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Towards Global EU-Action Against Trafficking in Human Beings

PROJECT REPORT



Prevention of and Fight
against Crime 2008

May 2009 - April 2010

This project was part of the priorities of the Swedish Presidency of the European Union in the second half of 2009 (SE 09). SE 09 strived for establishing a broad partnership for the project and agreements for this purpose were concluded with the Austrian Federal Ministry for European and International Affairs, the Austrian Federal Ministry of the Interior, the Austrian Federal Ministry of Justice, the Bureau of the Dutch Rapporteur on Trafficking in Human Beings, the Immigration and Border Service (Portugal), the Ministry of the Interior Finland, the Ministry of Interior - Central Direction of Criminal Police (Italy), and the NGO Payoke (Belgium). The International Organization for Migration in Vienna (IOM) acted as the implementing partner on the basis of its commitment to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental body, IOM acts with its partners in the international community to assist in meeting the operational challenges of migration; advance the understanding of migration issues; encourage the social and economic development through migration; and to uphold the human dignity and well-being of migrants.

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FOREWORD

Although the issue of human trafficking is often addressed through the lens of criminal justice and law enforcement, it is a complex phenomenon that also encompasses issues such as migration, labour market, development policies and consumer demand. Modern day human trafficking is a phenomenon to a large extent determined by the push and pull factors of, on the one hand, poverty, lack of educational and employment opportunities, insecure political environments, limited opportunities for legal migration and, on the other hand, a demand for cheaply produced goods and services.

Combating and preventing human trafficking is not a new item on the European Union agenda. Over the last decade, and since the advent in 2000 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the EU has developed an anti-trafficking policy that is aiming at protecting victims and prosecuting perpetrators. However, up until now the EU policy has been too limited to the area of Justice and Home Affairs and has focused predominantly on trafficking within EU borders, often only addressing trafficking after exploitation has already occurred.

The overarching objective of the project “Towards Global EU-Action against Trafficking in Human Beings” was to contribute to the widening and externalisation of the fight against trafficking in human beings through the elaboration of an Action Oriented Paper (AOP). The AOP, in turn, connects to the very clear prioritisation of trafficking in human beings laid down in the multiannual work programme for EU Justice and Home Affairs, the Stockholm Programme. Through the guidance of the AOP, EU anti-trafficking policy will be broadened to include policy areas beyond Justice and Home Affairs and furthermore be incorporated into the EU’s relations with third countries.

The externalisation of counter-trafficking efforts will on this basis lend more importance to the area of prevention and thereby aid in stopping exploitation before it begins. Through new, stronger efforts to uproot the seeds of trafficking, the EU will contribute to diminishing the occurrence of trafficking and human suffering within its borders as well as in third countries.

We would like to thank the members of the project Steering Committee for their immense support and sharing of knowledge and experience throughout the course of the project as well as participants of the National Networking Meetings and the Ministerial Conference.

In the future fight against trafficking, it is of vital importance to recognize and implement existing instruments so as to avoid duplication of efforts through evaluation of existing activities and initiatives as well as to maximize the impact of the EU’s counter-trafficking endeavours. It is therefore necessary to promote the furthering and increasing the push to combat trafficking in all its forms among EU Member States and third countries. The EU currently presides over all the necessary tools to putting a great dent in the trade in human beings; the greatest challenge will be putting them to use.

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LIST OF ABBREVIATIONS

AOP	Action Oriented Paper
ASEAN	Association of Southeast Asian Nations
ATC	Anti Trafficking Coordinator
CEAS	Common European Asylum System
CoE	Council of Europe
COSI	Council Committee on Internal Security
DG	Director General
EC	European Commission
ECPAT	End Child Prostitution Child Pornography and Trafficking of Children for Sexual Purposes (NGO)
ENP	European Neighbourhood Policy
EP	European Parliament
Etc.	Et cetera
EU	European Union
FRA	European Union Fundamental Rights Agency
GRETA	Group of Experts on Action against Trafficking in Human Beings
HQ	Headquarters
i.e.	Id est/that is
IOM	International Organization for Migration
IO	International Organization
JHA	Justice and Home Affairs
JIT	Joint Investigation Teams
JLS	Justice, Freedom and Security
MS	Member States
NAFTA	North American Free Trade Agreement
NGO	Non-Governmental Organization
NN	National Networking
NR	National Rapporteur
NRM	National Referral Mechanism
OAS	Organization of American States
OSCE	Organization for Security and Cooperation in Europe
p.	Page
RELEX	External relations
SC	Steering Committee
SECI	Southeast European Cooperative Initiative
SE 09	Swedish Presidency of the European Union
THB	Trafficking in Human Beings
TiP	Trafficking in Persons
UN	United Nations
UN.GIFT	United Nations Global Initiative to Fight Human Trafficking
UNODC	United Nations Office on Drugs and Crime

INTRODUCTION

Over the years, trafficking in human beings (THB) has attracted political attention on the agenda of the international community, manifested in a series of legislative documents, formal agreements, policy documents and initiatives. Milestones include the **United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, (the UN Trafficking Protocol¹), and the **Council of Europe Convention (CoE) on Action against Trafficking in Human Beings**.² The UN Trafficking Protocol outlines a holistic approach including the prevention of the phenomenon, the protection of the victims and the prosecution of the criminals. The CoE Convention on Action against THB underlines that THB is a **violation of human rights** and an offence to the dignity and the integrity of human beings. Therefore it is essential to respect these rights and protect the victims in a comprehensive manner.

Following the ratification of the **Amsterdam Treaty**³ in 1999, the Council of the EU adopted two key legislative instruments against trafficking. The first JHA measure to combat trafficking was the **Council Framework Decision on Combating Trafficking in Human Beings**⁴ of July 2002, which took preliminary steps towards establishing a common definition of trafficking, a uniform threshold for minimum penalties, and the provision of protection and assistance to victims. Following this Decision, the **Council Directive on the Residence Permit issued to Third Country Nationals who are Victims of Trafficking in Human Beings**⁵ was adopted in 2004 with the aim to simultaneously provide victim protection and improve the rate of successful prosecution of traffickers by offering temporary residence permit to victims willing to cooperate with law enforcement authorities.

These intergovernmental legal instruments have also been supported by policy developments, which provide guidelines to MS and other stakeholders about effectively and sensitively approaching the issue of trafficking. One of the early important steps of EU policy development was the **2002 Brussels Declaration**,⁶ initiated by IOM and strongly supported by the European Commission and the European Parliament, MS governments and civil society organizations. The Declaration gathered for the first time a comprehensive, holistic approach in combating trafficking and put forward three major policy areas in which stronger MS cooperation is

¹ UN Protocol to Prevent, Suppress and Punish TiP Especially Women and Children (General Assembly resolution 55/25)

² Council of Europe, CETS N. 97

³ Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and related acts, (Official Journal C 340)

⁴ Council Framework Decision 2002/629/JHA

⁵ Council Directive 2004/81/EC

⁶ 2002 Brussels Declaration on Preventing and Combating Trafficking in Human Beings

required: the prevention of trafficking, the protection of and assistance to victims and the cooperation between police and judicial authorities. The Brussels Declaration also served as a basis for the establishment of an **EU Expert Group on Human Trafficking**. In their 2004 report,⁷ the expert group recommended a proactive rather than a responsive approach, complementing criminal justice interventions with measures aimed at tackling root causes of trafficking.

After over a decade of policy formation, the EU continues to upgrade its approach. In 2009, the European Commission put forward a Proposal for the Framework Decision on preventing and combating trafficking in human beings and protecting victims⁸, repealing Framework Decision 2002/629/JHA. In March 2010 the European Commission subsequently submitted a **Proposal for a Directive of the European Parliament and of the Council of preventing and combating trafficking in human beings, and protecting victims**.⁹ The most notable aspect of the proposal is its introduction of the possibility of criminalisation of purchasing services from a person with the knowledge that the person has been trafficked. This has ramifications for the legal accountability of consumers. There are new provisions concerning specific treatment for vulnerable victims in criminal proceedings. In addition, the proposal for the Directive broadens and strengthens the extraterritorial jurisdiction of counter-trafficking measures in order to prosecute EU nationals who have committed the crime of trafficking outside the territory of the EU. This will have a positive impact at the international level of the law enforcement and jurisdiction as well as the protection and assistance of the victims.

The project “Towards global EU Action against Trafficking in Human Beings”, which is the subject of this report, aimed at bolstering and giving new impetus to EU counter-trafficking policy by incorporating third countries and relevant instruments into counter-trafficking measures. The concept of global EU action against THB involves two interrelated elements and several new challenges. The first element is the **expansion of JHA’s counter-trafficking mandate**. This implies that, when addressing THB, JHA must take into account other areas under its mandate such as migration, financial crime, and human rights in partnership with third countries. The second element is the necessary involvement of **further relevant EU policy areas**, within their mandate and responsibilities, to combat human trafficking. As of yet, the fight against THB has been mainly the responsibility of JHA, because it has been primarily considered to be a matter of criminal justice and law enforcement cooperation.¹⁰

These two elements are not new to the project, but rather were already pointed out in the **EU 2005 Strategy for the External dimension of JHA**.¹¹ The strategy called for a comprehensive

⁷ Report of the Experts Group on THB, 2004

⁸ EC Proposal for a Council Framework Decision (COM 2009 136 final)

⁹ EC Proposal for a Directive of the EP and of the Council (COM 2010 95 final)

¹⁰ Gramegna, Marco in EU Ministerial Conference Papers, October 2009, p. 4-5

¹¹ Communication from the Commission to the EP and the Council (COM 2005/514)

mixture of combined policy initiatives aimed at addressing trafficking from the angle of human rights, gender protection, migration and democratic development. The idea was to alter the exclusively security-based perspective from which trafficking was previously dealt with, while introducing a broader outlook within which prevention and recognising the root causes takes an equally important place.¹²

In line with the **growing external dimension of JHA** and an expanding number of international agreements, technical assistance programmes and the deployment of civil police in international peacekeeping missions, the Directorate-General for Justice, Freedom and Security is increasingly being involved in the shaping of EU foreign policy. The argument that fighting organized crime is not merely an issue of security has also gained strength, with a number of EU documents stressing the need for developing synergies between JHA and a wider range of further EU policies.¹³

In line with this aim to geographically expand its anti-trafficking efforts, the EU is now incorporating its counter-trafficking agenda into the **European Neighbourhood Policy (ENP)**. The ENP encompasses the eastern partnership policy designed for advancing the EU's relations with Eastern Europe as well as the policy between the Union and Mediterranean countries. Through partnership and association agreements, the EU offers these countries a number of privileged relations, built upon a mutual commitment to common values such as the rule of law, democracy and human rights, good governance, market economy and sustainable development. Each agreement contains provisions stipulating the willingness to fight organized crime, suppress trafficking and track perpetrators of trafficking crimes.¹⁴

Furthermore, the entry into force of the **Treaty of Lisbon** on 1 December 2009,¹⁵ a milestone in the process of European integration, introduces a number of changes to the provisions dealing with the Area of Freedom, Security and Justice. On fighting human trafficking, the Treaty opens a variety of new options concerning internal legislation and policymaking as well as the development of external aspects of human trafficking. It furthermore offers greater potential for victim rights protection and the better use of existing international legal instruments, such as the CoE Convention on Human Rights.¹⁶ Also the creation of the **High Representative for Foreign Affairs and Security Policy** and the **External Action Service** strengthen the EU's role in relations with third countries. These changes are also relevant for immigration and asylum policy, including mainstreaming the fight against THB into relations with third countries.

¹² Von Helldorff, Jelena in EU Ministerial Conference Papers, October 2009, p. 21

¹³ *Ibid*, p. 23

¹⁴ *Ibidem*

¹⁵ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, (2007/C 306/01)

¹⁶ Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, GETS No:005

The following sections of this report will detail the objectives, activities and results of the project “Towards Global EU Action against THB” and attempt to provide an insight into necessary future steps to ensure that fewer human beings endure the scourge of trafficking by outlining a set of recommendations for future action.

In chapter one of this report, the issue of trafficking in human beings will be analyzed. As the fight against THB cannot be reduced to one single field of action, a comprehensive approach including the three P’s (prevention, protection and prosecution) will be described. Due to the international problem of THB, partnership as a fourth P has been included.

The next chapter summarizes the objectives and the activities of the project. In this framework three Steering Committee Meetings (SC) and three National Networking Meetings (NM) as well as one Ministerial Conference were organized. The SC Meetings and NN Meetings took place in Stockholm, Vienna and Madrid, while the Ministerial Conference was held in Brussels. The SC consisted of representatives from selected EU MS and partner agencies as well as experts in the field of crime prevention, police and judicial cooperation and protection of victims. The aim of the SC Meetings was to contribute to the development of the Action-Oriented Paper (AOP) on strengthening the EU external dimension on action against trafficking in human beings, and to set the scope of the preparatory measures of the Ministerial Conference.

Chapter three of this report is dedicated to the Stockholm Programme,¹⁷ its implementation and the AOP, which received input from the results and discussions within this project. The Stockholm Programme as a new multi-annual programme for the Area of Freedom, Security and Justice, was adopted by the European Council for the period 2010-2014. This new agenda will guide EU MS to build on achievements and meet future challenges. In order to implement the Stockholm Programme, an Action Plan Implementing the Stockholm Programme was proposed by the European Commission on 22 April 2010.

The fourth and final chapter provides recommendations and follow-up actions to provide for the sustainability of the project and further reduce the level of trafficking within the EU and worldwide.

¹⁷ The Stockholm Programme — An open and secure Europe serving and protecting citizens, Official Journal C 115/3 (2010/C 115/01)

1. ANALYSIS OF THE SUBJECT

In the past, the majority of counter-trafficking EU policy efforts have focused on tackling the problem in **countries of destination**, e.g. within the EU itself. Only a few initiatives involving THB have affected both countries of destination and countries of origin. This approach has led to a focus on combating THB after the exploitation has already occurred, and has neglected addressing the roots of the problem in countries of origin, where factors, such as poverty, lack of opportunities, gender inequalities or civil conflicts, as well as low standards of education, corruption, gender-based violence and HIV/AIDS, channel vulnerable people into trafficking.

Attention to the phenomenon of trafficking in human beings on the EU agenda began at the beginning of the 90's. A number of **EU guiding priorities** have merged in recent years, such as the prevention through enhanced police and judicial cooperation, the protection of victims and the punishment and prosecution of criminals.¹⁸ Although a number of good initiatives have been taken to tackle this challenge, it is difficult to identify victims and to distinguish them from irregular migrants. Tracking perpetrators across borders and countries with different legal systems is also a challenge.

The project “**Towards Global EU Action against Trafficking in Human Beings**” aimed at contributing to increasing counter-trafficking efforts in **countries of origin** in order to tackle the problem at the source as well as to follow a more holistic approach in the fight against THB. Including countries of origin in the fight against THB offers MS and third countries novel approaches to elaborating comprehensive and overarching strategies to preventing trafficking in human beings at its origin.

Trafficking in human beings is one of the most complex and multidimensional phenomena of organized crime. The fight against it can only be successful if governments, agencies and organizations at the local, regional, national and international levels work together. **Partnership and cooperation** in this field are therefore necessary in order to cover all relevant areas pertaining to or affecting trafficking. Within this framework, the **three P's** (prevention of THB, protection of the victims and prosecution of the perpetrators) are elementary for a comprehensive approach. Due to the transnational nature of THB, partnership as a **fourth P** has also emerged as an important element.

¹⁸ Von Helldorff, Jelena in EU Ministerial Conference Papers, October 2009, p. 19

1.1. Prevention through tackling the root causes

In order to build the **necessary technical capacity** to combat human trafficking, it is first necessary understand the problems being faced in countries of origin so as to see where the need exists and to avoid ineffective policy development. The causes and the particular manifestation of trafficking could differ from country to country; therefore, it is crucial to clearly understand the roots of the problem and its origin in each case.

Tackling the root causes of trafficking is crucial; unfortunately, not enough efforts have been made in the past to address this issue. Therefore **prevention** through awareness-raising campaigns targeted toward civil society and potential victims in countries of origin, transit and destination should be a focus of the EU and its MS as well as non-governmental and international organizations.

Recognising and subsequently reducing the **root causes** in countries of origin is one of the key factors of a successful fight against THB. People with low levels of education are the most vulnerable group of potential victims. Therefore, a main policy aim should be to **support the educational sector**, particularly in third countries. In addition to lacking education, the root causes of human trafficking are also to be found in restrictive immigration policies in destination countries in combination with the demand for cheap and exploitative labour and services.¹⁹

Another major cause of trafficking across the spectrum is of economic nature: unequal possibilities for resource allocation and the lack of sources of income in countries of origin increase the likelihood of being trafficked. It is thus important to recognize that combating human trafficking includes the **fight against poverty** in countries of origin, particularly targeting the populations most vulnerable to trafficking such as children and young, unemployed women and men.²⁰

1.2. Protection of the victims of trafficking

Due to the vulnerable position of victims of trafficking, special treatment and protection are necessary to avoid re-victimization. Without **protection** of the victims in the countries of destination as well as in the countries of origin, successful prosecutions of traffickers are too rare, as victims of trafficking are often intimidated by the criminals and unwilling to cooperate in the prosecution. In addition, adequate assistance to and protection of victims of trafficking should assist law enforcement in carrying out relevant investigations against respective criminals, as victims' testimony considerably strengthens the prosecutor's case.

¹⁹ EU Ministerial Conference Papers, October 2009

²⁰ Gramegna, Marco in EU Ministerial Conference Papers, October 2009, p. 7-8

Appropriate protection mechanisms, such as safe and appropriate accommodation, a residence permit - anchored in the Council Directive 2004 on the residence permit for victims of trafficking²¹ - in accordance with national legislation, counselling and information, legal assistance, medical care, psychological and material assistance, are essential for victims of trafficking to handle their situation. Providing such support to victims also increases the chances that they will be willing to testify or provide evidence against their traffickers.

National Referral Mechanisms (NRM) are co-operation frameworks through which state actors refer victims of trafficking to relevant NGOs or other service providers so that victims are identified and receive the care and counselling that they require. Such mechanisms should protect and promote the human rights of trafficked persons and co-ordinate governmental efforts in strategic partnership with civil society. **Trans-national referral mechanisms**²² for victims of trafficking ensure the proper identification and referral of trafficking victims so that they receive adequate assistance while protecting their human rights in partnership between MS, third countries, international organizations and NGOs. If victims of trafficking prefer to return home voluntarily, the voluntary return should involve all relevant stakeholders, including MS and third countries as well as national and international organizations and stakeholders in contact with the victims so as to avoid re-victimisation. In particular, specific **(re)integration programmes** and structures are essential for the well-being of the victims throughout the entirety of the process.

1.3. Prosecution of the perpetrators

Since trafficking in human beings is a **cross-border crime**, the criminal networks involved can only be prosecuted through successful cooperation among governments, national and international agencies and organizations as well as other relevant stakeholders.

The ability of judiciary to prosecute traffickers could be enhanced through **cooperation strategies** and investigations among **law enforcement** in the EU, as well as in neighbouring countries. Existing European agencies like EUROJUST, EUROPOL and FRONTEX as well as Interpol and SECI can help national law enforcement in early liaisons to improve the fight against trafficking in human beings at the national as well as the European and global levels. The sharing and exchange of THB data and investigations contribute to improved levels of intelligence, the development of intelligence-led policing on THB, and to better operative support to law enforcement and judicial action against THB.²³

²¹ Council Directive (2004/81/EC) Official Journal L 261, August 2004

²² National Referral Mechanisms, OSCE 2004

²³ 2009 October Declaration on Trafficking in Human Beings

1.4. Counter-trafficking partnerships

The key challenge for countries around the world, including MS, is to craft and implement sounder and more effective and better coordinated responses that produce meaningful results. This could be gathered through formal and informal collaborations or cooperation agreements. Experience gathered in recent years has shown that distinct coordinating structures at the operational and decision-making levels in individual countries and regions as well as internationally are vital if policy is to take account of the multi-dimensionality and intricacy of human trafficking.²⁴ Trafficking in persons is not solely a problem of irregular migration, a labour market issue, a demand-driven problem, or a problem of organized crime. Efforts to reduce this multitude of dimensions to a single aspect cannot lead to sustainable solutions.²⁵

²⁴ Konrad, Helga and Sørensen, Patsy in EU Ministerial Conference Papers, October 2009, p.12

²⁵ *Ibidem*

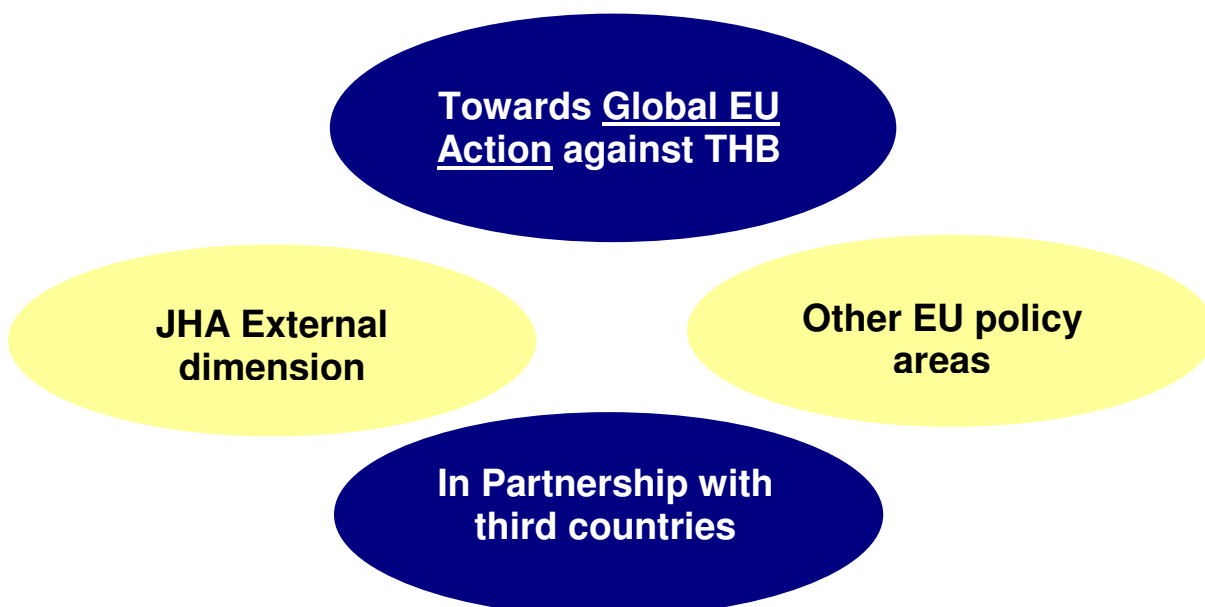
2. OBJECTIVES AND ACTIVITIES OF THE PROJECT

The project “Towards Global EU Action against Trafficking in Human Beings”, co-financed by the Prevention of and Fight against Crime Programme 2008 of the European Commission - Directorate-General Justice, Freedom and Security, was implemented by the Swedish Ministry of Justice in cooperation with IOM Vienna as well as other project partners and experts from May 2009 until April 2010. IOM Vienna carried out the day-to-day administration and was also responsible for logistical arrangements of the project activities.

2.1. Objectives

The overall objective of the project was to contribute to improving the cooperation and coordination of EU-action against trafficking in persons vis-à-vis third countries by providing input to the elaboration of an **Action Oriented Paper** on the external dimension of EU JHA policies on trafficking in human beings. The AOP was adopted by the JHA Council on 30 November / 1 December 2009 during the Swedish EU Presidency.

Another important objective of the project was to foster consensus amongst policymakers and MS on how to address THB more strategically in the **external dimension of JHA policy** regarding prevention, protection, prosecution, and, in particular, partnerships with third countries. In this context, it is also important to develop a shared understanding of the links between THB and foreign policy, thereby broadening the scope of action to policy areas other than the JHA.



Furthermore, the project focused on **enhancing the sustainability and coordination** of counter-trafficking actions. The broad scope of the project encompassed internal issues facing the EU (such as MS as countries of origin), and also went beyond JHA to include foreign policy and development policy, which are linked to the root causes of trafficking in human beings (THB). In

addition, enhancing sustainability and foster coordination in the field of counter-trafficking were important parts of the project together with exchanging information, lessons learned and best practices.

2.2. Activities

The main activities of the project included the establishment of a Steering Committee (SC) consisting of representatives of the project partners and experts on prevention and THB. Three SC Meetings were held in order to contribute to the AOP. In addition, research was undertaken for the AOP. Three National Networking Meetings were organized involving key partners, national governmental and civil society networks in order to map existing best practices and come up with concrete solutions and recommendations to existing challenges.

The pinnacle activity was the EU Ministerial Conference held on 19-20 October 2009 in Brussels. The overarching objective of the Conference was to provide an opportunity to address the increasingly important challenge to the EU to strengthen its capacity to act in partnership and cooperation with third countries on issues of prevention, protection and prosecution. The main result of the Conference was the adoption of the 2009 October Declaration.

The Declaration was disseminated to the Council, the Commission, EU MS, project partners, IOs, NGOs and other relevant stakeholders. A final SC and National Networking Meetings were held on 4 and 5 March 2010 in Madrid in order to jointly identify a set of priorities on the implementation of the AOP.

A project timetable²⁶ was set by the Project Management Team, which monitored and evaluated the implementation of the project activities in close cooperation with the SC members.

2.2.1. First and Second Steering Committee Meetings

In the preparation phase of the project, the SC members were nominated. These members included representatives of the Austrian Federal Ministries of Interior, Justice and European and International Affairs, the Belgian NGO Payoke, the European Commission, the European Council, the Finnish Ministry of the Interior, the Institute for International Assistance and Solidarity, the Dutch National Rapporteur, the Portuguese Immigration and Border Service, the Swedish Ministry of Justice, IOM Vienna, IOM Berlin, IOM Brussels and independent counter-trafficking experts.²⁷

The discussions within the SC contributed to the draft AOP, and the setting of the scope of the preparatory measures and final version of the EU Ministerial Conference. In addition, the SC monitored the progress made in attaining the project objectives.

²⁶ See the project time table in Annex A.

²⁷ See the list of SC members in Annex B.

The first SC Meeting in Stockholm (27 May 2009) and the second SC Meeting in Vienna (10 September 2009) were preparatory meetings for the EU Ministerial Conference. Members discussed topics such as the EU as global actor in the fight against THB, human rights and democracy, financial and political support regarding THB, better coordination at the European level, and strengthening the EU approach with third countries and through developing partnerships. Logistical issues, such as the conference venue, the number of delegations, side events and the agenda were also discussed. The third SC Meeting in Madrid (4 March 2010) was organized in order to finalize the project and to contribute to the implementation of the AOP.

The **First SC Meeting** in Stockholm opened the discussion on the overall project objectives. The development of the AOP was an important topic and it was agreed that the demand for THB must be addressed, since participants recognized the EU as a market for THB and cheap labour. It was suggested that the AOP should have a limited focus and concentrate on concrete anti-trafficking partnership actions with specific third countries. SC members also discussed the contents and participants of the Ministerial Conference planned for October 2009 in Brussels.

The **Second SC Meeting** also focused on the AOP and the Ministerial Conference. SC members agreed that the emphasis of the AOP should be on reinforcing strategic priorities, such as strengthening law enforcement cooperation, encouraging judiciary reform, fighting corruption, promoting human rights, empowering civil society and reinforcing regional cooperation as objectives for EU action. Members noted that the AOP already included a victim-centred and human rights-centred approach, placing the rights of the victim at the centre, but stressed that it must also include a root cause-centred approach in order to fight THB before exploitation occurs.

Key actions like the establishment of National Rapporteurs or equivalent mechanisms in each country, as well as the establishment of safety assessments for better victim identification were suggested by the SC members for inclusion in the AOP. It was also suggested that issues such as the definition of a coherent political narrative concerning EU engagement in the fight against THB be addressed, as well as the creation of an EU Anti Trafficking Coordinator who will act as an EU coordination mechanism in order to make the EU anti-trafficking policy more efficient, visible and coherent.

2.2.2. First and Second National Networking Meetings

Following each SC Meeting, a National Networking Meeting was organized. The purpose of these meetings was to map existing best practices, come up with concrete solutions and recommendations to existing challenges, and discuss a set of priorities for the implementation of the AOP with a broader audience of different stakeholders. Representatives of EU MS, third countries, EU institutions and agencies, international organizations and NGOs participated in

these meetings. This included Austria, Belgium, Finland, Italy, Lebanon, the Netherlands, Norway, Portugal, Sweden, Ukraine, the UK and the USA as well as members of the European Commission, the European Council, the Council of Europe, the Council of the Baltic Sea States, EUROJUST, EUROPOL, INTERPOL, FRONTEX, the Fundamental Rights Agency (FRA), ICMPD, ILO, IOM, OSCE, UNHCR, UNICEF, UNODC, Terre des Hommes and international experts on THB.

During the **first two National Networking Meetings**, the development of the AOP and the planning for the Ministerial Conference were discussed. In the first National Networking Meeting in Stockholm, recommendations such as mapping existing best practices and counter-trafficking projects, the promotion of a multidisciplinary approach by including trade unions, employers' organizations, labour ministries, labour inspectors and companies, and measures to avoid the stigmatization of victims of trafficking for a better re-integration in the countries of origin/destination were discussed.

The role of the European agencies EUROJUST, EUROPOL and FRONTEX were pointed out in the meetings. The work of EUROJUST in facilitating enhanced judicial cooperation, providing training for embassy and consulate staff from countries of origin, transit and destination, and the use of joint investigations teams with third countries were mentioned as well as the cooperation between EUROPOL and INTERPOL in investigating the perpetrators. FRONTEX's mission to supervise the operational cooperation between MS in the field of border security and national border management systems were mentioned in the meetings. Furthermore, the inclusion in the AOP of an analysis of the reasons why some victims of trafficking refuse assistance and shelter were mentioned. Additionally, it was recommended that the AOP should focus on quality and not quantity, by elaborating a short set of deliverables or actions.

At the beginning of each National Networking Meeting, the Swedish EU Presidency gave an overview of the policy discussion and the content of the AOP and IOM gave an update on the project. Participants agreed that the AOP should include a review and implementation mechanism as well as operational results. Participants also discussed the content and logistics of the planned Ministerial Conference. It was stated that speakers should be key political persons/actors who could convey a strong and clear message. Through the speeches, a balance should be struck between the EU as an internal actor, a neighbourhood actor, and global actor.

The **Second National Networking** meeting in Vienna focused on widening counter-trafficking efforts to include the external dimension of third countries so as to develop a comprehensive approach to hindering trafficking. Discussions during the meeting centred on brainstorming solutions for partnerships in addressing the three P's: prevention, protection and prosecution. The meeting was thus organized into three respective sessions.

The **first session** addressed prevention of THB and the need for a human rights-approach. This session raised the point that new studies have shown that a high number of EU citizens have been trafficked, meaning that EU MS, as countries of origin, must raise awareness amongst their populations.

The identification and protection of trafficked persons was the focus of the **second session**. Participants argued that the current approach to identifying victims is too traditional, and that new protection and identification mechanisms should be elaborated. It was discussed that fighting irregular migration is one step towards preventing THB, but not the only way, since many victims are EU citizens and some non-EU victims have legal travel documents.

The topic of the **third session** was the prosecution of the criminals involved in THB. Instead of solely focusing on the three P's, it was argued that instead, more attention should be given to the five C's (control, conviction, confiscation, compensation and cooperation). Victims should receive support before, during and after negotiation. Conviction alludes to the fact that too few traffickers are apprehended and successfully prosecuted. Confiscation means cutting the flow of money to traffickers. Compensation deals with remunerating victims. Cooperation recognizes the need for more effective collaboration among MS and third countries. Additionally, civil society must be involved in the anti-THB movement to raise public and institutional sensitization about the topic.

Furthermore, it was argued that in order to better prosecute traffickers and better understand the main trafficking routes, more data collection and data sharing between countries must be assured. Meeting participants identified the following recommendations in order to increase the occurrence and effectiveness of the prosecution of traffickers: better cooperation of the police, promotion of specific trainings, promotion of the use of liaison offices and promotion of programmes for victims of THB. In order to more effectively prosecute traffickers, and to better understand the main trafficking routes, more data collection and data sharing between countries must be assured.

2.2.3. EU Ministerial Conference - Third EU Anti-Trafficking Day

The **EU Ministerial Conference**²⁸ "Towards Global EU Action against Trafficking in Human Beings", held on 19-20 October 2009 in Brussels on the occasion of the third EU Anti-Trafficking Day, was hosted by the Belgian Ministry of Foreign Affairs, and organized by the Swedish Ministry of Justice, the International Organization for Migration, the Belgian NGO Payoke and the other project partners.

²⁸ The agenda, Conference Papers, Conference Declaration, Conference Report and the list of participants can be downloaded it from IOM Vienna website: www.iomvienna.at

The overarching **objective** of the Conference was to provide an opportunity to address the increasingly **important challenge to the EU** to strengthen its capacity to act in partnership and cooperation on issues of prevention, protection and prosecution. Along with third countries, regions and organizations at the international level, the goal of tackling the common problem of THB and identifying shared policy objectives should be pursued jointly. In addition, the Conference aimed at providing **input** to the work within the **European Council** working structures on the elaboration of the AOP in strengthening the EU external dimension on action against THB.

The opening and welcoming address was led by Beatrice Ask, Minister for Justice, Sweden. Minister Ask chaired the Conference on behalf of the Swedish EU Presidency. A Special Address was made by H.M. Queen Silvia of Sweden in the presence of H.M. Queen Paola of Belgium. H.M. Queen Silvia of Sweden outlined in her speech the increasing sexual exploitation of children via sex tourism, child pornography and child prostitution. The interconnectedness of these crimes must be addressed and the activities thereby reduced. This could happen when internet service providers collaborate to block access to relevant websites or when bank and credit card companies collaborate with law enforcement to make it difficult for customers to access such material. H.M. Queen Silvia of Sweden underlined that if there is no demand, there will be no supply.

The Conference was attended by over 600 participants, including ministers or high representatives of EU MS, EU neighbourhood countries (Albania, Armenia, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Iceland, Kosovo (UNSCR 1244/99), Montenegro, Moldova, Norway, Russia, Serbia, Switzerland, Turkey, Ukraine) as well as from the Americas (Bolivia, Brazil, Canada, Dominican Republic, El Salvador, Mexico, United States of America, Venezuela), Asian (Cambodia, Philippines, Thailand) and African (Ghana, Nigeria) countries as well as from the Maghreb (Egypt, Tunisia), the Mashreq (Israel, Jordan) and the Arabic region (Kuwait).

Representatives of the Council of the European Union, the European Commission and the European Parliament, the Executives of the European Union Agency for Fundamental Rights, FRONTEX, EUROJUST and EUROPOL, and the Directors of international intergovernmental and non-governmental organizations as well as independent experts and academics also participated in the Conference.

During the Conference, tables for the dissemination of counter-trafficking reports and publications from IOs, NGOs, governmental actors and relevant stakeholders were organized. Furthermore, side events were held during the two-day Conference. ECPAT in cooperation with The Body Shop distributed flyers and informational materials on the campaign “Stop Sex

Trafficking of Children and Young People” (www.thebodyshop.com). In addition, the NGO Terres des Hommes displayed the photo exhibition “Another Me” (www.anotherme.org) on the sexual exploitation of women. The pictures were taken in Kolkata, India, where exploited girls and women live in a rehabilitation centre and try to recover from their experiences.

During the short breaks, IOM’s video on the “Buy Responsible” Campaign (www.buyresponsibly.org) was shown as well as a short movie on counter-trafficking activities in South Asia, particularly in Bangladesh. The Campaign, developed in cooperation with Saatchi & Saatchi, was launched in Geneva as well as in Brussels coinciding with the Third EU Anti-Trafficking Day. By urging consumers to “Buy Responsibly”, the Campaign encourages consumers, particularly in developed countries, to play a greater and more proactive role in ending the demand for exploited migrant labour, which is fuelled by the consumer appetite for cheap goods and business’ demand for greater profit margins.

The Ministerial Conference was featured in several articles such as in IOM’s Global Eye on Human Trafficking, Issue 7/October 2009²⁹ and by means of interviews published on the website of the Swedish Institute (www.si.se).

The main **outcome** of the Conference was the **2009 October Declaration**, in which Conference participants agreed on key objectives in the overall **strategy** to fight the phenomenon of THB. A draft declaration was distributed on the second day of the Conference among participants, who were then invited to share their comments, feedback and contributions with the Swedish EU Presidency. The Declaration is a call to **strengthen multidisciplinary** and multi-sectoral partnerships to prevent THB, protect and reintegrate victims, and strengthen law enforcement capabilities to crack down on traffickers and trafficking networks.

The 2009 October Declaration includes **17 key objectives** in the field of prevention of THB, protection of victims of trafficking, prosecution of the perpetrators and the **partnership** between the EU, third countries, regions and organizations at the international level. It is essential to strengthen the existing partnerships and initiate new collaborative efforts. Gaps and obstacles for further development of cross-border cooperation against THB need to be identified.

Anti-THB partnerships should include **active mechanisms** to ensure the **exchange of data**, measures to address root causes and introduce empowerment programs, capacity building measures to prevent and combat THB, and initiatives on technical assistance to enhance

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http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/projects/showcase_pdf/global_eye_seventh_issue.pdf (accessed April 2010)

developing countries opportunities to address causes of THB. Such partnerships should additionally improve the coordination among stakeholders in countries of origin, transit and destination, so as to avoid duplication of efforts.

In addition to successful cooperation in the field of partnership, the 2009 October Declaration recommends the **establishment of an EU coordination mechanism**. The EU should consider establishing a specific coordination and information mechanism at the EU level, involving MS, the Commission, EU agencies, including EUROJUST, EUROPOL, FRONTEX and the Fundamental Rights Agency (FRA), as well as other key stakeholders as appropriate. Such considerations could inter alia include the **establishment of an EU Anti Trafficking Coordinator**, who would contribute to building and strengthening partnerships among all stakeholders involved, as well as to bringing together and analysing the information and data collected at the national level and issuing global recommendations to the Council of the EU and the Commission.

2.2.4. Follow up: Third Steering Committee Meeting and Third National Networking Meeting

The objective of the **Third Steering Committee Meeting** and the **Third National Networking Meeting**,³⁰ held on 4 and 5 March 2010, respectively, in Madrid, was to discuss and establish a set of priorities in order to implement the AOP on strengthening the EU external dimension on action against THB. During the meetings the AOP as well as the 2009 October Declaration were presented and participants discussed how these as well as past instruments could be put into practice. A common thread through the Third National Networking Meeting was that enough instruments exist on paper to successfully combat THB. The real challenge is to implementing these instruments.

The Spanish EU Presidency hosted these final and concluding meetings in Madrid in continuation of the efforts made during the Swedish EU Presidency. These efforts by the Spanish EU Presidency to continue the high level policy dialogue and political support towards the priorities of the AOP carry positive implications for the sustained impact of the project and for the EU's motivation to combat THB.

The Third SC Meeting was attended by representatives of EU MS as well as members of the European Commission, the European Council, international organizations and international experts on trafficking in human beings. The Third National Networking Meeting was open to a broader number of stakeholders. These included representatives of EU MS, representatives of EU neighbouring countries, the Americas, Asia and Middle East, members of European Union institutions and agencies such as the European Commission, the European Council, the European Judicial Network, EUROJUST, EUROPOL and FRONTEX as well as the European Union Agency for

³⁰ The agenda, Conference Papers, Conference Declaration, list of participants as well as the final report can be found under the IOM website: (accessed April 2010)

Fundamental Rights, international organizations, Spanish, European and International NGOs as well as independent experts and academics.

The European Convention on Human Rights and the EU Charter on Fundamental Rights are clear on this point, and both are now a part of the EU legal framework through the entry into force of the Treaty of Lisbon. Furthermore, the opportunities offered by the Treaty to strengthen the institutional framework of the EU and enhance its ability to curb human trafficking were underlined as important factors in enhancing the EU response. There was a call from the participants to improve the understanding of human trafficking for all types of exploitation, its mechanisms, and the need to collect accurate data on the victims, the perpetrators, and the process of human trafficking in order to target effective counter-trafficking measures.

Other important aspects on human trafficking discussed among participants included child sex tourism, which is a common problem shared by many EU MS. In this regard, the need to develop partnerships with the private sector and especially with the tourism industry was highlighted. The situation of unaccompanied minors (was specifically addressed and the meeting participants expressed their support for the adoption of the EU Action Plan on Unaccompanied Minors.

3. STOCKHOLM PROGRAMME

In addressing the challenges within the JHA-area, the European Council adopted the new multi-annual programme known as the **Stockholm Programme**, for the period 2010-2014.³¹ This new agenda will guide the EU and its MS and will build on achievements of its predecessors, the Tampere and The Hague Programmes to meet future challenges. The following subjects addressed in the Stockholm Programme are of particular relevance in connection with this project.

3.1. Unaccompanied Minors

Unaccompanied minors represent a particularly vulnerable group which requires special attention and dedicated responses. Areas requiring particular attention include the exchange of information and best practice, smuggling of minors, cooperation with countries of origin, the question of age assessment, identification and family tracing, and the risk of child trafficking.³²

The European Council has therefore welcomed the Commission's initiative "to develop an **action plan**, to be adopted by the Council, on unaccompanied minors which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return. The action plan should underline the need for cooperation with countries of origin, including cooperation to facilitate the return of minors, as well as to prevent further departures."³³ The response of the Commission to this global challenge requires **genuine partnership with third countries** of origin and transit and the incorporation of all migration issues in a comprehensive policy framework.³⁴

The European Commission adopted a communication on an Action Plan³⁵ on 6 May 2010. The Council Conclusions on unaccompanied minors were approved by the JHA Council on 3 June 2010.

3.2. Developing counter-trafficking partnerships

The European Council stresses that the EC as well as the EU MS should employ the AOP, developed through the project "Towards Global EU Action against THB", to its fullest extent. This includes building up and **strengthening partnerships with third countries**, improving coordination and cooperation within the EU and with the mechanisms of the EU external

³¹ European Council (2010/C 115/01), p. 4

³² European Council (2010/C 115/01), p. 31

³³ *Ibidem*

³⁴ EC Action Plan Implementing the Stockholm Programme, COM (2010) 171 final, p. 7

³⁵ Communication from the Commission to the European Parliament and the Council: Action Plan on Unaccompanied Minors (2010 – 2014), COM(2010)213/3

dimension as an integral part of such a policy. The fight against human trafficking must mobilize all means of action, bringing together prevention, law enforcement and victim protection, and be tailored to combating trafficking into, within and out of the EU.³⁶

Based on the 2009 October Declaration's recommendation of the establishment of an **EU Anti Trafficking Coordinator (ATC)**³⁷, the Stockholm programme includes an invitation from the European Council to consider establishing such a mechanism in order to coordinate THB policy. The ATC should determine the modalities in such a way that all competences of the EU can be used in the most optimal way in order to reach a well-coordinated and consolidated EU policy against trafficking. In addition, the European Council called up the Commission "to propose further measures to **protect and assist victims** through an array of measures (compensation schemes, safe return and assistance with reintegration in the home country, partnerships with third countries), to propose cooperative measures to mobilize consular services in the countries of origin as well as to propose measures to make border checks more efficient in order to prevent human trafficking."³⁸

In order to fight THB, the EC Action Plan Implementing the Stockholm Programme foresees the establishment of an EU Anti Trafficking Coordinator within the Commission by the end of 2010.³⁹ Furthermore, the Commission has proposed a Directive on combating trafficking in human beings.⁴⁰

The European Council underlines the importance of **partnerships with third countries** in order to successfully develop the JHA's external dimension. These partnerships with third countries should not only mean signing written agreements, but also implementing active cooperation to combat THB and, most importantly, assessing the outcome of those agreements. Each target country should benefit from an appropriate commonly agreed strategy to tackle THB. Anti-trafficking policies and activities carried out internally within the EU should have a logical connection with the policies and activities implemented in partnership with countries of origin due to the international character of organized crime.⁴¹

Building on the Strategy for the External Dimension of Justice and Home Affairs adopted in 2005 and other relevant efforts in this field, such as the Global Approach to Migration, **EU external cooperation** should focus on areas where EU activity provides added value, in particular

³⁶ European Council (2010/C 115/01), p. 22

³⁷ 2009 October Declaration on Trafficking in Human Beings

³⁸ European Council (2010/C 115/01), p. 22

³⁹ EC Action Plan Implementing the Stockholm Programme, COM (2010) 171 final, p. 34 ff

⁴⁰ Proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA (COM(2010)95)

⁴¹ Gramegna, Marco in EU Ministerial Conference Papers, October 2009.

migration and asylum, security, information exchange, justice and civil protection and disaster management. In the field of security, this should be done by engaging with third countries to combat serious and organized crime, terrorism, drugs, trafficking in human beings and smuggling of migrants.⁴²

In line with these concerns, the European Council has invited the Commission to “examine whether ad hoc **cooperation agreements** with specific third countries to be identified by the Council could be a way of enhancing the fight against trafficking and smuggling of persons and making proposals to that end. In particular, such agreements could involve full use of all leverage available to the Union, including the use of existing financing programmes, cooperation in the exchange of information, judicial cooperation and migration tools.”⁴³

In 2011, the European Commission will produce a communication on a new integrated strategy on fighting trafficking in human beings using ad hoc cooperation agreements with specific third countries.⁴⁴

Partnership should not be limited to third countries: the work of the Council of Europe is of particular importance, as it is the hub of the European values of democracy, human rights and the rule of law. The EU must continue to work together with the Council of Europe based on the **Memorandum of Understanding**⁴⁵ signed in 2006 and support its important conventions such as the Council of Europe Convention on Trafficking and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

The Commission foresees in its Action Plan an ongoing cooperation with the Council of Europe based on the Memorandum of Understanding and a continuing support in the framework of the implementation of its important conventions such as the Trafficking Convention and the ones on trafficking in human beings, data protection, protection of children, cybercrime and corruption.⁴⁶

3.3. Victim protection

The Council of the EU has recommended that the European Commission concern itself with the **promotion and protection** of citizens’ rights, especially **children**. Within this recommendation, the Council of the EU called upon the Commission “to identify measures, to which the Union can bring added value, in order to protect and promote the rights of the child. Children in

⁴² European Council (2010/C 115/01), p. 35

⁴³ *Ibidem*

⁴⁴ EC Action Plan Implementing the Stockholm Programme, COM (2010) 171 final, p. 35

⁴⁵ Memorandum of Understanding between the Council of Europe and the European Union (2007)

⁴⁶ EC Action Plan Implementing the Stockholm Programme, COM (2010) 171 final, p. 64

particularly vulnerable situations should receive special attention, notably children that are victims of sexual exploitation and abuse as well as children who are victims of trafficking and unaccompanied minors in the context of immigration policy.”⁴⁷

The EC Action Plan Implementing the Stockholm Programme foresees for 2010 a report on the application of Directive 2004/81/EC.⁴⁸ The Action Plan also foresees guidelines for consular services and border guards for the identification of victims of human trafficking in 2012.

The Commission will produce a communication in 2011 on a new integrated strategy on fighting trafficking in human beings and on measures to protect and assist victims. These measures and strategies include the development of compensation schemes, safe return, and assistance with reintegration into society in their country of origin if victims return voluntarily by using ad hoc cooperation agreements with specific third countries.⁴⁹

3.4. The Action-Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings

In December 2005, the Council of the EU endorsed the **Strategy for the External Dimension of Justice and Home Affairs**, calling for AOPs covering specific priority countries, regions or themes. Trafficking in human beings is a cross-border phenomenon between the EU and third countries, as well as within the EU.

All aspects of JHA, civil and criminal matters, are involved in the crime of THB. It is an illegal economic activity and one of organized crime’s main financial resources. It is furthermore an offence against human dignity, as it violates fundamental human rights. Trafficking in human beings is a cross-border illegal activity; therefore it is an important area of cooperation within the EU and in partnership between the EU and third countries. The crime is also of a nature and **complexity** that requires actions in a **wide range of policy areas** in addition to JHA. Hence, THB is a priority theme of the EU for which its external dimension should be strengthened by means of an Action Oriented Paper.

The **Action Oriented Paper** is referred to in the Stockholm Programme. The innovation and the challenge it implies is to enable global action against THB to areas that were not included in the

⁴⁷ European Council (2010/C 115/01), p. 9

⁴⁸ EC Action Plan Implementing the Stockholm Programme, COM (2010) 171 final, p. 35

⁴⁹ *Ibidem*

past, offering new opportunities for expanded activities. These activities should be mainly implemented in partnership with third countries given the fact the prevention of trafficking through tackling its root causes in countries of origin is the principle concern.⁵⁰

The achievements in the **EU cooperation against THB** build on an analysis of a chain of THB activities ranging from countries of origin to countries of transit and destination. Because this chain of THB stretches beyond the borders of the EU, the external dimension has been present in THB discourse over the years, albeit not exclusively and specifically addressed.

EU policy on THB includes a **human rights-based approach**, placing the rights of the victim at the centre and taking into account the additional challenges for specific groups, such as women and children, as well as individuals discriminated against on any ground, such as members of minorities and indigenous groups.

⁵⁰ Gramegna, Marco in EU Ministerial Conference Papers, October 2009, p. 5

4. RECOMMENDATIONS AND FOLLOW-UP ACTIONS FOR THE IMPLEMENTATION OF THE ACTION ORIENTED PAPER

To ensure the sustainability of the results of the project “Towards Global EU Action against Trafficking in Human Beings”, the implementation of the AOP as well as further follow-up actions are necessary. This includes particular action on the part of EU institutions and MS, in cooperation with other relevant stakeholders.

The **Commission** and the **Council Secretariat** will systematically monitor the progress of the actions and activities outlined in the AOP and will report to the JHA Council and the General Affairs and External Relations Council every 18 months, with the **first report due by June 2011**. This report will be drawn up within the framework of the procedure described in the JHA External Relations Strategy.⁵¹

The current **Trio Presidency** (Spain, Belgium and Hungary) will support the high-level dialogue on the priorities and conclusions agreed upon as results of this project in order to fully implement the AOP according to the Stockholm Programme provisions. In addition the Trio Presidency will focus on the evaluation of the EU Action Plan against trafficking in human beings and outline a number of priorities discussed during the meetings of the project. The EC in cooperation with the upcoming Belgian EU Presidency intends to raise specific aspects of the fight against THB mentioned in the AOP at a conference commemorating the fourth EU Anti-Trafficking Day on 18 October 2010.

The EU Presidency, the Council Secretariat, the Commission and interested MS should meet, whenever needed, within Council of the EU structures to monitor, review, revise and **update the process of implementing the Action Oriented Paper**. These meetings should contribute to a coherent approach to developing the EU Strategy for the External Dimension of Justice and Home Affairs.⁵²

So as to properly and effectively implement the instruments and actions entailed in the AOP, the **below-listed recommendations** issued from the Stockholm Programme, the AOP and suggested during the project activities aim at paving the way for coherent, humane, evidence-based policy development.

⁵¹ Action Oriented Paper (11450/5/09), p. 23

⁵² *Ibid*, p. 23

4.1. EU policy development and implementation

- Policy responses should be extended **beyond the external dimension of JHA**, to include external relations, development cooperation, social affairs and employment, migration policy, gender equality, capacity building and non-discrimination and involving all concerned actors, governmental as well as non-governmental and international.⁵³
- The EU should consider adopting an **EU Anti-Trafficking Report** emulating the US TIP Report model. The objective would be to provide the most comprehensive presentation of the overall efforts of European governments to combat all forms of human trafficking. On that basis, the Council of the EU would consider further priority actions that should be undertaken at the EU level.⁵⁴
- It is of crucial importance that policies and action plans to address human trafficking include **specifics on children**. These are the most vulnerable group and should therefore be better protected.⁵⁵

4.2. Partnerships within the EU and with third countries

- The partnerships should be based on a **victim-centred, human rights-based approach**. They should provide opportunities for practical and operational cooperation, including the adequacy of **data protection** for exchange of information. In addition, they should take into account the experiences of **existing partnerships**, bilateral and multilateral, inter alia mobility partnerships, in fields linked to THB such as migration.⁵⁶
- The need for **better coordination and transparency** among and within EU institutions and MS as well as across implementing agencies is one of the imminent priorities. Global EU action against THB requires greater coherence and stronger coordination between EU institutions, especially the Commission and the Council, EU agencies and MS. The wide range of EU mechanisms and tools in place offer tremendous potential to fight human trafficking in all its aspects.⁵⁷
- The EU should continue to promote the **establishment of National Rapporteurs** or equivalent mechanisms and coordination structures to improve the exchange of information and in turn the understanding of the THB phenomenon for the mutual benefit of the EU, third countries, regions and national as well as international

⁵³ *Ibid*, p. 10

⁵⁴ *Ibidem*

⁵⁵ ILO in EU Ministerial Conference Papers, October 2009, p. 72

⁵⁶ Action Oriented Paper (11450/5/09), p. 13

⁵⁷ Von Helldorff, Jelena in EU Ministerial Conference Papers, October 2009, p. 29

organizations.⁵⁸ The **mandate** of the National Rapporteur or equivalent mechanism should provide **sufficient authority** to request and access data from all necessary sources at the national and local level.⁵⁹

- The work on setting up an **EU anti-THB portal** should be continued, building on the work undertaken so far, in order to facilitate coordination, **exchange of information** and networking between all the **all stakeholders**, including third countries, regions and international organizations.⁶⁰
- The European Commission should facilitate the creation of a large **pan-European network of NGOs**, dealing with direct assistance to victims of trafficking. This network should exchange general information on profiles of people they are supporting, and general observed trends and newly identified vulnerable groups.⁶¹
- The **international cooperation** of JHA should also include the technical support for efficient border management in countries of origin and transit as well as cooperation to foster the rule of law in order to ensure security inside and outside the EU. The creation of mechanisms for the collection, dissemination and exchange of data on THB should be supported.⁶²
- Third countries should not only adopt but also **implement relevant international standards and obligations on human rights**. All cooperation agreements that the EU signs with third countries should reflect that THB is of regional as well as international nature.⁶³
- The EU should **re-evaluate the effectiveness** and strategic importance of its relations with partners working in the same fields. Short term and longer term partnership priorities should be reinforced with states (USA, Russia), regional organizations (African Union, Council of Europe, Nordic Council, Council of the Baltic States, ASEAN, OAS, NAFTA) and international organizations (UN, OSCE, IOM) committed to fight human trafficking. More exchange and less competition should be the guiding principle for future cooperation between these stakeholders.⁶⁴

⁵⁸ Action Oriented Paper (11450/5/09), p. 16

⁵⁹ OSCE in EU Ministerial Conference Papers, October 2009, p. 103

⁶⁰ Action Oriented Paper (11450/5/09), p. 12

⁶¹ ICMPD in EU Ministerial Conference Papers, October 2009, p. 66

⁶² Gramegna, Marco in EU Ministerial Conference Papers, October 2009, p. 7

⁶³ *Ibidem*

⁶⁴ Von Helldorff, Jelena in EU Ministerial Conference Papers, October 2009, p. 29

- The establishment of **exchange programmes** for professionals in concerned areas and for the mutual benefit of the parties involved should be considered as a concrete way to enhance cooperation in this context.⁶⁵

4.3. Prevention strategies

- Prevention through addressing the **main root causes** should integrate EU policy areas as they have an important impact in the fight against THB. Moreover, improved efforts to coordinate the activities of the different policy areas would increase the impact of the global action against THB.⁶⁶
- **Tackling demand** with a view to successfully preventing and combating THB should be emphasized. In order to discourage demand as a root cause that fosters exploitation and leads to THB, legislative or other measures, including educational, social, cultural and administrative measures, should be adopted or reinforced.⁶⁷
- **Migration management** should focus on the benefits that well-organized migration would provide to the countries and persons involved. In this regard, THB can also be combated through the protection of migrants' rights and labour rights i.e. promotion of regular and managed migration based on demand, including the need for unskilled labour, the protection of migrant's rights, the presence of formal and informal organization of workers and the application of labour standards.⁶⁸
- **Social inclusion in both destination and source countries** should be promoted. Assistance needs to be provided through a collaborative effort among international organizations, governmental bodies and agencies as well as NGOs from both destination and source countries, particularly in situations where victims return to their home countries.⁶⁹
- **Prevention strategies** should work against marginalization, discrimination and social exclusion in countries of origin and destination and promote the welfare of potential victims in countries of origin through **sustainable development strategies** in the social economic, health and education sectors with a particular emphasis on women, minorities and children.⁷⁰

⁶⁵ Action Oriented Paper (11450/5/09), p. 14

⁶⁶ Gramegna, Marco in EU Ministerial Conference Papers, October 2009, p. 8

⁶⁷ Action Oriented Paper (11450/5/09), p. 19

⁶⁸ Gramegna, Marco in EU Ministerial Conference Papers, October 2009, p. 6

⁶⁹ Konrad, Helga and Sørensen, Patsy in EU Ministerial Conference Papers, October 2009, p. 17-18

⁷⁰ Gramegna, Marco in EU Ministerial Conference Papers, October 2009, p. 9

- The elaboration of a standardized system for the **collection of qualitative and quantitative data** and analysis of THB should be shared with third countries to allow comparison in order to develop a common or at least comparable template in EU and third countries for the collection and analysis of data relating to all aspects of THB.⁷¹
- Preparatory work and **training** for international civilian police missions as well as the training of diplomats, liaison officers and consular and development cooperation officers in order to improve the identification of victims of human trafficking. Training for these groups is vital, because they are often the **first contact point** for victims of trafficking. Action should also be taken to ensure that these officials have access to adequate material to inform persons at risk of becoming victims of trafficking.⁷²
- **Raising public awareness** to educate potential victims, persons who may come directly in contact with victims and the general public is an integral part in the prevention process. It is important to recognize that many victims are subject to economic exploitation which has resulted in a shift of the gender of victims. Cooperation with third countries is a fundamental part of **raising awareness amongst potential victims**.⁷³
- In the framework of public awareness, the media plays an important role. Therefore, governments, in partnership with relevant stakeholders, should invest in **media training programmes** so that the journalists involved in reporting on THB do so accurately and are aware of the sensitive nature of the topic.⁷⁴

4.4. Protection and strengthening victim support

- Measures such as safe and appropriate accommodation, counselling and information, international protection, legal assistance, health care, and psychological and material assistance are vital to ensuring **adequate support and protection** for victims of trafficking. Furthermore, the establishment and development of a **reflection period** for the victim and the possibility of issuing temporary residence permits are essential.⁷⁵
- **Specific safeguards** for the protection of **child victims** of trafficking including a formal determination of the best interests of the child, the adoption of child-specific protection measures, the gathering of information on the role parents might have played in the trafficking situation, issues of tracing and family reunification and the observance of

⁷¹ Action Oriented Paper (11450/5/09), p. 16

⁷² Action Oriented Paper (11450/5/09), p. 17

⁷³ Konrad, Helga and Sörensen, Patsy in EU Ministerial Conference Papers, October 2009, p. 17

⁷⁴ Europol, Eurojust, Frontex and Interpol in EU Ministerial Conference Papers, October 2009, p. 41

⁷⁵ Action Oriented Paper (11450/5/09), p. 19

specific safeguards in cases of the repatriation of unaccompanied or separated children.⁷⁶

- In order to guarantee the safety and well-being of victims of trafficking who are willing to testify against their traffickers, adequate **witness protection programmes** need to be established. It is often the case that VoT who are prepared to give evidence against traffickers do not meet the entry criteria of state witness protection programmes but they still face the risks and threats to their lives.⁷⁷
- The establishment of **referral mechanisms**, including cross-border referral to ensure the proper identification and referral of trafficking victims and the provision of adequate assistance, while protecting their human rights, should be further promoted in partnerships between the EU, third countries, regions and international organizations.⁷⁸
- Referral mechanisms should entail as a minimum:
 - **Guidelines** on the identification and treatment of victims of THB
 - A reliable **victim-centred system** to refer victims of THB to specialized agencies and organizations offering protection and support
 - The development of mechanisms to make **assistance** to trafficked persons a functional part of investigative and crime prosecution efforts.⁷⁹
- Reintegration and return programmes should aim at the **empowerment** and **social inclusion** of victims of THB, including the safety and well-being of the victim, opportunities to find viable means of existence, and the **prevention of re-victimization** and reduction of the risk of being re-trafficked.⁸⁰
- A **systematic method for following up** on the fates of repatriated victims has to be developed to ensure that the criminals in the countries of origin are brought to justice and to ensure the protection of the victims. Therefore governments and authorities in the source countries must take responsibility for the protection and successful reintegration of their nationals upon their return home.⁸¹

⁷⁶ UNHCR in EU Ministerial Conference Papers, October 2009, p. 108

⁷⁷ Europol, Eurojust, Frontex and Interpol in EU Ministerial Conference Papers, October 2009, p. 41

⁷⁸ Action Oriented Paper (11450/5/09), p. 20

⁷⁹ *Ibid*, p. 20

⁸⁰ *Ibid*, p. 23

⁸¹ Konrad, Helga and Sörensen, Patsy in EU Ministerial Conference Papers, October 2009, p. 13

4.5. Prosecution and operational cooperation

- THB should be a main priority in the **continuous enhancement of cooperation** between FRONTEX, EUROJUST and EUROPOL and third countries through the implementation of cooperation agreements, contact points and operational activities.⁸²
- **Regional and national investigations** on THB, whether judicial and or police investigations, must be more frequently developed beyond the borders of the prosecuting state, not least including countries outside the EU, if THB is to be reduced. To this end, THB should be treated as one of the priorities when executing other countries' requests.⁸³ Ideally, a **National Anti-Trafficking Unit** should be responsible for all investigations and be a reference point for any person seeking guidance. These units would be made up of police investigators, border control authorities and prosecutors with regular contact to NGO representatives, social workers, and child welfare officers, medical and administrative staff.⁸⁴
- In order to work more effectively, anti-trafficking investigators, prosecutors, and border control authorities should be supported by greater **awareness-raising trainings** on a regional, national and international level regarding the identification and treatment of victims of trafficking as well as the prosecution of traffickers.⁸⁵
- The formation of **joint investigation teams** and at least the use of mirror investigations should be promoted. The practice of **sharing information** and intelligence on operations, investigations and prosecutions will contribute to the best possible level of intelligence and the development of intelligence-led policing on THB as well as operational support for law enforcement and judicial action against THB.⁸⁶
- The **liaison officer networks**, including immigration officers, should reinforce their attention to THB with a view to improving the **operational cooperation** and exchange of information required where necessary to facilitate joint investigations between MS and investigations between MS and third countries or regions.⁸⁷
- Legislation and **penal codes** that deal with THB should be based on the **principle of best practice**. It should specifically refer to how the victim is to be dealt with once he/she

⁸² Action Oriented Paper (11450/5/09), p. 20

⁸³ *Ibid*, p. 22

⁸⁴ Europol, Eurojust, Frontex and Interpol in EU Ministerial Conference Papers, October 2009, p. 40

⁸⁵ Europol, Eurojust, Frontex and Interpol in EU Ministerial Conference Papers, October 2009, p. 40

⁸⁶ Action Oriented Paper (11450/5/09), p. 22

⁸⁷ *Ibidem*

enters the judicial process and specify that the victim will not be dealt with as a prostitute or illegal immigrant.⁸⁸

4.6. General recommendations

- Greater **in-depth evaluation** would bring about a clearer picture of the real impact of initiatives and provide stakeholders with information needed to stay ahead of trends and address the real issues at hand. Monitoring and evaluation need to be an integral part of all anti-trafficking projects.⁸⁹
- **National plans of action** must be comprehensive and need to address all forms of human trafficking. If in existence, national plans of action are valuable tools in assigning responsibility to and dividing tasks between government bodies and authorities, as well as non-governmental organizations and agencies, as long as they provide for clear-cut timeframes, division of responsibilities and budgeting.⁹⁰
- The **political will** to put theory into practice, to enforce the relevant laws and commitments is needed. It means more than just addressing THB as a government's priority but it must imply that initiatives are regularly and consistently guided towards more and better results as well as pro-actively work on a targeted, systematic and coordinated action against human trafficking.⁹¹
- As trafficking of human beings is a world-wide phenomenon which knows no borders, the **Council of Europe Convention** is open for signature and **ratification/accession** to all states - not just Council of Europe MS. Its widest possible ratification/accession and subsequent implementation will contribute significantly to preventing and combating THB not only in Europe but world-wide.

⁸⁸ Europol, Eurojust, Frontex and Interpol in EU Ministerial Conference Papers, October 2009, p. 38

⁸⁹ Konrad, Helga and Sörensen, Patsy in EU Ministerial Conference Papers, October 2009, p. 15

⁹⁰ *Ibid*, pp. 15-16

⁹¹ Konrad, Helga and Sörensen, Patsy in EU Ministerial Conference Papers, October 2009, p. 17

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European Neighbourhood Policy

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European Union Agency for Fundamental Rights

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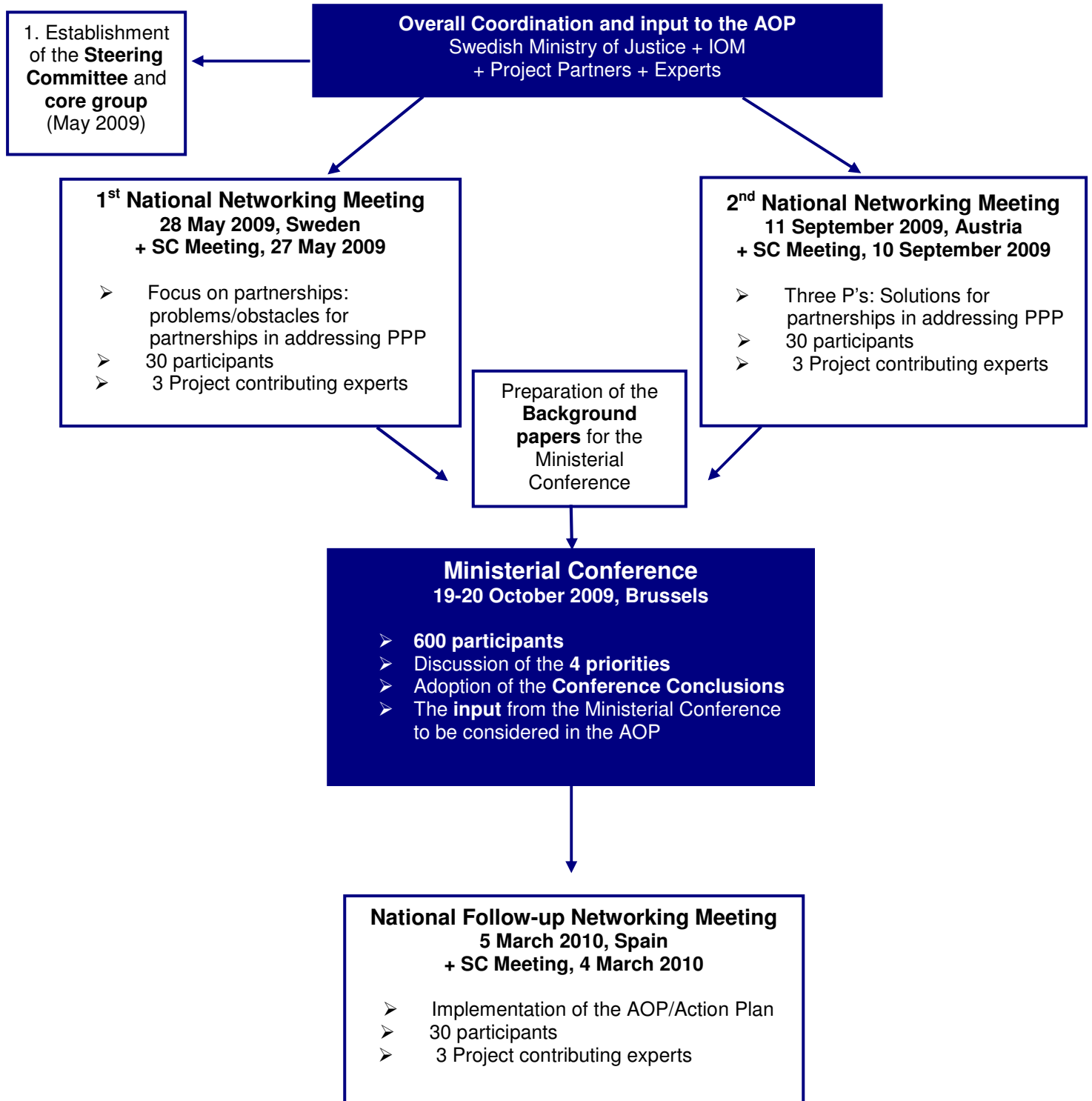
International Organization for Migration

<http://www.iom.int/>

<http://www.iomvienna.at/>

ANNEXES

A. Project outline




B. Members of the Steering Committee

Country/ Organization	Name	Position
Austria	Kurt Hager	Brigadier General, Federal Ministry of the Interior, Head of Bi- and Multilateral Affairs
Austria	Regina Rusz	Counsellor/Head of Unit, Ministry for European and International affairs, International Cooperation
Austria	Maria Sebanz	Bi- and Multilateral Affairs Federal Ministry of the Interior
Austria	Elisabeth Tichy-Fisslberger	National Coordinator on THB and Director General for Legal and Consular Affairs, Federal Ministry for European and International Affairs
Belgium	Patsy Sörensen	Director, NGO Payoke
European Commission	Joanna Beczala	Expert on external aspects of organized crime
European Commission	Sabine Zwaenepoel	Deputy Head of Unit, Fight against organized crime, DG JLS
Finland	Maija Ahokas	Senior Adviser, International Affairs Unit, Ministry of the Interior
Frontex	David Reizenzein	External Relations Officer
General Secretariat of the Council of the EU	Anne Cecilie Adserballe	Administrator, Juridical cooperation in criminal matters
Interpol	Günther Sablattnig	Former Bi- and Multilateral Affairs Austrian Federal Ministry of the Interior
Institute for International Assistance and Solidarity	Jelena von Helldorff	Vice-President
IOM Brussels	Sanja Celebic-Lukovac	Counter-Trafficking Focal Point, Programme Development and Liaison Officer
IOM HQ	Richard Danziger	Head of Counter-Trafficking Services
IOM Madrid	Alberto Giovanetti	Project Assistant
IOM Madrid	Manuel Pombo Bravo	Special Representative of the Director-General to Spain, International Organization for Migration
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Portugal	Fausto Pereira	Inspector, MAI Aliens and Border Service Portugal
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Spain	Almudena Tudanca	Ministry of the Interior
Sweden	Anders Oljelund chair of the SC	Ambassador, Advisor to the Ministry of Justice
Sweden	Henrik Sjölander	Deputy Director, Ministry of Justice
Sweden	Anna-Carin Svensson	Director, Ministry of Justice
Sweden	Kajsa Wahlberg	National Police Board
Sweden	Tora Wigstrand	Director, Ministry of Justice, Division for European Union Affairs
Expert	Alexis A. Aronowitz	Researcher on Criminology, University College Utrecht
Expert	Marco Gramegna	Former President of the EU Experts Group on THB
Expert	Peter von Bethlenfalvy	Former Head of Special Liaison Mission, International Organization for Migration in Berlin and Vienna

Note: List of Experts who participated at a minimum in one SC Meeting. Some SC Members changed functions but remained involved in the project activities.

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