other services for the purpose of sexual stimulation (erection).
- 4) Also with Law 3064/2002, the following additions were made:



- a) In Article 8 /P.C., regarding *the crimes committed abroad and which are always punished by Greek legislation*, the acts of trafficking in human beings, solicitation to prostitution and indecency with a minor for pay were added, in order to enable their punishment even when they are committed abroad, irrespective of the laws of the place of perpetration.
- b) in the crimes of Article 187/P.C. (*criminal organisation*), the acts of trafficking in human beings, solicitation to prostitution, child pornography and indecency with a minor for pay were included. So, anyone who is a member of such a criminal organisation will be punished irrespective of whether these particular crimes have been committed or not, while the provisions on witness' protection will also apply to such cases.
- 5) Furthermore, severe administrative penalties were established as well, such as the compulsory provisional or final removal of the operation licence of a shop or business on whose premises the crimes of child pornography, procuring or solicitation to prostitution have taken place.
- 6) With para 5, Article 11, Law 3064/2002, the acts of human trafficking and solicitation to prostitution were added in the list of the criminal acts of Law 2331/1995 (*about the prevention and combating of the legalisation of income from criminal activities, i.e. the law on money laundering*) as it was amended by the recent Law 3424/2005. In this way, also in the above mentioned cases, the provisions of these laws regarding the seizure and the compulsory confiscation of proceeds of crime are applied.

*Protection and assistance to trafficked victims in Law 3064/2002 and Presidential Decree 233/2003*

In Law 3064/2002 and the Presidential Decree 233/2003 about the *protection of and the assistance to victims of the crimes of articles 323, 323A, 349, 351 and 351A/P.C., under article 12 of L.3064/2002 (which elaborates the article 12, of the anti-trafficking Law 3064/2002)*, provisions for the protection of trafficked victims have been included. Especially the Presidential Decree 233/2003 which defines the services, means and ways of providing protection, assistance and care. So, based on it the assistance and protection to the trafficked victims refers to:

- The life, physical integrity and personal and sexual freedom of the victims if there is serious danger which threatens these and for the period of the existence of this danger.
- The provision, by the *Services and Units of Assistance and Protection* for the whole time that it is considered as necessary by them, of free assistance concerning housing (safe residence in special houses, maintenance and humane living conditions), medical assistance (under doctor's supervision), psychological support by psychologists and social workers and provision of a lawyer and an interpreter. Also for minors, under the age of 18, this legislation provides for their integration into education and training programmes.
- For adults who are not over 23 years old and who have the typical required qualifications, there is the possibility to enrol in technical and professional schools

through the special programmes of the Organisation for Employment of Labour force (OAED).

For victims who are foreigners and reside illegally in our country it is possible to postpone their expulsion under a special order of the competent Prosecutor to the Court of First Instance and the approval of the Prosecutor to the Court of Appeal until the issue of the irrevocable decision of the trial of the perpetrator of these criminal acts. The trafficked victims who are foreigners and reside illegally in our country can be repatriated safely if they wish so. In case of a minor, then for his/her repatriation the consent of the Prosecutor of Minors on the report made by the Supervisor of Minors Delinquents is required. (see the following Law 3386/2005 for third-country nationals and trafficking).

*Law 3386/2005 about the "entrance, residence and social integration of third-country nationals in the Greek territory"*

With this new law, there is for the first time in a legal instrument, the definition, of the victim of trafficking. So the trafficked person is any natural person who has been a victim of the crimes as described in Article 323 (slave trade), 323A (trafficking in human beings), 349 (procuring), 351 (solicitation to prostitution) and 351A. (gross indecency with a minor for pay) / P.C. regardless as to whether this person has entered the country legally or illegally.

The whole chapter H in this law has been dedicated to the overall measuring of the protection and assistance to the trafficked victims for combating this phenomenon and according to the Direction of the Council of the EU 2004/81/EC, dated 29.4.2004 about the title of residence issued to the third-country citizens victims of trafficking or taking part in illegal migration, who collaborate with the competent authorities. According to the provisions of this chapter is provided that:

1. For the citizen of a third country who has been characterised as a trafficked victim (with Prosecutor's to the First Instance act) will be issued/granted a residence permit without the obligation of its payment (Article 46). The relevant application for the issue of this permit can be submitted by this person or can be transmitted through the competent Prosecutor to the Dept. of foreigners and Migration, at the Ministry of Interior, Public Administration and Decentralisation.
2. Article 47 refers to the first stage of informing the trafficked victims about the issue of the residence permit and the required conditions. Particular provisions are included for unaccompanied victims who are minors and the measures that police and judicial authorities should take to define their I.D. and citizenship, in order to establish that they are not accompanied. In this case, efforts are made to locate the family of the minor and the necessary measures for ensuring their legal representation are taken, if needed in the criminal proceedings.
3. For the first time, a period of reflection is being included in Article 48. A period of 30 days is being provided to the trafficked victim in order for them to recover and to escape from the influence of the traffickers, in order to decide whether he/she will collaborate with the competent police and judicial authorities. The issue of the reflection period is provided by the decision of the competent prosecuting author-



ity to the trafficked victim. For victims who are minors this period can be extended for an additional 30 days, which is considered as sufficient time for realising the danger they run and thus to collaborate with the authorities. It is clearly mentioned that this period of reflection does not establish a right of residence in the country. During this period the trafficked victims are not deported, and in case there is a decision of deportation it will be revoked. The reflection period can be stopped by a decision of the competent Prosecutor's authority, when the trafficked victim reconnects with the traffickers. Also during the reflection the state reserves the possibility to end this procedure for public order and security reasons.

4. During the reflection period (article 49) measures for assisting the victim are provided (medical assistance, legal aid, etc.)
5. In Article 50, the special conditions for issuing and renewal of a residence permit are defined after the end of the reflection period and a little time before its end.
6. In Article 51, the conditions about the non renewal or recall of the residence permit are defined.
7. A Permit of residence can be issued to the trafficked victim within a month after the irrevocable court decision, for the reasons and conditions which are included in the Law 3386/2005, and with the decision of the Secretary General of the relevant Prefecture.

At the legislative level, the EU Framework Decision of the 15th March 2001, regarding the standing of victims in criminal proceedings recognises the basic rights of victims, their access to justice, support, protection and compensation and relevant obligations of member states are imposed for reassuring the adoption of these rights by them. Thus, the Ministry of Justice has drafted a law which supplements the national legislation and includes the obligations of our country deriving from the above mentioned Framework Decision and also another draft law which will include separately the institution of criminal mediation. Both of them, pretty soon, will be submitted to Parliament for ratification.

Greece is a signatory state to the Additional Protocol to the TOC UN Convention regarding the Combating of trafficking in human beings (Protocol to prevent, suppress and punish trafficking in persons) and pretty soon it will proceed to ratification. Also on 17.11.2005, Greece signed the Council of Europe Convention on Action Against Trafficking in Human Beings.

#### *Actions for implementing the national anti-trafficking legislation*

On the Ministry of Justice's initiative a special Committee, under the Presidency of the Secretary General of the Ministry of

Justice, was established in 2004, in order to co-ordinate work at the political level for the implementation of the provisions of L.3064/2002 on combating trafficking. This Committee works at the level of the Secretary Generals of the Ministries of: Justice, Public Order, Equality, Foreign Affairs, Economy and Finance, Employment and Social Protection, Health and Welfare, National Religion and Education, Ministry of Interior, Public Administration and Decentralisation, and meets at least twice a month.

This Committee among other actions, elaborates the state programme with the title "Actions Against Human Trafficking". This programme covers a wide range of actions such as (see also relevant informative leaflet):

- monitoring the phenomenon of trafficking-location of victims
- recognition and protection of victims
- establishment of shelters and hospices
- medical and psychological support of victims
- provision of legal aid and assistance to victims
- administrative support-granting of residence permits
- repatriation
- support in the countries of origin with re-integration programmes
- provision of education and labour integration to victims remaining in Greece
- educating the police forces
- educating judges and public prosecutors
- informing the public.

Within the framework of this Action the co-operation with NGOs and civil society in general is very important for preventing and combating the phenomenon of trafficking. That's why the above Committee signed, in 2005, a Memorandum with the representatives of relevant NGOs in order to co-operate on raising public awareness of trafficking issues.

The details about the steps and measures taken by each Ministry are described in the relevant leaflet which was issued by the Ministry of Public Order.

#### *Concluding remarks*

Since the phenomenon of human trafficking is a phenomenon in process and takes different forms due to technology and new methods used by the traffickers, its confrontation should evolve. Moreover, in the near future it will be imperative for amendments or additions to the existing national and international legislation against such phenomena to be made.

Of course, nothing can be done successfully without the regional and international co-operation among the competent authorities and civil society.

## Hungary

Ms Éva Rózsa, Senior chief counsellor, Ministry of Interior, Law Enforcement Department

#### *Introduction*

Trafficking in human beings is a fundamental and significant challenge in the field of human rights. Organised criminals commit this crime which results in huge profits at a relatively low risk, the victims of which are human beings – mainly women

and children – who become commodities and whose human rights and dignity are severely violated.

Concerted action is needed for combating this phenomenon, including prevention and suppression of trafficking in human beings.



The enlargement of the European Union underlines the necessity for joint action, since the source or transit countries of today will also be target countries in the future; however, candidate countries will have to assume responsibility for controlling the external frontiers of the Union, which is an effective tool in the fight against trafficking in human beings.

This is a highly important issue regarding co-operation in the field of Justice and Home Affairs, as efficient information exchange, border control and successful police co-operation may lead to significant progress in combating this harmful phenomenon.

The Protocol signed in Palermo in November 2000 on the prevention and suppression of trafficking in human beings – especially women and children –, supplementing the UN Convention against Trans-national Organised Crime, is a significant new tool in the promotion of international co-operation. The states that signed and ratified the Protocol undertook an obligation to declare trafficking in human beings a criminal act and to protect its victims.

The Republic of Hungary – being a signatory to the Convention – and the Hungarian Government handle the problem with due emphasis – the policy accepted and the measures in force aim equally at prevention, law enforcement and assistance to victims.

Hungary is a starting point, transit route and target country of trafficking in human beings; it is therefore in our basic interests to improve the efficiency of action against this phenomenon both at domestic and international level.

The Hungarian Police consistently enforce anti-trafficking legislation and take every possible measure – including the combination of intelligence gathering, human and technical surveillance, undercover operations and standard investigative techniques, covert intelligence gathering – in order to detect such acts and prosecute traffickers. The system of national criminal procedure is based on the principle of mandatory prosecution, where the authorities proceeding in criminal cases must conduct a criminal procedure once the conditions stipulated in the Act on Criminal Procedure are fulfilled.

#### *Legal environment*

Hungary incorporated into its Penal Code, in 1998, trafficking in human beings as an independent criminal act with special aggravating provisions if the victim is under the age of 18 (in force since 1 March 1999).

#### *Trafficking in Human Beings*

##### *Section 175/B*

- (1) Any person, who sells, purchases, conveys or receives another person or exchanges a person for another person, also the person who recruits, transports, houses, hides or appropriates people for such purposes for another party, is guilty of a felony punishable by imprisonment not to exceed three years.
- (2) The punishment shall be imprisonment between one to five years if the criminal act is committed
  - a) to the detriment of a person under eighteen years of age,
  - b) to the detriment of a person kept in captivity,
  - c) to subject the victim to forced labour,
  - d) for the purpose of sodomy or sexual penetration,
  - e) for the unlawful use of the human body,

- f) in criminal conspiracy, or
- g) in a pattern of criminal profiteering.
- (3) The punishment shall be imprisonment between two to eight years if the criminal act is committed
  - a) to the detriment of a person who is in the care, custody, supervision or treatment of the perpetrator, or
  - b) for the purposes specified in Paragraphs c)-e) of Subsection (2)
    1. by force or by threat of force
    2. by deception,
    3. by tormenting the injured person.
- (4) The punishment shall be imprisonment between five to ten years if the criminal act is committed
  - a) to the detriment of a person referred to in Paragraphs a) and b) of Subsection (2) and in Paragraph a) of Subsection (3), for the any of purposes defined under Paragraphs c)-e) of Subsection (2), and/or in the manner defined under Points 1-3 of Paragraph b) of Subsection (3), or
  - b) for the purpose of making illegal pornographic material.
- (5) The punishment shall be imprisonment between five to fifteen years or life imprisonment if the criminal act is committed to the detriment of a person under twelve years of age
  - a) for any of the purposes defined under Paragraphs c)-e) of Subsection (2),
  - b) in the manner defined under Points 1-3 of Paragraph b) of Subsection (3), or
  - c) for the purpose of making illegal pornographic material.
- (6) Any person who makes preparations for trafficking in human beings is guilty of misdemeanour punishable by imprisonment not to exceed two years.

This new provision on "Trafficking in Human Beings" entered into force on 1 April 2002. The UN Convention against Transnational Organised Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children motivated the creation of new legislation. There is no specific legislation penalising the sexual exploitation of women and children. These conducts are in the provision on "Trafficking in Human Beings" as aggravating circumstances.

To close down the network of offenders and to bring them to justice it is essential that the victims assist the judiciary by giving evidence. The act on protection for participants of criminal procedures and persons co-operating with the criminal justice system – that also enables care to be provided to victims of trafficking – came into force also on 1 April 2002.

According to one of the new provisions of the new Act on Aliens, which came into force on 1 January 2002, foreigners co-operating with the judiciary may be granted residence permits on humanitarian grounds.

The Brussels Declaration, prepared in the spirit of contributions submitted in the preparations of the Brussels Conference and in the spirit of contributions made at the Conference, aims at further developing European and international co-operation, concrete measures, standards, best practices and mechanisms to prevent and combat trafficking in human beings.

According to the recommendations of the Brussels Declaration Hungary is achieving the fulfillment of its main tasks.





The ratification and implementation, including the monitoring of implementation, of the United Nations Convention against Transnational Organised Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, must be an immediate priority for the achievement of a converged legislative platform and a basis for intensified co-operation.

Aliens Act 39/2001 allows short-term relief from deportation to victims of trafficking who co-operate with the police and prosecutors. Ex officio residence permit may be granted.

The Act LXXXV of 2001 on witness protection includes the protection program for participants of criminal procedures and persons co-operating with the criminal justice. It introduces the first ever witness protection program into Hungary and, as a supplementary measure, also grants physical protection to witnesses

It is applicable to the co-operative defendant, the witness – including the victim of traffic, if s/he gives evidence –, their relatives and other relevant persons. Foreign nationals may also be included in the program.

The quite new Act CXXXV of 2005 on the compensation of victims of crimes covers the victims of trafficking in human beings. It entered into force on 1 January 2006.

The Act on witness protection program defines a range of safety measures, among them:

- personal protection: when physical protection is given, it is based on an agreement with the endangered persons in compliance with civil law and during this period special measures are applied and psychological, social, financial, humanitarian and legal assistance is required.
- protection of home and property,
- rapid assistance if in danger,
- change of identity and documentation, relocation
- in-court protection for witnesses giving evidence.

We went further in also seizing the proceeds of crime. We always had a section for confiscating the instruments and products of criminal activities. Besides that section, we had another rule for forfeiting the whole or part of the assets of the perpetrators, but just as a so-called supplementary punishment. It was not efficient because it was only applicable when the offender was found guilty and an "appropriate" asset was proved. The Criminal Code was amended in this area about two years ago, so that forfeiture of assets went from a supplementary punishment into a so called "criminal law arrangement". Now it can be applied, without regard to guiltiness, for forfeiting any financial gain or advantage resulting from criminal activities obtained by the offender in the course of or in connection with a criminal act. All assets obtained by the perpetrator during his involvement in organised crime shall be subject to forfeiture until proven otherwise. If a legal person obtains such gain or advantage, it shall be subject to forfeiture.

The Parliament approved the modification of the Act on Criminal Proceeding on 13 February, authorising the Border Guard with the power of criminal investigation of trafficking of human beings.

#### *International co-operation*

Hungary is in close co-operation with the international organisations (OSCE, IOM, Council of Europe etc.), the European

Union and neighbouring and foreign countries in the field of trafficking in human beings.

In order to facilitate information exchange and co-operation among Hungarian and foreign law enforcement agencies Hungary established the International Centre of Co-operation in Criminal Affairs. In October 2001 a bilateral co-operation agreement between the Republic of Hungary and Europol was signed, which came into force on 17 November 2001. Our liaison officers are working at Europol Headquarters.

In addition, we wish to put in place the framework of trans-border co-operation in law enforcement through the revision of our bilateral agreements on co-operation in combating organised crime. The Act LIV on the international co-operation of law enforcement agencies has been adopted by the Parliament and came into force on 1 April 2003.

There is improving co-operation with foreign countries to facilitate more effective police co-operation to combat organised crime and trafficking in human beings. As a result of close co-operation with Norwegian, German and Italian partner agencies, the Division Against Trafficking in Human Beings (within the Department Against Organised Crime of the National Bureau of Investigation of the National Police Headquarters) arrested 15 suspected traffickers in 2004. (The Division was set up on 1 July 2004.)

#### *Statistics*

It must be underlined that it is very difficult to estimate the number of persons trafficked to, through and from Hungary. Since the accession to the European Union (May 1, 2004) entry into EU countries has been facilitated, which makes a correct estimate even more difficult.

Based on the statistics of the Police, 24 defendants were convicted for trafficking in persons in the year 2005 in the courts of Hungary. The Police identified 28 persons as victims of trafficking in human beings, of which 22 were women. The Police initiated penal proceedings in 27 cases in 2005. Only in 6 cases were the victims between 14 and 18 years of age. There are no data available about children victims of trafficking.

The relatively low number of investigations conducted does not mean that the Hungarian Police fail to take action when trafficking cases for the purpose of sexual exploitation come to notice. In many cases the investigation is initiated under the definition of other associated serious offences such as physical and sexual abuse, deprivation of liberty, the facilitation of illegal immigration, aiding prostitution, pandering, living on earnings of prostitution, production and possession of forged documents which are often intrinsic part of human trafficking. It must be highlighted that as Hungary is mainly a transit country and at this stage, the crime of trafficking in human beings is hardly possible to identify and properly investigate, because it is not easily identifiable since the exploitation phase has not yet begun. At the transit stage it is very difficult to obtain a conviction for committing, attempting to commit or conspiring to commit trafficking crime, or pimping, or many of the associated offences, without the co-operation and testimony of the victim because in the majority of cases the exploitation has not yet occurred. The victim is unlikely to know much detail about the criminal conspiracy or of what is eventually intended for her. For this reason logic dictates that the destination countries offer the best potential for collecting quality evidence against the traffickers. In the framework of the international



police co-operation our competent units initiate procedure in every case reported by law enforcement authorities of destination countries.

#### *Institutional framework*

The importance of the fight against trafficking in human beings manifests itself also in the fact that a specialised unit within the framework of the National Bureau of Investigation of the Police deals with the detection and investigation of this and other related serious crimes. The Police closely co-operate with the competent units of the Border Guard, exchange information with Interpol and the police authorities of numerous countries.

The Hungarian Border Guard pays particular attention to the instrumental crimes in trafficking in human beings like human smuggling and the forgery of travel documents. As a result, several traffickers were arrested and prosecuted.

The National Co-ordinator has been appointed for co-ordinating responses to trafficking or supporting a regular evaluation, monitoring and further improvement in the implementation of national policies.

The Integrated Management Centre was established in 2004 and is operated by the Border Guards in close co-operation with the Office of Immigration and Nationality, the Customs and Finance Guard, the Labour Authority and the Police participating in the Centre. Considering that the main objective of the Centre is to enhance law-enforcement efforts against irregular migration and related activities with the participation of relevant law-enforcement authorities, the Centre will be able to co-ordinate counter-trafficking activities, as well.

The Victim Protection Office of the Ministry of Interior has been operating since 1998. Thanks to the co-operation of the police, municipalities and voluntary organisations, today there are 64 victim protection offices all over the country, with the double task of assisting the victims of trafficking in human beings and crime prevention. Information brochures on victim protection have been placed in every police station. Offices provide psychological support services, legal advocacy for victims and safeguards their rights.

#### *Actions*

The Hungarian Government through the Office of Immigration and Nationality has offered a shelter to a civil organisation in order to provide protection for trafficking victims. An agreement defining the procedures of referral has been elaborated with the participation of the Ministry of Foreign Affairs together with the Ministry of Interior, the Ministry of Youth, Family, Social Affairs and Equal Opportunities, a civil organisation and the International Organisation for Migration. The agreement was signed by all Parties on 30 September 2005 and entered into force on 1 November 2005. The purpose of the agreement is to set out the rules of co-operation and communication among the Parties in the referral of victims of trafficking.

A dedicated shelter began its operation in April 2005 in order to protect and provide assistance to victims of trafficking in human beings. A civil organisation has undertaken the responsibility of managing the shelter located in real estate offered by the Office of Immigration and Nationality who covers its operating expenses. Considering the security risks, the information on the location of the shelter and the fact that it is run by a civil organisation is handled confidentially. For the

same reason, the shelter is communicated to the public as a safe house for victims of domestic violence.

The shelter is situated outside of Budapest in a separate area within the territory of the refugee reception centre. The four houses are new, each of them have four rooms, a kitchen, a bathroom and are equipped with security cameras. The organisation agreed to provide round the clock assistance to the victims and is responsible for the operation of the shelter. The parties have agreed to treat the location of the shelter and the name of the civil organisation at all times confidential so that its goal is effectively achieved.

The Ministry of Youth, Family, Social Affairs and Equal Opportunities has established a Crisis Management and Information Telephone Service to help victims of trafficking by either initiating actions or providing them with appropriate information when immediate intervention is not required.

The Hungarian Police are fully aware that well-trained law enforcement agencies are an indispensable component of an effective strategy to counter trafficking in human beings and Hungary has therefore included the commitment to establish recurrent training programs on National Anti-Trafficking Action Plans. Hungary has participated in the Comprehensive Law Enforcement Training Strategy on Human Trafficking developed under the umbrella of the Stability Pact Task Force on Trafficking in Human beings, by ICMPD and UNDP Romania and designed for South Eastern European countries, comprising a comprehensive training offered at two levels.

Hungary increases trafficking awareness and victim identification training for law enforcement officials and includes it in the national law enforcement training academy curriculum. Law enforcement officials, including border guards, need to make a greater effort to distinguish trafficking victims from illegal immigrants and understand the standard operating procedures on how to treat and assist victims.

In 2004 Hungarian law-enforcement specialists elaborated a special training module on trafficking in human beings. The training is targeting specialised investigators who hold specific responsibility for dealing with human trafficking crimes. The objective of this training program is to develop the capacity and investigation skills of specialist officers to enhance the professionalism of the service offered to the victims and, further, to provide specialist guidance on victim treatment. Due to the training participants will be able to deliver training in each department directed to all (non-specialised) police officers, in order to develop the capacity to make a distinction between victims of trafficking and those who have merely employed a smuggler to facilitate illegal entry into the country.

Hungary lays significant emphasis on the prevention of trafficking in human beings. The information campaign conducted together with the International Organisation for Migration (IOM) and several voluntary organisations was an outstanding event among our preventive activities. In the course of this campaign Hungarian women at risk (young women living in institutes, Roma women, secondary school students and women subsisting on prostitution) were given information on the risks and consequences of trafficking in human beings, the methods of the offenders as well as information on how to avoid becoming a victim.

As a part of this campaign, certain representatives of migration organisations, the Border Guard and consulates partici-



pated in training, as they play an important role in recognising the circumstances related to trafficking in human beings.

With the help of the IOM we continue to organise such campaigns – secondary school students participated in preventive training, which was accredited by the Ministry of Education and included in the curriculum. Presently we are taking part in the new joint IOM and Council of Europe project supported and financed by the EC in the framework of the EU Cards Program on combating illegal migration and trafficking in human beings. In the framework of the Regional Crime Prevention Academy the Ministry of the Interior provides a platform for training on trafficking in human beings for specialists in the region.

Following the initiative of the US Embassy in Budapest, the Ministry of Foreign Affairs invited church leaders to the counter-trafficking consultation under the auspices of the Ministry of Foreign Affairs in order to involve them in the government's efforts to eliminate this phenomenon. The church leaders were provided with copies of the Action-oriented Guide of the CatNet (Christian Action and Networking Against Trafficking in Women) supported by the STOP II Programme of the European Commission. IOM informed participants of the consultation about the new handbook of the Italian IOM on the role of religious organisations against trafficking in persons. The Secretary of the Protestant Church of Hungary promised to distribute the above publications to the directors of these schools and special attention will be paid to the matter of trafficking in persons.

The information campaign conducted by the International Organisation for Migration is outstanding among the preventive activities of the Republic of Hungary. As a part of this campaign, representatives of the Border Guard and Customs and

Finance Guard participated in training which focused on recognising the circumstances related to trafficking and identification of victims.

The Office of the National Council of Justice has developed a comprehensive information system, fully operational from the end of 2005.

In order to give further information on how to identify and assist trafficking victims, the Ministry of Foreign Affairs distributed 50 copies of the IOM Handbook on Trafficking in Persons to Hungarian consulates in Europe and other relevant countries. As in the previous years, IOM experts made a presentation on trafficking in persons to future consuls in 2005.

The Ministry of Interior has elaborated a law enforcement action plan against trafficking in persons. The action plan was approved by the Minister of Interior and has been effective since June 2005. The elaboration of the national strategy based on the action plan mentioned is under way.

Taking into consideration the special situation of the victims of trafficking, the Ministry of Foreign Affairs has elaborated consular instructions on consular assistance to such victims.

On 22 February 2005 the Ministry of Interior organised a conference dedicated to victim protection especially to victims of trafficking in persons. (The official title of the conference was "Help the foreigners having fallen victim in our country, emphasising the victims of human trafficking".)

Within the framework of KRIMINALEXPO, the Ministry of Interior organised an international counter trafficking conference with the participation of OSCE experts in autumn 2005.

## Moldova

### Mr Ghenadie Dumitrasco, Chief of the Section of Centre of Combating Trafficking in Human Beings

Dear ladies and gentlemen,

**Trafficking in persons**, in particular trafficking in women and children, is a complex problem in the Republic of Moldova, which needs to be addressed through corroborated methods and policies of the law-enforcement and migration bodies, together with the medical and social insurance services. The negative consequences of this scourge, both at the national and regional level, have undoubtedly been acknowledged, and they call for international co-operation in the form of combined efforts of the state, non-governmental, and private organisations.

Dear audience, dear colleagues,

The problem of combating trafficking in human beings is one of the most important issues in the Republic of Moldova at this point in time.

The deepening of the socio-economic crisis in the Republic of Moldova during the 1990s has led to the emergence of new types of crimes, such as, amongst others, trafficking in human beings.

It is noteworthy that this problem had not been treated as a most pressing one from the very beginning and, as a result, in the course of the past few years it has gradually expanded over the entire territory of the country.

At the first stage of fighting this category of crime, and following detailed analyses of these illegal and socially-dangerous acts, it was concluded that the trafficking in human beings and human organs is a form of organised crime, which most frequently affects the socially-vulnerable groups of the society, in particular women and minors from rural localities.

The Ministry of Interior, well aware of the need to curb this negative phenomenon, established in 2000 a section for combating trafficking in human beings; in 2001 the Ministry drafted a legislative initiative whereby the Criminal Code was amended and a new article incorporated, which criminalised "trafficking in human beings, with or without a person's consent, committed for profit purposes".

Thereupon, in April 2002, the Direction for Combating Trafficking in Human Beings was established.

In the same context, the Government of the Republic of Moldova issued the *Decision no. 1219, dated 9 November 2001*, which approved the nominal structure of the National Committee, and the National Action Plan aimed at combating in an effective manner the trafficking in human beings.

At the same time, the Government called upon all ministries, departments and other decision makers to contribute accordingly to the fulfilment of the objectives set.

On 06.09.2005 the Government of the Republic of Moldova and the Government of the United States of America





signed Amendment III to the Letter of Agreement on Drugs Control and Law Enforcement, from 28.08.2001, which provides that additional funding shall be offered for various projects, including the establishment, within the Ministry of Interior, of a Centre for Combating of Trafficking in Persons. The goal of this project is to raise the efficiency of Moldovan law enforcement bodies in conducting criminal investigations on cases of trafficking in persons and related criminal activities, by transferring to this new Centre officers from the Customs Service, from the Centre for Combating Economic Crimes and Corruption, from the Information and Security Service, from the Border Guard Service, and from the General Prosecutor's Office.

**In parallel**, alongside the municipal and district councils, special commissions were established reuniting representatives of police stations, prosecutor's offices, as well as specialists from the public education sector, from the health protection sector, from social assistance departments, as well as representatives of non-governmental organisations.

**At present**, the Ministry of Interior, together with other ministries, with international and non-governmental organisations, has drafted new Strategies and a new National Action Plan for combating trafficking in human beings, which pays particular attention to the co-operation with international and regional legal bodies.

**Within this context**, and acknowledging the need to coordinate its efforts, the Government of the Republic of Moldova has initiated a series of activities on the international level with a view to deepening its co-operation efforts.

**Thus**, a series of interstate treaties of legal assistance have been concluded with CIS states, and with the neighbouring states – Romania, Ukraine, and the Russian Federation.

**At this moment in time**, negotiations are conducted on the Agreement of co-operation among CIS member states on the combating of trafficking in human beings, human organs and tissues, which was drafted and proposed by the Mol.

**Also**, most international conventions of relevance have been signed and ratified, including the United Nations Convention against Transnational Organised Crime, and the Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

**A no less important role**, in combating this scourge, is attributed to the legal framework.

**At present**, the Ministry of Interior, the Ministry of Justice, and the National Committee have contributed to developing a Draft Council of Europe Convention on Action against Trafficking in Human Beings. The said institutions have also participated in the drafting of the Law on preventing and combating trafficking in human beings, no. 241-XVI from 20 October 2005.

With reference to the specific activity of combating trafficking in human beings and organs, the Ministry of Interior, jointly with other relevant decision-makers, has set the following objectives:

- **Prevention** and prophylaxis of such types of crimes;
- **Qualitative criminal investigation activities**, and subsequent prosecution of traffickers;
- **Co-operation and exchange of pertinent information** with special services from the countries of Europe, CIS, and with Non-Governmental Organisations;
- **Repatriation** of trafficked persons, and facilitation of victims' rehabilitation and societal integration;

- **Awareness raising** on the problem of trafficking in human beings through the mass media, for the purpose of avoiding such cases.

**It is noteworthy that**, with the appointment of the heads of the Mol to the National Committee for Combating Trafficking in Human Beings, the co-operation with ministries, local public administration bodies, and non-governmental organisations has notably intensified, which in turn has led to the achievement of most of the fundamental objectives set in the fight against this scourge.

**Thus, jointly with the Ministry of Labour and Social Protection**, and together with the National Committee, in the framework of a working group, employment assistance was offered to 146 trafficking victims;

**In co-operation with the Border Guards Service**, 16 cases of trafficking had been averted at border crossing points; 10 of them were cases of trafficking in children, and 6 were cases involving illegal migrants.

**In co-operation with the Information and Security Service**, a series of specialised control measures were carried out.

**As a result of such co-operative effort**, positive results have been attained, a fact that was confirmed by international bodies as well.

**Hereinafter**, I shall focus on the problem of illegal migration. It is precisely this activity that largely generates the recruitment of Moldovan citizens with the aim of subsequent sexual exploitation abroad.

**The increase** in the number of trafficked persons was favoured to a large extent by the overwhelming number of economic agents who were operating in the sphere of tourism, or offering employment opportunities abroad.

**Thus**, in early 2000 there were more than 1 300 companies of this type. Following our co-operation with the Chamber of Licensing, their number has reduced considerably. At present, there are 224 licensed agencies operating in the sphere of tourism, and 38 agencies offering opportunities for employment abroad to nationals of the Republic of Moldova.

**In 2005 alone**, following various control operations carried out jointly with the Chamber of Licensing at tourism and employment agencies, 51 decisions to suspend licences were adopted, and 26 licences for employment abroad and 55 licences for tourism services were withdrawn.

**Due to effective activity** of Mol subdivisions, the co-operation with law-enforcement agencies from the countries of destination, as well as with international bodies, has substantially improved.

**As a result** of this co-operation, by organising and carrying out efficient operations with law enforcement agencies from various states (Bulgaria, Macedonia, Bosnia and Herzegovina, the Russian Federation, Romania, Turkey, Hungary, Croatia, Serbia and Montenegro, Slovenia, Ukraine) under the international treaties concluded, it became possible to apprehend and prosecute international traffickers.

**At the same time**, following the exchange of operative information, only last year, from the total number of 21 uncovered traffickers, 6 were apprehended outside the border of R. Moldova:

- 4 in the Russian Federation;
- 1 in Romania and 1 in Turkey.



A special remark must be made about the co-operation with the police and judicial authorities from Macedonia, which has led to fruitful results in the prosecution of traffickers in the Republic of Moldova, as well as in Macedonia, as a country of destination.

Thus, in the past few years, travel arrangements were made for about 20 trafficking victims, who have testified against international traffickers from Macedonia.

I find it necessary also to emphasise the effective interaction between the law enforcement bodies of the Republic of Moldova and those from the Czech Republic and Hungary, on the basis of the Agreement on Co-operation among Governments concerning the readmission of persons at border posts.

As a result of that effective interaction, in the course of 2005, 26 persons who had attempted to migrate illegally to Schengen states were readmitted to the Republic of Moldova.

The exchange of information with colleagues from other states has led to a massive repatriation of trafficked persons, in particular young ladies, who were sexually exploited; in parallel, special institutions were established to provide rehabilitation and social integration assistance to trafficking victims.

The co-operation with international bodies and structures has had a positive effect both in raising the qualification level of police officers through various instructive seminars, and in increasing victims' rights protection.

Thus, with the financial support of the OSCE Mission to the Republic of Moldova, and together with the National Committee, several training seminars were organised with a view to strengthening the capacity to combat trafficking in human beings.

At the same time, with the support of the International Organisation for Migration, Chisinau office, 10 seminars were organised, in the course of which 200 police officers were trained.

High-level co-operation relations are also maintained with the US Embassy in R. Moldova, with the International Organisation for Migration, with the International Labour Organization, and with non-governmental organisations: Women for Contemporary Society Association, La Strada, and the Italian Consortium for Solidarity, which provide medical and training assistance to victims upon their repatriation.

A component part of this co-operation is the technical assistance for the specialised Centre, an assistance which considerably facilitates the daily work activities.

In the course of this year, Mol officers responsible for combating trafficking in human beings have participated in various international seminars, reunions, and conferences on the topic of combating trafficking in human beings and illegal migration, held in Poland, Romania, Austria, Belarus, and Germany.

At the same time, bilateral meetings were organised between officials from R. Moldova and Romania, involved in combating trafficking.

In the course of all these meetings, an effective co-operation network was established with other countries with the aim to combat this scourge, both inside the Republic of Moldova and on the international level, including through the setting up of direct contacts with officers from Turkey, the United Arab Emirates, and Italy.

With a view to efficiently combating this dangerous social vice, starting from the year 2002 the specialised subdivision of the Mol has taken active part in the international operation "Mirage", in which Ministries of Interior of member states to the SECI centre are involved.

It is noteworthy that the respective operation is organised and carried out at a high level, as confirmed by the results obtained in the course of its implementation, including those of the Ministry of Interior of the Republic of Moldova.

Recently the international operation on documenting the activity of criminal organisations of trafficking and illegal migration was concluded under the conventional name "Nistru", the initiation of which was possible with the support of the SECI Centre; in parallel, the operation URMA has further developed.

The organisational and practical activity of police bodies on the territory of the Republic of Moldova during the past years, oriented towards combating trafficking in human beings, is evident.

At the same time, despite the measures taken and the results achieved, there are still a series of problems which negatively influence the efforts to counter, systematically and ruthlessly, the scourge of trafficking in human beings and organs.

For the purpose of adjusting the legislative framework to today's realities, relevant proposals were drafted and the Criminal Code of the Republic of Moldova was amended with a separate article criminalising actions of organising illegal migration, and the provisions relating to trafficking in human beings and children were adjusted to international norms.

Yet, it is necessary to admit that, although the co-operation among law enforcement bodies has improved, the efforts for prevention and the victims' protection still leave something to be desired.

The Republic of Moldova intends to make full use of the funds received as international assistance for economic initiatives aimed at offering potential victims some alternatives to seeking employment abroad, as well as for establishing a system of protection for the victims who testify against traffickers.

Notwithstanding the organisational and practical measures taken to improve the approach to the phenomenon of trafficking in human beings, we must note that there are still some measures that need to be taken.

Dear audience!

It is evident that the remarks presented in this report fail to encapsulate the entire spectrum of activities organised and carried out by our state officials.

Thank you for your attention.



## Netherlands

Mr Dagmar Koster, Bureau of the Dutch National Rapporteur on Trafficking in Human beings, Senior Staff Member Legal Affairs

### *Measures and action taken to combat THB in the Netherlands*

Very short introduction on Dutch Rapporteur (NRM) and her Bureau (BNRM): reliable information as the basis for effective counter-trafficking policy. NRM: collection of information to report about scale and nature of THB: facts and figures as well as qualitative information on all aspects of THB, ranging from prevention and repression to victim assistance and governmental counter-trafficking policy. Presentation of findings in periodical reports to the government, including conclusions and recommendations to improve the fight against THB. Reports followed by governmental reaction, sent to Parliament: parliamentary debate. Bureau of the NRM functions as an 'expertise centre', issues interim advice whenever necessary. The Bureau has a broad range of contacts, national and international, is small (5 staff members) and has an independent position. Reports are available in English.

#### State of affairs:

The Netherlands is a country of destination and of transit, at least for sexual exploitation but probably also for labour exploitation. BNRN to date only has figures on sexual exploitation. Roughly one third of all THB cases concern internal trafficking (recruitment of victims in the Netherlands). Among victims of cross-border THB, Eastern Europe is main region of origin, with Romania ranking in second place of most occurring countries. Romania is also featuring second on the list of countries of origin of suspects of THB (after the Netherlands). Research on the occurrence of labour exploitation is currently being done and will be published in the next report (summer 2006).

#### *Legislative*

- First THB legislation dates from 1911, thus almost 100 years of specific legislation on THB.
- Signed and ratified UNTOC and all protocols, about to ratify Council of Europe Convention, committed to EU framework decision and other EU laws and regulations in the field.
- Adapted legislation to UN protocol and EU Framework, also in line with Council of Europe convention: emphasis on exploitation, national, transnational, all forms of labour and services, including removal of organs.
- BNRN started discussion on the scope of the THB article: what are characteristics of exploitation, what behaviour is serious enough to be called THB, what should be dealt with under other provisions or laws? (excessive abuse under forced or involuntary circumstances, not just any breach of labour law).
- Allowing a legalised, but strictly regulated, sex industry, combined with administrative control and prioritised law enforcement on THB (only employment of consenting adults in the sex industry is allowed; all other forms are THB). Monitoring of the effects of this legislation is running.

- No decision yet on (limited) free movement of employers from the new EU member states; limitations might be of influence on illegal means to work in the country, augmenting the risk of exploitation.
- Explicit prohibition to recruit abroad for work in Dutch sex industry (=THB).

#### *Policy*

- Realisation of a National Action Plan (NAP) on THB (English translation available): concrete actions, to be undertaken by whom and by what time. Regular review and update of the Plan.
- Recent presentation of additional measures to the NAP, with specific focus on trafficking in minors and law enforcement.
- Regular interministerial consultation on THB.
- Establishment of a National Rapporteur on THB.
- Regular Parliamentary debate with the government on THB.
- Special THB functionaries within several ministries and with the INS.

#### *Prevention*

- Joint seminar by MoJ and BNRN on labour exploitation, for awareness raising also among new chain partners.
- Existence of a list of signals pointing to possible THB; the list is spread among all chain partners, in order to work them up for specific use by the partner.
- Via embassies: provide for specific information to possible immigrants to the Netherlands on normal working conditions and traditions and on the prostitution sector.
- Financing of prevention programmes in the most prevalent countries of origin of victims.
- Establishment of a national expertise centre on youth prostitution, with an informing, information gathering and advising task.
- Providing of specific training on THB to police and prosecution; training of NGO staff.
- Campaign among (potential) users of services of prostitutes to make them aware of the existence of THB and ask them to notify police or 'Crime Stoppers' of any signal of THB.
- Financing of various awareness raising programmes in schools and among youth.
- Conclusion of a covenant between the MoJ and newspapers to only publish advertisements of brothels when their license number is indicated.

#### *Repression*

- THB is designated spearhead of law enforcement.
- Appointment of a national co-ordinating public prosecutor for THB and of special THB prosecutors in all district courts and courts of appeal.



- Existence of special police teams for THB cases in many regions.
- Coming about of a fully updated version of the Prosecutors General instructions on THB (as per 1 April 2006).
- Existence and regular meetings of a national police expert group on THB and a similar consultation for operational matters.
- Special Investigation Services dealing with exploitation (Fiscal Inspection and Investigation Service, Social Inspection and Investigation Service, Labour Inspectorate).
- Recent establishment of a multi-disciplinary Expert Centre on THB and Smuggling with the national police (co-operation of National Police, Royal Constabulary, INS, Social Inspection and Investigation Service, in the future possibly the Labour Inspectorate).
- Existence of an absolute ban on tolerating the transit of persons in case of THB: when there are clear signals that someone is a victim of THB, law enforcement must act to "liberate" the victim.

#### *Victim assistance and empowerment*

- Existence of a victim assistance regulation (B9), providing possible victims with a three months reflection period and a temporary residence permit on condition of co-operation with law enforcement. Also witnesses can get a temporary residence permit in case of co-operation. Provision of housing, daily allowance, medical and juridical aid to victims and witnesses, the right to work and to bring over children free of charge. Possibility to apply for permanent residence permit on humanitarian grounds.
- Regular meetings of all partners (NGOs, police, prosecution and government) on counter-trafficking.
- Working with the so-called "safety-dossier": all organisations involved in counter-trafficking use a checklist to collect, from scratch, information on possible risks a victim and/or witness of THB runs upon repatriation. The information collected is used to sub-

stantiate a request for a permanent residence permit on humanitarian grounds.

- Existence of a firm network of NGOs providing shelter and assistance to victims of THB; a co-ordinating task in this respect is assigned to the Foundation against Trafficking in Women (STV).

#### *Some bottlenecks, points of concern and points for attention*

- Not much experience (yet) with labour exploitation; structure available still mainly focused on sexual exploitation.
- Not always proper application of the B9 regulation: not systematically offered by police or ignored in case of actions against illegal residence or employment of illegals.
- Low willingness of victims to co-operate in law enforcement, stimulating information led investigation.
- Need to go more after the money.
- Lack of availability of proper law enforcement capacity to cover both the administrative controls of the legalised prostitution sector and the counter-trafficking activities both with regard to sexual exploitation and to labour exploitation. But at least there is a sense of urgency and necessity.
- Lagging behind of some police regions in paying attention to counter-trafficking.
- Need to address the issue of the demand side of cheap and flexible labour which might lead to exploitation.
- No guarantee for structural and continuous financial means for NGOs active in the field.

#### *Bureau of the Dutch National Rapporteur on Trafficking in Human Beings/Bureau Nationaal Rapporteur Mensenhandel (Bureau NRM)*

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Reports (in English) can be asked for at the above address, or be downloaded from: <http://www.victimology.nl/> (online documents and publications, text search: Rapporteur)

## Serbia and Montenegro

Ms Jasmina Stankovic-Tatarac, Senior Advisor, Department for OSCE and Council of Europe, Ministry of Foreign Affairs

#### *Outline of the anti-trafficking activities in Montenegro*

It is important to note the fact that trafficking in human beings represents one of the most common forms of organised crime at the global level, affecting both economically-challenged and developed countries.

Montenegro is a transit country for potential victims of trafficking, predominantly coming from Ukraine and Moldova, but recently also from Serbia, Albania and Republika Srpska. According to the available statistics, some female citizens of Serbia, Albania and Kosovo, become victims of trafficking while crossing the territory of Montenegro in an effort to reach more developed countries in the region.

Even though Montenegro and other countries are at specific development stages of their institutional and legislative

capacities, the threat of organised crime, in all its forms and aspects, affects all countries equally. Therefore, Montenegro has given great importance to developing all forms of regional co-operation, experience and information exchange, and strengthening of mutual trust.

Determined to counter this form of modern slavery, the Montenegrin Government has demonstrated serious political will and undertaken numerous activities in co-ordinating efforts of home and international stakeholders in combating trafficking in human beings.

To that end, both bilateral and multilateral co-operation is being enhanced, since it is only by joint participation of all stakeholders that such a complex problem is ever to be resolved.





The responsible bodies in Montenegro have been continuously involved in creating an adequate legal and institutional framework to ensure a successful fight against all aspects of organised crime.

Relying upon the initiative of the Stability Pact Task Force for Combating Trafficking in Human Beings, the Government of Montenegro institutionalised the position of the national Co-ordinator for the Fight against Trafficking in Human Beings in February 2001. For the first 4 years the Office of the National Co-ordinator had been operating first within the Ministry of Interior, and then within the Ministry of Foreign Affairs, and from 2005, the Office has been taken under the umbrella of the Government of Montenegro Secretariat General. The National Co-ordinator reports to the Deputy Prime Minister for the Political System and Internal Politics, who is the chief supervisor of anti-trafficking activities.

The Office of the National Co-ordinator co-ordinates the activities of relevant bodies of the state administration, international organisations and NGOs in the implementation of the National Strategy for the Fight against Trafficking in Human Beings, with the goal of ensuring **high quality protection of victims, prevention of trafficking in persons, and criminal prosecution of perpetrators.**

The Office of the National Co-ordinator co-ordinates the sessions of the Project Board and of the Working Group for the Implementation of the National Anti-Trafficking Strategy. The Office is involved in international conferences by presenting its activities and achievements in combating trafficking in human beings. It also monitors the implementation of anti-trafficking Action Plans of line Ministries, deriving from the National Anti-Trafficking Strategy. The Office also submits regular reports on its activities and achievements to the Montenegrin Government.

The latest changes by the Government's Secretariat General in the organisation and systematisation of work places in the Office of the National Co-ordinator, created conditions for employing two more civil servants, along with the National Co-ordinator and his technical secretary, which is a precondition for the efficient work of the Office of the National Co-ordinator.

In line with the Budget Law for 2006, the Government has allocated to the Office of the national Co-ordinator the amount of 55 536.43 Euro. The salaries of the Office employees are paid from the Budget of the Secretariat General of the Government of Montenegro.

It is important to underline the fact that for 2006 the Government has allocated the necessary funds, a total of 49 021.82 Euros, for running the Shelter for the victims of trafficking. This amount covers the expenses of food and accommodation, as well as the costs of all necessary forms of assistance for the victims, such as medical, social, psychological and legal assistance. The allocated funds are directed to the Budget of the Office of the National Co-ordinator, which, in 2006, amounts to a total 104 558.25 Euros, exempt of the salaries of the Office employees. This means that the Government of Montenegro has allocated for the current year significantly more resources than in the previous years.

Through the work of the Project Board, the National Co-ordinator has established a considerable level of co-operation between the representatives of the Government, international organisations and non-governmental sectors in Montenegro.

The Project Board is a body which gathers the representatives of all relevant stakeholders involved in combating trafficking in human beings. Its members meet quarterly, when they discuss the existing situation, exchange information and set guidelines for further activities. The National Co-ordinator chairs the meetings of the Project Board. The members of the Project Board are the representatives of the Ministry of Interior, Government Office for Gender Equality, OSCE Office in Podgorica, Council of Europe, International Organisation for Migrations (IOM), UNICEF, USAID, Save the Children Fund UK, NGO Women's Safe House and NGO Montenegrin Women's Lobby.

The National Strategy for the Fight against Trafficking in Human Beings, adopted by the Montenegrin Government in November 2003, represents the key document containing the guidelines for all relevant stakeholders in the fight against trafficking in human beings in Montenegro. It consists of three main parts: criminal prosecution, protection of victims, and prevention of trafficking, and has a comprehensive approach to the problem of trafficking in human beings, foreseeing concrete legal, administrative and practical measures.

The Working Group for the Implementation of the National Anti-Trafficking Strategy represents a premium institutional framework for the Strategy implementation. The Working Group consists of deputy ministers of: the Ministry of Interior, Ministry of Health, Ministry of Labour and Social Welfare, Ministry of Justice, Ministry of Education and Science, as well as the deputy State Prosecutor and representatives of the OSCE, Council of Europe, IOM, Office of the National Co-ordinator, and US Consulate in Podgorica as observer. The line Ministries, members of the Working Group, have created their separate Action Plans deriving from the National Strategy, which define obligations and goals with a precisely determined time frame and individuals responsible for the completion of the planned tasks. The Working Group meets monthly and presents the progress in implementation of the obligations set in the Action Plans.

In co-operation with the ICMPD (International Center for Migration Policy Development), situated in Vienna, Austria, the existing Action Plans have been updated for 2006. The updated documents represent a solid basis for efficient action by all institutions in Montenegro committed to fighting trafficking in human beings. The Office of the National Co-ordinator has a task of harmonising the existing Action Plans and coming up with a integral document to encompass the obligations of all stakeholders, according to the conclusion of the Working Group for the Implementation of the National Anti-Trafficking Strategy.

It is important to mention that, as part of the overall reform process, Montenegro has adopted all relevant criminal laws. The implementation of the **Law on State Prosecutor, Criminal Code, Criminal Procedure Code, Law on Witness Protection** (the implementation commenced in April 2005), **Law on Police** and **Law on the National Security Agency**, created all the necessary conditions for a successful and efficient fight against trafficking in human beings. New legal institutes have been introduced, too, such as: witness protection, co-witness, special methods of evidence gathering, etc. By the Ministry of Justice Act, a **Special Prosecutor for Organised Crime** has been appointed.

As part of the overall efforts undertaken by the Montenegrin Government in the fight against trafficking in human



beings, the Ministry of Interior signed in late 2005 an "Instruction on Terms and Ways of Regulating Residence for Foreign Citizens – Victims of Human Trafficking". This Instruction regulates the legal status of foreign citizens, victims of trafficking, in terms of temporary residence on the territory of Montenegro, necessary for their recovery. Temporary residence may be approved for up to three months, six months and one year. The drafting of the Instruction document is the result of successful co-operation on a regional project of the International Organisation for Migrations (IOM) entitled "Establishing Temporary Residence Permits for Victims of Trafficking in Western Balkans". The signing of this document represents yet another step in the right direction undertaken by the Government of Montenegro through the Office of the National Co-ordinator for the Fight against Trafficking in Human Beings, in order to bring Montenegro even closer to meeting all high standards set by the international community, so that, by joint effort, the degrading phenomenon of modern era – human trafficking, might be stamped out.

As a part of the Project "Capacity Building of Judges and Prosecutors in Montenegro in the Area of Fighting Trafficking in Human Beings", financed by the Italian Government, the Ministry of Justice and the International Organisation for Migrations have drafted a **Manual for the Training of Judges and Prosecutors**, printed both in English and Montenegrin. The Manual aims to help judges and prosecutors in processing the criminal act of trafficking in human beings, starting with the pre-trial process, raising indictments, and finally with main trial and reaching a verdict.

Recognising trafficking in children as a growing problem in South Eastern Europe, and following the initiative of the Stability Pact Task Force for Fighting Trafficking in Human Beings, a **Subgroup for Fighting Trafficking in Children** has been formed within the Project Board. The Subgroup consists of the representatives of the Office of the national Co-ordinator, Ministry of Labour and Social Welfare, UNICEF, Save the Children Fund UK, and Roma NGO Women's Heart.

The Subgroup has drafted an Action Plan for Combating Trafficking in Children, in line with the Stability Pact guidelines for drafting action plans, and in line with the UNICEF's guidelines on the rights of the child. The Action Plan consists of eight parts: research and evaluation, raising awareness, prevention, support and victim protection, repatriation and reintegration, legal reform, judiciary and law enforcement, co-operation and co-ordination of international law enforcement. The Action Plan is soon to be adopted by the Government, as well as the appointment of the members of the Task Force for the monitoring and implementation of the Action Plan.

In order to attain the necessary standards in the anti-trafficking area and to fulfill the obligations taken by the signing of the **Palermo, Tirana and Sofia Agreements**, the Office of the National Co-ordinator co-ordinated activities in establishing a **Government-run Shelter for the victims of trafficking**, which began its work in February 2004. In co-operation with the OSCE and the IOM, the NGO Montenegrin Women's Lobby was elected by public tender to be the Shelter's executive agency.

In the course of 2005, the Shelter hosted a total of 28 persons, potential victims of trafficking: 11 from Serbia, 4 from Montenegro, 2 from Republika Srpska, 6 from Romania, 4 from Bangladesh and 1 from China.

It is important to mention that, according to a flexible approach to victim treatment advocated by international organisations and NGOs, out of the total number of shelter occupants, 4 were victims of trafficking. However, the number would be much lower if we adhered strictly to the law, i.e. the number of sentences handed down.

- The average period of residence in the Shelter was 28 days (from 2 to 180 days).
- The average age of victims was 23 (from 13 to 37 years of age).
- Of the total number of victims in the Shelter, 4 were men.
- 25 persons were referred to the Shelter by the Police, 2 through the SOS hotline and 1 through the Centre for Social Work.
- Currently, there are 5 potential victims in the Shelter and a three-month old baby.

In March 2005, a **Memorandum on Co-operation** was signed between the state bodies and non-governmental organisations with the goal of providing timely and high-quality assistance to the victims of trafficking. The Memorandum was signed by the representatives of the Ministry of Interior, Ministry of Labour and Social Welfare and Ministry of Health, on one hand, and by two NGOs: Montenegrin Women's Lobby and Women's Safe House, on the other. The purpose of this agreement is to reinforce co-operation in the areas of protection and assistance to the victims of trafficking, whilst fully respecting their human rights. The co-operation is based on the principles of respect, transparency, setting clear responsibilities, as determined in separate procedures of the Memorandum signatories.

According to the above-mentioned procedures, the **Ministry of Interior** has committed itself to establishing a Special Team for the Fight against Trafficking in Human Beings. The members of the Special Team are adequately trained to be able to fulfil their mandate as specialised police professionals. Another obligation was to set up a mechanism which would allow the Special Team to be available 24 hours a day, so that possible victims can be referred to the Shelter, etc.

According to the same procedures, the **Ministry of Health** is obliged to provide adequate medical protection to the potential victims of trafficking through the existing institutions of public health system, with priority status. The Emergency services must be available 24 hours for a quick and efficient medical intervention on the territory of Montenegro, with priority status. Medical personnel, doctors and nurses, in emergency services are to have further training in dealing with victims of trafficking, and identifying potential victims.

Similarly, the **Ministry of Labour and Social Welfare** is obliged to establish and support a Social Team for the Fight against Trafficking in Human Beings, and to ensure that its staff are adequately trained as specialised professionals of social welfare. They are also due to set up a mechanism which will allow the Social Team to be available 24 hours a day. They are also to perform evaluations of the social needs of the potential victims of trafficking and to provide timely and appropriate assistance, ensure confidentiality and protection of privacy of potential victims.

NGO **Montenegrin Women's Lobby** and **NGO Women's Safe House** have agreed, as stipulated by the Memorandum, to take responsibility to report to the police, through the Special Police Team for the Fight against Trafficking in Human Beings



and/or through the National Co-ordinator, all information related to trafficking in human beings in Montenegro, including information on the assistance provided to potential victims of trafficking.

As for the organisation of assistance to the victims of trafficking, it is important to mention that the directors of all Health Centres in Montenegro are deemed to be responsible individuals for providing services to the victims of trafficking. Expert medical teams are comprised of a doctor and two technicians.

It is also worth mentioning that the project of Crisis Centres is very much under way. Their role is to provide services, along with Health Centres, and the personnel is to be comprised of both medical professionals and volunteers.

In April 2005, the Centre for Reproductive Health was opened in Berane. Its purpose is to provide medical protection to women related to reproductive health, but also to female victims of trafficking. This is a very significant and representative project when it comes to taking care of victims.

In the course of 2005, the UNICEF Office in Podgorica and Ministry of Labour and Social Welfare organised a series of activities aimed at giving active support to the work of operative teams at the local level in identifying victims of violence according to a determined risk matrix, with special attention being paid to the identification of potential victims of trafficking. Two teams have been established so far, and the goal is to have seven Centres for Social Work included in the same way.

In order to monitor in a comprehensive way all the activities and steps taken by relevant state bodies and organisations, the Office of the National Co-ordinator decided to form a unique data base, requiring the Ministry of Interior, State Prosecutor and NGOs Montenegrin Women's Lobby and Women's Safe House to submit monthly reports comprised of the following data structure:

The Ministry of Interior is to submit data on the date of bringing the indictment, date of perpetration of the criminal act, the name of the district unit, the article of the Law, brief description of the criminal act and the number of persons against whom the indictment is brought.

The State Prosecutor is to submit data on the number of requests for instigating investigation, the number of criminal charges, verdicts, number of filed complaints and second instance verdicts with detailed data.

NGOs are to submit information on age, sex and nationality of victims, date of their arrival in the Shelter, how they got to the Shelter (police referral, on their own, etc.), period of their residence in the Shelter, and information if they have given a statement or if criminal charges have been brought on the basis of a victim's statement.

**The Special Police Team for the Fight against Trafficking in Human Beings** was established within the Ministry of Interior in April 2004. The task of the Special Team is to monitor the phenomenon of human trafficking, to control and direct the activities in the area of suppressing and revealing cases of trafficking in human beings, in a planned, organised and analytical way. The Special Team co-operates closely with NGO Montenegrin Women's Lobby, which is in charge of running the Government-established Shelter for victims of trafficking.

Hierarchically, the Team is directly accountable to the Minister of Interior. The Special Team has five members. On the level of the Republic of Montenegro, the Team has its Sub-

Teams in all 7 Security Centres in the Republic. Along with law enforcement inspectors, the Sub-Team is also comprised of inspectors for foreign citizens, and members of the Border Affairs Administration. That way all border crossings and all Centres throughout Montenegro are covered by law enforcement. The Special Team gathers operational data from its Sub-Teams and plans further activities accordingly.

In early 2005, a TIP line was established within the Ministry of Interior to enable citizens to report their suspicions on possible cases of trafficking in human beings.

Since it was formed in April 2004, the Special Police Team for the Fight against Trafficking in Human Beings has brought a total 11 indictments against 25 perpetrators, on the basis of reasonable suspicion that they had committed the criminal act of human trafficking, with a total of 17 victims involved.

On the basis of the criminal act of mediation in prostitution, a total of 5 indictments were brought against 14 perpetrators, involving a total of 5 victims.

On the basis of the criminal act of illegal crossing of the state border, a total of 15 indictments were brought against 20 perpetrators who had attempted to smuggle 62 foreign citizens.

In the course of 2005, a total of 5 indictments were brought against 7 seven perpetrators on the basis of reasonable suspicion that they had committed the criminal act of human trafficking, with a total of 8 victims involved.

On the basis of the criminal act of mediation in prostitution, a total of 2 indictments were brought against 2 perpetrators, involving a total of 3 victims.

On the basis of the criminal act of illegal crossing of the state border, a total of 5 indictments were brought against 10 perpetrators who had attempted to smuggle 13 foreign citizens.

In the High School of the Internal Affairs, in March 2005, training was organised for the Border police and Patrol police, entitled "Trafficking in Human Beings in the Basic Police Training".

On 25 May 2005, a debate with students and trainees of the police course, entitled "Fight against Trafficking in Human Beings", was organised in Danilovgrad. Also a round table discussion on the "Mechanisms of Victim Protection in Montenegro" took place the same day, involving representatives of relevant institutions and organisations.

A representative of the Special Police Team took part in a CARDS Project Conference, organised in Vienna in April 2005, entitled "Enhancing the Strategy for the Implementation of Anti-Trafficking in the Stabilisation and Association Counties".

Members of the Special Police Team undertook a study visit to Budapest in May 2005, exploring the issue of "The Development of a Reliable and Efficient Police System / Enhancing Police Co-operation/Fight against most dangerous forms of Crime".

A representative of the Special Police Team participated in a Conference "Ensuring Proper Identification and Adequate Assistance to Victims of Trafficking", organised by the OSCE in Belgrade in May 2005.

In the High School of the Internal Affairs a course was organised for 50 members of the Border and Border Area Police. It was entitled "Trafficking in Human Beings and Organised Smuggling".

A representative of the Special Police Team attended a seminar "Trafficking in Human Beings in the Balkans", organised in Bucharest in September 2005.





A member of the Special Police Team participated in training for trainers and lectures related to trafficking in human beings, organised by IOM in October 2005.

As a part of the CARDS Project, in co-operation with the Ministry of Labour and Social Welfare, a seminar was organised for the employees of the Centre for Social Work in November 2005. The seminar was entitled "The Role of Centres for Social Work in Relation to Trafficking in Children", and members of the Special Team participated as lecturers.

In December 2005 in the High School of Internal Affairs in Danilovgrad a seminar was organised for the members of the law enforcement from the Security Centres from around Montenegro. The seminar was entitled "Trafficking in Human Beings and Migration".

In the course of 2005, 3 sentences were handed down:

1. The judicial decision of the Higher Court in Podgorica, November 2005. Four persons were sentenced to 2,5 – 5 years imprisonment for the criminal act of trafficking in human beings;
2. The judicial decision of the Basic Court in Podgorica, December 2005. One perpetrator was sentenced to a six month prison term for the criminal act of trafficking in human beings;
3. The judicial decision of the Higher Court in Bijelo Polje, November 2005. A previous 5 month prison sentence for the criminal act of mediation in prostitution, trafficking in human beings and violation of the employment relations rights, was reversed to a 1 year prison sentence.

In the course of 2005, the Podgorica Save the Children Fund UK Office organised workshops, as part of their educational activities, which involved 1 / 3 high schools and 1 / 4 elementary schools. The workshops were aimed at introducing young people, age 12 to 18, to the phenomenon of trafficking in children, and at training them how to recognise potential risk. The workshop results were gathered, and a brochure was published.

With the assistance of the British Embassy in Serbia and Montenegro, and in co-operation with the Office of the National Co-ordinator for the Fight against Trafficking in Human Beings and Belgrade NGO Centre for Evaluation, Testing and Research, the Podgorica Save the Children Fund UK Office conducted research on the problem of trafficking in children in Serbia and Montenegro, and consequently published a booklet "No One's Children". The main goal was to obtain more detailed and more comprehensive knowledge about the extent, specific forms of the phenomenon, and characteristics of the child victims of trafficking, in order to develop measures for a more successful identification, prevention and providing of adequate assistance and support to children.

In co-operation with the Ministry of Education, Save the Children Fund UK is involved in drafting a Manual for teachers for preventive work with children and minors regarding trafficking in children. The printed version of the manual is due in February 2006.

The Office of the National Co-ordinator for the Fight against Trafficking in Human Beings published in early 2004 a **Directory of Institutions and Organisations involved in the Fight against Trafficking in Human Beings**. The Directory contains information and contact details of 24 institutions and organisations (governmental, non-governmental and

international), and a brief description of their roles in the fight against trafficking in Montenegro. The Directory has been disseminated to all relevant persons involved in anti-trafficking activities, as well as to the diplomatic and consular missions of Serbia and Montenegro. Due to personnel changes that occurred in some institutions in 2005, a new updated Directory is to be published in May 2006.

In order to inform the public in a due and timely way on the anti-trafficking activities undertaken in Montenegro, the Office of the National Co-ordinator for the Fight against Trafficking in Human Beings has created a website: <http://www.antitrafficking.vlada.cg.yu/>. The website contains information on the activities of the Office of the National Co-ordinator, information on the National Strategy for the Fight against Trafficking in Human Beings, the structure of the Project Board and the Working Group for the implementation of the Strategy, etc. Legislation relevant to the criminal act of trafficking in human beings may also be found on the website.

Within the last year's Montenegrin presidency of the Adriatic-Ionian Initiative, on 22 March 2005, in Prcanj, Montenegro, the Office of the National Co-ordinator for the Fight against Trafficking in Human Beings and International Organisation for Migrations (IOM) organised a meeting of the national co-ordinators for the fight against trafficking in human beings from the countries of the Adriatic-Ionian Initiative. The participants presented the anti-trafficking activities undertaken in their countries. The agenda also dealt with the possibilities of the implementation of joint regional projects, such as the regional directory project, the regional poster project, and the regional website project. The participants also discussed temporary residence permits for the victims of trafficking and modalities of the future institutional co-operation in combating trafficking in human beings in the countries of the Adriatic-Ionian Initiative.

The representatives of the Office of the National Co-ordinator, the Special Police Team, relevant Montenegrin Ministries and NGOs, actively participate in many important conferences dedicated to the fight against trafficking in human beings, organised by various international organisations (OSCE, Council of Europe, IOM, ICMPD, etc.)

The national co-ordinator took part in a regional conference dedicated to the issue of protection of the victims of trafficking, held in Tirana, Albania, on 20 January 2005.

A representative of the Office of the National Co-ordinator participated in a technical workshop on monitoring, evaluation and revision of the national strategies for the fight against trafficking in human beings, organised by the International Center for Migration Policy Development (ICMPD) in Vienna, in February 2005.

A representative of the Office of the National Co-ordinator participated in a convention of national experts from the OSCE countries and the Alliance for Fight against Trafficking in Human Beings, held in Vienna on February 28, 2005. The convention was entitled "Taking a Stand: Efficient Assistance and Protection for the Victims of Trafficking".

A representative of the Office of the National Co-ordinator participated in a Council of Europe CARPO Program session dedicated to drafting the **Convention for the Fight against Trafficking in Human Beings**.

The national co-ordinator took part in an OSCE conference dedicated to the fight against trafficking in children, held



in Vienna on 18 March 2005. The conference was chaired by the OSCE Special Representative for Combating Trafficking in Human Beings.

A representative of the Office of the National Co-ordinator participated in meeting in Tirana on 18 May 2005, organised by OSCE Albania and representatives of the Albanian tourism sector. The meeting was dedicated to the development of a "Code of Conduct - Co-operation of public and private sectors in the prevention of trafficking and sexual exploitation of minors in travelling and in tourism".

The national co-ordinator took part in a conference organised by the OSCE Mission to Serbia and Montenegro and the Alliance for the Fight against Trafficking in Human Beings, held in Belgrade in May 2005, with the title "Ensuring proper identification and adequate assistance for the victims of trafficking".

With the goal of improving co-operation in combating trafficking in human beings, a meeting of the Montenegrin and Serbian national co-ordinators for the fight against trafficking in human beings took place. The meeting represented an excellent opportunity to exchange views and information, and to commit to enhancing the existing co-operation.

A representative of the Office of the National Co-ordinator participated in a seminar held in Podgorica in May 2005. The seminar was entitled "Activating Local Community in Suppressing Trafficking in Human Beings", and was organised by NGO Montenegrin Women's Lobby and NGO Care International.

A representative of the Office of the National Co-ordinator took part in a debate on "Fight against trafficking in human beings", organised with students and trainees of the High School of Internal Affairs in Danilovgrad, and in a round table discussion with representatives of relevant institutions and organisations, dedicated to the issue of "Mechanism of protection of the victims of trafficking in Serbia and Montenegro".

As part of the project "Code of Conduct - Co-operation of public and private sector in the prevention of trafficking and sexual exploitation of minors in travelling and in tourism", organised by the OSCE Office in Podgorica, Ministry of Tourism and Office of the National Co-ordinator, a round table discussion was organised in Podgorica in July 2006 in order to present the project to the relevant stakeholders and to promote the idea of creating and signing a Code of Conduct.

The national co-ordinator took part in a seminar dedicated to the presentation of best practice of national co-ordinators, organised in Kyiv, Ukraine, in July 2005. The seminar was organised by OSCE Ukraine, and the goal was to assist the Ukrainian authorities in an effort to establish the position of the national co-ordinator for the fight against trafficking in human beings.

Invited by the international movement Emmaus International, representatives of the Office of the National Co-ordinator participated in a three-day conference "Together against Contemporary Slavery", organised in Florence, Italy, in October 2005.

The national co-ordinator took part in a conference organised by the Ministry of Foreign Affairs of Serbia and Montenegro and Red Cross Society of Serbia and Montenegro, held in Belgrade in November 2005. The conference was entitled "Fight against trafficking in human beings and assistance for the victims of trafficking in the countries of South Eastern Europe".

The national co-ordinator for the fight against trafficking in human beings attended the OSCE Conference "Alliance against trafficking in human beings", organised in Vienna in November 2005. The conference gathered national co-ordinators, government officials, experts, and representatives of international and non-governmental organisations.

The national co-ordinator for the fight against trafficking in human beings participated in the conference "Let us stop trafficking in human beings", organised in Cavtat, Croatia, in October 2005, by the Croatian Government's Office for Human Rights and OSCE Mission to Croatia. The existing mechanisms for combating trafficking in human beings, developed in the previous five years, were presented. The participants also presented plans for future activities in combating the phenomenon of human trafficking.

The national co-ordinator for the fight against trafficking in human beings took part in a regional ICMPD seminar organised in Ohrid, Macedonia, in November 2005. The seminar was dedicated to enhancement of the implementation of the national strategies and action plans for combating trafficking in human beings in the countries of the Stabilisation and Association Agreement.

In December 2005, a seminar on trafficking in human beings was organised in Podgorica by the Center for Training of Judges of the Republic of Montenegro. A number of judges and prosecutors took part in the seminar.

In the course of 2005, the national co-ordinator had several important meetings with representatives of international organisations:

- Meeting with the OSCE Special Representative for Combating Trafficking in Human Beings Dr Helga Conrad, in Belgrade, in May 2005;
- Meeting with Head of Podgorica Office of the French Embassy Mr Jonathan Lacotte;
- Meeting with Head of the OSCE Mission to Serbia and Montenegro Mr Maurizio Massari;
- Meeting with Head of the South Eastern Europe Department of the Council of Europe Directorate General, Ms Claudia Luciani.

In a friendly and straightforward conversation the national co-ordinator informed Ms Luciani that Montenegro had created the necessary normative basis for a successful fight against trafficking in human beings. He underlined the completed reform process of criminal legislation in the area of anti-trafficking, with several newly adopted pieces of legislation: Criminal Code, Criminal Procedure Code, Law on State Prosecutor, Law on Witness Protection, Law on National Security Agency and Law on Police. The above-mentioned laws have been drafted in compliance with the international standards. Mr Obrenovic also underlined the importance of "Instruction on Terms and Ways of Regulating Residence for Foreign Citizens - Victims of Human Trafficking", signed last week by the Minister of Interior Mr Jusuf Kalamperovic.

Ms Luciani paid particular attention to the functioning of the Shelter for the victims of trafficking. Mr Obrenovic explained that Montenegro was a unique example in the region of excellent co-operation of governmental, non-governmental and international sector in the work of the shelter. He also informed Ms. Luciani that the Government has allocated funds from its budget to finance the complete expenses of the Shelter for 2006. He explained that the Montenegrin Women's Lobby is



the NGO responsible for running the shelter, in co-operation with the International Organisation for Migrations. He underlined a very important role of the Special Police Team in the fight against trafficking in human beings, and praised co-operation with the IOM in training the police to identify potential victims of trafficking.

**STATE MECHANISMS  
FOR COMBATING  
TRAFFICKING IN HUMAN BEINGS**

**Jasmina Stanković Tatarac**  
The Ministry of Foreign Affairs of Serbia and Montenegro

Bucharest,  
April 5, 2006

**● STATE MECHANISMS AT A GLANCE ●**

I — STRATEGIC LEVEL

- Government Council to Combat Trafficking in Human Beings (THB)
- Republican Team to Combat THB
- National Co-ordinator for Combating THB
- Advisory Board of the Republican Team

II — OPERATIONAL LEVEL

<p style="text-align: center;"><u>LAW ENFORCEMENT</u></p> <ul style="list-style-type: none"> <li>• Special unit - Directorate for Combating Organized Crime, Mol</li> <li>• Special Unit - Border Police Department, Mol</li> <li>• Special teams in 26 local Police Secretariats across Serbia (local jurisdiction)</li> </ul>	<p style="text-align: center;"><u>PROTECTING HUMAN RIGHTS</u></p> <p style="text-align: center;">Agency for Co-ordination of Protection to Victims of THB</p>
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**● THE COUNCIL ●**

**TO COMBAT TRAFFICKING IN HUMAN BEINGS**

- The Council is a governmental body, formed on 14 October 2004 in the Republic of Serbia
- Consists of the following Ministers:
  - Minister of Interior
  - Minister of Justice
  - Minister of Employment, Labour and Social Policy
  - Minister of Education and Sport
  - Minister of Finances
  - Minister of Health
- The Minister of Interior is tasked with co-ordination of the work of the Council.

The Role of the Council:

- Defines a national strategy
- Formulates the strategic goals and overall objectives of a comprehensive anti-trafficking response

Main Tasks of the Council:

- Co-ordinating national and regional anti-THB activities
- Reviewing report on the topic if THB as issues by relevant bodies of International Community
- Assuming (official) positions in and proposing measures for implementing recommendations given by international bodies in the area of combating THB

**● REPUBLICAN TEAM FOR COMBATING THB ●**

The Republican Team is:

... a co-ordination body at the state level, responsible for ensuring effective co-operation between:

- governmental institutions (Ministries, state agencies),
- NGOs (domestic and international), and
- International Organizations,

all who are active in the field of combating THB

The Republican Team aims:

- to co-ordinate all anti-THB activities, pursuant to modern international standards, international obligations and commitments undertaken by the country.

The Role of the Republican Team:

- defines and develops concrete anti-THB measures and activities in order to operationalize the strategic aim identified by the Council.

Members of the Republican Team:

<p style="text-align: center;"><u>Governmental Organizations</u></p> <ul style="list-style-type: none"> <li>• Ministry of Foreign Affairs of Serbia and Montenegro</li> <li>• Ministry for Human and Minority Rights of Serbia and Montenegro</li> <li>• Ministry of the Interior</li> <li>• Ministry of Justice</li> <li>• Ministry of Labor, Employment and Social Policy</li> <li>• Ministry of Education and Sports</li> <li>• Ministry of Finance</li> <li>• Council for Children's Rights</li> </ul> <p style="text-align: center;"><u>Judiciary</u></p> <ul style="list-style-type: none"> <li>• Supreme Court of Republic of Serbia</li> <li>• State Prosecutor's Office</li> </ul>	<p style="text-align: center;"><u>NGOs</u></p> <ul style="list-style-type: none"> <li>• ASTRA</li> <li>• Counseling Against Family Violence</li> <li>• Victimology Society of Serbia</li> <li>• Beosupport</li> <li>• Center for Children's Rights</li> <li>• Anti-Trafficking Center</li> <li>• Save the Children – Belgrade branch</li> </ul> <p style="text-align: center;"><u>International Organizations</u></p> <ul style="list-style-type: none"> <li>• OSCE Mission to Serbia and Montenegro</li> <li>• IOM</li> <li>• UNICEF</li> </ul>
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#### Scope of the work of the Republican Team

The scope of the Team's work has been determined pursuant to the guidelines developed and issues by the Stability Pact Task Force on THB regarding National Plans of Action

Accordingly, the Republican Team covers the following aspects of combating THB:

- Prevention and Education
- Protection of victims of THB
- Prosecution of THB offenders

#### Division of the Republican Team (Republic of Serbia):

- Working Group for Prevention and Education (co-ordinated by NGO ASTRA)
- Working Group for Victim Protection (co-ordinated by the Ministry of Employment, Labour and Social Policy)
- Working Group for Prosecution (co-ordinated by the Ministry of Justice)
- Working Group for Child Trafficking (co-ordinated by NGO Beosupport)

#### ● NATIONAL CO-ORDINATOR TO COMBAT THB ●

##### The National Co-ordinator:

- has been appointed by the Minister of Interior, in December 2001
- is a high-ranking police officer (Deputy Head of Border Police Department)
- manages and co-ordinates the work of the Republican Team

##### The Task of the National Co-ordinator:

- to enable co-ordination and implementation of all anti-THB project planned and being implemented on the territory of Republic of Serbia.
- to enable the implementation of comprehensive state action plan to combat THB through local, regional and international co-operation of all relevant actors (both governmental and non-governmental).

#### ● THE ADVISORY BOARD ●

#### OF THE REPUBLICAN TEAM

##### The Advisory Board includes:

- the National Co-ordinator and the associates
- the Chairs of all Working Groups of the Republican Team
- representatives of OSCE Mission, IOM and UNICEF

The key task of the Advisory Board is to assist and support the National Co-ordinator in co-ordination and implementation of anti-THB measures and activities.

For that purpose the Advisory Board is to regularly liaise through the Chairs of Working Groups with the members of the Working Groups and thereby ensure swift communication flow and regular exchange of information among all the stakeholders.

##### Specific tasks of the Advisory Board:

- initiate specific measures and activities in accordance with the strategic aims;
- identify gaps in national preventive, protection and prosecution activities;
- maintain regular contacts with the donors in the country; and
- in order co-ordinate funding and avoid duplication and / or overlapping of projects, call for regular meetings with all donors.

#### ● THE AGENCY FOR CO-ORDINATION OF PROTECTION OF VICTIMS OF THB ●

##### The Agency for Co-ordination of Protection to Victims of THB in the Republic of Serbia:

- is a **state institution**;
- was created in December 2003 as a **joint project** of the Ministry of Employment, Labour and Social Policy and OSCE Mission to Serbia and Montenegro, and started officially working in March 2004;
- represents a **co-ordination centre** in the process of organising and providing victim assistance in Serbia;
- serves as **information centre** on available medical, social and legal services relevant for victim assistance in the country and abroad.

The initially necessary financial resources were made available by the Government of the Kingdom of Netherlands, and the US Embassy in Belgrade.





#### Target Group of the Agency:

Local or foreign (potential) victims of all forms of THB (e.g. sexual exploitation, forced labour, forced begging, etc.).

#### The Agency does not:

- work with the cases of illegal migrants, and
- does not provide direct assistance to victims of THB

#### The Key Roles of the Agency:

Pre-screening of the needs of THB victims and further organisation and co-ordination of relevant mode of assistance.

This can include the following:

- placement of THB victims to a shelter or other types of safe accommodation;
- regulation of THB victim's legal status and assistance in all administrative procedures;
- organisation of adequate mode of assistance, including reintegration programs;
- informing victims on their rights, status and possibilities for recovery in the country;
- preparation of return to a country of origin;
- monitoring of the process of reintegration of local victims in the country.

#### The Main Partners

The Agency co-operates on a daily basis with:

- specialised NGOs,
- police,
- judiciary and
- other professionals and organisations that take care of victims of THB

#### Always on duty

The employees of the Agency are reachable 24hrs, including weekends and holidays.

## Legislation

- **Since trafficking in human beings was not incriminated as a criminal offence (until 2003 in the Republic of Serbia and 2004 in the Republic of Montenegro) its perpetrators were subject to the provisions of the laws already in force;**

## REPUBLIC OF MONTENEGRO

- THE YEAR 2004 SAW THE COMPLETION OF THE LEGISLATIVE REFORM IN MONTENEGRO:

1. THE CRIMINAL PROCEDURE CODE, WHICH PROVIDES FOR THE PROTECTION OF VICTIMS IN COURT
2. CRIMINAL CODE, WHICH CODIFIES PENAL LEGISLATION AND INCLUDES THE CRIMINAL ACT OF TRAFFICKING IN HUMAN BEINGS, ITS DEFINITION BEING HARMONIZED WITH THE DEFINITION IN THE PALERMO PROTOCOL

#### **Article 201a - July 2002 Amendments**

3. THE LAW ON STATE PROSECUTOR, PROVIDES FOR PROSECUTION OF PERPETRATORS OF THE CRIMINAL ACT WITH ELEMENTS OF ORGANIZED CRIME, AND PROVIDES FOR SETTING UP OF A DEPARTMENT FOR SUPPRESSING ORGANIZED CRIME. THIS DEPARTMENT IS HEADED BY THE

## REPUBLIC OF SERBIA

- **Criminal Code of the Republic of Serbia was amended in April 2003 to include Article 111b (1);**
- **CRIMINAL CODE OF THE REPUBLIC OF SERBIA (adopted on 29 September 2005, "Official Journal" No. 85/05).**
- **Article 388 - Trafficking in human beings**
- **Article 389 - Trafficking in children for adoption purposes**
- **Article 390 - Establishment of a slave-related relationship and transport of persons held in servitude**



- **4. THE LAW ON WITNESS PROTECTION** has entered into force in 2005 (April in Montenegro and November in Serbia)
- The Law provides for better treatment of witnesses and victims, which makes possible to provide conditions for testifying which are not life-threatening
- -It provides also the protection of the family and relatives of the witness's
- -It foresees methods of concealing identity, change of identity, displacement of witnesses, physical protection.

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**"The former Yugoslav Republic of Macedonia"**

Ms Tanja Kikerekova, Head of Human Rights Department, Ministry of Justice

Honourable Chairperson, Your Excellencies, Ladies and Gentlemen,

I have a special honour and pleasure to express my appreciation for your invitation, as well as for the opportunity to greet you on behalf of the Government of the former Yugoslav Republic of Macedonia and to wish us successful work at this important seminar. It is a special pleasure to be able to inform you about the progress that the former Yugoslav Republic of Macedonia has made in the current year in the fight against organised crime, notably trafficking in human beings.

It concerns reforms that we have been undertaking in accordance with the National Strategy for European Integration, the Action Plan for European Partnership, the Action Plan for the Fight against Organised Crime and the other strategic sectorial documents, which are in concordance with part of the commitments deriving from the Stabilisation and Association Agreement.

The former Yugoslav Republic of Macedonia, like other countries in this region, cannot avoid the global phenomenon of organised crime. It is manifested in specifics deriving from its geographic location and from the dynamic economic and social changes in the transition period. It is a favourable ground for the development of specific forms of criminal activities, such as

trafficking in human beings and weapons, money laundering, tax and customs duty evasions, and the like. Rising organised crime needs comprehensive, well-planned and co-ordinated long-term activities that will eliminate the reasons for criminal phenomena.

In this spirit, the Government of the former Yugoslav Republic of Macedonia permanently manifests a will for continued and efficient action in the global fight against organised crime. On 12 December 2000, we signed the UN Convention against Transnational Organised Crime with the protocols thereto, which confirmed the determination and readiness of the Government for prevention and elimination of rising forms of transnational organised crime, through the reinforcement of international co-operation and the rule of law.

Taking into consideration the necessity for a joint, consistent and efficient legal and institutional framework as the essential precondition for effecting the instruments envisaged, a strategic objective of the Government in the past years have been the activities concerning:

- the reform of criminal legislation,
- advancement of regional co-operation and reinforcement of institutional capacities,
- training of cadres, and



- provision of aid and protection to victims of trafficking in human beings.

The basic goal of the reform of the criminal legislation is further building on the existing legal framework for more efficient prevention and suppression of organised crime-related offences. In February 2002, and with amendments and additions in 2004, the following criminal offences have been introduced into the Criminal Code: Trafficking in human beings – Article 418a –; Article 418b – Smuggling of migrants –; Article 418c – Organising and urging to commit the criminal offences of trafficking in human beings and smuggling of migrants –; and Article 273 – Laundering of money and other proceeds from a punishable deed.

In its basic form the criminal offence under Article 418a – Trafficking in human beings, fully integrates the actions of Article 3 of the Palermo Protocol.

Paragraph 2 of this criminal offence sanctions the actions of *the person who recruits, transports, transfers, buys and sells, harbours or receives children or juveniles for the purpose of exploitation.*

Paragraph 4 incriminates the actions of the person *who uses or procures the sexual services of a person with the knowledge that the person is a victim of trafficking in human beings.* If the crime under this paragraph is committed against a child or a juvenile, the offender shall be punished with imprisonment of a minimum of eight years.

By integrating the incrimination of trafficking in human beings into the criminal legislation of the former Yugoslav Republic of Macedonia, courts and prosecutor's offices have successfully processed a large number of reported cases of criminal offences of trafficking in human beings. According to the statistics, from 2002 to 2004 15 persons were accused, while 14 were sentenced for the criminal offence of Article 418a.

The former Yugoslav Republic of Macedonia appears as both a final destination and as a transit country. In most cases, the potential victims escorted by people for transportation across the national border of RM legally and then are surrendered to dealers who further provide them with a shelter in some facilities, mostly bars, take their passports away and limit their freedom of movement and carry out sexual and labour exploitation.

At the same time, with the amendments and additions to the 2004 Criminal Code the following instruments from the Palermo Convention were integrated, and which were relevant for the efficacy of the activities in combating trafficking in human beings: corporate criminal liability which creates a legal basis for sanctioning the actions with which legal entities participated in committing the offences of organised crime, confiscation of property gained from committing a criminal offence and international co-operation for the application of confiscation of property.

The modernisation of the legal framework, which governs the procedure for rendering international legal assistance, is one of the more significant new features in the amendments and additions to the 2004 Criminal Procedure Code. They may be summarised as follows:

- The international criminal-legal assistance shall, in addition to the provisions in the Criminal Procedure Code of the former Yugoslav Republic of Macedonia, be carried out with the application of the provisions of the European Convention on Mutual Legal Assistance

in Criminal Matters with the Protocols thereto and the UN Convention against Transnational Organised Crime with the Protocols thereto; and

- The letters rogatory for legal assistance in criminal matters to and by the courts in the former Yugoslav Republic of Macedonia may be directly communicated.

In parallel with the finalisation of these legislative activities, on 27 September 2004 the Assembly of the former Yugoslav Republic of Macedonia adopted the Law on Ratification of the Convention with the Protocols thereto, with which this first legally binding UN instrument, pursuant to the Constitution of the former Yugoslav Republic of Macedonia, has become an integral part of the legal order.

Honourable ladies and gentlemen,

Strengthening the institutional capacity in response to human trafficking is an integral part of our national activities.

Pursuant to the commitments undertaken following the London Conference on the Fight against Organised Crime in Southeast Europe in 2002, the Government of the former Yugoslav Republic of Macedonia realised the following measures and activities for the prevention of organised crime:

- a regional prosecutors network has been established by signing a Memorandum for regional co-operation against organised crime of the prosecutor's offices of the Western Balkans countries;
- the Department for Prosecution of Perpetrators of Criminal Offences from the Area of Organised Crime and Corruption has been set up and began to work within the framework of the Public Prosecutor's Office. In January 2005, the Department for Organised Crime within the Ministry of the Interior began its work, composed of the Division for Combating Trafficking in Human Beings and the Division for Combating Money Laundering.

A special accent on the activities at national level in combating trafficking in human beings is the training of judges and public prosecutors. In this sense, in the course of 2003, the Centre for Continuous Education of the Association of Judges of the former Yugoslav Republic of Macedonia, with the financial support of the OSCE and the US Embassy in the former Yugoslav Republic of Macedonia, organised three pilot-seminars for the implementation of the Regional Manual for the training of judges and public prosecutors in the field of combating trafficking in human beings.

There are ongoing training activities of the appointed prosecutors at the Division for the Prosecution of Perpetrators of Criminal Offences from the Field of Organised Crime and Corruption. In parallel, there is an ongoing procedure for the training of judges who will adjudicate in matters in the field of organised crime.

In 2004, the IOM realised a project entitled: "Reinforcement of the capacities for combating trafficking in human beings". National legislation and international standards for the fight against trafficking in human beings were the principal topics for the training organised for 31 members from the police, judges, public prosecutors, lawyers and 40 students of the Law faculty in Skopje. The project was finalised with the publication of a Practicum for combating Trafficking in Human Beings and illegal Migration. In the prevention operation





against trafficking in human beings, in 2003 the National Commission for combating human trafficking in co-operation with the IOM organisation realised a campaign entitled: "People are being trafficked in". The campaign was covered in the media and also with the dissemination of fliers and posters to the border crossing points, police stations and local self-government units.

In the preventive activities against human trafficking in 2003 the National Commission in association with IOM realised a campaign called: "Human is trafficking." The campaign was covered by the mass media with the dissemination of flyers and posters to border crossing points, police units and units of local government.

NGO "Semper" in 2005 published a CD under the title: "Human trafficking is real it can happen to you" which presents a short view of the problem of human trafficking and activities to overcome it. The fight against human trafficking is a project realised by the NGO Open Gate-La strada in 2005 in which a short movie was produced under the title: "You are alive"

An integral part of the national activities for combating trafficking in human beings is the establishment of a system for the assistance and protection of victims of trafficking in human beings.

The international standards govern the right of the victims of trafficking to: legal assistance, information about the relevant judicial and other procedures, medical, health and psychological assistance, protection of privacy and identity and the right to compensation of damage to the victims of trafficking in human beings.

The criminal legislation process of the former Yugoslav Republic of Macedonia corresponds with these provisions:

Namely, the right to compensation of damage to the victims of trafficking in human beings is guaranteed within the provisions of the Criminal Procedure Code which governs the rights of the damaged party and the provisions for legal property claims.

The right to legal assistance is guaranteed with the provisions in the Criminal Procedure Code, which govern the rights and obligations of the witness and the damaged party in the criminal proceedings.

## Turkey

### Ms İlnur Altuntaş, Judge, Ministry of Justice, General Directorate of International Law and Foreign Relations

Distinguished Participants, Ladies and Gentlemen,

I would like to bring to your attention the stance of Turkey with regard to the measures to protect and promote the rights of victims, prevention and prosecution matters regarding the human trafficking.

International trafficking in human beings is rather a new phenomenon which, in the aftermath of rapid social and economic developments, has priority in the agenda of the international community.

Up to now, Turkey has actively participated in several global and regional international instruments and efforts concerning trafficking in human beings.

Turkey is among the first signatories of the UN Convention against Transnational Organised Crime and of its Additional

Concerning the implementation of the right to the protection of identity and privacy of the victims of trafficking in human beings the amendments to the Criminal Procedure Code adopted in October 2004 introduced the institute of protection of witnesses, collaborators of justice and victims. Pursuant to these provisions, the process and non-process measures for the protection of witnesses, collaborators of justice and victims are defined.

The non-process measures for the protection of witnesses are applied in accordance with Article 294, by their inclusion into the witness protection programme. In the function of operationalisation of this provision, on 19 May 2005 the Assembly of the former Yugoslav Republic of Macedonia adopted the Law on Witness Protection.

The Law defines the subjects of protection: witnesses, victims and collaborators of justice, as well as the persons close to them who appear in the capacity of a witnesses.

The former Yugoslav Republic of Macedonia, in co-operation with international organisations, is realising activities in the provision of the right to assistance and support for victims of trafficking in human beings. The Transit Centre for Foreigners has been functioning at the Ministry of the Interior since 2001, where each person identified as a victim of trafficking in human beings is taken: medical care, care and control by a medically competent team of the IOM international organisation. Also, with the mediation and financial support of this organisation victims are provided with; an appropriate and expert psycho-social therapy and counselling on the part of the non-governmental organisation; free legal assistance, counselling and legal representation.

Honourable ladies and gentlemen,

We are particularly proud and grateful that in recognition of our achievements so far, on 9 November 2005 the European Commission recommended the EU to assign the former Yugoslav Republic of Macedonia the status of a candidate for EU membership. The recommendations presented in the opinion are a strong impetus for intensification of our activities in the prevention and fight against organised crime.

Thank you for your attention.

Protocol to Prevent, Suppress and Punish Trafficking, Especially of Women And Children on 13 December 2000.

By adopting these international instruments Turkey clearly indicates its political will and determination to combat trafficking in human beings in co-operation with the world community.

#### *Legal status*

Before coming to measures on protection and promotion of victims' rights, it may be useful to give some brief information as regards the basic provisions of substantive law in this area.

Having ratified the UN Convention against Transnational Organised Crime on 29 September 2003, and its Protocol to Prevent, Suppress and Punish Trafficking, Especially of Women And



Children on 25 December 2003. Turkey has taken all necessary measures with a view to aligning its legislation with this convention. To this end, it has primarily criminalised trafficking in human beings under Article 201/b of the previous Penal Code.

As the Penal Code was fully amended, Article 80 of the new Penal Code, which entered into force as of June 1st, 2005, sets out the definition of Trafficking in Human Beings. According to this article;

- procurement or kidnapping persons,
- taking or transporting persons from one place to another,
- harbouring persons with a view
  1. to force them to work or to provide a service or
  2. to subject them to slavery or similar practices or
  3. to donate their organs by exerting threats, pressure, force or violence, by abusing his authority, by deceit or by obtaining their consent through taking advantage of the opportunities they have to control them or of their helplessness

shall be sentenced to imprisonment for a term of eight to twelve years and to a judicial fine of up to ten thousand days.

*"In the event of actions which are undertaken for the purposes referred to in the first paragraph and which constitute an offence, the consent of the victim shall be deemed void.*

Where juveniles under eighteen years of age are procured, kidnapped, taken or transported from one place to another or harboured for the purposes referred to in the first paragraph, the perpetrator shall be sentenced to the penalties referred to in the first paragraph, notwithstanding whether any of the acts instrumental to the offence have been resorted to.

*Security measures shall be taken for legal entities on account of the above-mentioned crimes."*

Although article 80 of the Turkish Penal Code, which introduces the definition of trafficking in human beings and criminalises the act of trafficking does not include sexual exploitation, article 227 of the Penal Code governs sexual exploitation.

#### *Measures to protect and promote the rights of victims*

Initially, let me give an outline of a criminal proceeding on trafficking in human beings. The public prosecutor carries out the investigation ex officio for those crimes, such as trafficking in human beings, where the public interest is considered to be paramount. That is to say, the public prosecutor, upon being informed of the occurrence of an alleged offence, is obliged to initiate a preparatory investigation in order to ascertain the identity of the offender and to decide whether it is necessary to institute a public investigation. If he concludes that public action is necessary, he files an indictment to bring the case before the competent court. In this respect, assize courts are authorised to deal with this crime.

The public prosecutor is, for the purpose of his inquiry, entrusted to demand any information from any public employee. He is authorised to make his investigations either directly or through public officers. The police are obliged to inform the public prosecutor immediately of events, detainees, measures taken and to execute orders of the prosecutor concerning legal procedures (Article 170-175 of the TCPC).

The preparatory investigation is, in principle, carried out in secrecy, performed without the presence of parties and in written form.

The new Turkish Code of Criminal Procedure, entered into force as of 1 June 2005, has introduced the interception of telecommunications for the crimes listed in its Article 135, paragraph 6 including trafficking in human beings. Application to this crime of the interception of telecommunications will unquestionably facilitate the identification of the perpetrators.

First and foremost, Article 202/1 of the Code on Criminal Procedure sets out the right to free assistance of an interpreter. Accordingly, if a victim is unable to understand or speak Turkish sufficiently to present his case, fundamental points regarding claim and defence in a trial shall be translated by means of an interpreter appointed by the court.

Moreover, victims have the right to demand collection of evidence and a copy of any document related to a pending prosecution from public prosecutors, to plead against decisions of non-prosecution given by prosecutors which are sent to all victims where they made complaints regarding the crime, to be informed of date of trial, to join the case as a party; and to appeal against decision on condition that they have joined the case (Article 234 of the TCPC). In this context, it is crucial to enable the victims to become a party not only to the investigation proceedings but also to the court proceedings at any stage.

Apart from these provisions, all victims are, upon their request, entitled to benefit from the assistance of a lawyer to represent them at both prosecution and trial stages. However, those victims who are under the age of 18, or are deaf or dumb, or are unable to present their case on condition that they are not represented by a lawyer; then, a lawyer is designated without seeking their request (Article 234 of the TCPC).

In order to enable victims to enjoy these rights effectively and to prevent loss of rights due to not knowing their rights, under Article 234 of the TCPC, the victims are to be reminded about their rights and this point is put on record at this phase of prosecution or trial.

Besides, the victim whose psychology is severely affected by the crime may be heard once at the pending prosecution or the trial in question, and during the hearing of juvenile victims or other victims, an expert in psychology, psychiatry, medicine, or pedagogy has to be present (Article 236 of TCPC).

In addition, under the terms of the new Criminal Procedural Code, Turkish courts may hear experts and witnesses or question accused by means of audio and visual communication technology. In this respect, Article 180/5 reads as follows;

*"If there is a suitable infrastructure, the judge shall hear the expert or the witnesses via sound and visual recording system."*

Although, the mentioned Article does not guarantee the victims of being heard by such technological means, it has been aptly suggested by the doctrine that this provision may be very well applied as regards the hearings of victims. Thus, this will facilitate and accelerate the proceedings as to the requests on international mutual legal assistance in criminal matters.

The victims have the right of recourse to legal review irrespective of the public prosecutors view, pursuant to Article 242 of the TCPC.

The Ministry of Health has made necessary legislative and administrative changes in order to provide medical treatment to the victims of THB, free of charge at the state owned hospitals.

Apart from this, the "Law on Working Permits for Foreigners", provides legal protection for foreigners against exploitation in labour markets and extends legal and administrative



safeguards to private services. With this Law, the Ministry of Labour and Social Security is authorised to issue all forms of working permits. Employment in domestic services is also made possible with this Law. The Ministry of Labour and Social Security prepares a sample contract in Turkish and in the language of the applicant for a working permit.

Moreover, the Road Transport Regulation which has become effective as of February 25th, 2004, states that the transportation permit will be cancelled for 3 years if the person is sentenced according to certain crimes including human trafficking.

The Ministry of Interior has authorised governorates to issue humanitarian visas and temporary residence permit to victims where necessary in order to allow them to stay in Turkey for rehabilitation and treatment. The duration of the permit is up to 6 months and it can be extended for further period.

Last but not least, the victims have the right to claim compensation for their pecuniary and non-pecuniary damages under the general provisions of torts set out in the Law on Obligations.

#### *Statistics and implementation*

The General Directorate of the Judicial Registration and Statistic attached to the Ministry of Justice is in charge of the preparation of statistics concerning the crimes of trafficking in human beings on the basis of the information sent by the courts and offices of public prosecution. These statistics give specific information about the numbers of prosecutions and proceedings initiated, the number of the cases, age and sex of the victims and the results of the cases.

Yet, we are unable to provide precedents with respect to the interpretation of the application of both Article 201/b of the Previous Turkish Penal Code and Article 80 of the new Penal Code since these articles have only recently been introduced.

#### *Recent developments in counter trafficking*

The Ministry of Foreign Affairs is responsible for national co-ordination of issues related to THB, in Turkey.

The National Task Force on Combating Trafficking in Human Beings was convened in 2002.

The National Task Force on Combating Trafficking in Human Beings, set up by the Ministry of Foreign Affairs, consists of officials from all relevant Turkish authorities. A National action plan has been prepared by the National Task Force and approved by the Prime Ministry on 11 March 2003 in order to ensure the effective mechanisms to combat trafficking in human beings.

In accordance with this Action Plan, under the guidance of the Ministry of Foreign Affairs, two shelters (in Istanbul and Ankara) were established for the victims (A protocol regarding the shelter was signed between Istanbul Metropolitan Municipality and Human Resources Development Foundation (HRDF) during the NATO Summit in June 2004).

Establishment of shelters in Izmir, Antalya, Adana and Mersin are also planned.

A toll free, nationwide, tip off number/emergency helpline "157" for the victims of trafficking has been allocated. This number can be reached 24 hours a day, 7 days of week. The hotline is run by Russian, Romanian, English and Turkish speaking operators.

In order to inform foreigners visiting Turkey regarding the THB issue, leaflets including necessary information and the helpline number "157" have been designed, within the framework of the project aiming to assist victims of trafficking which has a budget of 700 000 USD. These inserts will be distributed at border gates, primarily Istanbul Atatürk and Antalya Airports.

In conjunction with this project which is realised in co-operation with the International Organisation for Migration (IOM), there will be spot programs on the Turkish national TV Channel TRT. Furthermore, training for law enforcement officials is also planned in this context.

Within the framework of the National Action Plan, financial support from the Social Aid and Solidarity Fund is available for the victims of trafficking.

On September 3rd 2004, the Ministry of Interior signed a co-operation protocol with the Human Resources Development Foundation regarding THB issues. A similar protocol has also been finalised between the Gendarmerie and the Human Resources Development Foundation. The Gendarmerie has prepared a brochure entitled 'Combating Trafficking in Human Beings' and distributed it nationwide.

#### *Training activities*

In order to raise the awareness of counter trafficking in human beings among its judges and public prosecutors, Turkey has promoted their participation in seminars, meetings etc. held at international and national levels. In this respect;

In 2004, 516 police officers, 266 gendarmerie personnel, 164 judges and prosecutors received training on counter trafficking.

In 2005, 50 judges and prosecutors received training on counter trafficking.

Combating trafficking in human beings is also included in the curriculum of the Gendarmerie Schools.

There is a very important project under the title of "Combating Trafficking In Turkey: A Strategic Approach to Law Enforcement" which is run by the IOM. The project will fund a comprehensive assessment and analysis of Turkish law enforcement capacity to combat trafficking in persons. The assessment will include strategic recommendations for improving conviction rates and jail sentences. Specifically, it will assess the viability of approaches favoured by many within Turkish and international law enforcement, including the task force model. Government ownership and sustainability will be built into the project through a Ministry-level technical working group, which will co-ordinate the assessment and approve any final recommendations.

Turkey takes a lead in fighting human trafficking, working with the International Organisation for Migration which has launched a nationwide awareness-raising campaign on the impact of trafficking on children and families. A new counter-trafficking campaign focuses on boosting awareness of societal impact. The IOM concentrates on mothers who are victims of trafficking, as the latest report shows 1 in 3 women trafficked to Turkey have children and that illegal profits from trade over \$1 billion annually.

The report cites a figure of 469 victims of human trafficking brought to Turkey in 2005, but this is thought to be just a fraction of the overall number of women in Turkey, or as little as 10 percent of the overall cases.



The campaign includes public awareness activities, stepped-up training for law enforcement and medical personnel, and psychological and direct support for trafficked individuals. The US government is funding the \$700 000 project with co-funding from the Turkish government.

### Conclusion

Undoubtedly, such crimes cannot be prevented by governments acting individually or through traditional forms of in-

## Ukraine

Mr Andriy Melnyk, Head of Division – Deputy Head of Department, Foreign Policy Directorate, Secretariat of the President of Ukraine

First of all, in the name of Ukraine's authorities I would like to extend sincere words of gratitude to the Government of Romania and the Secretariat of the Council of Europe for this initiative to organise a regional seminar devoted to the very serious problem of our modern times which is the trafficking in human beings and the action to combat it.

Trafficking in human beings has become one of the most pressing issues for Ukraine's society during the last years. Ukraine still remains a supplier and transit country of the trafficking of young women and children abroad for exploitation, mostly for sexual purposes. According to statistical data, the main destination countries include the Czech Republic, Bulgaria, Germany, Israel, Italy, Poland, Russia, and Turkey.

Determined to eradicate this social phenomenon, the Ukrainian government has taken a number of important steps.

Thus, in order to enable prosecution of the traffickers, in March 1998 trafficking in human beings became a criminal offence in Ukraine. Article 149 of the Criminal Code of Ukraine "Trafficking in human beings or other illegal acts regarding a human being" envisages severe punishment of perpetrators that varies from 3 to 15 years of imprisonment (depending upon the gravity of crime) with or without confiscation of assets.

In June 2002, a Complex Program on Action against Trafficking in Human Beings for the period of 2002 – 2005 was adopted by the Cabinet of Ministers of Ukraine.

It seems quite symbolic to underline that the topic of today's seminar fully coincides with the three main priorities enshrined in this Complex program.

Firstly, the governmental program includes measures aimed at the prevention of trafficking in human beings, secondly, it envisages concrete steps to prosecute traffickers, and, thirdly, the program stipulates action to protect victims of trafficking and their reintegration into society.

In order to reach these ambitious goals it was deemed necessary to establish a special institutional mechanism within the government, namely the Inter-agency Co-ordination Council on Action against Trafficking in Human Beings chaired by the Minister of Family, Youth and Sports.

Furthermore, respective permanent bodies were created within every 26 administrative region (oblast) whose function is to co-ordinate action against trafficking and exchange information.

A very important step forward was the establishment in August 2005 of a special Department on action against crimes

international co-operation. The battle against trafficking in human beings requires well-designed, co-ordinated and comprehensive responses.

In this context, acceding to international instruments and implementation of them in a genuine spirit of co-operation, goodwill and pragmatic approach rather than strict formality, are essential for success in the fight against all crimes as well as trafficking in human beings.

Thank you very much for your attention.

related to the trafficking of human beings within the structure of the Ministry of Interior as well as its regional units.

Due to the combined efforts of law enforcement agencies in 2005 alone there were:

- 415 crimes detected in the sphere of trafficking in human beings (54% increase in comparison to 2004);
- 446 victims of trafficking (75% increase) identified and returned to Ukraine, including 39 under-age persons (160% increase);
- the activities of 37 crime groupings of traffickers (120% increase) revealed and stopped, some of these with an organised character, 14 of them transnational since they included foreign nationals.

Generally, since March 1998, from when trafficking in human beings entails criminal responsibility, there have been 1287 respective crimes revealed in Ukraine.

It should be stressed that there is a steady trend towards the increase of criminal proceedings taken according to Article 149 of the Criminal Code of Ukraine relating to trafficking: 2 cases (1998), 11 cases (1999), 42 cases (2000), 90 cases (2001), 169 cases (2002), 289 cases (2003), 269 cases (2004), 415 cases (2005).

180 channels of trafficking in human being have been destroyed and more than 300 persons suspected of being involved in their functioning and organisation have been arrested.

According to the Security Service of Ukraine (SBU), 160 criminal proceedings have been initiated on the basis of Article 149 of the Criminal Code.

In 2005 more than 3200 attempts when unauthorised persons tried to smuggle minors without their parents' consent through the Ukraine's state border were revealed. 13 endeavours of illegal transfer abroad with a view to medical treatment and tourism were identified. About 40 cases were registered of foreign nationals attempting to move abroad adopted minors without proper documentation.

Being a transit country for transnational trafficking in human beings, Ukraine has strengthened border control measures. Thus, in 2005 about 15 thousand illegal migrants were arrested and more than 12 thousand of them were deported abroad (1800 forcefully), 7 thousand foreign nationals were prohibited entry for the violation of Ukrainian legislation.

In 2005 investigating units of the Security Service of Ukraine initiated 22 criminal proceedings on the basis of Article 332 of the Criminal Code (illegal smuggling of persons through state border). Alone in the period from 16 till 28 January 2006,





during the operation "Foreigner" 7 criminal proceedings were taken according to Article 332 of the Criminal Code, 201 illegal migrants were arrested and 23 places of illegal immigrants were detected.

An important issue to which Ukrainian authorities pay special attention is the dissemination of relevant information on all questions relating to the trafficking in human beings and awareness raising among most vulnerable groups of population.

In this sense the Ministry of Family, Youth and Sports and its regional units held a number of various educational seminars and training sessions together with NGOs active in the sphere of action against trafficking in human beings (La Strada Ukraine, Winrock International, Red Cross, Caritas, League of social workers of Ukraine, Center "Women for women" etc.).

One of the most significant measures taken by Ukraine's authorities is providing help to women and children that have become victims of trafficking. This is done through centres of reintegration of these persons that offer juridical assistance to victims, confidential medical treatment, social and psychological help. Existing reintegration programs envisage individual consultations on further employment opportunities, practical advice on housing issues.

Thus, in co-operation with the International Organisation of Migration (IOM), the Ministry of Family, Youth and Sport established in 2005 regional rehabilitation centres for trafficking victims in Chernivtsi, Kherson, Lviv, Volyn and Zhytomyr oblast. Moreover, telephone hot and trust lines for victims with the aim of preventing trafficking in human beings were created.

A state mechanism of controlling activities of tourist companies, marriage agencies and other firms licensed to provide services for employment abroad was established.

Since this governmental Complex Program on Action against trafficking in human beings for 2002-2005 has proved its efficiency, the Cabinet of Ministers of Ukraine has elaborated a new Program for the period 2006-2010 that is expected be approved soon.

Since crimes relating to the trafficking in human beings have usually a transnational character, Ukraine has been gradu-

ally strengthening international co-operation in this field on both bilateral (especially with the USA) and multilateral levels (Europol, Council of Europe, OSCE, IOM, SECI, European Union etc.).

Thus, one of the main priorities of EU-Ukraine Action Plan 2005-2007 is action against trafficking in human beings and prevention of sexual exploitation of children.

Ukraine has also been very active in participating in relevant international legal instruments. Thus, on 15 November 2001 it signed the United Nations Convention against transnational organised crime as well as the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the Palermo Convention. On 4 February 2004 the Verkhovna Rada (parliament) of Ukraine ratified the UN Convention and the Protocol (Law Nr.1433).

With a view to duly implementing their provisions into domestic legislation, in January 2006 the parliament adopted the Law of Ukraine "On amending the Criminal and Criminal Procedural Codes of Ukraine regarding the responsibility for trafficking in human beings and compelling to prostitution".

On 17 November 2005 Ukraine signed the Council of Europe Convention on Action against Trafficking in Human Beings that had been prepared by the CAHTEH.

Now the Ukrainian government is taking measures with a view to ratifying this important document.

Due to recent parliamentary elections that took place on 26 March 2006, it is expected that, after completion of the necessary formalities, the President of Ukraine will consider submitting the draft law on ratification of this convention, together with respective draft laws amending existing legislation, to the newly elected parliament.

Concluding these remarks, I would like once again to stress Ukraine's firm commitment to fulfil its international obligations to combat trafficking in human beings and in close co-operation with other states, international and non-governmental organisations to root out this evil.

I thank you for your attention.

## Closing addresses

### Mr Ion-Gabriel Sotirescu, Head of the Directorate for Combating Organised Crime, Romanian Police, Ministry of Administration and Interior, Romania

Mr Sotirescu gave a closing address. It has not been possible to include this address in the proceedings since no translation into English is available.

### Mr Hanno Hartig, Head of Minorities, Media and Equality Department Directorate General of Human Rights, Council of Europe

Chairman, Ladies and Gentlemen,

We are approaching the end of our deliberations. We have had two days of interesting and constructive debates on a complex issue. It is not up to me to draw any conclusions. But let me make two observations:

The first concerns the complexity of the issue and the high number of actors involved in anti-trafficking policy. Three actors are involved in anti-trafficking: the trafficker, the victim (the trafficked person) and the client. The discussion has once again confirmed that any effective anti-trafficking policy should act upon all three of them covering the three "P"s: prevention, protection and prosecution.

Public authorities from countries of origin, transit and destination, national and local authorities, law enforcement agencies and also NGO's are involved in any anti-trafficking policy. This underlines the need of close co-operation at national, european and international level. The Council of Europe Convention covers exactly these two points.

The discussion also revealed that the transposition of the Council of Europe Convention into domestic law is a complex issue due to the many different areas of law and the different actors involved. However, we are encouraged to note that the ratification is under preparation in a good number of countries.

My second observation concerns the problem of distinction between victims of trafficking and illegal migrants. Of

course, smuggling of persons and trafficking are part of the migration process. But trafficking is more than an issue of illegal migration.

As any other vulnerable person, an illegal migrant may become a victim of trafficking. But if we group trafficking victims into the same category as illegal migrants, then according to the prevailing policy victims of trafficking will be immediately returned to their country of origin and as a consequence be denied their rights and any protection as victims. This practice will result in a vicious circle of victim recycling which cannot be broken. Once victims are returned to their country of origin without protection and integration they are targeted by traffickers again and once again become victims of trafficking. One of the key issue of any anti-trafficking policy is therefore the clear identification of victims of trafficking and the distinction between trafficking and illegal migration.

At the close of the seminar, let me thank the Romanian Government in particular the Romanian Ministry of Administration and Internal Affairs, the Ministry of Foreign Affairs for the excellent co-operation and the perfect organisation. I wish to thank in particular the experts for the quality of their presentations and all of you for your active participation and finally the interpreters without whom we would not have been able to communicate. I wish you all an excellent journey back home.



# Appendix 1: Programme

## Tuesday 4 April 2006

9.00 am Registration of participants

9.30 am Opening of the Seminar

Chair: Mr Anghel Andreescu, Secretary of State, Ministry of Administration and Interior, Romania

### Opening addresses by

- Mr Teodor Baconschi, Secretary of State, Ministry of Foreign Affairs, Romania, on behalf of the Romanian Chairmanship of the Committee of Ministers of the Council of Europe
- Mr Anghel Andreescu, Secretary of State, Ministry of Administration and Interior, Romania
- Mr Hanno Hartig, Head of Minorities, Media and Equality Department, Directorate General of Human Rights, Council of Europe

Chair: Mr Hanno Hartig, Head of Minorities, Media and Equality Department, Directorate General of Human Rights, Council of Europe

### *Council of Europe Convention on Action against Trafficking in Human Beings*

Prevention of trafficking in Human Beings

10.15 am Keynote speaker: Ms Klara Skrivankova, Trafficking Officer, Anti-Slavery International

10.45 am Questions and discussion

11.15 am Coffee Break

Measures to protect and promote the human rights of victims of trafficking

11.30 am Keynote speaker: Ms Athanassia Sykiotou, Lecturer of Criminology, Faculty of Law, Democritus University of Thrace, Komotini, Greece

12 noon Questions and discussion

12.30 pm Lunch break

### *The criminal aspects of trafficking in human beings*

2.00 pm Keynote speaker: Mr Simon Claisse, Lawyer, Ministry of Justice, Belgium

2.30 pm Questions and discussion

### *Actions to combat trafficking in human beings carried out by the Parliamentary Assembly of the Council of Europe*

3.00 pm Address by:

- Ms Minodora Cliveti, Chairperson of the Committee on Equal Opportunities for Women and Men of the Parliamentary Assembly of the Council of Europe

Chair: Mr Ion-Gabriel Sotirescu, Head of the Directorate for Combating Organised Crime, Romanian Police, Ministry of Administration and Interior, Romania

### *Measures and actions against trafficking in human beings taken at national level by the participating countries*

3.30 pm Presentations by Romanian Representatives:

- "New approaches in Romania as regards combating trafficking in human beings". Mr Ion-Gabriel Sotirescu, Head of the Directorate for Combating Organised Crime, Romanian Police, Ministry of Administration and Interior
- "Reorientation of trafficking in human beings for occupying new interests areas". Mr Gheorghe Barbu, General Directorate for Information and Internal Protection
- "Activities carried out by the Romanian Border Police for combating trafficking in human beings". Mr Ionut Smarandache, expert, Department for combating trafficking in persons - Romanian Border Police
- "Legislative progress in the field of preventing and combating trafficking in human beings". Ms Iuliana KOPE, expert, Legal Department

4.30 pm Coffee Break

4.45 pm Presentations by the representatives of:

- Austria
- Bosnia and Herzegovina
- Bulgaria
- Croatia
- Moldova

7.00 pm End of first day meeting



## Wednesday 5 April 2006

Chair: Mr Ion-Gabriel Sotirescu, Head of Directorate for Combating Organised Crime, Romanian Police, Ministry of Administration and Interior, Romania

### *Measures and actions against trafficking in human beings taken at national level by the participating countries (continuation)*

9.30 am Presentations by the representatives of:

- SECI Center – THB Task-Force
- Germany
- Greece
- Hungary

10.30 am Coffee break

10.45 am Presentations by the representatives of:

- Netherlands

- Serbia and Montenegro
- "The former Yugoslav Republic of Macedonia"
- Turkey
- Ukraine

11.30 am Questions and general discussion

12.40 pm Closing addresses by

- Mr Ion-Gabriel Sotirescu, Head of the Directorate for Combating Organised Crime, Romanian Police, Ministry of Administration and Interior, Romania
- Mr Hanno Hartig, Head of Minorities, Media and Equality Department, Directorate General of Human Rights, Council of Europe

1.00 pm Closing of the Seminar

## Appendix 2: Participants

### Council of Europe member states

#### *Austria*

Ms Julia Planitzer, Federal Ministry Of Social Security, Generations And Consumer Protection, Department I/c-eui/14, Gender Mainstreaming, Human Rights, Health Issues, Vienna

#### *Bosnia and Herzegovina*

Mr Samir Rizvo, State Co-ordinator For Fight Against Trafficking In Human Beings And Illegal Migration, Ministarstvo Sigurnosti Bosne i Hercegovine, Sarajevo

#### *Bulgaria*

Ms Nadezhda Todorova, Chief Expert, International Legal Cooperation And Eurointegration Department, Ministry Of Justice, Sofia

#### *Croatia*

Ms Ines Loknar Mijatovic, Counsellor, Office of the Government For Human Rights and Vice-secretary Of The National Committee For Suppression Of The Trafficking In Human Beings, Zagreb

#### *France*

M<sup>me</sup> Marie Leclair, Magistrate, Assistante technique auprès du ministère de la Justice roumain, Ambassade de France en Roumanie, Service de coopération et d'action culturelle, Bucarest

M. Jean-Michel Picard, Officier de liaison de la Police nationale française, Ambassade de France, Bucarest

#### *Germany*

Ms Nicole Zündorf-Hinte, Division 403 - Protection of Women from Violence, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Bonn

#### *Greece*

Ms Athanasia Vasilopoulou, Hellenic Ministry of Justice, Dept. of Special Legal Affairs of the EU and International Organisations, Athens

#### *Hungary*

Ms Éva Rózsa, Senior Chief Counsellor, Ministry of the Interior, Law Enforcement Department, Budapest

#### *Moldova*

Mr Ghenadie Dumitrasco, Chief of the Section of Centre of Combating Trafficking in Human Beings, Chisinau

#### *Netherlands*

Mr Dagmar Koster, Bureau of the Dutch National Rapporteur, on Trafficking in Human Beings, Senior Staff Member Legal Affairs, Den Haag

#### *Serbia and Montenegro*

Ms Jasmina Stankovic-Tatarac, Senior Advisor, Department For OSCE and Council of Europe, Ministry of Foreign Affairs, Belgrade

#### *"The former Yugoslav Republic of Macedonia"*

Ms Tanja Kikerekova, Head of Human Rights Department, Ministry Of Justice, Skopje

#### *Turkey*

Ms Ilknur Altuntas, Judge, Ministry Of Justice, General Directorate of International Law and Foreign Relations, Ankara

#### *Ukraine*

Mr Andriy Melnyk, Head of Division - Deputy Head of Department, Foreign Policy Directorate, Secretariat of the President of Ukraine, Kyiv

### Representatives of the host country, Romania

Mr Teodor Baconschi, Secretary of State, Ministry of Foreign Affairs

Mr Anghel Andreescu, Secretary of State, Ministry of Administration and Interior



Mr Ion-Gabriel Sotirescu, Head of Directorate for Combating Organised Crime, Romanian Police  
Mr Sorin Ilie, Expert, Operational Service, National Focal Point International Police Co-operation Centre  
Ms Simona Stefan, Authority For Aliens  
Mr Gheorghe Barbu, General Directorate for Information and Internal Protection  
Mr Ionut Smarandache, Expert, Department For Combating Trafficking In Persons, Romanian Border Police  
Mr Dumitru Licsandru, President of the National Agency for Preventing Trafficking in Persons and Monitoring of the Assistance Granted to the Victims

Mr Silviu Erusencu, Expert, Ministry of Administration and Interior  
Ms Iuliana Kope, Expert, Legal Department  
Ms Adina Stoleru, Expert, Ministry of Foreign Affairs  
Ms Mihaela Balanescu, Expert, General Directorate for European Integration and International Relations  
Mr Romeo Soare [Contact Person], Expert, General Directorate for European Integration and International Relations, Ministry of Administration and Interior

## Other participants

Mr Cristian Duta, Officier de liaison de la police roumaine auprès du SECI, THB Task-force, SECI Centre (Regional Centre for Combating Transborder Crime), Bucharest

Ms Dana Nistor, Stability Pact, Bucharest

## Experts appointed by the Council of Europe

### *Belgium*

M. Simon Claisse, Service public fédéral de la justice, DG Législation, Libertés et Droits fondamentaux, Bruxelles

### *Greece*

Ms Athanassia Sykiotou, Lecturer of Criminology, Section of Criminal Sciences, Faculty of Law, Democritus University Of Thrace, Komotini

### *United Kingdom*

Ms Klara Skrivankova, Trafficking Officer, Anti-Slavery International, London

## Council of Europe bodies

### *Parliamentary Assembly of the Council Of Europe*

Ms Minodora Cliveti, Chairperson of the Committee on Equal Opportunities for Women and Men of the Parliamentary Assembly of the Council of Europe, Bucharest

### *Congress of Local and Regional Authorities of the Council of Europe*

Apologised/excusé

Mr Cristian Toader-Pasti, Member of the Social Cohesion Committee, Mayor of Tirgu Carbunesti, Tirgu Carbunesti

### *Romania*

Council of Europe Information Office, Ms Mariana Nitelea, Director, Bucharest

### *Secretariat of the Council of Europe*

Mr Hanno Hartig, Head Of Minorities, Media And Equality Department, Directorate General Of Human Rights

M<sup>me</sup> Yvette Schiller, Administrative Assistant, Equality Division, Directorate General Of Human Rights