



**RAAD VAN  
DE EUROPESE UNIE**

**Brussel, 19 november 2009 (26.11)  
(OR. en)**

**11450/5/09  
REV 5**

**LIMITE**

**CRIMORG 103  
JAIEX 49  
RELEX 618  
JAI 432**

**NOTA**

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van:	het voorzitterschap
aan:	het Coreper
Betreft :	Uitvoering van de Strategie voor de externe dimensie van Justitie en Binnenlandse Zaken: vrijheid, veiligheid en recht op mondiaal niveau - Actiegericht document over het versterken van de externe dimensie van de EU met betrekking tot de bestrijding van de mensenhandel; naar een mondiale actie van de EU tegen de mensenhandel

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De ontwerp-tekst van **het Actiegericht document over het versterken van de externe dimensie van de EU met betrekking tot de bestrijding van de mensenhandel** is vier keer besproken in de Multidisciplinaire Groep georganiseerde criminaliteit (MDG), namelijk op 8 juli, op 1 en 25 september en op 16 oktober 2009. Voorts is de tekst voorgelegd aan JAIEX (ad hoc Ondersteuningsgroep JBZ-Relex) op 22 juli en 15 oktober, en aan het Comité van artikel 36 (CATS) op 7 oktober.

In aansluiting op de meest recente besprekingen van het actiegericht document in het CATS op 10 en 11 november 2009, en om tegemoet te komen aan het verzoek van een aantal delegaties om niet expliciet te verwijzen naar de conclusies van de conferentie, is de zin in hoofdstuk IV "Overzicht van de bestaande acties", waarin wordt verwezen naar de conclusies van de ministeriële EU-conferentie "Naar een mondiale actie van de EU tegen de mensenhandel" van 19 en 20 oktober te Brussel, geschrapt.

Vele delegaties zijn ingegaan op het verzoek om een overzicht te geven van de bestaande acties die in hun land met betrekking tot de mensenhandel worden gevoerd. Deze overzichten zijn allemaal opgenomen in dit actiegericht document.

**Het voorzitterschap legt hierbij het ontwerp van actiegericht document voor aan het Coreper. Het Coreper wordt verzocht overeenstemming te bereiken over de ontwerp-tekst, zodat de Raad JBZ tijdens de zitting op 30 november en 1 december de tekst kan goedkeuren en aannemen.**

De door de talencoördinatie gereviseerde en geamendeerde tekst is vervat in bijlage dezes.

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**Actiegericht document over het versterken van de externe dimensie van de EU met  
betrekking tot de bestrijding  
van de mensenhandel; Naar een mondiale actie van de EU  
tegen de mensenhandel**

## **I. Inleiding**

In december 2005 heeft de Raad een Strategie voor de externe dimensie van Justitie en Binnenlandse Zaken (JBZ) bekrachtigd<sup>1</sup>, waarin wordt opgeroepen actiegerichte documenten op te stellen over specifieke prioritaire landen, regio's of thema's. Volgens de strategie moeten deze documenten het volgende bevatten: i) een analyse van de kwestie en de EU-doelstellingen, waarbij moet worden voortgebouwd op informatie van de EU-instellingen; ii) een overzicht van de lopende maatregelen van de Commissie en de lidstaten; en iii) een omschrijving van hetgeen op politiek, technisch en praktisch niveau moet worden gedaan om de EU-doelstellingen te verwezenlijken.

De strategie en de actiegerichte documenten weerspiegelen de doelstelling van de Unie, te weten de ontwikkeling van haar externe betrekkingen ter versterking van de rol van de Unie en haar vermogen om te handelen in samenwerking en partnerschap met derde landen, regio's en organisaties op internationaal niveau, met als doel het aanpakken van gemeenschappelijke problemen en het nastreven van gemeenschappelijke beleidsdoelstellingen. Mensenhandel is een verschijnsel dat herhaaldelijk aan de orde komt in de betrekkingen tussen de EU en derde landen, evenals binnen de EU. Het is derhalve een gemeenschappelijk probleem van de EU en van derde landen, en de EU zou een steeds proactievare, meer gecoördineerde en samenhangender aanpak daarvan moeten bevorderen. Alle aspecten van JBZ komen aan bod: mensenhandel is een illegale economische activiteit en als zodanig één van de belangrijkste bronnen van inkomsten voor de georganiseerde misdaad; het is een aantasting van de menselijke waardigheid en als zodanig een ernstige schending van de fundamentele mensenrechten die de Unie niet door de vingers kan zien; het is een grensoverschrijdende illegale activiteit en zodoende een belangrijk gebied voor samenwerking binnen de EU en in de partnerschappen tussen de EU en derde landen. De aard en de complexiteit ervan vereisen voorts actie in een brede waaier aan beleidsgebieden, naast JBZ, wil het doeltreffend worden bestreden. Mensenhandel is derhalve een prioritair thema van de EU en daarom moet de externe dimensie van de EU worden versterkt middels een actiegericht document.

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<sup>1</sup> Een strategie voor de externe dimensie van JBZ: vrijheid, veiligheid en recht op mondiaal niveau, 15446/05 JAI 488 RELEX 741.

## II. Achtergrond

Sedert meer dan tien jaar is mensenhandel een belangrijk punt op de agenda van de EU, in het bijzonder op het gebied van JBZ en de externe betrekkingen van de EU. Mensenhandel heeft uitdrukkelijk de politieke aandacht getrokken, en er is overeenstemming bereikt over een reeks Mededelingen van de Commissie, conclusies van de Raad en andere beleidsdocumenten, door de EU gefinancierde projecten en juridische instrumenten. Mijlpalen in de EU-samenwerking bij de bestrijding van de mensenhandel zijn de aanneming, op 19 juli 2002, van het kaderbesluit inzake de bestrijding van de mensenhandel<sup>1</sup> (dat momenteel herzien wordt) en van de Richtlijn betreffende voorlopige verblijfstitels voor onderdanen van derde landen die het slachtoffer zijn van mensenhandel, op 29 april 2004.<sup>2</sup>

Wat betreft het uitstippelen van beleid zijn de conclusies van de Raad van 8 mei 2003 over de verklaring van Brussel<sup>3</sup> van grote betekenis omdat zij het beleidskader zijn geworden voor de inspanningen van de EU om de mensenhandel op vele gebieden terug te dringen. De verklaring van Brussel heeft een aantal vervolgacties gehad, zoals het opzetten van een deskundigengroep van de Commissie inzake mensenhandel, die in december 2004 een algemeen verslag heeft ingediend met in totaal 132 aanbevelingen.<sup>4</sup> Thans werkt een opnieuw samengestelde deskundigengroep aan verdere voorstellen, gericht aan de Commissie. Verder heeft de Europese Raad op 19 juni 2009 gepleit voor een krachtig optreden met het oog op een doeltreffende bestrijding van de georganiseerde misdaad en van criminele netwerken die bij de mensenhandel zijn betrokken.

De samenwerking in de EU tegen mensenhandel boekt resultaten dankzij een analyse van een mensenhandelketen vanaf de landen van oorsprong tot landen van doorreis en van bestemming. Deze mensenhandelketen reikt uiteraard over de grenzen van de EU. De externe dimensie is dan ook al die jaren in de debatten wel aanwezig geweest, maar niet exclusief en specifiek aangepakt. Naast bovengenoemde ontwikkeling is de toenemende onderlinge verwevenheid van de interne en de externe dimensie van de samenwerking in de EU steeds belangrijker geworden.

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<sup>1</sup> PB L 203 van 1.8.2002, blz. 1.

<sup>2</sup> Richtlijn 2004/81/EG van 29 april 2004 betreffende de verblijfstitel die in ruil voor samenwerking met de bevoegde autoriteiten wordt afgegeven aan onderdanen van derde landen die het slachtoffer zijn van mensenhandel of hulp hebben gekregen bij illegale immigratie (PB L 261 van 6.8.2004, blz. 19).

<sup>3</sup> 14981/02 JAI 280.

<sup>4</sup> [ec.europa.eu/justice\\_home/fsj/crime/trafficking/fsj\\_crime\\_human\\_trafficking\\_en.htm](http://ec.europa.eu/justice_home/fsj/crime/trafficking/fsj_crime_human_trafficking_en.htm)

Tot die conclusie kwam bijvoorbeeld de Toekomstgroep (informele adviesgroep op hoog niveau voor de toekomst van het Europees binnenlandse zakenbeleid), die in haar verslag<sup>1</sup> stelt dat de externe betrekkingen een prioriteit zullen zijn voor de toekomstige ontwikkeling van binnenlandse zaken op Europees niveau en dat de Europese Unie de aandacht moet verschuiven naar de sterker wordende uitdaging die erin bestaat externe aspecten in het binnenlandse beleid te integreren, en moet samenwerken met de betrokken derde landen.

Mensenhandel, en met name handel in vrouwen en kinderen - de twee groepen die het meest getroffen worden door mensenhandel - komt dan ook aan bod in steeds meer beleidsdocumenten van de EU. In de mededeling van de Commissie van 2006 getiteld "Naar een EU-strategie voor de rechten van het kind" maakt de Commissie een balans op van de handel in kinderen en stelt zij zich ten doel de bestaande beleidsmaatregelen maximaal te doen renderen en specifieke maatregelen vast te stellen om de handel in kinderen uit te roeien. In de EU-richtsnoeren betreffende de rechten van het kind (2007) wordt kinderhandel beschouwd als een terrein waarop de EG moet optreden, onder meer door de bekrachtiging en effectieve toepassing van de internationale mensenrechtenverdragen die van belang zijn voor de bestrijding van geweld tegen kinderen te bepleiten. In de mededeling van de Commissie van 2008 "Een speciale plaats voor kinderen in het externe optreden van de EU" is gesteld dat de strijd tegen misdaden die kinderen in het bijzonder treffen, zoals mensenhandel, gebaseerd moet zijn op concrete preventieve en bijstandsmatregelen om kinderen te beschermen tegen geweld en uitbuiting en om te zorgen voor hun rehabilitatie, herstel en sociale insluiting op lange termijn. In de conclusies over kinderen in ontwikkeling en humanitaire bijstand (2008) beklemtoont de Raad dat kinderen, door hun bijzondere kwetsbaarheid, in tijden van crisis een groter gevaar lopen het slachtoffer te worden van verschillende vormen van schending van de mensenrechten, waaronder mensenhandel. In dat verband dient erop te worden gewezen dat de lacunes in de opsporing en de bescherming van kinderen die het slachtoffer zijn van mensenhandel door het Bureau van de Europese Unie voor de grondrechten zijn beschreven in een rapport van juli 2009 over kinderhandel in de EU.<sup>2</sup> Voorts wordt in de EU-richtsnoeren betreffende vrouwen (2008) erkend dat vrouwenhandel met het oog op gedwongen prostitutie, seksuele uitbuiting en alle andere vormen van uitbuiting, vormen van geweld tegen vrouwen zijn en op passende wijze moeten worden bestreden.

Een onderdeel van het EU-beleid tegen mensenhandel is een mensenrechtenbenadering die de rechten van het slachtoffer centraal stelt en rekening houdt met de extra problemen van specifieke groepen, zoals vrouwen en kinderen, alsook personen die worden gediscrimineerd omdat zij tot minderheden of inheemse bevolkingsgroepen behoren.<sup>3</sup>

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<sup>1</sup> 11657/08 JAI 373.

<sup>2</sup> Kinderhandel in de EU: uitdagingen, perspectieven en goede praktijken, <http://fra.europa.eu>

<sup>3</sup> 10de jaarverslag van de EU over de mensenrechten, 14146/2/08.

Dit standpunt werd gedeeld door de Raad, die op 21 september 2009 heeft bevestigd dat de kwestie van niet-begeleide minderjarigen die de EU binnenkomen en er asiel aanvragen, een belangrijke uitdaging vormt, en die derhalve de Commissie heeft verzocht om uiterlijk begin 2010 een actieplan inzake niet-begeleide minderjarigen die de EU binnenkomen in te dienen.

Dit beleidskader indachtig is mensenhandel een element van talrijke overeenkomsten tussen de EU en derde landen, zoals het in december 2007 te Lissabon ondertekende strategisch partnerschap Afrika-Europese Unie, waarin in het hoofdstuk "migratie, mobiliteit en werkgelegenheid" de uitvoering van het Actieplan EU-Afrika betreffende mensenhandel een van de prioritaire acties vormt<sup>1</sup>, en de Stabilisatie- en Associatieovereenkomsten tussen de EG en de Westelijke Balkan. De problematiek van de mensenhandel komt tevens aan bod in de ministeriële verklaringen die zijn overeengekomen tijdens de tweede Europees-Afrikaanse ministeriële conferentie over migratie en ontwikkeling (Parijs, 25 november 2008), met nadruk op de West-Afrikaanse migratieroute, en tijdens de ministeriële conferentie "Bouwen aan migratiepartnerschappen" (Praag, 27-28 april 2009), met nadruk op de oostelijke en zuidoostelijke regio's die aan de EU grenzen. Mensenhandel wordt eveneens aan de orde gesteld in talrijke strategiedocumenten per land en nationale en regionale indicatieve programma's, zoals bijvoorbeeld in de Zuid- en Zuidoost-Aziatische landen, waar het probleem op zowel landenniveau als regionaal niveau een structureel karakter heeft, alsmede in verscheidene bilaterale actieplannen met de ENB-landen.

Mensenhandel komt aan bod in de politieke dialoog met derde landen, met name in het kader van de mensenrechtendialogen die met meer dan 30 landen wereldwijd worden gehouden. De EU steunt ook internationale inspanningen op dat gebied door in verscheidene VN-fora voor de preventie van mensenhandel en slachtofferhulp en bijstand in het kader van mensenhandel te pleiten voor de totstandbrenging van een wetgevingskader, het uitstippelen van beleid en wetshandhaving, internationale samenwerking en coördinatie van de strijd tegen mensenhandel. De prioriteit die aan de strijd tegen mensenhandel wordt gegeven blijkt ook uit de financieringsinstrumenten van de EG die beschikbaar zijn voor derde landen en uit de thematische programma's (bijlage).

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<sup>1</sup> 13440/08, ASIM 72 (Europees pact inzake immigratie en asiel).

Voorts is, overeenkomstig het meerjarig Haags programma, dat de EU moet versterken als een ruimte van vrijheid, veiligheid en recht, in december 2005 door de Raad een actieplan aangenomen inzake de beste praktijken, normen en procedures bij de voorkoming en bestrijding van mensenhandel.<sup>1</sup> In oktober 2008 heeft de Commissie een verslag met conclusies over de tenuitvoerlegging van het actieplan gepresenteerd. De Commissie stelde in dit verslag voor de inspanningen te richten op een klein aantal hoofdacties op de korte termijn en een nieuwe strategie op te zetten op basis van de resultaten die eind 2009 zijn bereikt. Eén aanbeveling luidt: "De huidige maatregelen inzake buitenlandse betrekkingen versterken, met name in de westelijke Balkan en met de oostelijke bureaus van de EU, alsook met landen in Noord-Afrika, met inbegrip van het opheffen van belemmeringen voor justitiële samenwerking in strafzaken. Bevorderen dat de bestrijding van mensenhandel wordt opgenomen in de politieke en samenwerkingsdialog, in Strategiedocumenten per land en in de strategieën voor armoedebestrijding en samenwerking met partnerlanden".

### **III. Stand van zaken**

Mensenhandel is een ernstig misdrijf dat een persoon belet volledig gebruik te maken van alle mensenrechten. Mensenhandel is de uitbuiting van kwetsbare personen, meestal vrouwen en kinderen, door misdadigers die mensen behandelen als handelswaar die voor niets anders dan geldelijk gewin kan worden gekocht en verkocht. Zoals koopwaar behandeld worden leidt onvermijdelijk tot langdurig lichamelijk en geestelijk misbruik van het slachtoffer.

Er is de afgelopen jaren een duidelijke toename geweest van het aantal slachtoffers dat in de EU is binnengebracht via mensenhandel, vooral via en vanuit de Russische Federatie, Oekraïne, Midden- en Zuidoost-Europa. Tijdens onderzoek door lidstaten van de EU naar mensenhandel worden gewoonlijk personen uit die landen en regio's aangetroffen. Gezien de mondiale aard van de mensenhandel en het bestaan van lucratieve markten in de EU, is het niet verrassend dat ook regelmatig slachtoffers uit Azië, Afrika en Latijns-Amerika worden aangetroffen.

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<sup>1</sup> 15321/2/06 CRIMORG 177.

De mensenhandel buit mensen uit die in kwetsbare situaties verkeren en berooft hen van de mogelijkheid om gebruik te maken van zelfs de meest elementaire mensenrechten. Armoede, marginalisering, economische uitsluiting, maatschappelijke ongelijkheid, genderongelijkheid en discriminerende praktijken jegens kinderen en etnische minderheden, en een wanhopige behoefte aan een plek die hoop of vooruitzichten biedt op een betere toekomst, dat zijn de kwetsbaarheden die gewoonlijk worden uitgebuit door de mensenhandelaars wanneer deze hun slachtoffers gaan ronselen of lokken. Aangezien deze onderliggende oorzaken, waardoor met name vrouwen en kinderen het gevaar lopen slachtoffer te worden van mensenhandel, overal aanwezig zijn, zijn er vele potentiële bronnen van slachtoffers in de wereld. De heimelijke aard van criminaliteit, de onvolledige en onvergelijkbare cijfers met daarbij nog een lacune in de informatie waarover de wetshandhaving beschikt, dat alles maakt het momenteel moeilijk goed in te schatten hoeveel slachtoffers via mensenhandel de Europese Unie binnenkomen en binnen de Europese Unie zelf worden "verhandeld". Zolang de fundamentele, dieper liggende oorzaken van mensenhandel bestaan, zoals de vraag naar seksuele diensten of goedkope arbeidskrachten, zal deze tak van de georganiseerde misdaad wereldwijd blijven groeien. De mensenhandel blijft aantrekkelijk voor netwerken voor georganiseerde misdaad, kleine groepen en individuele "zakenlui" die alleen maar zoveel mogelijk geld willen verdienen aan de uitbuiting van andere mensen.

De drijfveer achter mensenhandel is winst. De mensenhandelaars - voornamelijk georganiseerde misdadigers - zijn, net als legitieme bedrijven, "marktgericht" bezig. In veel lidstaten en derde landen voldoen de criminele groeperingen en netwerken die zich met mensensmokkel bezighouden aan de meeste criteria van de EU om te worden gedefinieerd als georganiseerde misdaad, ook volgens het kaderbesluit van 2008<sup>1</sup> inzake de strafbaarstelling van deelneming aan een criminele organisatie. De mensenhandelaars passen hun werkwijze aan de omgeving waarin zij werken en aan de markten die er zijn voor seksuele uitbuiting, gedwongen arbeid en andere vormen van uitbuiting zoals bedelarij, kleine misdaad en zelfs verwijdering van organen voor transplantatie. Hoewel men in de samenleving thans beter weet wat mensenhandel inhoudt en wat de gevaren zijn van een kans "die te mooi is om waar te zijn", zijn er nog steeds duizenden mensen die een gezin moeten onderhouden en ten prooi vallen aan mensenhandelaars omdat zij wanhopig zijn en in moeilijke omstandigheden verkeren.

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<sup>1</sup> Kaderbesluit 2008/841/JBZ van de Raad van 24 oktober 2008 ter bestrijding van georganiseerde criminaliteit (PB L 300 van 11.11.2008, blz. 42).



#### **IV . Overzicht van de bestaande acties**

In 2009 was de samenwerking in de EU in de strijd tegen mensenhandel een belangrijk agendapunt, met name op de volgende gebieden:

- wetgeving: een ontwerp van een tweede, herzien kaderbesluit over mensenhandel<sup>1</sup> waarin bepalingen zullen staan over de onderlinge aanpassing van het strafrecht en over bijstand, steun en bescherming voor slachtoffers van mensenhandel,
- het opzetten van het informele EU-netwerk van nationale rapporteurs of gelijkwaardige mechanismen, in het verlengde van de conclusies van de Raad van 4 juni 2009<sup>2</sup>,
- een evaluatie van de Schengensamenwerking, specifiek met betrekking tot optreden tegen mensenhandel, met het oog op een verslag dat verder binnen de werkstructuren van de Raad zal worden besproken, teneinde zo goed mogelijk gebruik te maken van de bevindingen ervan, enkel nadat de nieuwe methode op basis van een thematische en geografische aanpak door de lidstaten is goedgekeurd.

Ter gelegenheid van de derde dag tegen mensenhandel heeft de ministeriële conferentie op 19-20 oktober 2009 in Brussel duidelijke conclusies getrokken over mensenhandel als een prioritair probleem dat krachtig moet worden aangepakt, op EU-niveau en in samenwerking met derde landen, regio's en organisaties op internationaal niveau, NGO's en andere betrokkenen<sup>3</sup>. [...].

Tegelijkertijd hebben de lidstaten, de Commissie, internationale organisaties en NGO's op velerlei manieren actie ondernomen tegen de mensenhandel, in en met landen buiten de Unie.

Tot slot biedt het geplande meerjarig Programma van Stockholm voor optreden op het gebied van Justitie en Binnenlandse Zaken een kader waarbinnen verdere belangrijke initiatieven zullen worden genomen in de strijd tegen mensenhandel, waaronder de strategie die de Commissie in haar verslag van 2008 over het actieprogramma van 2005 heeft voorgesteld en waaraan dit actiegericht document een bijdrage is.

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<sup>1</sup> COM(2009) 136 def., doc. 8151/09 DROIPEN 17 MIGR 37.

<sup>2</sup> 8723/4/09 CRIMORG 63 MIGR 43 ENFOPOL 86.

<sup>3</sup> AT maakte een studievoorbehoud.

## V. Aanbevelingen

### 1. Doelstellingen en brede beginselen als leidraad voor de uitvoering van het actiegerichte document

i) Behalve de noodzakelijke en voortdurende ontwikkeling van intern EU-beleid tegen mensenhandel, wordt met dit document beoogd de inzet en het gecoördineerd optreden van de EU en de lidstaten ter voorkoming en bestrijding van op alle soorten van uitbuiting gerichte mensenhandel, in samenwerking met derde landen, regio's en organisaties op internationaal niveau, te versterken. Het document wil veeleer een proactieve benadering stimuleren, geen reactieve.

ii) Het actiegerichte document is gebaseerd op het inzicht dat voor een doeltreffende bestrijding van mensenhandel een geïntegreerde, holistische en multidisciplinaire aanpak vereist is, die stoelt op de eerbiediging van de mensenrechten en de rechtsstaat en waarbij rekening wordt gehouden met genderspecten en kinderrechten. Vooral de beginselen in het VN-Verdrag inzake de rechten van het kind en de twee facultatieve protocollen daarbij, moeten worden nageleefd; daarin is bepaald dat kinderen die het slachtoffer zijn van mensenhandel recht hebben op bescherming en verzorging en niet in detentie mogen worden gehouden of bestraft mogen worden van wege hun betrokkenheid bij criminele activiteiten waartoe zij werden gedwongen als een rechtstreeks gevolg van het feit dat zij het slachtoffer van mensenhandel zijn. Hetzelfde geldt voor het VN-Verdrag inzake de uitbanning van alle vormen van discriminatie van vrouwen (CEDAW) en de facultatieve protocollen daarbij.

Deze aanpak vraagt om een beleidsreactie die verder gaat dan de externe dimensie van JBZ, namelijk externe betrekkingen, ontwikkelingssamenwerking, sociale zaken en werkgelegenheid, migratiebeleid, gendergelijkheid, capaciteitsopbouw en niet-discriminatie, met alle betrokkenen, zowel gouvernementele als niet-gouvernementele en internationale spelers.

Dit actiegerichte document moet worden verwerkt in het EU-beleid op het gebied van de buitenlandse betrekkingen en de programma-activiteiten met derde landen, regio's en organisaties op internationaal niveau, waaronder ontwikkelingssamenwerking, en worden aangevuld met maatregelen van de lidstaten en de passende EU-instanties.

iii) Dit actiegericht document wil een antwoord zijn op een verhoogde prioritering van het probleem van de mensenhandel in de externe dimensie van de EU, zoveel mogelijk middelen inschakelen, de doeltreffendheid en duurzaamheid doen toenemen en dubbel werk vermijden, en daarom wordt in dit document gestreefd naar meer coördinatie en samenhang van het EU-optreden jegens derde landen, regio's en organisaties op internationaal niveau. Daarom dient ook de oprichting van een specifiek coördinatiemechanisme op EU-niveau te worden overwogen waarbij de lidstaten, de Commissie, de agentschappen van de EU, alsmede in voorkomend geval andere belangrijke partijen betrokken dienen te worden, onverminderd het mandaat en het werk van bestaande EU-organen als EUROJUST, EUROPOL, FRONTEX, het Bureau voor de Grondrechten en het informele EU-netwerk van nationale rapporteurs of gelijkwaardige mechanismen.<sup>1</sup>

iv) Benevens de regelmatige toetsing waarin voorzien wordt in deel VI, moet ook de uitvoering van dit actiegericht document regelmatig worden getoetst, en moet het voorts regelmatig worden geëvalueerd, herzien en bijgewerkt, zodat er een ontwikkeling kan plaatsvinden naar een gecoördineerde en samenhangende reactie waarbij voorrang wordt gegeven aan bestrijding van mensenhandel in de externe dimensie van de EU. In verband met een dergelijke evaluatie, herziening en bijwerking kan worden besloten prioriteit te verlenen aan welbepaalde, specifieke samenwerkingsgebieden tussen de EU, derde landen, regio's en organisaties op internationaal niveau. Daartoe kunnen de bijdrage van de vernieuwde deskundigengroep van de Commissie, het informeel EU-netwerk van nationale rapporteurs of gelijkwaardige mechanismen, alsmede overleg met EUROJUST, EUROPOL, FRONTEX en FRA nuttig blijken.

v) Voorts moet het actiegericht document een reeks niet-limitatieve na te streven en te bepleiten hoofdacties voorstellen voor het versterken van de partnerschappen inzake duurzaam preventief optreden, betere bescherming, ondersteuning en rehabilitatie van slachtoffers, en de versterking van de internationale wetshandhaving en een krachtiger justitieel antwoord op mensenhandel.

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<sup>1</sup> PB C 311 van 9.12.2005, actieplan 2005, actie 1.3 b).

## **2. Betere samenwerking en coördinatie van het EU-optreden tegen mensenhandel in partnerschap met derde landen**

- i) In samenhang met de in deel VI bedoelde regelmatige toetsing en met als doel bij te dragen aan een regelmatige evaluatie, herziening en bijwerking van EU-optreden tegen mensenhandel in partnerschap met derde landen, regio's en organisaties op internationaal niveau, en de ontwikkeling naar een gecoördineerde en samenhangende reactie, wordt de Commissie en de lidstaten verzocht een overzicht op te stellen van de genomen maatregelen, ook op basis van de samenwerkingsregelingen die in deel V, punt 3.3.iv) worden genoemd. Een dergelijk overzicht moet bijdragen tot een analyse en conclusies betreffende verdere samenwerkingsmaatregelen op politiek, technisch en operationeel niveau, ook nationale. Daartoe kunnen de bijdrage van de opnieuw samengestelde deskundigengroep van de Commissie inzake mensenhandel, het informeel EU-netwerk van nationale rapporteurs of gelijkwaardige mechanismen, alsmede van EUROJUST, EUROPOL, FRA en FRONTEX nuttig blijken.
- ii) De financieringsinstrumenten van de EU voor externe betrekkingen moeten toereikende en specifieke financiering bieden voor de prioritering en versterking van het optreden tegen mensenhandel in onderlinge samenwerking tussen de EU, derde landen, regio's en organisaties op internationaal niveau. Om de donorcoördinatie te verbeteren en de ontwikkeling van programmeringsactiviteiten mogelijk te maken en de synergieën tussen de bestaande programma's en activiteiten te verbeteren, moeten EU-ambassades, ontwikkelingsbureaus van de lidstaten ter plaatse en de delegaties van de EG de uitwisseling van informatie over m.b.t. mensenhandel genomen maatregelen verbeteren. De delegaties van de EG moeten een leidende rol gaan spelen bij het verbeteren van de donorcoördinatie in derde landen en regio's op internationaal niveau.
- iii) Toekomstige financiële steun moet niet alleen projectmatig zijn maar ook, waar dat niet reeds het geval is, gericht zijn op langdurige, duurzame steun aan organisaties, structuren en mechanismen die hun nut voor initiatieven ter bestrijding van mensenhandel hebben bewezen, maar hun activiteiten niet kunnen voortzetten zonder verdere externe financiering.
- iv) Om coördinatie, uitwisseling van informatie en netwerken tussen alle betrokkenen - waartoe derde landen, regio's en organisaties op internationaal niveau behoren - mogelijk te maken, moet verder worden gewerkt aan een EU-portaalsite tegen mensenhandel, mede op basis van de tot dusver verrichte werkzaamheden<sup>1</sup>.

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<sup>1</sup> cf. [www.national-rapporteurs.eu](http://www.national-rapporteurs.eu)

v) Binnen het door de EU gefinancierde project "Naar een mondiale actie van de EU tegen de mensenhandel"<sup>1</sup>, komt er in april 2010 een netwerkvergadering over het opbouwen van partnerschappen tussen de EU, derde landen, regio's en organisaties op internationaal niveau ter bestrijding van mensenhandel, en over de coördinatie en samenhang van zulke acties binnen de EU.

### **3. Ontwikkelen van partnerschappen tussen de EU, derde landen, regio's en organisaties op internationaal niveau ter bestrijding van mensenhandel**

i) Mensenhandel is een verschijnsel dat over de grenzen van de EU en de lidstaten reikt. Daarom is het voor het verwezenlijken van een krachtiger reactie onontbeerlijk dat er partnerschappen tussen de EU, derde landen, regio's en organisaties op internationaal niveau worden gesmeed en verstevigd. Daarom moet mensenhandel als gemeenschappelijk probleem en gezamenlijke beleidsdoelstelling een grotere prioriteit krijgen in de externe dimensie van de EU.

ii) In gevallen waarin mensenhandel een specifiek wederzijds punt van zorg is van de EU en belangrijke derde landen of regio's op internationaal niveau, kunnen de partijen trachten specifieke partnerschappen tegen mensenhandel in te stellen of specifieke overeenkomsten te sluiten om doelgerichte actie te kunnen voeren op alle belangrijke terreinen en voor alle bekende belangrijke zaken. De partnerschappen moeten gebaseerd zijn op een evaluatie van de behoeften, ook vanuit het oogpunt van een op de mensenrechten gebaseerde aanpak waarin het slachtoffer centraal staat, mogelijkheden voor praktische, operationele samenwerking, waaronder de mate waarin de gegevensbescherming in het kader van de uitwisseling van gegevens naar behoren functioneert, en rekening houden met ervaringen van bestaande partnerschappen, zowel bilaterale als multilaterale, onder meer op het gebied van mobiliteit, op terreinen die verbonden zijn met mensenhandel, zoals migratie. In dit verband moet de EU-totaalaanpak van migratie van 2005 (externe dimensie van het migratiebeleid van de EU), die onder meer de bestrijding van de mensenhandel beoogt, een essentieel referentiepunt zijn. De ministeriële conferenties inzake migratie die de afgelopen jaren plaatsvonden in het kader van de totaalaanpak van migratie (bijvoorbeeld in Rabat/Parijs, Tripoli, Albufeira, Praag), hebben dit voornemen voor het voetlicht gebracht en hebben geleid tot akkoorden over concrete projecten.

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<sup>1</sup> JLS/2008/ISEC/AG/061, Zweeds ministerie van Justitie, samen met de Internationale Organisatie voor Migratie, Oostenrijk, Finland, Italië, Portugal, de nationale rapporteur van Nederland en de Belgische organisatie Payoke.

De in punt 3.4. ii) bedoelde speciale dreigingsanalyse zal een grondslag bieden voor deze evaluaties. Er moet een reeks standaardbepalingen worden opgesteld, die moeten beantwoorden aan de criteria die in de betrokken specifieke overeenkomst zijn vastgesteld. Tevens moet worden overwogen een lijst van prioritaire derde landen en regio's op te stellen waarmee de EU partnerschappen moet ontwikkelen. Het instellen van uitwisselingsprogramma's voor specialisten op die gebieden, waar de betrokken partijen baat bij hebben, is een concrete manier om de samenwerking in dit verband op te voeren.

iii) Om adequaat te kunnen reageren op een nieuwe tendens of een nieuw patroon in de mensenhandel, bijvoorbeeld een aanzienlijke stijging van het aantal slachtoffers van mensenhandel met een soortgelijke achtergrond of reisroute, kan een in partnerschap met een derde land, regio of organisatie op internationaal niveau te verrichten gezamenlijke inspanning noodzakelijk worden geacht. Daartoe kunnen de lidstaten in samenwerking met EUROPOL en FRONTEX teams voor snel optreden oprichten. Deze teams moeten bestaan uit deskundigen uit de lidstaten, waaronder verbindingsofficieren, alsmede uit deskundigen van EUROPOL en FRONTEX, waar passend. Een team voor snel optreden moet worden ingezet om een specifiek derde land of een specifieke regio of internationale organisatie die actief is op het terrein van het migratiebeheer te ondersteunen, bijvoorbeeld door derde landen bij te staan bij het identificeren van slachtoffers van mensenhandel op luchthavens vóór het aan boord gaan of door te zorgen voor opleiding in het identificeren van slachtoffers en valse identiteitsdocumenten. Voordat een team voor snel optreden zijn werkzaamheden aanvat, moet worden gezorgd voor onderdak en bijstand voor de personen die in dat derde land als slachtoffers van mensenhandel geïdentificeerd worden.

iv) Om te zorgen voor een krachtiger reactie van de EU en een grotere prioriteit te verlenen aan mensenhandel in de externe dimensie van de EU moet de veelheid aan bestaande samenwerkingsregelingen ten volle worden benut, met inbegrip van toekomstige of herziene artikelen in samenwerkings- en associatieovereenkomsten, voor zover deze een meerwaarde opleveren of de uitvoering van bestaande internationale overeenkomsten verbeteren; landen- en regionale strategiedocumenten en indicatieve programma's; strategische partnerschappen en samenwerkingsprocessen zoals het stabilisatie- en associatieproces voor de westelijke Balkan; de gemeenschappelijke ruimte van vrijheid, veiligheid en recht tussen de EU en Rusland, de strategische partnerschappen van de EU en de VS en de EU en Canada; het Europees nabuurschapsbeleid; het Europees-mediterraan partnerschap; de Synergie voor het Zwarte-Zeegebied; het oostelijk partnerschap; het RVV-partnerschap tussen de EU en Oekraïne; het actieplan van Ouagadougou en de EU-Afrika-strategie; de dialoog met China en India; de strategie voor een nieuw partnerschap tussen de EU en Centraal-Azië; het versterkte partnerschap van de EU en de ASEAN; de samenwerking tussen de EU en Zuid-Aziatische landen, alsook met Latijns-Amerika en het Caribisch gebied.

v) Om van mensenhandel een prioritair thema te maken in de samenwerkingsregelingen tussen de EU, derde landen en regio's op internationaal niveau, moet mensenhandel misschien worden beschouwd als een terrein voor samenwerking op zich, waardoor de actieradius wordt verruimd tot andere beleidsgebieden dan JBZ en het mogelijk wordt op de noodzakelijke gebieden brede actie te ondernemen om de mensenhandel beter en duurzamer te bestrijden, en er synergieën kunnen ontstaan tussen maatregelen tegen mensenhandel en andere gerelateerde samenwerkingsgebieden, die van invloed zouden kunnen zijn op de dynamiek van de mensenhandel.

vi) De EU moet verder werken met internationale organisaties en regionale structuren op internationaal niveau, zoals het UNHCR<sup>1</sup>, het UNODC<sup>2</sup>, de IAO<sup>3</sup>, de AVVN<sup>4</sup>, de IOM<sup>5</sup>, de OVSE<sup>6</sup>, het ICMPD<sup>7</sup> en de Raad van Europa om met en in derde landen en regio's op internationaal niveau betere maatregelen tegen mensenhandel tot stand te brengen. Het acquis van de EU inzake mensenhandel moet worden uitgedragen, en daarnaast bieden multilaterale overeenkomsten zoals het Protocol van de Verenigde Naties inzake de voorkoming, bestrijding en bestraffing van mensenhandel, in het bijzonder vrouwenhandel en kinderhandel<sup>8</sup>, en het Verdrag van de Raad van Europa inzake de bestrijding van mensenhandel<sup>9</sup> een stevige basis voor partnerschappen tussen de EU, derde landen, regio's en organisaties op internationaal niveau. De EU moet aandringen op de ondertekening en bekrachtiging van het Verdrag van de Raad van Europa en bespreken welke houding moet worden aangenomen ten aanzien van de landen van bestemming en van doorreis die het VN-Protocol niet hebben bekrachtigd of de UNODC-vragenlijsten niet beantwoorden. Het toezichtsmechanisme (GRETA) van het Verdrag van de Raad van Europa kan concrete aanbevelingen leveren voor verder optreden in dit verband.

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<sup>1</sup> Hoog Commissariaat van de Verenigde Naties voor de Vluchtelingen

<sup>2</sup> Bureau van de Verenigde Naties voor drugs- en misdaadbestrijding

<sup>3</sup> Internationale arbeidsorganisatie (VN)

<sup>4</sup> Algemene Vergadering van de Verenigde Naties

<sup>5</sup> Internationale Organisatie voor Migratie

<sup>6</sup> Organisatie voor Veiligheid en Samenwerking in Europa

<sup>7</sup> Internationaal Centrum voor de ontwikkeling van het migratiebeleid

<sup>8</sup> Protocol van de Verenigde Naties inzake de voorkoming, bestrijding en bestraffing van mensenhandel, in het bijzonder vrouwenhandel en kinderhandel, tot aanvulling van het VN-Verdrag tegen grensoverschrijdende misdaad (2000) (het "Protocol van Palermo").

<sup>9</sup> Verdrag van de Raad van Europa inzake de bestrijding van mensenhandel, Warschau, 16.5.2005, Verdrag RvE nr. 197.

### **3.1 Omvang van het probleem**

i) Zonder informatie en cijfers is de omvang van de mensenhandel moeilijk te meten en is het lastig passend beleid te voeren, operationele en juridische antwoorden te vinden en initiatieven effectief uit te voeren. Daarom moet in de externe dimensie van de EU inzake mensenhandel een krachtige inspanning worden geleverd om een beter inzicht te krijgen in de dieper liggende oorzaken, de factoren in de landen van bestemming die mensenhandel in de hand werken, de heersende tendensen ten aanzien van slachtoffers, mensenhandelaars en criminele netwerken, hun werkwijze, de reisroutes en de diverse soorten uitbuiting.

Het werk binnen verscheidene EU-initiatieven<sup>1</sup>, die ertoe strekken een gestandaardiseerd systeem te ontwerpen voor het verzamelen van kwantitatieve en kwalitatieve gegevens over mensenhandel, moet - zodra het voltooid is - aan derde landen worden bekendgemaakt, zodat in de EU en derde landen een gemeenschappelijk of ten minste vergelijkbaar formaat wordt gehanteerd voor het verzamelen en vergelijken van gegevens over alle aspecten van mensenhandel.

ii) De EU moet blijven pleiten voor de aanstelling van nationale rapporteurs of gelijkwaardige mechanismes en coördinatiestructuren, bedoeld om de uitwisseling van informatie en zodoende het inzicht in het verschijnsel mensenhandel te verbeteren, tot wederzijds voordeel van de EU, derde landen, regio's en organisaties op internationaal niveau.

iii) Het informeel EU-netwerk van nationale rapporteurs en gelijkwaardige mechanismen, gebaseerd op de conclusies van de Raad van 4 juni 2009<sup>2</sup>, kan overwegen om bij het ontwikkelen van zijn activiteiten samen te werken en informatie uit te wisselen met de in punt 3.1.ii) bedoelde structuren in derde landen.

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<sup>1</sup> Bijvoorbeeld: Richtsnoeren voor het verzamelen van gegevens over mensenhandel (Oostenrijks ministerie van Binnenlandse Zaken en Internationale Organisatie voor Migratie, met de financiële steun van het programma "Preventie en bestrijding van criminaliteit", zie [www.iomvienna.at](http://www.iomvienna.at)), de Indicatoren van mensenhandel (IAO en Europese Commissie, zie [www.ilo.org](http://www.ilo.org)), de gestandaardiseerde overzichten en de blauwdruk voor het verzamelen en analyseren van statistische gegevens over kinderen die vermist zijn en seksueel worden uitgebuit en over mensenhandel, de SIAMSECT-bestanden, het Institute for International Research on Criminal Policy (IRCP) en Transcrime, de Universiteit Gent, het Handboek betreffende het verzamelen van gegevens in Zuidoost-Europa ter bestrijding van mensenhandel, ICMPD 2008, en de werkzaamheden in het kader van het Europees netwerk voor migratie, zie doc. 142/08 MIGRAPOL.

<sup>2</sup> 8723/4/09 CRIMORG 63 MIGR 43 ENFOPOL 86.



iv) Er moet worden gewerkt aan een EU-architectuur voor het verbeteren van het inzicht in mensenhandel, onder andere aan het ontwerpen van een gestandaardiseerd systeem voor het verzamelen en analyseren van gegevens als omschreven in i), maar daarnaast moet ook worden gedacht aan de ontwikkeling van een passende methode voor het opzetten van een beknopt systeem voor het verzamelen van gegevens in de vorm van een vereenvoudigde, georganiseerde lijst met een beperkt aantal sleutelindicatoren, alsook een mensenhandelindex van de EU, waarbij ook derde landen, regio's en organisaties op internationaal niveau worden betrokken.

### **3.2 Mensenhandel voorkomen, onder andere door de vraag aan te pakken en terug te dringen**

i) Er moet breder, gecoördineerd en samenhangend worden opgetreden tegen mensenhandel, en daarbij moet de externe dimensie van JBZ worden overstegen; daarom moet worden voortgegaan met het opstellen en uitvoeren van passende programmeringsactiviteiten en moet werk worden gemaakt van meer synergie tussen alle terreinen van het extern beleid (externe betrekkingen, ontwikkelingssamenwerking, sociale zaken, werkgelegenheid, gendergelijkheid, goed bestuur), met het oog op het bestrijden van de onderliggende oorzaken die personen kwetsbaar maken voor risicogedrag waardoor zij het slachtoffer van mensenhandel kunnen worden: armoede, gebrek aan kansen, genderongelijkheid en burgeroorlog zijn goede voorbeelden van dergelijke diepere oorzaken. Het is ook belangrijk dat werk wordt gemaakt van de factoren die de kwetsbaarheid van het slachtoffer vergroten, zoals een laag opleidingsniveau, corruptie, gendergerelateerd geweld en HIV/AIDS.

ii) Het onderwerp mensenhandel moet aan bod komen in de voorbereiding en de opleiding van internationale civiele politiemissies en andere missies, waarbij moet worden gedacht aan gedragscodes, melding van mensenhandelactiviteiten, de weigering om te worden betrokken bij activiteiten die bijdragen aan de uitbuiting van slachtoffers van mensenhandel en vermogens om lokale structuren die zich in het betrokken gebied bezighouden met mensenhandel, te helpen. Wanneer ondernemingen worden aangetrokken om in gebieden waar conflicten zijn uitgevochten, de sociale en fysieke infrastructuur te herstellen, moet ervoor worden gezorgd dat het personeel in verband met mensenhandel rekenschap moet afleggen.

iii) Wat mensenhandel naar de EU betreft en met het oog op een betere identificatie van de slachtoffers van mensenhandel moet verder worden gewerkt aan de opleiding van diplomaten, verbindingsfunctionarissen, consulaire personeel en ontwikkelingswerkers, aangezien deze mensen, wanneer het gaat om het verstrekken van visa en/of een veilige terugkeer, vaak het eerste contactpunt zijn tussen de overheid van het thuisland en de slachtoffers of mogelijke slachtoffers van mensenhandel. Ook dient ervoor te worden gezorgd dat deze functionarissen beschikken over goed materiaal waarmee ze personen die gevaar lopen het slachtoffer te worden van mensenhandel, kunnen voorlichten.

- iv) Om de samenleving te betrekken bij het voorkomen van mensenhandel, moet vervoers-ondernemingen die over de EU-grenzen actief zijn, worden verzocht richtsnoeren op te stellen, zoals een ethisch beleid voor de onderneming, opleiding van personeel, de keuze van uitsluitend leveranciers die mensenhandel afkeuren, voorlichting aan reizigers en contacten met belangrijke personen op de reisbestemmingen.
- v) Er moet worden doorgedaan met het nemen van maatregelen om de opsporing van slachtoffers en potentiële slachtoffers van mensenhandel aan de EU-grenzen te vergemakkelijken, waaronder het opzetten van verwijzingsystemen voor geïdentificeerde slachtoffers. Te dien einde is opleiding van grenswachten en wetshandhavers van cruciaal belang. Mensenhandel moet verder worden geïntegreerd in het werk van Frontex. Voorts moet de opleiding van wetshandhavers, ook in het kader van de werkzaamheden van de EPA, EUROPOL en FRONTEX, betrekking hebben op het verstrekken van gegevens over onder meer de nationale en internationale context van mensenhandel; het concept en de wetgeving ter zake; bilaterale, regionale en internationale samenwerkingsmechanismen; de verbanden tussen mensenhandel en andere vormen van georganiseerde misdaad; de diverse vormen van uitbuiting; het profiel van mensenhandelaars en slachtoffers van mensenhandel en specifieke gegevens over mensen- en kinderhandel. De opleiding moet ook gericht zijn op de ontwikkeling van vaardigheden op gebieden als het verzamelen van inlichtingen en bewijsmateriaal over mensenhandel; opsporingsmethoden en -technieken; de opvang van slachtoffers en het evenwicht tussen het belang van het slachtoffer en dat van het strafrechtelijk onderzoek.
- vi) Rekening houdend met de bestaande instrumenten moeten de checklists en/of indicatoren verder worden verfijnd en ontwikkeld ten behoeve van maatregelen ter verbetering van een snelle identificatie van slachtoffers aan de EU-grenzen, met inbegrip van de maatregelen als bedoeld in de punten iii), iv) en v). Bijzondere aandacht dient te worden besteed aan de identificatie en bescherming van niet-begeleide minderjarigen; daartoe dienen speciale procedures te worden gebruikt.
- vii) Bewustmakingsactiviteiten en opleiding, zoals het opstellen van lesprogramma's, moeten verder worden bevorderd om de identificatie en bescherming van slachtoffers te verbeteren, en moeten worden gericht op doelgroepen, zoals mogelijke slachtoffers, beleidsmakers, wetshandhavers en grenswachters, arbeidsinspecteurs, diplomatiek en consulaire personeel en andere betrokkenen in derde landen die in contact kunnen komen met slachtoffers van mensenhandel, zoals medisch en sociaal personeel en medewerkers van personeelsdiensten of vertegenwoordigers van reisbureaus. De bewustmakingscampagnes moeten er in het algemeen toe strekken een gemeenschappelijk logo voor de campagnes te ontwikkelen of een reeds ontwikkeld logo aan te passen, de paraatheid te vergroten om mensenhandel adequaat aan te pakken, de institutionele capaciteit te versterken en de duurzaamheid van de activiteiten te verbeteren. De doeltreffendheid en duurzaamheid van de bewustmakingsactiviteiten moeten worden geëvalueerd.

viii) Beklemtoond moet worden dat, om mensenhandel succesvol te voorkomen en te bestrijden, ook iets moet worden gedaan aan de vraagzijde. Om de vraag - de dieper liggende oorzaak die alle vormen van uitbuiting in de hand werkt en tot mensenhandel leidt - te ontmoedigen, moeten wetgevende of andersoortige maatregelen, zoals onderwijskundige, sociale, culturele en bestuurlijke maatregelen, worden vastgesteld of aangescherpt. Er moeten maatregelen worden genomen om de vraag naar seksuele uitbuiting, alsmede de vraag naar uitbuiting op arbeidsgebied, met name in sectoren die daar bijzonder gevoelig voor zijn zoals de landbouw, de bouw, catering en toerisme en huishoudelijke hulp, te voorkomen en te ontmoedigen.<sup>1</sup>

ix) Aangezien er een vraag is naar seksuele diensten, worden kinderen naar toeristenoorden verhandeld en daar misbruikt door seksuele delinquenten, van wie sommigen uit lidstaten van de EU komen. Kinderen worden ook verhandeld voor het maken van kinderporno. Bij voortzetting en uitbreiding van de actieve rol van de EU in internationale fora voor de bevordering van de rechten van het kind, moet meer aandacht worden geschonken aan reizende seksuele delinquenten en de productie van kinderporno. Er moet een beter inzicht komen in de invloed van toerisme vanuit de EU op uitbuiting van kinderen door reizende seksuele delinquenten, zodat er passende tegenmaatregelen kunnen worden genomen, waaronder bewustmakingscampagnes voor reisbureaus en het toerisme.

### **3.3 Bescherming en ondersteuning van slachtoffers van mensenhandel**

i) Tot de belangrijkste maatregelen die voortdurend aandacht moeten krijgen om te garanderen dat een slachtoffer van mensenhandel goede bescherming en steun krijgt, behoren ook de maatregelen inzake aspecten als veilige en passende huisvesting, advies en voorlichting, het verlenen van internationale bescherming overeenkomstig Richtlijn 2004/83/EG, rechtsbijstand, medische zorg, psychologische en materiële bijstand. Voor de uitvoering van bestaande internationale instrumenten is het van wezenlijk belang dat het slachtoffer een bedenperiode krijgt en dat er tijdelijke verblijfsvergunningen kunnen worden afgegeven. Het recht op bescherming en de erkenning van de belangen van het kind als slachtoffer van mensenhandel, moeten altijd worden gegarandeerd.

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<sup>1</sup> Verdrag van de Raad van Europa inzake de bestrijding van mensenhandel, artikelen 6 en 19, en VN-Protocol inzake de voorkoming, bestrijding en bestraffing van mensenhandel, artikel 9, lid 5.

ii) De instelling van verwijzingsmechanismes - inclusief grensoverschrijdende verwijzing en verwijzing in de trant van die welke in het OVSE-handboek beschreven is, zodat slachtoffers van mensenhandel adequaat kunnen worden geïdentificeerd en doorverwezen, en ze goede bijstand krijgen zoals bedoeld onder i), en hun rechten daarbij worden beschermd - moet verder worden verbeterd middels partnerschappen tussen de EU, derde landen, regio's en organisaties op internationaal niveau. Verwijzingsmechanismes omvatten minstens het volgende:

- richtsnoeren over de identificatie en behandeling van slachtoffers van mensenhandel, evenals specifieke richtsnoeren over de behandeling van kinderen, zodat ze goede bijstand krijgen die is afgestemd op hun speciale kwetsbaarheid en rechten,
- een betrouwbaar en slachtoffergericht systeem om slachtoffers van mensenhandel te verwijzen naar gespecialiseerde instanties en organisaties die bescherming en steun bieden,
- ontwikkeling van mechanismes die de bijstand aan slachtoffers van mensenhandel koppelt aan inspanningen op het gebied van onderzoek en vervolging.

### **3.4 Opsporing, vervolging en controle aan de buitengrenzen van de EU**

i) In de voortdurende verbetering van de samenwerking tussen FRONTEX, EUROJUST en EUROPOL en derde landen middels de uitvoering van samenwerkingsovereenkomsten, contactpunten en operationele activiteiten moet mensenhandel naar voren komen als een prioriteit.

ii) Kenmerk van de criminele groeperingen die aan mensenhandel doen, is dat zij niet alleen actief zijn in landen van oorsprong en doorreis, maar ook in lidstaten van de EU. Het grensoverschrijdend verkeer van criminelen, hun "goederen" - slachtoffers in het geval van mensenhandel - en opbrengsten uit hun activiteiten, vormt een ernstige bedreiging voor de gemeenschap. Overeenkomstig de conclusies van de Raad van 12 oktober 2005 over rechtshandhaving op basis van inlichtingen<sup>1</sup> en de conclusies van de Raad over de architectuur van de binnenlandse veiligheid<sup>2</sup>, moet een speciale dreigingsevaluatie met betrekking tot mensenhandel naar de EU, ook uit derde landen en regio's, worden gemaakt, op basis van de door de lidstaten ingezonden bijdragen voor de dreigingsevaluatie van georganiseerde criminaliteit (OCTA) van EUROPOL<sup>3</sup>, de dreigingsevaluatie van de Russische georganiseerde criminaliteit (ROCTA)<sup>4</sup>, de dreigingsanalyse van georganiseerde criminaliteit in Zuidoost-Europa (SEEOCTA)<sup>[...]</sup> en in overeenstemming met de prioriteiten die zijn vastgesteld in de conclusies van de Raad over de prioriteiten van de EU in de strijd tegen de georganiseerde criminaliteit voor 2009 en 2010<sup>5</sup>, mede op basis van informatie, risicoanalyses en studies van FRONTEX, EUROJUST, Cospol (Alomvattende operationele strategische planning voor de politie)-projecten in het kader van de TFHP (Task Force van EU-politiechefs) en aangevuld met informatie van de lidstaten en derde landen indien beschikbaar. Bij het evalueren van de haalbaarheid van partnerschappen ter bestrijding van mensenhandel en bij het opstellen van een lijst van prioritaire derde landen en regio's in de zin van punt 3 ii) zal de speciale dreigingsanalyse een grondslag vormen.

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<sup>1</sup> 10180/4/05 CRIMORG 56 ENFOPOL 75.

<sup>2</sup> 9596/06 JAI 271 CATS 104.

<sup>3</sup> 8061/09 CRIMORG 47 RESTREINT EU

<sup>4</sup> 15819/08 CRIMORG 197 EUROPOL 244 (EU RESTREINT).

<sup>5</sup> 8301/3/2009 CRIMORG 54.

iii) Regionaal en nationaal onderzoek over mensenhandel, zowel gerechtelijk als politieel, moet vaker over de grenzen van de vervolgende staat reiken, en zelfs tot landen buiten de EU, als men de mensenhandel wil terugdringen. Daartoe moet mensenhandel worden beschouwd als een van de prioriteiten bij het ten uitvoer leggen van verzoeken van andere landen. De oprichting van gezamenlijke onderzoeksteams en ten minste het gebruik van spiegelonderzoek ("mirror investigations") moet worden aangemoedigd. De wetshandhavingsinstanties van de lidstaten moeten ook profiteren van het bestaan van organisaties zoals EUROJUST, EUROPOL en FRONTEX om ervoor te zorgen dat het gebruikelijk wordt om in een vroeg stadium met deze organisaties contact op te nemen en dat derde landen en organisaties, bijvoorbeeld Interpol of het Zuidoost-Europees samenwerkingsinitiatief (SECI), betrokken worden bij de operationele werkzaamheden die door deze agentschappen worden verricht of ondersteund. Uitwisseling van informatie en inlichtingen over operaties, onderzoek en vervolgingen, zal bijdragen aan een optimaal inlichtingenplaatje en de ontwikkeling van wetshandhaving op basis van inlichtingen over mensenhandel, alsmede aan de operationele steun voor wetshandhavings- en justitiële maatregelen tegen mensenhandel.

iv) Overwogen moet worden om binnen de bestaande structuren verder werk te maken van het uitbouwen van een EU-netwerk van wetshandhavers en officieren van justitie van de lidstaten, EUROJUST, EUROPOL en FRONTEX, dat kan helpen bij het uitwisselen van beste praktijken, het verzamelen van gegevens en het signaleren van trends en ontwikkelingen, met inachtneming van de rol van Europol en EUROJUST wat betreft hun bevoegdheden bij het oprichten van gezamenlijke onderzoeksteams. Om zijn activiteiten te ontwikkelen kan dat netwerk financiële steun vragen uit een relevant EU-programma, waaronder het programma "Preventie en bestrijding van criminaliteit".

v) Het netwerk van verbindingsfunctionarissen, waaronder immigratiefunctionarissen, moet meer aandacht schenken aan mensenhandel met het oog op het verbeteren van de operationele samenwerking en de gegevensuitwisseling die nodig is om in voorkomend geval gezamenlijke onderzoeken tussen EU-lidstaten en onderzoeken tussen EU-lidstaten en derde landen of regio's te vergemakkelijken.

### **3.5 Veilige terugkeer en reïntegratie**

i) Bij het streven naar de instelling van duurzame structuren voor de veilige en voor zover mogelijk vrijwillige terugkeer en geslaagde reïntegratie van slachtoffers van mensenhandel moeten netwerken en uitwisselingen over de EU-grenzen heen tussen organisaties die slachtoffers hulp bieden, worden aangemoedigd en versterkt, waarbij het doel ook is de informatie van al dan niet gouvernementele steunverleners toegankelijker te maken, en voor slachtoffers van mensenhandel programma's op te stellen voor veilige, vrijwillige terugkeer en reïntegratie. Een EU-portaalsite tegen mensenhandel en de opstelling van modelregelingen voor specifieke landen zou voor dat doel nuttig kunnen zijn.

ii) In programma's voor reïntegratie en terugkeer moet worden gestreefd naar autonomie en sociale insluiting van slachtoffers van mensenhandel, naar veiligheid en welzijn van het slachtoffer, naar mogelijkheden om reële middelen van bestaan te vinden, moet worden voorkomen dat zij opnieuw slachtoffer worden en moet het risico op herhaling van mensenhandel worden teruggedrongen. Opgemerkt dient te worden dat de slachtoffers van mensenhandel uit derde landen waaraan een tijdelijke verblijfsvergunning is verleend krachtens Richtlijn 2004/81/EG van de Raad, niet zullen worden onderworpen aan een inreisverbod krachtens artikel 11, lid 3, van de terugkeerrichtlijn (Richtlijn 2008/115/EG).

## **VI. Follow-up**

De Commissie en het secretariaat van de Raad houden nauwkeurig bij hoe de in dit document uiteengezette maatregelen en activiteiten vorderen en brengen daarover eens in de 18 maanden verslag uit aan de Raad Justitie en Binnenlandse Zaken en de Raad Algemene Zaken en Externe Betrekkingen, te beginnen in juni 2011. Dit verslag wordt opgesteld in het kader van de procedure die is uiteengezet in de strategie voor de externe dimensie van JBZ. Eurojust, Europol, het Bureau voor de Grondrechten en Frontex worden uitgenodigd bij te dragen aan de monitoring van dit actiegericht document, waar dat nodig is.

Zonodig komen het voorzitterschap, het secretariaat van de Raad, de Commissie en geïnteresseerde lidstaten in de Raadsstructuren bijeen om op de uitvoering van dit actiegericht document toe te zien, en de uitvoering te evalueren, te herzien, en bij te werken. Deze bijeenkomsten moeten bijdragen aan een samenhangende aanpak voor het ontwikkelen van de EU-Strategie voor de externe dimensie van Justitie en Binnenlandse Zaken.

Summary of current action by the Member States and the Commission

**Austria**

Because of its geographical location at the centre of Europe, Austria is affected by human trafficking both as a transit country and target destination. According to estimates, the most frequent phenomena of human trafficking in Austria include sexual exploitation, slave-like situations of domestic servants and child trafficking.

In line with the provisions set out in the Austrian National Action Plan Against Human Trafficking, Austria takes a comprehensive approach in combating human trafficking involving coordination at the national level, prevention, victim protection, criminal prosecution and international cooperation. Austria is a state party to all relevant legal instruments on combating human trafficking. It undertakes every effort to implement the relevant international obligations and take concrete measures to give them substance.

The Task Force on Human Trafficking, which is headed by the Federal Ministry for European and International Affairs (FMEIA), was set up by a Ministerial Council Resolution in November 2004 and charged with coordinating and intensifying the measures taken by Austria in combating this crime.

An important goal in combating human trafficking is raising the Austrian public's awareness to this issue. Consequently a number of events that attracted both public and media attention were organised in 2007, 2008 and 2009, including discussions platforms "Joining Forces Against Human Trafficking". Supported by Austria, the United Nations Office on Drugs and Crime (UNODC) organised an event entitled "UN.GIFT – Vienna Forum to Fight Human Trafficking" at the Vienna International Center (Austria Center Vienna) from 13 to 15 February 2008. As a host of important international organisations with headquarters in Vienna, Austria tries to make the best possible use of synergies opening up in this context.



Measures were also launched by the Federal Ministry of the Interior to further sensitise law enforcement officers to the issue of human trafficking.

The Federal Ministry of the Interior employs liaison officers in the fight against trafficking in human beings in non-EU countries like Algeria, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Georgia (covering Azerbaijan, too), Jordan, Kosovo, Moldova, Morocco, the Russian Federation, Serbia, Turkey and Ukraine.

Furthermore, the Federal Ministry of the Interior uses Interpol for operational cooperation with third-countries and is engaged in several bilateral and multilateral projects and initiatives, which cover the fight against human trafficking. Amongst others, the Federal Ministry of the Interior cooperates on bilateral level to protect family members of victims of trafficking in their home countries and trains law enforcement officers in the identification and protection of possible victims of trafficking in third countries.

Cooperation with Austria-based foreign representations of countries of origin was further intensified. In this context the inclusion of the topic of human trafficking in consular staffs' training curriculum and the dissemination of information folders in the respective national language at the Austrian representations abroad contribute to further raising staff's awareness and sensitising them to the topic of human trafficking before issuing a visa.

A large number of the activities undertaken by Austria aim to contribute to improving the situation in the countries of origin (awareness raising for the local population; measures to improve the socio-economic situation of particular high-risk groups; training of law enforcement officers; support and assistance for the return of trafficked victims. In this context South East Europe is one of the priority regions of the efforts launched under the Austrian Development Cooperation and Cooperation with Eastern Europe/Austrian Development Agency (OEZA/ADA).

Another major challenge in combating human trafficking is the collection of reliable and comparable data in all EU Member States. Austria supports the relevant activities within the EU aimed at elaborating directives and standards for the collection of data on the topic of human trafficking.

As regards victim protection and cooperation with third countries, the city of Vienna created a special shelter for children and for this purpose established a new institution in 2003 “Die Drehscheibe” – which would translate as the “Revolving disk” in English - a centre for victims of child trafficking and unaccompanied minor foreigners. The aim was not only to take care of these children but also to cooperate with the countries of origin such as Romania, Bulgaria, Slovakia, Hungary, Georgia and China to find long-term solutions. Social workers from Vienna hold training courses for the staff in the countries of origin, and Vienna also supports the construction of “crisis centres.” These long-term measures of the “Drehscheibe” provide children with the possibility of a safe return to their home countries.

## **Belgium**

The initiatives of the Belgian Ministry of Foreign Affairs with respect to preventive diplomacy include the funding of the International Organization for Migration’s “Information Campaign on Prevention of the Trafficking in Human Beings in the Russian Federation (St Petersburg region). Belgium’s financial contribution to that campaign amounted to Eur. 270.350 (budget of the Ministry of Foreign Affairs).

Moreover, the Belgian Ministry of Foreign Affairs issues directives for diplomatic staffs based in certain positions. Indeed, referring to the National Action Plan, it has been asked to our diplomatic staff in twelve specific countries to provide the Ministry with an evaluation on the following questions/issues:

1. How does the return of victims in countries of origin proceed? In particular:
2. Do specialized shelters exist in these specific countries?
3. How do local authorities react towards victims of human trafficking?
4. How high are the risks that victims of human trafficking are being re-victimized by local traffickers?

The Immigration Office also has a project with a third country, namely Brazil. Indeed, the Immigration Office, which is part of the Ministry of Home Affairs, is willing to finance (up to 50 000 EUR) Brazilian official institutions or NGOs, if relevant, so that they can afford a campaign in particular regions of Brazil (the states of Goiás and Minas Gerais) about the issue of human trafficking. As a matter of fact, Brazilian nationals, especially from the states of Goiás and Minas Gerais, are often victims of traffickers in human beings in Belgium. Brazilian victims are usually recruited in their home country before being taken to the Belgian territory where they often are economically exploited by traffickers.

The objective of the Immigration Office is to provide potential victims with relevant information about trafficking in human beings and to raise awareness of potential migrant against the activities of traffickers. This objective is to be achieved by organizing an information campaign in both Brazil (especially in the regions of Goiás and Minas Gerais) and Belgium. Concretely, the Immigration Office is planning to mandate a Brazilian local NGO or official institution to organize the information campaign in the relevant regions. The Office also provides for the setting up of a close collaboration between the Brazilian embassy, the local Brazilian NGOs and Belgian authorities.

The Belgian government also adopted an Action Plan against trafficking in human beings which contains actions to be undertaken at the international level by Belgium. These actions include the active representation of Belgium in multilateral negotiations and the communication of its 'savoir-faire' in the field of anti-trafficking policies. Moreover, the Action Plan provides for the ratification of the Council of Europe Convention on trafficking in human beings. This action has just been achieved since Belgium has ratified the Convention in April 2009.

Moreover, Belgium has been involved in prevention activities aimed at raising awareness among potential victims in their country of origin. Indeed, a project of 'flyer' has been developed by the Belgian Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings<sup>1</sup>. The 'flyer' is to be inserted in visas which are delivered by Belgian embassies in 'sensitive' countries (i.e. countries whose population is highly represented among THB victims). The idea is to inform migrants about the risk of being trafficked in the country of destination.

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<sup>1</sup> The Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in Human Beings is a Belgian multiagency body, made up of all the federal (operational as well as political) actors actively involved in the fight against human trafficking. The Interdepartmental Unit is chaired by the Belgian Minister of Justice.

## **Bulgaria**

**LEGISLATION:** Trafficking in human beings was criminalized in the Bulgarian Penalty Code in 2002. In April 2009, the Penalty Code was amended to include more severe punishments and fines for trafficking. A new article that targets demand for services from victims of trafficking was added to harmonize the Penalty Code with article 19 of the Council of Europe Convention on Action against Trafficking in Human Beings.

Within the budget of Ministry of Justice a special fund for compensation to victims of crime exists including victims of human trafficking under the Crime Victim Assistance and Financial Compensation Act (2007).

The Combating Trafficking in Human Beings Act was adopted in 2003. It founds and lays out the functions and responsibilities of the National Commission for Combating Trafficking in Human Beings.

**NATIONAL COORDINATOR:** The National Commission for Combating Trafficking in Human Beings organises and coordinates the interaction between the institutions and organisations executing the Combating Trafficking in Human Beings Act. It determines and directs the execution of the national policy and strategy for prevention of human trafficking.

The National Commission for Combating Trafficking in Human Beings establishes Local Commissions for Combating Trafficking in Human Beings in risky regions in Bulgaria. Currently, there are five established Local commissions. The Local commissions implement the national policy at regional level given local tendencies in the “human trafficking” phenomenon. They organize and coordinate cooperation and counteraction and prevention efforts at local level.

**NATIONAL PROGRAMME:** Annually, the National Commission for Combating Trafficking in Human Beings develops a National Programme for the Prevention and Counteraction of Trafficking in Human Beings and Protection of the Victims. Priority in the Programme is given to prevention and victims’ protection especially to women and children.

**PROTECTION:** In April 2009, the first state-funded shelter for adult victims of human trafficking was opened by the National Commission.

A total of eight state crisis centres for children victims of violence and human trafficking exist.

**PREVENTION:** The National Commission for Combating Trafficking in Human Beings conducts awareness and information campaigns in partnership with institutions, international and non-governmental organizations on national and local levels. In 2008, the National Commission carried out three main national prevention campaigns:

- 16 Days against Violence against Women The campaign was launched with a video conference with the participation of Ambassador Mark Lagan, Director of the Department for Combating Human Trafficking with the State Department and Senior Advisor to the Secretary of State. Together with the International Institute for Security and Cooperation, the National Commission conducted several round-tables throughout the country. The campaign was closed officially with a round-table discussion with the special participation of Ms. Eva Biaudet, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings.
- Safe Vacation - The campaign was aimed at the students with a view to increasing their awareness about the problem and the methods of involvement in trafficking. The campaign targeted possible threats for student during their summer vacation.
- 18 October – European Day against Human Trafficking under the motto „Trafficking in Human Beings: Time for Action”. Within a ten-day campaign, a school lesson was conducted dedicated to the problem of human trafficking for students from the 5th to the 12th grade in more than 3,000 schools in the country. The campaign had two target groups – students from the 5th to the 12th grade and their teachers.

**REFERRAL MECHANISMS:** Coordination mechanism for referral, care and protection of repatriated Bulgarian unattended minors and children – victims of trafficking returning from abroad The Coordination mechanism for referral, care and protection of repatriated Bulgarian unattended minors and children – victims of trafficking returning from abroad was officially signed by the Chairperson of State Agency for Child Protection, by the Deputy Minister of Interior, the Deputy Minister of Labour and Social Policy and by the Deputy Executive Director of Agency for Social Assistance in 2005.

By signing of the Coordination mechanism in 2005, the approach of Bulgarian institutions for undertaking coordinated actions and clear delimitation of responsibilities was unified. These led to an efficient application of the anti trafficking legislation. The Coordination mechanism explicitly describes the coordinated actions and clear responsibilities of all actors in cases of trafficked children.

#### National Referral Mechanism for Assistance of Victims of THB (NRM)

Since April 2008, the National Commission for Combating Trafficking in Human Beings has been the main partner in the development of a National Referral Mechanism for Victims of THB (NRM). The purpose of the NRM is to develop a victim centred system for referral of trafficked persons in Bulgaria and to ensure their access to social, psychological, medical and legal services, to humanitarian and reintegration programmes. In the frame of NRM several documents were developed: Mapping the providers of social services for victims of THB in Bulgaria and analysis of the recent gaps and needs; NRM structure – standard operating procedures; Common indicators for identification of victims of THB.

#### Transnational referral mechanism (TRM)

Bulgaria participates as a junior partner in the project of „Programme to Support the Development of Transnational Referral Mechanisms for Victims of Trafficking in South-Eastern Europe” and as an expert partner in the “Development of a Transnational Referral Mechanism for victims of trafficking between countries of origin and destination” implemented by ICMPD. Coordinator for the country is the National Commission for Combating Trafficking in Human Beings. The aim of the projects is the development of mechanisms necessary for comprehensive transnational victim support and institutionalized cooperation on transnational cases between participating countries.

## Cyprus

Domestic legislation has included provisions for the offence of sexual exploitation of persons since 2000. In 2007 though, the previous law was replaced by the Combating of Trafficking and Exploitation of Persons and the Protection of Victims Law, Law No. 87(I)/2007. This new law includes provisions for trafficking and various other forms of exploitation. Indeed, this law is comprehensive and applicable in all its forms, considering the *acquis communautaire*, international conventions and protocols, as well as the domestic legislation. On the 12th of October 2007, the Government of the Republic of Cyprus ratified the Council of Europe Convention on Action against Trafficking in Human Beings, by Law No. 38(III)/2007.

Under the provisions of the new law, a multidisciplinary group was set up. The group meets under the presidency of the national coordinator, i.e. the Minister of Interior. The group consists of representatives of the governmental department / services and NGOs. The tasks of the multidisciplinary group are to review and amend the national action plan, to prevent, fight and suppress human trafficking, to support the victims, to cooperate with the countries of origin, transit or other destination countries for the victims, to take measures for the effective application of the national action plan, to recommend changes in the Law, to organize seminars and training programs for the members of the services involved, etc.

Furthermore, the Law 87(I)/2007 includes provisions for the protection and support of the victims. All victims are offered assistance and support either by the Social Welfare Services or by NGOs.

Most of the victims are referred to the governmental shelter for victims of trafficking, which operates since 26/11/2007, under the direction of the Social Welfare Services of the Ministry of Labor and Social Insurance. The identified victims are given a 30 days reflection period in order to recover from their exploitation and consciously decide on whether they will participate in criminal proceedings.

A National Action Plan for the coordination of actions to combat trafficking in human beings and the sexual exploitation of children was set up by a Group of Experts, consisted of representatives of Governmental departments and NGOs. The National Action Plan is under revision. The new version will be issued at the end of the year.

In 2004, a THB Office was established within the Police. The main task of the Office is to coordinate all actions related to THB, undertaken or conducted by various Police departments. Besides, training seminars for the law enforcement officers have been occasionally organized, at the Cyprus Police Academy. Apart from the seminars dealing with the usual issues of THB, specific seminars were organized, presenting the issues of International cooperation and that of the Operation Bagdad. Moreover, members of the Office participate in numerous relevant seminars abroad, organized by the E.U., Europol, Interpol and other organizations.

Human Trafficking is considered as a cross-border crime and the Government is committed to working with international partners to address this problem. Towards this direction, the Cyprus Police actively participates in the Europol's AWF Phoenix and contributes to Interpol's requests as well as to mutual assistance requests.

For the suppression of organized crime, the Government of the Republic of Cyprus has concluded bilateral agreements which provide for the cooperation in combating and preventing organized crime and other forms of criminality. In addition, the government of the Republic of Cyprus has signed multilateral and bilateral agreements with the following European and third countries: Austria, Czech Republic, Estonia, France, Greece, Hungary, Ireland, Italy, Latvia, Malta, Poland, Slovakia, Slovenia, Spain, United Kingdom, Romania and Bulgaria, Armenia, China, Cuba, Egypt, India, Iran, Israel, Lebanon, Libyan Arab Janahiriya, Russia, Syria and Ukraine.

Finally, an information campaign was launched by the Ministry of Interior from December 2008 to April 2009, to raise awareness of the general public. Television spots were broadcasted on the CyBC (Cyprus Broadcasting Corporation), posters were put up on highways, at airports, bus stops, universities, colleges and governmental buildings. Moreover, leaflets were handed out at airports and through the daily mail.



## Czech Republic

There are many activities to combat trafficking in human beings in the Czech Republic, which are more or less similar to other activities in EU MS. Therefore regarding the legislation, statistics, NRM, voluntary and safety return we refer e. g. to “2008 Status Report on Trafficking in Human Beings in the Czech Republic”<sup>1</sup>. This text therefore reflects mainly the recent activities of the Czech Republic in relation to the third countries.

- The Ministry of Foreign Affairs (hereinafter referred to as the ‘MFA’) is involved in the Inter-ministerial Co-ordination Group (hereinafter referred to as the ‘IMCG’) especially in order to ensure the smooth exchange of information with embassies and consulates of the Czech Republic abroad. Consular officials at all embassies and consulates were notified of the issue of trafficking in human beings. They received material developed for the purpose of training of consular officials. In 2008 the MFA **distributed preventive materials drawn up by the IOM in 2007 for consular official working in ten selected source countries** (Russia, Ukraine, Belarus, Moldova, Serbia, Macedonia, Albania, Bosnia and Herzegovina, Romania, and Bulgaria). The project was financed by the Ministry of Interior (hereinafter referred to as the ‘MoI’).

At the same time the area of trafficking in human beings was included in training sessions for consular officials before their departure to a consulate or embassy. Training was provided predominantly to officials sent to work in the above selected countries. Such training sessions will continue also in 2009, whilst consuls who are to work in selected countries will be also trained by officials from the MoI. Further in 2008 the MFA assisted La Strada with the distribution of booklets dealing with the prevention of trafficking in human beings and the exploitation of Vietnamese migrants.

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<sup>1</sup> [www.national-rapporteurs.eu](http://www.national-rapporteurs.eu) or <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx>

- The MoI set up on the basis of information on victims included in the Programme of Support and Protection of Victims of Trafficking (hereinafter referred to as the ‘Programme’) an **indicative list of countries which may be, in terms of the Czech Republic, relevant as both source and target countries. This list was, after the comments of members of the IMCG, adjusted and then distributed to 34 Czech embassies and consulates abroad with a request to obtain information**, in particular from public administration authorities. With respect to the short time limit for the processing of such information the MoI received through the MAF only partial information. However even this data provided very interesting and in some cases new information and will be used for more precise and targeted preventive and informative activities in 2009. At the same time it was specified that in mid 2009 the list would be updated and new information will be requested from abroad. Czech embassies and consulates will be informed about such requirement by the MoI plenty in advance. The following source countries were included in the list for 2008: Ukraine, Russia, Slovakia, Kyrgyzstan, Vietnam, Mongolia, Romania, Moldova, Lithuania, Uzbekistan, Bulgaria, Brazil, Turkmenistan, China, Macedonia, Belarus, Thailand, Ghana, Senegal, and Nigeria. As regards target countries the following were included: the United Kingdom, Spain, Italy, France, Germany, the Netherlands, Belgium, Austria, Ireland, Denmark, Sweden, Switzerland, Greece, Japan, Israel, Mexico, and the USA.
- In 2008 the MoI entered into cooperation with representatives of the University of Defence in Brno. **Seminars focusing on the issue of trafficking in human beings for the need of the Army of the Czech Republic** and scientific research were conducted within the Ministry of Defence. In 2008 one lecture was held which will be followed up in 2009 by regular seminars held for soldiers within the post-secondary school for military officers and for general staff.
- On the basis of experience gained during a pilot project of **prevention aimed at clients of prostitution an information campaign against trafficking in human beings** was launched in 2007. This campaign continued in 2008 and 2009. It concentrates on a target group of clients of prostitution and indirectly on victims of trafficking in human beings for the purpose of sexual exploitation. Partner organisations established for the purpose of the campaign a platform “Together against Trafficking in Human Beings”; the slogan of the campaign was ‘Don’t Be Afraid to Say It on Her Behalf’. Web sites in the Czech, English and German

languages have been implemented ([www.rekni-to.cz](http://www.rekni-to.cz); [www.sage-es.cz](http://www.sage-es.cz); [www.say-it.cz](http://www.say-it.cz)). Partner organisations operated telephone lines. Promotion materials of the campaign were disseminated on public means of transport and at the airport in Prague, at border crossing points with Germany and Austria and in clubs and restaurants in large cities in the Czech Republic. The visuals of the campaign were printed also on tourist maps and erotic journals. The campaign was welcomed positively by the target group, professionals as well as by the media and consequently it contributed to a raised awareness of the general public of trafficking in human beings. Some information notifying of suspicions of trafficking in human beings in the Czech Republic received via telephone or e-mail were examined. The web pages were visited by many people and will be operated in the future in addition to the telephone lines. In the next part of the campaign materials were distributed in public means of transport in about 10 largest cities of the Czech Republic. Currently, additional agreements were concluded to extend the campaign in Prague and in Brno. About 300 promotional picture postcards created within the campaign were distributed through partner organisations to Germany.

- The methodology of how to proceed in case of getting in contact with a potential victim of human trafficking was also prepared for medicine doctors. The manual was prepared and issued in May 2005 by the Czech Society for Protection of Children on the basis of the project of Medical Prevention of Crime assigned by the Ministry of Health. The **doctor's manual informs about the issue of human trafficking, lists the signs on the basis of which the victim may be identified (including symptoms) and instructs them how to act in such cases.** The manual, including a short leaflet, will be distributed among doctors and published in other internal materials of the Ministry of Health.

- In 2006 the MoI accredited a training programme (pursuant to Sec. 20 of Act 312/2002 Coll., on Officials of Self-governing Territorial Units and on the Amendment to Some Other Act, as amended - ongoing training for officials of social departments, other staff of regional and local authorities and street-workers; a target group comprised **officials of social departments of Regional Authorities and Municipal Offices in municipalities with an extended scope of competences, other municipalities and street-workers of NGOs**). In autumn 2006 a joint application of the MoI and Ministry of Social Affairs and the Ministry of the Interior for financial assistance from the Operational Programme – Human Resources Development – for the national project ‘Training of Social Service Officials in the Issue of Trafficking in Human Beings’ was approved. The project was implemented from September to December 2007 with a number of seminars organised (minimally one seminar was held in each region, while in those regions more affected by prostitution two seminars were organised). In total 2,000 relevant booklets and 12,000 leaflets (8,000 in Czech, 2,000 in Russian, and 2,000 in Vietnamese) were published and distributed, and several types of handouts with contacts for relevant assisting organisations were produced.
- At the end of 2006 an analysis was carried out by IOM, upon the request of the MoI Interior, entitled ‘Analysis of an Offer for Intermediating Work for Foreign Nationals Published by Brokers in Russian Written Journals in the Czech Republic’. Its objective was to provide an insight into how Russian written media is made use of with regard to the aim of offering intermediation of work or offering to legalise residence. This analysis also demonstrated wide-ranging, frequently illegal or corrupt, offers such as obtaining visas, establishing business undertakings, or speeding up some procedures. During 2007 some results of this analysis were used by relevant authorities (such as the criminal police, ABPS, UCOC, the MLSA, and so on).

- The Ministry of Education, Youth and Sports in cooperation with the MoI used the offer of IOM Prague and addresses, through regional authorities, secondary schools with the offer of a pilot implementation of ten **discussions with students of selected secondary schools**. Such discussions were held within lessons at the end of the second term of the academic year 2006-2007, **when students try to find work or temporary work abroad**. Schools showed great interest in the discussions (the demand was, in terms of financial support for this pilot project, three times higher than the offer). In comparison with the original objective to organise seminars in the most risk areas (especially in areas displaying higher unemployment rates) it was finally decided to hold such discussions in different regions at different types of schools. Discussions focused not only on providing information on labour migration and general information on trafficking in human beings, but also on overall mapping of knowledge of secondary school students on the issue in question. At the end of the project a report which mapped the knowledge and attitudes of students in this area and contained a range of useful recommendations was submitted.
- With regard to establishing competition with the so-called client system (illegal labour brokers) and to prevent labour exploitation of migrants, two projects, financed by the Czech Government and implemented by the Charity of the Czech Republic, are important: Preventing Illegal Migration from Ukraine to the Czech Republic and Preventing Exploitation of Labour Forces in the European Labour Market with a Special Focus on the Czech Republic. In the framework of projects held in Ukraine, the Charity of the Czech Republic operates, inter alia, three information centres which provide free assistance in obtaining all required documents for legal residence and work in the Czech Republic and they offer help with journey and accommodation. The aim of the project is to eliminate illegal and exploitative practices of criminal networks of facilitators and brokers of illegal work.

- Also a pilot project of implementing “**Assistance System for the Employment of Ukrainian Nationals**” was carried out under the support of the Ministry of Labour and Social Affairs and the MoI. As of 1 January 2008 a development project of the MoI was terminated and the work was finished by the MLSA in March 2008. About 500 migrants and 200 employers used some of the services of the system. Information on legal labour migration and risks of illegal labour migration to the Czech Republic was distributed to 2,000 employers and several thousands of potential migrants from Ukraine, through seminars, leaflets, personal consultations, advertisements and mass media. This instrument was evaluated by employers, migrants as well as by state administration authorities as useful and needed, although it cannot replace primarily needed structural changes in the procedure for granting residence permits in the Czech Republic, recognition of qualifications, and so forth. Further information is to be found on the web page of the system: [www.praceproukrajince.cz](http://www.praceproukrajince.cz).
- In 2007 (on-going) ‘Zero Project’ was launched with the objective to support bilateral co-operation - the exchange of experience and preparation of joint action of police forces between the Czech Republic and Ukraine of both countries. As regards the Czech Republic, police officers from the UCOR participate in the project.

The project is coordinated by IOM Kiev and financed by the Swedish government.

- The MoI participates in the project of the ICMPD entitled “**Data Collection and Harmonized Information Systems**”. The aim of the project is to develop common criteria for data and information collection in the area of trafficking in human beings, to establish an institutionalised system for collecting such data including a uniform national database both for the purpose of analyses and description of the situation and for the purposes of possible operative responses to the situation which may emerge.

- The second project implemented under the title “**Supranational Referral Mechanism for Victims of Trafficking in Human Beings in Source and Target Countries**” is coordinated again by the ICMPD. The aim of the project is to bring together existing national coordinating mechanisms for the protection of and assistance to victims of trafficking in human beings, unification of standards for services provided to victims, and in particular, strengthening of international and bilateral cooperation in the area of repatriation and reintegration of victims. The main output of this project will be setting principles of care for victims of trafficking in human beings and their return to their country of origin.

## **Denmark**

Police action against trafficking in human beings. In March 2007 the Danish Government launched a National Plan of Actions against Trafficking in Human beings 2007-2010.

Furthermore, in September 2006 the Danish National Police published a new strategy for reinforced police action against the criminals who control prostitution. The purpose of the strategy is to counter procuring, exploitation and trafficking in women. The strategy defines an overarching framework for the measures to be taken to step up the action against procuring and trafficking in women.

Trafficking in women is among the crime areas that have been subjected to systematic, nationwide police monitoring by the National Centre of Investigation(NCI) under the Danish National Police.

NCI provides assistance to the local police districts in Denmark, ensuring investigative coordination across districts and in relation to international cooperative partners. In addition, NCI is able to provide special investigative assistance in certain types of cases.

It follows from the above-mentioned strategy that where links to other countries are detected in connection with investigations against controllers of prostitution, the police district responsible for investigations should consider the possibility, in connection with NCI, to launch a deeper investigation into such links with assistance from relevant foreign authorities. For that purpose, NCI will be able to arrange assistance by foreign police officers in Denmark or Danish police assistance abroad, as well as it will be possible, through NCI, to take measures aimed to set up international teams of investigators with participation from the Danish flying squad and foreign police agencies.

In connection with international relations, it may be added that, in their actions against criminals who control prostitution, the police districts should also be alert at all times to the opportunities, via NCI, to fully benefit from the police and customs cooperation between the Nordic countries, the Baltic Sea Cooperation on Organized Crime and Europol and Interpol. In specific cases, NCI will also be able to arrange assistance from Nordic police liaison officers abroad and foreign police liaison officers in Denmark. In addition, the Thai authorities have pledged their assistance to Danish police, to the widest extent possible, in the implementation of intensified police action against those controllers of prostitution who have relations to Thailand.

Finally, it follows from the strategy that the police systematically should involve particularly Europol and Eurojust in the cases where they may contribute to investigations aimed at controllers of prostitution in Denmark or abroad.

## **Finland**

Concerning legislation and action in Finland, trafficking in human beings and aggravated trafficking in human beings were criminalized as offences in the Penal Code of in August 2004. The European Union Council Directive 2004/81/EC on residence permits issued to third-country nationals who are victims of trafficking has been transposed into national legislation in July 2006 by amending the Aliens Act. An amendment to the Act on the Integration of Immigrants and Reception of Asylum Seekers to set up a system of measures to assist victims of human trafficking entered into force in the beginning of 2007. An Act criminalizing the purchase of sexual services from victims of human trafficking entered into force in October 2006.



The Revised Plan of Action against Trafficking in Human Beings adopted by the Finnish Government in 2008 emphasises preventive measures including awareness on the phenomenon and curbing demand as well as training of different stakeholders directed especially on the identification of victims of trafficking.

Like its predecessor from 2005, the Revised Plan is built on a human-rights-based and victim-oriented approach and aims to take the child and gender aspect more closely into account in the implementation of measures. The Government also appointed the Ombudsman for Minorities the National Rapporteur on action against human trafficking, acting as an independent authority.

Each key ministry is responsible for the implementation and monitoring of measures of the Plan of Action in their respective administrative sectors. Besides different authorities outreach work and maintenance of contact channels as well as part of the other support measures associated with the system of assistance for the victims are ensured by NGOs through project funding and operative financial assistance. Monitoring of the implementation of the Plan of Action continues to be undertaken by a cross-discipline steering group.

## **France**

In the field of the fight against trafficking in human beings, France has set up structures that enable it to respond to the dangers confronting it.

1. The integration of international and European rules into the body of French law

Following France's ratification of the United Nations Convention against Transnational Organised Crime and its additional protocol, the Criminal Code was amended specifically to criminalise trafficking in human beings, which was added to other offences relating to the various forms of modern slavery (procuring, exploitation of begging, non-payment or insufficient payment of vulnerable persons and the subjection of vulnerable persons to working or living conditions contrary to human dignity).

The essential provisions of criminal law that penalise the modern forms of slavery are in Chapter 5 of the Criminal Code, which concerns offences against human dignity and was extensively modified by the Internal Security Act of 18 March 2003.

France has incorporated in its Criminal Code the international criminal definition of trafficking in human beings that is used in the additional protocol to the UN Convention against Transnational Organised Crime of 12 December 2000 (known as the Palermo Protocol).

It has also amended its legislation on the entry and residence of foreigners in order to introduce the taking charge and legal protection of the victims of trafficking in human beings, in accordance with the Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005 (the Warsaw Convention).

At the same time France has set up an interministerial working party co-chaired by the Ministry of Justice and the Ministry of the Interior, which brings together all the ministries responsible for combating trafficking in human beings (including the Ministry responsible for the interior, the Ministry responsible for immigration and the Ministry of Social Affairs) and the NGOs specialising in combating THB (the International Migration Office). *Inter alia*, that working party is responsible for setting up of a National Coordination Body and a National Rapporteur and drawing up a national plan of action to combat trafficking in human beings with three axes: national measurement of the phenomenon, prevention and a programme of training in the identification of victims. Furthermore, France will participate to the mutual evaluation concerning THB in the framework of the Schengen evaluation group (SHEVAL).

## 2. The operational organisation in France

Within the Directorate-General of the National Police at the Ministry of the Interior, three central offices have the task of combating trafficking in human beings:

- the Central Office for the Prevention of Trafficking in Human Beings (OCRETH), of the Central Directorate of the Criminal Police, concentrates its activities on combating procurement networks;

- the Central Office for the Prevention of Violence against Persons (OCRVP), of the Central Directorate of the Criminal Police, is more particularly in charge of matters relating to the protection of children;
- the Central Office for the Prevention of Illegal Immigration and the Employment of Non-Registered Aliens (OCRIEST), of the Central Directorate of the Border Police, identifies and dismantles illegal immigration networks and clandestine employment agencies.

The coordination of the activities of those three offices was enhanced in 2008 when a coordination, analysis and operational support cell was set up within the Central Directorate of the Criminal Police.

Within the Directorate-General of the National Gendarmerie at the same Ministry, there are two central criminal police offices that also have the task of combating other forms of trafficking in human beings, namely trafficking for purposes of exploitation in work, also called "forced labour", and trafficking for the purpose of removing and trading in human organs. They are:

- the Central Office for Combating Illegal Work (OCLTI);
- the Central Office for Combating Damage to the Environment and Public Health (OCLAESP).

Those five central offices are also members of the interministerial working party which has the task of drawing up the national plan of action to combat trafficking in human beings.

As regards cooperation at European level, the operational information gathered by the departments responsible for combating trafficking in human beings is sent to EUROPOL. France contributes to the supply of information for the Phoenix European criminal analytical workfile on cross-border procuring. In 2008 France made twenty-five contributions of information to the workfile.

At the same time, close bilateral contacts aimed at dismantling procurement networks have been set up with Romania and Bulgaria. That strategy, begun in 2002 and 2003, continues to prove its worth in terms of the identification, location and arrest of traffickers operating from their own countries.

From the criminal point of view, Act No 2004-204 of 9 March 2004 adapting the law to criminal developments provides the procedural means of combating effectively the organised gangs that commit such crimes and offences.

Since 1 October 2004, where they are extremely complex, such cases have thus come within the competence of the specialised inter-regional courts (JIRS) as regards organised crime; those courts can employ special investigative techniques conferred on them by the legislator.

On 31 March 2008, forty-one cases were being dealt with by the JIRS, concerning offences described as procuring or trafficking in human beings. Some have already resulted in convictions on the basis of their classification as trafficking in human beings.

In addition, in the context of judicial cooperation at European level, a joint investigating team was set up in 2008 by a JIRS and the Belgian judicial authorities within the framework of a judicial investigation concerning trafficking in human beings.

More generally, the Directorate for Criminal Affairs and Pardons at the Ministry of Justice is bringing to the attention of the criminal courts the specificity of the offence of trafficking in human beings and the great importance of maintaining that classification whenever possible.

## **Germany**

### Situation report on trafficking in human beings

Since 1994, the Federal Criminal Police Office (BKA) has drawn up annual situation reports on trafficking in human beings (THB) covering human trafficking for sexual exploitation and, since 2005, human trafficking for labour exploitation.

These federal situation reports are addressed to the top-level management in the police and in politics. They contain a summary of current intelligence on the situation and trends in the field of human trafficking and are intended to enable police commanders and political decision makers to assess the threat and damage potential of crimes related to human trafficking and its effects on the overall crime situation in Germany, and to take necessary action. These situation reports help define policy priorities in accordance with the actual situation and serve as a basis for decisions on actions and resources.

The THB situation reports are based on data from the police crime statistics referring to Sections 232 and 233 of the German Criminal Code, which since 2005 have solely included legally completed investigations. Other data are provided by the *Land* criminal police offices and other relevant authorities and institutions, which ensures a more comprehensive assessment of the situation.

#### National Task Force on Trafficking in Women

With a view to the very complex issue of trafficking in women, which affects various policy areas, stakeholders and levels, the Federal Government established a national task force on trafficking in women led by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in early 1997. The task force, which usually meets every three months, is composed of representatives from

- the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (lead ministry),
- the Federal Ministry of the Interior,
- the Federal Ministry of Justice,
- the Federal Ministry of Labour and Social Affairs,
- the Federal Foreign Office,
- the Federal Ministry for Economic Cooperation and Development,
- the Federal Government Commissioner for Migration, Refugees and Integration,
- the Federal Criminal Police Office,
- one representative of the technical conferences of the Länder ministries for home affairs, justice, social affairs and gender equality,
- German nationwide activist coordination group combating trafficking in women and violence against women in the process of migration (KOK e.V.)
- the specialised counselling service SOLWODI (reg'd society), and
- the Federal Association of Non-statutory Welfare Organisations (BAGFW).

Depending on the central topic, other experts or institutions are also involved, for instance the German Association of Cities and Towns, the Federal Ministry of Economics, relevant *Land* criminal police offices, etc. Special sub-working groups are set up as appropriate to prepare specific draft decisions.

The National Task Force on Trafficking in Women has the following tasks:

- regularly sharing information about the variety of activities in the 16 federal states (*Länder*) and in national and international bodies,
- analysing specific problems in fighting the trafficking of women, and
- drafting recommendations and taking joint action as appropriate to fight trafficking in women.

The National Task Force on Trafficking in Women and the National Task Force on Domestic Violence are responsible for the second Action Plan II of the Federal Government to Combat Violence against Women. The Federal Government has no special plan of action to combat human trafficking, but addresses the various manifestations of crimes related to human trafficking in various plans of action. For example, specific measures to combat trafficking in women were included into the chapter on sexual exploitation in the Action Plan II of the Federal Government to Combat Violence Against Women, which was adopted in September 2007 and covers a total of 130 measures of the Federal Government to combat violence against women.

Among other key measures, the plan focuses on maintaining and expanding a network between non-governmental organizations dedicated to fighting violence against women. For example, the Federal Government helps forge and maintain links between shelters for women victims to domestic violence (*Frauenhauskoordination e.V.*) and the networking agency of women's counselling centres and emergency hotlines for women. Also, the Federal Government supports the Federal Association of counselling services and women's emergency lines (*bff.e.V.*) as a network of special consultation services in Germany.

With a view to better and faster distribution of information, a more targeted use of resources, and more effective lobbying in favour of female migrants who are victims of human trafficking and other forms of violence, it is necessary for various assistance services to form a network. A central point of contact is also helpful with a view to greater international cooperation, particularly in the field of combating trafficking in women. Various consultation services run by different stakeholders therefore have established the Federal Association against Trafficking in Women and Violence against Women in the Migration Process (KOK e.V.), which is also represented in the National Task Force on Trafficking in Women, to contribute experiences of consultation services. KOK is financially supported by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

### (3) Fighting human trafficking for labour exploitation

Since the borders to the East-European countries have been opened, but also as a result of the globalisation, trafficking has become a lucrative branch of organized crime and especially with regard to human trafficking for labour exploitation. Until now Germany's anti-trafficking policies concerning labour exploitation followed only a criminal-law approach: It is in essence § 233 of the German penal code that set out punishments for traffickers and trafficking itself. Both the adoption of merely punitive policies in relation to the trafficking problem and a complementary vision exclusively centred on the relevance of judicial processes, have been progressively altered. Therefore Germany is trying now to encompass a more holistic approach, focusing on the human dimension of the problem and not simply limiting it to a problem of migration, public order or organised crime.

In order to combat effectively this complex and multifaceted reality in the field of labour exploitation Germany aims to follow an integrated approach, which underlines the human rights perspective. In this sense, the federal government

- is establishing national co-ordinating structures therefore and
- is developing strategies centred on the prevention, support, empowerment and inclusion of labour trafficking victims.

### (4) Cooperation with third countries:

- German police liaison officers are deployed in every important country of origin of human trafficking victims and perpetrators to ensure fast and comprehensive information sharing.

- In certain third countries, e.g. Russia and Ukraine, the Federal Criminal Police Office carried out training measures and gave presentations on combating human trafficking. On the working level, regular meetings are held with representatives from Belarus in Germany and Belarus alternately. To step up cooperation with Nigeria, representatives of NAPTIP participated in a workshop organized by the Federal Criminal Police Office on combating human trafficking in Nigeria.
- KOK e.V. is continuing to set up a network of counselling services in the major countries of origin and transit for trafficking in persons into Germany.

## Greece

The current turn in the trends in Greece may be attributed, on the one hand to the wide offer of women in the countries of origin and on the other, to the efficient response of the Greek law enforcement authorities namely, through the improved operation and coordination of the Police Anti-trafficking department and the higher sentences imposed to the offenders.

In this respect, Greece's counter-Trafficking In Persons (TIP) strategy entails an inclusive identification regime for the victim, immediate assistance and protection of the individual, granting of residence and work permit to pursue a second chance in life.

Inter-agency cooperation is an imperative, and all competent authorities are working hand in hand on a national and an international level to ensure cross-border cooperation of concerted counter-TIP action. A National Coordination Mechanism (NCM) is recently established in the Ministry of Foreign Affairs aiming to coordinate all competent authorities and NGOs in the fight against TIP and to plan, implement and evaluate counter- TIP activities on a national basis.

The NCM is currently working on the:

- a) establishment of a twofold data base, one for the TIP victims, and one covering criminal investigations and convictions.
- b) support of Police TIP task force operations and promotion of the participation of NGOs, with a view to identify more victims and increase the number of penal investigations and convictions.
- c) Promotion nationwide of the awareness raising campaigns in collaboration with local, regional and international Mass Media.



## **New Legislation**

Regarding the Legislation on combating trafficking in human beings, Greece has recently established a new law in compliance to international engagements and aiming to preventing and combating violence against children-victims of trafficking. Under law 3625/2007 “Ratification, implementation of the Optional Protocol in the U.N. Convention adopted in Resolution 54/263 of 25th of May 2000, relating to children trafficking, child pornography” provisions have been amended in order to facilitate the criminal proceeding for the involved minor victims.

Among these amendments we would mention the ex-officio appointment of an attorney, attorney, the assistance of a child psychologist or child psychiatrist during the interrogation, the electronic entry of the minor victims’ testimony. the avoidance of appearance in audience and the prohibition to publish cases which may lead to identifying the minor victim.

Moreover, by law 3727/2008, the Council Of Europe Convention on the protection of children against sexual exploitation and sexual abuse (Lanzarote Convention) was ratified; the necessary internal law provisions have been introduced for the Implementation of the Convention obligations, which in the area of trafficking could be referred as:

Reinforcement of the criminal provisions for the situation of minor victims (including those of trafficking), such as rehabilitation support, thee speed-up of Investigation procedures, the grant to the minor victim of the civil party rights during the criminal procedure and the provisions for the protection of witnesses are also applied in such criminal cases.

### **Other Actions taken:**

#### 1) Ministry of Justice

Special training has been incorporated to the "Studies Program" of the compulsory course in The National School of Judges and Prosecutors.

Further Seminars — Conferences have been organized in order to disseminate the new legislation and to diffuse the provisions among the interested professionals, as lawyers, policemen, NGO’s ect. Under the initiative of the Head Prosecutor of Athens, two Public Prosecutors have been appointed in Athens, in order to deal with this phenomenon.

A memorandum of Cooperation (Dec. 2005) has been signed between the competent Ministries, the I.M.O. (International Migration Organization) and 12 NGO's, which establishes a coordination framework of the interested stakeholders.

Greece participates in all international and regional fora giving emphasis to combating the trafficking offence and promotes the regional cooperation with neighbour countries (SECI, SEECP ect). An agreement for the protection and support of minor victims of trafficking was signed between Greece and Albania, which was ratified by law 3692/2008.

Finally, a draft law has been prepared by a Special Law Drafting Committee, set up in the Ministry of Justice, for the purpose of ratifying and adapting the Greek legislation to the provisions of a) the Council's of Europe's Convention on Action Against Trafficking in Human Beings and b) the UN Convention against the Transnational Organized Crime and its three Protocols (Palermo Protocol to Prevent, Suppress and punish<sup>TIP</sup>).

## 2) Hellenic Police

The activation with the phenomenon of T.H.B. that aims at sexual exploitation has become an issue of first priority for the Hellenic Police through a procedure of main aims, training and increasing activity of the police personnel. For this purpose there are a number of actions that have been undertaken. Specific orders have been given to the Police Divisions all over the country. Specifically:

### a) ENCOUNTERING AND COMBATING ACTIONS

- Task Force for Combating Trafficking in Human Beings (2001)
- Strategy of the Hellenic Police in combating Trafficking in Human Beings (2008-2010)

## **b) SPECIAL ANTI-TRAFFICKING SERVICES**

- i. One Anti-Trafficking group on Central-Strategy Level in the Public Security Division in the Police Headquarters (2002)
- ii. Fourteen (14) anti-trafficking groups in each General Police Division of the dominion. (Athens, Thessalonica [2003], Arcadia, Achaia, Heraklio, Ioannina, Corfu, Serres, Kozani, Cyclades, Larissa, Lesvos, Rhodopi, and Fthiotida) [2005]
- iii. Two (2) Sections to Combat Trafficking in Human Beings in the Security Divisions of Athens and Thessalonica, which constitute the 3rd Section in the Sub- Division of Encountering Organized Crime. [2006]

## **c) BEST PRACTICES**

Three (3) manuals were issued and forwarded to all Police Services, for the facilitation of their work in the combat against trafficking in human beings, as follows:

Operational- inter Service Action Plan on National Level for encountering and combating trafficking of women and children for sexual exploitation "ILAEIRA"

ii. Memorandum of police actions and best practices for handling THB cases "ILAEIRA"

iii. Anti-trafficking Initiative Processes and procedures for the transborder police cooperation "ILAEIRA"

## **d) TRAINING-EDUCATION OF POLICE PERSONNEL**

- v Police Academy (Police Lieutenant School and Police Officers School)
- v Education Seminars for Police Personnel
- v Annual Seminar for the Heads of Anti-Trafficking Services

## **e) INTERNATIONAL COOPERATIONS**

- v Development of co-operations and meetings with Police Division of Border areas (Albania, FYROM and Bulgaria)

v Participation in and organization of international operations (LEDA-MIRAGE). Namely, operations LEDA were joint operations carried out by the Europol member states, candidate countries, countries of T.H.B. victims and SECI. during the EU. Hellenic Presidency, under the responsibility of Greece.

v ACTION “ILAEIRA”

Ort 2006, the Ministry of Interior and the Hellenic Police Headquarters considered that it was necessary to implement an organized operational action, with the code name ILAEIRA, aiming at the suppression and combating of women and child trafficking for sexual exploitation.

Its objective is the substantial, coordinated and effective action of all agencies involved. Apart from our Country, 21 more European countries participate in ILAEIRA action, EU member-states and third countries (Portugal. Turkey, Italy, Albania, Cyprus, Bosnia-Herzegovina, Hungary. Moldova, FYROM, Austria, Serbia, Germany, Slovenia, Russia, Ukraine, French. Croatia, Montenegro, Finland, Bulgaria and Romania) and 4 International Organizations (Europol, Interpol, Eurojust, Frontex).

The action is developed on the basis of two (2) parameters:

- The 1st Parameter concerns the Operational (Police-Judicial) action for the combating of organized networks with international character and for victims’ liberation.
- The 2nd Parameter concerns the provision of assistance and protection to victims, as a result of the action that will be developed under the first parameter.

In the framework of action “ILAEIRA” two international meeting have taken place in Athens (7-8/12/2006 and 30-31/5(2007). whereas a third meeting has been decided to take place on 17-18/9/2009, in Chania Crete.

## f) CO-OPERATION WITH COMPETENT AGENCIES

Hellenic Police Services on the matter of assistance and protection to the victims co-operate with:

- v Prosecutors
- v Ministry of Health and National Solidarity (Hot line 197)
- v General Secretariat of Gender Equality
- v Foreign Embassies in our country
- v IOM
- v NGOs

## Hungary

### 1. THB CONSTITUTES A SERIOUS CRIMINAL OFFENCE PURSUANT TO THE PENAL CODE.

The Act on Protection of Witnesses stipulates the rules of participation in the Victim Protection Program, which includes moving the witness to protected residence and also alteration of identity of the witness either within the country or – upon mutual agreement – to another state.

The Act on support and compensation of victims stipulates many forms of supports (legal social financial and psychological) for victims of THB.

The Act on entry and stay of third country nationals entered into force on 1<sup>st</sup> July 2007 and probably is one of the most important tool in the field of support of victims of THB. Pursuant to this act a certificate of temporary residence shall be issued to the victim if it is initiated by the victim support authority for the duration of its support. This legal tool enables victims to stay in Hungary for the reflection period of one month.

If he or she decides to cooperate with the law enforcement authority a residence permit on humanitarian grounds shall be issued for him/her. The issuance can be initiated by the national security or law enforcement agency for substantial national security or law enforcement reasons to any third-country national, or other affiliated third-country nationals on his/her account, who cooperates with the authorities in a crime investigation.

**2. ONE OF THE GREATEST ACHIEVEMENTS OF THE YEAR 2008 WAS THE ADOPTION OF THE 1018/2008 (III 26) GOVERNMENT DECREE ON THE NATIONAL STRATEGY AGAINST TRAFFICKING IN HUMAN BEINGS 2008-2012 WHICH CAME INTO FORCE ON 10<sup>TH</sup> APRIL 2008.**

The Strategy defines the general and specific aims and priorities of the fight against THB. The Strategy established the position of the National Coordinator against trafficking in human beings who is responsible for the coordination of elaboration implementation and monitoring of the strategy and also for the coordination of counter-trafficking activities among the various government authorities and NGOs and acts as a contact point for international organizations and agencies involved in the fight against THB. The task is fulfilled by the State Secretary for Law Enforcement of the Ministry of Justice and Law Enforcement. We are convinced that the appointment of the National Coordinator was a significant step forward in the fight against THB as he is able to personalize the governmental actions in this field. Since his appointment he took part in international conferences and seminars representing Hungary's commitment towards counter-trafficking also in the international fora. The National Strategy also established the so called national counter-trafficking coordinative mechanism. This body is composed by the government agencies NGOs and international organisations concerned. It is to coordinate, monitor and evaluate results and challenges of prevention prosecution and protection.

During the past years the data collection by the Police was hampered by the fact that data on THB and trafficking-related crimes had to be collected separately. This was due to the legal background and therefore could not be changed only by methodological or technological tools. However the National Bureau of Investigation created a data-collection method which helps the identification of trafficking elements in investigations which are originally not launched against THB. This new method leads to a more thorough mapping of the THB picture.

Furthermore it also has to be mentioned that Hungary has been a partner in an EU-financed project which aimed the development of new methods of data collection and indicators.

**3. ACCORDING TO THE INFORMATION PROVIDED BY THE OFFICE OF IMMIGRATION AND NATIONALITY TEMPORARY RESIDENCE PERMIT ON HUMANITARIAN GROUNDS WERE ISSUED IN 2008 FOR 9 PERSONS (5 CHINESE, 1 MONGOL, 2 SYRIAN AND 1 WITH UNKNOWN NATIONALITY).**

The Office has agreements with several county offices of the Victim Assistance Service in order to enhance effective referral of victims. The Office of Immigration and Nationality opened the Centre for Unattended Minors for child victims of THB and migrant smuggling 1<sup>st</sup> January 2008. The unattended minors are mostly from Africa, Pakistan, Kosovo, Afghanistan Palestine territories and Sri Lanka. The Centre regularly consults with the National Bureau of Investigation in order to help investigations in cases in which the minors are concerned.

According to the information provided by the Consular Service in 2008 16 persons were proved to be victims of trafficking and were identified by the consulates abroad and in other 4 cases the assisted persons were presumed victims. In all cases the consular offices provided the victims with travel documents assisted in return to Hungary and cooperated with the child welfare and victim protection NGOs in the countries of destination. In 3 cases the victims were referred to Hungarian shelter.

According to official data of OKIT (Crisis Management Telecenter run by the Ministry of Social Affairs and Labour) the centre has given assistance to victims of trafficking in 14 cases during 2008. The Center has referred the victims to the NGO which has been engaged in maintaining the shelter, accommodating and helping with the victims of trafficking. According to the information of this NGO it provided assistance and shelter services to 75 victims involved in trafficking in human beings in the period of 1 April 2008 – 1 February 2009. These NGO shelters provide assistance to victims of trafficking including shelter up to six months. If necessary, after this period the victim can be transferred to other social care facilities providing reintegration services.

In 2008 the Ministry of Justice and Law Enforcement joined the EU funded project “Transnational referral mechanism for victims of trafficking in human beings-TRM EU”. The applicant country is Italy, the other partners are Romania, Bulgaria, Macedonia, the Czech Republic and Portugal. The implementation takes place in cooperation with ICMPD Vienna. The project aims to map the existing legal and institutional background and the – formal and informal – mechanisms of victim referral. After the identification of gaps and challenges tailor made guidelines are provided to each participating country. In the second phase of the project test run and evaluation of the guidelines takes place. The final outcome is a manual which is to be distributed and used among the relevant national actors.

The Eszter Foundation (Hungarian NGO specialized on treatment of victims of different types of sexual abuse) has been engaged in making survey on victim protection. The survey will consist of collecting relevant data, monitoring of cases, stepping into contact with victims of trafficking. The survey is aimed at clarifying the social and criminal links of international trafficking. The survey will be published in 500 copies and will be sent to all relevant authorities, NGO's and experts. Regarding the at risk groups of trafficking it can be established that the under-educated young adults – mostly women – who live among poor conditions or previously stayed in child welfare facilities in East Hungary are the most vulnerable. They are easily trapped by false promises of very well paid easy jobs while the reality of the victims is quite different from the promises: long working hours, very small salary – if at all – abusive violent environment.

The first demand-side campaign was launched on 4<sup>th</sup> March 2009. Its target group includes the possible users of the services of victims of THB aiming sexual exploitation. It is elaborated by the Ministry of Justice and Law Enforcement and the National Police Headquarters in cooperation with IOM Budapest.



In 2007 the National Institute of Criminology started an interdisciplinary research called „Risks of international migration in Europe” to assess the risk factors connected to migration flows. The aim of the research was to elaborate guidelines in order to decrease the risks of migration and to elaborate modern legal and social solutions. The outcome of the research was published in 2008. Within the framework of the research a complex analysis from legal background to case analysis on crimes connected to illegal migration including THB. Regarding the empirical study on Hungarian THB situation 50 cases of the Office of the Public Prosecutor were examined by desk research. This exercise was not representative due to the small number of cases. The main goal was mapping the way of falling victim in order to help elaboration of adequate prevention programs.

In November 2008 the Hungarian Judicial Academy held a two-days course on the trafficking of persons and its incidental actions for the criminal judges who handle cases of THB. On the first day the participants got a wide-range briefing about the victims. The participants were informed the mental and physical consequences of trafficking on victims. Besides the prosecutors and the representatives of the police analyzed specific cases in order to highlight the set up of the criminal organizations and the troubles of the process proof.

Furthermore there were also trainings for consular officers for the purpose of awareness raising as regards the victims of human trafficking.

## **Ireland**

Ireland recognises that trafficking in human beings has become a significant phenomenon on a global scale. This is a heinous crime that must be tackled on several levels and the Government is committed to doing everything in its power to prevent this despicable crime from taking a foothold in Ireland.

## Legislative Initiatives

The Criminal Law (Human Trafficking) Act 2008 came into effect on 7 June 2008. This legislation creates an offence of recruiting, transporting, transferring to another person, harbouring or causing the entry into, travel within or departure from the State of a person for the specific purpose of the trafficked person's sexual or labour exploitation or removal of his or her organs. It provides for penalties of up to life imprisonment for these offences. It is also an offence for a person to solicit a person who he/she knows or has reasonable grounds for believing is a trafficked person for prostitution. The penalty can be up to five years imprisonment on conviction on indictment.

## Anti Human Trafficking Unit

An Anti Human Trafficking Unit was established in the Department of Justice, Equality and Law Reform in February 2008 to ensure the State response to trafficking in human beings is comprehensive, coordinated and holistic. The Unit is engaged with over 50 different stakeholders both domestically and internationally including NGOs working in the field of human trafficking and the social partners through roundtable discussions and five working groups on (a) development of a National Referral Mechanism (b) Awareness Raising and Training (c) Child trafficking (d) Labour Exploitation Issues (d) Sexual Exploitation issues. The Anti-Human Trafficking Unit implemented a pilot human trafficking data collection strategy with effect from 1 January 2009.

## Human Trafficking Investigation and Co-ordination Unit (Garda National Immigration Bureau)

The Garda Síochána (Irish police) has recently established a Human Trafficking Investigation and Co-ordination Unit within the Garda National Immigration Bureau (GNIB). The role of the Unit is to provide a lead on all policy issues in the area of Human Trafficking. The Unit will be a centre of excellence for the organisation and will oversee all investigations where there is an element of human trafficking and will provide advice, guidance and operational support for investigations.

## Identification of Victims

A person who has been identified as a suspected victim of human trafficking by a member of the Garda Síochána not below the rank of Superintendent in GNIB is granted a permission to remain lawfully in the State for a period of 60 days known as a Recovery and Reflection Period by the Minister for Justice, Equality & Law Reform. In circumstances where the suspected victim wishes to assist the Gardaí in any investigation or prosecution in relation to the alleged trafficking, a further 6 months Temporary Residence (renewable) may be granted by the Minister to enable him/her to do so.

## National Action Plan

The National Action Plan to Prevent and Tackle Trafficking in Human Beings, which was published on 10 June 2009, sets out the key elements of the strategy to tackle human trafficking in Ireland.

### Awareness Raising and Training

The “Blue Blindfold” awareness raising campaign was launched in October 2008. The key theme of the campaign is “*Don’t close your eyes to human trafficking*” and the blue blindfold represents the risk of people having their eyes closed and being unaware of the crime that may be going on around them. It is based on a concept developed by the UK Human Trafficking Centre. A dedicated website was launched in Ireland in 2008 at [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie).

The Garda Síochána has placed particular importance on ensuring that its members receive training which will equip them to tackle the phenomenon of human trafficking. A continuous professional development training course entitled ‘Tackling Trafficking in Human Beings: Prevention, Protection and Prosecution’ has been designed by the Garda Síochána, assisted by the International Organisation for Migration. The aim of the course is:

- (1) to alert operational personnel within An Garda Síochána to the existence of the phenomenon of trafficking
- (2) to empower them to identify victims so as to provide for their wellbeing and
- (3) to ensure initiation of criminal investigations, where appropriate.

Members of the Police Service of Northern Ireland have attended this training and the Head of the United Kingdom Human Trafficking Centre has presented at each of these training courses emphasising the international and cross-border co-operation between police forces.

A one day basic level awareness raising training to identify the indicators of trafficking has been provided by the IOM, with participation from An Garda Síochána, the Health Service Executive and NGOs and the Anti-Human Trafficking Unit. The training was delivered to over 130 persons who may encounter victims of trafficking in the course of their duties including labour and other inspectors, health services staff, and to staff manning victim support helplines.

Information seminars have also been provided to diplomats in the Department of Foreign Affairs being posted abroad to a variety of missions including Africa and Asia. and to staff in the Department of Enterprise, Trade and Employment who are responsible for the examination and granting of work permits. One of the ideas behind this was to make people working on visas at embassies abroad aware of the problem of human trafficking so that they might be in a position to identify potential cases.

#### Accommodation / Assistance to Victims

The Reception and Integration Agency – a Government Agency - in conjunction with the Health Service Executive, is providing services to potential and suspected adult victims of trafficking referred to them by the Garda National Immigration Bureau. Potential and suspected victims of trafficking are given the same accommodation in direct provision as that provided to any newly arrived asylum seekers i.e. accommodation in a reception centre. The reception centres at which suspected victims are accommodated include an on-site medical centre managed by the Health Service Executive. Services for potential or suspected victims of trafficking who are minors are provided by the Health Service Executive. The Refugee Legal Service of the Legal Aid Board provides legal aid and legal advice to potential and suspected victims of trafficking.

#### **Italy**

Over the years, Italy has implemented advanced legal instruments to prevent and combat human trafficking and likewise has not failed to find absolutely innovative solutions in the field of victim assistance. In this respect, one of the first legal tool to fight against human trafficking was adopted by Italy with the introduction of Article 18 of the Consolidated Immigration Law (Legislative Decree No. 286 of 25 July 1998), which envisages not only victim assistance mechanisms, but also residence permits granted to the trafficked victims regardless of whether they have cooperated in judicial proceedings or not.

In line with the European initiatives, Italy has also enacted the following legislation:

- Law No. 228 of 11 August 2003 entitled “Measures to combat human trafficking” amending the offences laid down in Articles 600 (Reduction or maintenance of persons as slaves or in bondage), 601 (Human trafficking) and 602 (Acquisition or alienation of slaves) of the Criminal Code, which envisages forms of crime peculiar to human trafficking;

- Law No. 38 of 6 February 2006 which contains provisions to counter child sexual exploitation and child pornography also through the Internet.

Furthermore, Italy has ratified the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime (the so-called Palermo Convention) of 12 December 2000. Italy fully shares the EU migration policy based on the so-called “Global Approach”, adopted by the European Council in December 2005, leading to a number of initiatives being launched with a view to strengthening operational cooperation among EU Member States (also through FRONTEX) as well as building a dialogue on migratory issues with Africa and countries in the eastern and south-eastern regions neighbouring the European Union.

In recent years, Italy has concluded many bilateral police cooperation agreements against organised crime (52) and most of them focus on the offence of human trafficking which is indicated as a priority for prevention and suppression actions. In the course of this year, Italy has concluded agreements with third countries including Algeria, Nigeria (under the aegis of ICPO-Interpol General Secretariat) and Libya which basically provide for:

- Technical assistance including free supply of equipment and technologies to combat illegal migration as well as staff training and study visits;
- Secondment of liaison officers and staff exchanges;
- Direct information exchange channels;
- Involvement of police forces from third countries in sea patrol operations.

For the purpose of developing cooperation with source and/or transit countries of illegal migration flows, the Italian Ministry of the Interior has not only acted on a bilateral level but has also availed itself of EU financial tools. In this regard, mention should be made of the following initiatives:

- Project “ACROSS SAHARA II” for institutional capacity building purposes in Libya and Niger in the field of border checks and migration management (funded through the AENEAS Programme).

In this connection, the following initiatives have been undertaken:

- Two operational training courses for law enforcement officers from Libya and Niger (30+30) in the field of border checks and migration management.
- One course for high-ranking law enforcement officers and prosecutors from Libya and Niger (10+10).

The following initiatives are about to be undertaken:

- Shipment of vehicles (off-road vehicles and ambulances), motor vehicles, technical means and equipment to the competent authorities of Libya and Niger.
- Conduct of a joint patrol exercise at the Libya-Niger common border.

With regard to EU funding programmes intended for initiatives aimed at preventing and combating human trafficking, mention should be made of the following actions recently undertaken by Italy:

- **Project ILAEIRA**, launched under the EU TAIEX programme with the aim of spreading knowledge of the laws in force in each participating country and of the respective national operational procedures, also identifying contact persons and relevant agencies for trafficking issues. The project is aimed at developing a model of transnational cooperation on human trafficking using the tools already available for European and international cooperation, without coming to a new international agreement;

- Partnership with the Austrian Ministry of the Interior and IOM Vienna in the project “**Development of Guidelines for the Collection of Data on Trafficking in Human Beings, Including Comparable Indicators**”;

- **Project A.Vi.Cri**, carried out under the “DAFNE II” Action Programme funded by the European Commission with a view to developing specific training for law enforcement officers, in a multi-agency and multi-disciplinary environment, on how to approach crime victims and relatives of missing persons, with particular regard to women, minors and other vulnerable categories;

- Partnership with the Belgian police and IOM in the project “Establishment of the Network and Joint Training for Operational Law Enforcement Officers, NGOs and IOs in Fighting Human Trafficking into the EU Member States from the EU Accession Countries and Countries Bordering the EU after Enlargement”;

- Partnership with the Swedish Minister of Justice and IOM in the development of an “Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings; Towards Global EU Action against Trafficking in Human Beings”.

## **Latvia**

The Declaration of the Government of Latvia among priority areas states the need to realise complex of measures to eliminate more effectively THB and sexual exploitation of persons in the country.

The Government of Latvia according to the UN Recommended Principles and Guidelines on Human Rights and prevention of Trafficking in human beings has developed and implemented the State Programme for the Elimination of THB 2004-2008 as well as Programme for the Elimination of THB 2009-2013. Both the competent state institutions and non-governmental organizations working in the field of THB prevention were involved in development and implementation of mentioned programme.

The objective of the State Programmme for the Elimination of THB 2004-2008 was to promote the prevention and suppression of THB by implementing targeted preventive, educational and support activities for the victims of THB and to unite the efforts of the state and society to eliminate THB.

The most important results achieved by implementing the State Programme:

- 1) State-funded social rehabilitation for victims of THB was stipulated in the law, thereby implementing one of the most important objectives of the State Programme.
- 2) The Criminal Law was amended by creating legislation with a punishment mechanism that is proportional to the committed criminal offence. THB is considered now as a serious violation of human rights and sentence for this crime is deprivation of liberty for up to 15 (fifteen) years;

3) Latvia has joined several international conventions - *the Council of Europe Convention on Action against Trafficking in Human Beings*. Latvia has signed *Agreement on cooperation in combating terrorism, organised crime, illicit traffic in narcotic drugs, psychotropic substances and precursors and other crime* with number of countries including such third countries as Uzbekistan (2002), Moldova (2003), Azerbaijan (2005) and Belarus (2007), these agreements include cooperation in combating THB;

4) The organised and successfully implemented informative events and campaigns have increased the understanding of the society about THB problem.

On 27 August, 2009 according to the Ex-post Assessment on implementation of the State Programme for the Elimination of THB 2004-2008 the Cabinet of Ministers has adopted the Programme for the Elimination of THB 2009-2013. The aim of the Programme is to plan and implement activities to prevent THB and provide victims with qualified social rehabilitation since THB is global and changing problem. The Ministry of the Interior is a responsible institution for coordination of the implementation process of the State Programme. This model of cooperation and coordination is an alternative mechanism to the National Rapporteur.

On 22 February, 2006, Latvia has ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and is implementing it.

On 5 May, 2009 the regulations of the Cabinet of Ministers “On regulation on involvement of children in the activities (events) which are related to demonstration of outer appearance” was adopted aiming to create a legal regulation on involvement of children in events which are related to demonstration of children’s appearance and spheres related to demonstration of children’s appearance which are not adjusted by a special legal regulation. Thereby a risk of THB will be reduced especially regarding minors. The risk factors relevant to child prostitution and child pornography will be reduced, as well as production and distribution of pornographic materials.

Latvia is a country of origin for victims of human trafficking thus cooperation is more developed with other European Union countries that are destination countries for victims of human trafficking from Latvia as well as with other Baltic countries.



Since 2000 there were only 2 cases involving citizens of third countries regarding cases of trafficking in human beings:

- in 2003 two women from Belarus were involved in a case of living on the avails of prostitution. They were repeatedly with free will arriving to Latvia with a purpose of prostitution;
- since 2008 in cooperation with Belarus law enforcement institutions there is ongoing common investigation concerning organizers of the network of trafficking of human beings in Latvia and Belarus.

On May 21, 2009 there were Criminal law amended regulating the sentence for the establishment, maintenance, administration and financing of brothel (unauthorized place for organization and providing services of prostitution). The applicable sentence for such crime is deprivation of liberty for a term not exceeding five years, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

The State Police using the mass media regularly informs inhabitants of Latvia about THB, gives recommendations on how to avoid becoming a victim of THB and how to act in the case of THB as well as about possibilities to receive assistance in Latvia and in foreign countries. The State Police in collaboration with non-governmental organizations developed a web page “Sargi sevi” (safeguard yourself) [www.sargi-sevi.lv](http://www.sargi-sevi.lv), where the information about these risks and threats is updated regularly.

Taking into consideration the cross-border character of THB, the State Police and the State Border Guard develop more close and intense cooperation with relevant law enforcement agencies and specialized units in third countries such as Belarus, Russia, Moldova, Ukraine, Uzbekistan, Azerbaijan, Armenia. This cooperation provides exchange of urgent operative information and information about investigation, as well as provides organization of common cross-border operations to detect and counteract routes and networks of illegal immigration, THB and THB related crimes like forced labor, pornography and prostitution.

The cooperation with Russia is well organised within the framework of Task Force against THB in the framework of Council of the Baltic Sea States (CBSS).

## **Lithuania**

Prevention and fight against Trafficking in Human Beings is among priority areas for Lithuanian Government and that is clearly stated in long term National crime prevention and control program, approved by Lithuanian Parliament back in 2003.

On May 19, 2005 Lithuanian Government approved 2005-2008 Program on prevention and control of Trafficking in Human Beings. During implementation of the Program among others the following objectives have been achieved:

- Increased trust in public administration by victims of Trafficking in Human Beings
- All victims were offered assistance and support. Majority of victims (67%) have received social assistance from non-governmental organizations via prior involvement of law enforcement and other state institutions (2006 – 50%, 2007 – 52%)
- Broadly spread – even in villages people know about the crime General public became more aware about threats associated with THB
- Cooperation between diplomatic representations and law enforcement has been intensified in order to provide social and other assistance to victims of THB
- Establishment of monitoring system – coordinated inter-institutional and non-governmental measures, including systematic information collection, analysis, risk assessment, reporting mechanism provided grounds for objective situation assessment
- Specialized unit for prevention and investigation of THB has been established within Lithuanian criminal police bureau
- A number of training sessions held for law enforcement agencies, this topic has also been included in various programs for law enforcement personnel professional training
- Police (criminal intelligence) information system has been upgraded with additional sub component, which contains tactical and strategic information on THB, persons involved, associated victims and witnesses, modus operandi, etc.
- During 2005-2008 NGO's implemented 52 projects, aiming to provide victims of THB with assistance, protection and reintegration into society
- Amendments have been incorporated in criminal and administrative codes of Republic of Lithuania since 2005:

- criminal liability applies to legal persons in THB cases
- maximum penalty for trafficking of adults is 12 years of imprisonment, trafficking of children – 15 years of imprisonment.
- administrative liability applies both for provision and purchase of prostitution services, victims of trafficking are not put under this liability.

Scrutiny of activities and measures applied resulted in evaluation of program implementation, thus providing grounds for a new 4 year program (2009-2012), focusing on implementation of measures, those require special attention in light with social, economic and criminal tendencies. On September 9, 2009 Lithuanian Government by order No. 1104 has approved 2009-2012 Program on prevention and control of Trafficking in Human Beings. Strategic purpose of the Program does not differ from the previous one and is associated with implementation of coherent, complex and systematic approach to problems, arising from trafficking in Human Beings prevention and control at the State level.

2009-2012 Program aims at:

- Prevention and fight of Trafficking in Human beings, at the same time ensuring implementation of non-discrimination principle;
- Protection of victims rights by establishment of wide range system of protection of victims and witnesses, ensuring effective pre-trial investigations and prosecutions;
- Ensuring effective cooperation against THB between international organizations.

From July 2009 to June 2010 Lithuania will hold chairmanship of the CBSS TF-THB. The following priorities are foreseen:

- Development of Regional Information Campaign against Trafficking in Human Beings
- Closer cooperation with Black Sea Corporation or at least main source countries of Black sea region and Belarus
- Closer cooperation with media in the region
- Strengthening Baltic sea states cooperation while combating trafficking in human beings - Regional conference in Vilnius `Control and Prevention of THB. Regional approach`, to be held in March 2010
- Data collection - Support the pilot project on data collection and exchange within the CBSS region

- Strengthening protection of victims and witness of THB by exchange of information on best practice in the region, legislation and implementation of national and international legal requirements
- Active exchange of information to disclose trafficking in human beings cases

## **Netherlands**

- A Task Force on Human Trafficking was set up in 2008. It brings together representatives of both national and local government and of relevant agencies and services, including the police. It identifies and resolves bottlenecks, ensures that best practices are exchanged and supports the local/regional approach. The Task Force combines criminal law with preventative, administrative and international measures.
- Awareness campaigns are conducted regularly; in 2006 under the name “Appearances Deceive”, aimed at the general public and more specifically at persons who visit prostitutes, and in 2007 under the name “People are no merchandise”.
- An Expertise Centre for Human Trafficking and Smuggling was established in May 2005. It consists of employees from the National Crime Squad (NR), Royal Military Constabulary (Kmar), Immigration and Naturalisation Service (IND) and the Social Security Information and Investigation Services (SIOD). Information and expertise is collected, analysed and disseminated to all partners.
- In January 2005 the scope of trafficking in the Dutch Criminal Code was broadened to all forms of exploitation (sexual, labour, i.e. forms of modern slavery). On 1 July 2009, the penalties were increased: e.g., the maximum sentence for aggravated forms of trafficking is now at least twelve years. In this manner, it will also be possible to take action against punishable preparatory acts for human trafficking in all cases.
- Since April 2000 the independent National Rapporteur has published six reports about the nature and the scope of the phenomenon and advised the government on possible improvements of its activities. This has led to amendments in our national policy.

- To identify victims of trafficking in human beings as early as possible, the police, together with NGOs, developed an easy to use system. Over 70 risk factors and a list of specific working areas at risk (i.e. construction, agriculture) have been identified.
- Victims will not be prosecuted for violations of immigration laws or for the activities they are involved in as a direct consequence of their situation as trafficked person.
- Law enforcement authorities receive training on human trafficking on a regular basis where the needs of victims (especially children and women) are addressed extensively.
- The B9 regulation regulates the residence status and access to services for foreign nationals. If there is the slightest indication that an illegal alien is a trafficking victim, he or she is given the opportunity to use the three-month reflection period offered by the B9 regulation. During this period the victim can remain in the Netherlands, receive medical care and basic social services and make a considered decision as to whether or not to cooperate with the investigation and prosecution of the traffickers.
- In the Netherlands brothels are subject to a licensing system to be administered by municipalities. Thus brothels are inspected at regular intervals by the police, local health authorities, the Labour Inspectorate, fire prevention authorities etc. These inspections are also used to look out for any signs of human trafficking. In order to come to grips with the increasing variety of inherently fluid phenomena like escort services, the Government is preparing new legislation with regard to licensing requirements. Under the new law, running any type of sex establishment would be subject to the licensing system. Employers who do not abide by the licensing requirement will be punishable. Prostitutes who want to work independently will have to register as such beforehand and will be punishable if they have not done so. Clients that circumvent the new system will also be punishable. It is expected that this stringent set of regulations will do much to prevent any exploitative practices.

- The Dutch authorities are seeking to work closely on a bilateral basis with the countries that are the source of human trafficking towards the Netherlands. In the context of these cooperative efforts, the Ministry of Foreign Affairs of the Netherlands is funding projects for technical assistance in a number of source countries, both in Europe (including new EU Member States and prospective Member States) as well as in other parts of the world, notably in West-Africa and Asia. These projects are aimed at providing technical assistance and training to law enforcement authorities and at setting up or improving referral mechanisms and shelter facilities for victims. In some countries we also support projects aimed at improving security at seaports and airports, in order to counter a broader range of forms of trafficking (of people, drugs and weapons).
- Conducting joint investigations with source countries is not only essential to prosecute traffickers, but can also be a very effective way to transfer investigative skills to source countries. Thus in 2007 the Netherlands police and prosecution services conducted an extensive investigation of human trafficking flows from Nigeria towards the Netherlands and other European destinations. This investigation, with the code name “Operation Koolvis”, was conducted in close cooperation with other European destination countries and with the “National Agency for the Prohibition of Traffic in Persons and Other Related Matters” (NAPTIP) of Nigeria. The investigation led to simultaneous arrests in October 2007 of traffickers in the Netherlands, in other European countries and in Nigeria itself. A large number of victims were liberated from their tormentors. Building on this successful police operation, the Netherlands has now set up a programme for training and technical assistance to NAPTIP and other relevant Nigerian agencies. This project started in July 2009. It includes various training courses for Nigerian detectives and prosecutors as well as courses for Nigerian airport personnel in detecting passport fraud.
- The issues of human trafficking and forced labour are closely intertwined. Forced child labour is an especially reprehensible phenomenon. The Government of the Netherlands is in close contact with Dutch companies that operate internationally to ensure that their global supply chains are free from exploitative practices. The Netherlands also supports the Decent Work Agenda of the ILO for the period 2006 - 2010. The Dutch contribution is used to fund Decent Work Country Programmes in 10 developing countries. Some activities are specifically directed at combating forced labour and child labour, some at broader labour issues. Bilateral Dutch aid to Bangladesh and Indonesia includes programmes to take children away from debilitating working conditions and back to school.

- Combating and preventing child-sex tourism is also a crucial matter. In 2008 the Netherlands pledged support for an ongoing UNICEF programme for technical assistance to Cambodian law enforcement authorities (notably the Anti-Human Trafficking and Juvenile Protection Police) to fight abuse of children because of child-sex tourism. Activities regarding prevention and victim care are also part of the project. Starting in 2008, the Netherlands is furthermore funding a three-year project of Terre des Hommes aimed at providing legal support to victims of child-sex tourism, encouraging them to act as a witness and developing the capacity of local NGOs to pressure law enforcement authorities to take action when needed. Moreover the Netherlands supports an 18 month ECPAT project aimed at getting tour operators to approve and implement a code of conduct to prevent and discourage child sex tourism. ECPAT helps local NGOs in Thailand, the Philippines, Gambia, Dominican Republic and Brazil to build capacity for awareness campaigns and lobbying tour operators, hotels etc.

## **Poland**

In the last years Poland has undertaken cooperation with third countries relating to human trafficking within many fields:

Firstly, a bilateral cooperation with Ukraine, Belarus and Moldova as countries of origin for victims identified in Poland.

Within this cooperation the following activities are undertaken:

1. Direct cooperation between police services;
2. Exchange of experiences and best practice according to prosecution of traffickers and supporting victims (including cooperation in this field with NGOs).

Since 2008 two projects with non-EU countries (Ukraine and Moldova) have been implemented and both are continued this year. The first project *“Polish-Ukrainian Cooperation in Combating Trafficking in Human Beings. Best practices in prosecuting and detecting THB crimes and protecting of victims’ rights”*, which is implemented by Police Academy in Szczytno (the partner institutions are: Lviv State University of Ministry for Internal Affairs of Ukraine, the Ministry of Justice, General Headquarters of Police, General Headquarters of Border Guard and non-governmental organization “La Strada” Foundation). The project included three seminars in 2008 (two in Poland and one in Ukraine) with participants from the Ministries of Interior, police (both from police academies, national and regional units for THB), border guards, non-governmental organizations and universities of both sides – Polish and Ukrainian. The aim of the project in 2009 is to organize a simulation of the trial of human trafficking case with the participation of representatives from law enforcement agencies, judicial authorities and NGOs. The second aim is to carry out an information campaign on trafficking in human beings addressed to foreigners coming to Poland and used for the purpose of forced labour.

The second project, *“Polish-Moldavian exchange of experience and good practices in the framework of partner cooperation in combating and preventing trafficking in human beings”* was implemented by the Ministry of Interior and Administration in cooperation with Ministry of Interior of Republic of Moldova (partner institution: General Headquarters of Police, General Headquarters of Border Guard, Police Academy in Szczytno and “La Strada” Foundation). There were two official visit studies (in Kiszynov and Warsaw) and one seminar study in Szczytno in 2008, which gave an opportunity to get knowledge about structures and methods of combating crimes connected with trafficking in human beings. This year a study visit in General Headquarters of Police, Metropolitan Headquarters of Police in Warsaw and General Headquarters of Border Guard and 2-days seminar in Police Academy in Szczytno is planned for the Moldavian front line police officers. The seminar is aimed at exchange of police good practices in investigating and prosecuting THB crimes, ensuring protection and assistance of THB victims.

Secondly, an information campaign on trafficking in human beings for forced labour has being carried out. The campaign is addressed to those coming to Poland in order to commence work (distribution of leaflets within polish consular offices in Ukraine, Belarus and Russia – leaflets are attached to the visa).



## Portugal

### Summary of Actions

Within the scope of cooperation with third countries on human trafficking issues, Portugal developed close ties with Brazil, which are enshrined in a number of bilateral Declarations (Cascais Declaration – 24/05/2006); Brasília Declaration – 29/11/2006; Lisboa Declaration – 24/03/2009)

In February of 2007 and November 2008 three training sessions were held, in Angola and Mozambique, with staff from police and social security area.

Portugal is currently implementing a project entitled " Promoting Transnational Partnerships – Preventing and Responding to Trafficking in Human Beings from Brazil to EU Members States", coordinated by the International Centre for Migration Policy Development (ICMPD).

The overall aim of the project is to improve the protection provided to victims, by promoting the development of international tools for extensive and appropriate support, ensuring effective cooperation in trafficking cases between the participating countries.

With that goal in mind, the aim is to strengthen the systems for support to victims, exchange of best practice between participating countries, bilateral and multilateral cooperation, as well as the active involvement of NGO's and researchers in the area of fighting human trafficking, both at the national and international level. The project which will have duration of 24 months, will concentrate on the prevention of trafficking and on the protection and empowerment of victims (identification and assistance to victims). One of the components of the project will be to develop training modules.

During the Portuguese Presidency of the EU, the first EU-Africa Summit took place, resulting in the establishment, among others, of an EU-Africa "Partnership on Migration, Mobility and Employment". The Priority Action 2 of this Partnership is precisely to "Implement the EU/Africa Plan of Action on Trafficking of Human Beings".

As regards cooperation with third countries, it is also important to underline the Council of Europe campaign on human trafficking "You're not for sale" (Não estás à venda), which was implemented not only in Portugal but in Cape Verde, São Tomé and Príncipe, Guinea-Bissau and Brazil.

At the 1st meeting of "CPLP" (Portuguese-Speaking Community) Interior Ministers, on the 9th April 2008, the participating countries adopted the "Lisbon Declaration", which calls for increased efforts against trafficking and proposes the establishment of an Observatory on Migration Flows.

During the Migration Forum of the Ibero-american community (Ecuador, April 2008), Portugal made two presentations concerning information campaigns on migrants human rights, fighting against human trafficking, illegal migrant trafficking and the prevention of illegal migration. The aim of this forum was to approve an action programme for Ibero-american countries in the areas under discussion.

It is also important to mention the "Traffic of Human Beings: System of Collection of Data and Harmonized Information Management Project" (Projecto Tráfico de Seres Humanos: Sistema de Recolha de Dados e Gestão de Informações Harmonizadas). This project, in which participates Portugal (Interior Ministry), Poland, Check Republic, Slovakia, ICMPD, with the partnerships of the BNRM of the Netherlands, the Association "On the Road" and NEXUS, is co-financed by the EU. It started in October 2008 and has duration of 18 months. The main purposes are:

- To define common criteria of data collection and information on victims, traffickers and judicial decisions, to be compiled in a Handbook;
- To create an efficient base for the collection and analysis of data;
- To develop software that allows the collection of data on victims, traffickers and judicial procedures in Portugal, that works as a Pilot Project.

#### National Initiatives

Portugal has implemented during the Equal Project CAIM a Model for Signaling-Identifying-Integration of VoT.

This model is now use in our National Referral Mechanism

The purpose is to promote the social reintegration of the VoT by setting mechanisms which contribute to a full reintegration either of the existent structures or the ones to be established to accomplish this aim. Through an intervention model specifically aimed to the trafficking problem, involving the different organizations and institutions which have a direct or indirect action on this matter

The goals are:

Make it possible a net answer which involves the investigation, prosecution and support of the VoT;  
Give the victims specialized support involving different levels (legal, psychological, medical, social, training, among others);  
Promote the development of knowledge, abilities and skills of the victims and, like this, avoiding their return to eventual future victimization;

In the process of signaling the objective is to detect eventual cases

Sorting and comparing situations of victimization, by filling out the Unified Register Form, or the Signaling Guide, according to the entity to whom the situation of victimization is brought forth to. Any suspicion may be communicated in person or by phone.

Signaling may be done by any collective or individual entity, including the victim itself and is made to the SOS Immigrant support hotline, to the multidisciplinary team in the case of NGO or public entities with social intervention nature – or to the Polices Focal Point – in the case of the different law enforcement, such as: the SEF (Foreign and Border Police), PJ (Judiciary Police), PSP (Public Security Police), and GNR (Republican National Guard).

Regarding the identification, the purpose is to confirm and characterize any situations of trafficking for further support, by using the Police and NGO registration guides, and analysis of such data.

At a first stage, by the Focal Point of the law enforcement and MT. At a second stage, in which a victim of trafficking is identified, by the judicial authority or the law enforcement, whenever there are signs of such crime, or by the Coordinator of the National Plan Against Trafficking in Human Beings whenever there are sufficient reasons to consider the person as a victim.

In case of invalidation, the most appropriate response should be referred. In case of confirmation of the Signaling stage, the Integration stage will follow.

The purpose of the integration is intended to provide the victims with conditions that may enable them to “recover and escape from the influence of the authors of the offences at stake”, ensuring the satisfaction of the basic necessities and the access to the different types of supports, such as: safety; social support; psychological support; legal support; medical support; translation and interpretation support;

In order to do so, we have the core technical team and then widened to the Shelter and Protection Centre, foreseeing an articulation with other entities, such as: the National Health Service, Judicial-Legal System; Institute for Employment and Vocational Training; Police forces and NGO.

Regarding the national integration (in the country of destination) the purpose is to implement social, cultural and professional integration of people who are victims, and that have chosen to remain on national territory. This (re) integration implies the promotion of skills, as well as the definition of a training path according to the characteristics and individual plan of each victim. This support foresees the development of training and social and occupational integration, a process monitored by the Shelter and Protection Centre team.

To care for the victim’s physical and psychological stabilization is a basic condition for working on projects of vocational training, of specific training or on programmes of occupational integration that may enable the appropriate valorization of her potential and that may respect her will.

This is made by the technical team for sheltered victims and, exceptionally, for former residents, to which contact with the CAP team is provided, outside the CAP facilities.

Regarding the integration for supported return, the objective is to ensure the adoption of the necessary measures for sheltering, protection and safety in the country of (re) integration, in order to prevent the reappearance of victimization situations.

Support should be provided at all times – before departure, during the journey and at the arrival at the (re) integration country, activating the interinstitutional procedures foreseen for each specific situation.

This is made by the multidisciplinary team, in articulation with the IOM (International Organization for Migration), and with public institutions (in which consular entities may hold a relevant role), or of civil society.

SQE (Sistema de Queixa Electrónica) - Electronic Complaint System - This project of the Interior Ministry allows for the use of electronic format complaints on crimes of Trafficking in Human Beings (THB), via the Web. Complaints can be filled either by victims or by people who are aware of cases of trafficking (<https://queixaselectronicas.mai.gov.pt/>). Filling a complaint triggers immediate opening of a criminal proceeding.

GUR (Guia Único de Registo) - Single Registration Guide – This is a register of victims of THB, with the involvement of police forces (PSP, GNR, PJ and SEF). It is run by the Interior Ministry and does not contain personal data.

THB Observatory - This observatory, established by the Decree-Law 229/2008 of 27 of November 2008, aims at collecting, processing and disseminating information on trafficking and various forms of gender violence. The creation of this Observatory is one of several measures that are foreseen in the National Plan against Trafficking of Human Beings.

First Conference on Trafficking in Human Beings - integrated in the training program of the Criminal Police School (Escola da Polícia Judiciária), this initiative took place in February 2009 and had the support of the Commission for Citizenship and Gender Equality (CIG – Comissão para a Cidadania e Igualdade de Género). Targeted for representatives of all security forces, judges, prosecutors, journalists, lawyers and public and private institutions who play an active role in the protection of victims, the conference's main objective was to promote a broad reflection on issues such as the strong transnational component of this phenomenon, gender distinction, trade and exploitation of minors, prevention and monitoring of risk groups, among others, regarded as factors for the establishment of effective and concrete measures that contribute to the detection and fight of such a crime.

## Measures / strategies to be developed

- To deepen the cooperation at police and judicial level between Europe and third countries through the conclusion of specific agreements in both dimensions.
- To promote specific training in the area of Trafficking in Human Beings, directed at actors directly involved in this fight in third countries, in partnership approach and with reciprocal actions.
- To implement the concept of “liaison officers” with third countries, including the migration aspect, in order to improve information channels, cooperation and concerted action.
- To promote the seizure of property and assets resulting from network trafficking, enabling for part of these confiscated goods and assets to be used to support programs for victims of trafficking (in view of return or supporting prevention programs in third countries).
- To support the development of specific campaigns in the area of Trafficking in Human Beings in third countries.

## Romania

Given the transnational dimension of the trafficking in human beings phenomenon, so far the Romanian responsible institutions have continued and strengthened the international cooperation activities initiated in the previous years, setting up a closer collaboration with third countries in the South-Eastern Europe, especially the neighbour states.

For mutual information in the field of fighting against trafficking in persons, Romania has maintained the collaboration with the Republic of Moldova and ensured in 2008 the participation in relevant events organized in this country, such as the Conference on the integration of the protection and assistance services for victims of trafficking in human beings in the state social protection system and the seminar Regional campaign for information, prevention and combating of trafficking in women within the project *Romania-Republic of Moldova Public-Private Partnership* – module 2.

Furthermore, Romania participated in the implementation of the *Programme to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe* and the *Programme for the Enhancement of Anti-trafficking Responses in South Eastern Europe – Data Collection and Information Management* of the International Centre for Migration Policy Development (ICMPD) and is one of the partner countries in the implementation of the project initiated by ICMPD *Development of a Transnational Referral Mechanism for Victims of Trafficking between Countries of Origin and Destination (TRM-EU)*, funded by the European Commission, whose beneficiaries are Albania, Bulgaria, Czech Republic, Italy, FYR Macedonia, Portugal, Romania and Hungary, and whose final result will be the handbook of the transnational referral mechanism for trafficked persons between countries of origin and destination.

## **Slovakia**

### 1) Evaluation of national measures

Expansion of trafficking in human beings in the territory of the Slovak Republic is due to a new migration situation following the relaxation of regime at borders of the European states after 1990. The Slovak Republic has gradually adopted and transformed all relevant documents concerning trafficking in human beings into its national legislation.

- It signed Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children that is the Additional Protocol to the United Nations Convention against Transnational Organized Crime
- Council Framework Decision of July 2002 on combating trafficking in human beings has been transposed into the new Criminal Code;
- Framework Decision of the EU Council of March 2001 on standing of victims in criminal proceedings has been transposed into the new Criminal Procedure Act;
- Since January 2007 respective provisions of Directive concerning regularisation of human beings subject to trafficking in the territory of the SR have been implemented into the Slovak legislation. In particular, it concerns a possibility to grant a tolerated stay permit and, in accordance with Article 6 of Directive to grant a „40-days period for thinking it over“;
- On 27 March 2007, the President of the Slovak Republic ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

At the national level, the first important act in this field was the National Action Plan on Combating Trafficking in Human Beings for years 2006-2007 adopted by the SR Government in January 2006. Following the fulfilment of its activities, the Ministry of Interior of the SR in assistance with three partnership non-governmental organizations implemented a pilot project to the Programme of Support and Protection of Victims of Trafficking in Human Beings in 2007. On 23 April 2008, the SR Government in its Resolution No. 251 adopted the National Programme on Combating Trafficking in Human Beings for years 2008 to 2010. Activities resulting from this act are aimed at the following 4 fields:

1. support framework (i.e. coordination structures, legislative framework, coordinated work with information and research, financial resources and budget, monitoring, assessing and updating),
2. prevention (providing the public with information – in particular a free national line of assistance for victims of trafficking in human beings 0800 800 818, training, minimalization of risks, administrative control instruments),
3. support and protection of victims (identification of victims, recovering period, full care for victims, protection of victim – witness, reintegration and return),
4. criminal prosecution (investigation, international cooperation of law enforcement authorities, criminal procedure, compensation of victims, communication of law enforcement authorities and victims, anticorruption measures).

Coordination of combating trafficking in human beings in the SR has been covered by the National Coordinator for Combating Trafficking in Human Beings who presides over the Expert Group for Combating Trafficking in Human Beings. This expert group is composed of representatives of selected units of the Ministry of Interior of the SR, as well as representatives of other central state authorities (Ministry of Labour, Social Affairs and Family of the SR, Ministry of Justice of the SR, Ministry of Health of the SR, Ministry of Foreign Affairs of the SR, Ministry of Education of the SR, Government Office of the SR), General Prosecutor's Office of the SR, non-governmental organizations, IOM Bratislava and self-governments.

In 2009, the Ministry of Interior of the SR provided 5 non-governmental organisations and 1 international organisation with subvention in a total amount of 200,000 EUR for the purpose of implementation of the Programme of Support and Protection of Victims of Trafficking in Human Beings.



The Information Centre for Combating Trafficking in Human Beings and Crime Prevention was established by the Act on Prevention of Crime and other Antisocial Activities adopted at the end of 2008. Its aim is to provide for a coordinated collection of information on victims of trafficking in human beings, their storage, analysis and evaluation, as well as circulation of information, at the national, as well as international level.

The Ministry of the Interior of the Slovak Republic in cooperation with various institutions has participated in the implementation of several international projects. Their aim is to provide training of law enforcement authorities, support for returning victims in order to prevent them from landing back in the milieu. Police Force performs operational cooperation with third countries via Interpol and through the liaison officers of the Ministry of the Interior of the Slovak Republic. They are currently employed by in non EU countries like Ukraine, Russia, Bosnia and Herzegovina, Croatia and Turkey.

### **Slovenia**

Pursuant to Decision No 240-05/2003-1 of the Republic of Slovenia of 18 December 2003, the Interministerial Working Group for the fight against trafficking in human beings (hereinafter: IWG) drafted a report on its work in 2008.

Over the period covered by the Report, the IWG held three meetings and discussed various topics related to planning measures against trafficking in human beings and to finding solutions for currently open cases. Relevant decisions are included in the meeting minutes circulated to the IWG members.

Due to activities linked to Slovenia's EU Council Presidency in the first half of 2008, work by the IWG was not as intense in regard to the organisational aspect of formal meetings; however, it went on smoothly in the form of shorter "ad hoc" working meetings depending on the issues in question. Major events and activities are to be found in the following chapters:

Legislative framework: amendments to the Penal Code with no substantive pertinence in regard to criminal offences of trafficking in human beings.

Prevention: list of activities relating to awareness-raising campaigns for the general public, the expert public and the target population – potential victims of trafficking. Here also belong inspection activities and measures relating to work permit issuing procedures for so-called professional groups at risk (bar dancers, and construction and seasonal workers).

Prosecution of criminal offences: cases of criminal acts dealt with by the police and public prosecutors' offices. In 2008, the police dealt with 18 cases (17 of which were criminal acts relating to 11 criminal complaints and 1 report) of trafficking in human beings involving 36 offenders. The public prosecutor's offices considered 11 criminal complaints and 2 reports against 31 suspects. Investigations were initiated against 7 persons; criminal charges were filed against 10 persons (of which 6 were from previous years); court sentences were pronounced against 4 persons (of which 3 were from previous years).

Assistance to and protection of victims of trafficking in human beings: consideration was given to the categories of temporary and protected accommodation practiced by the NGOs Association Kljuc and Caritas Slovenia, and to the project PATS as an example of continuity. The planned national budget amount for these projects was EUR 95,000, while the real amount of expenditure reached EUR 98,387.

Support activities: these include coordinated activities necessary for an integrated approach in the fight against trafficking in human beings; the IWG members actively took part in these activities.

Areas connected to the human trafficking issue: statistical data on Internet child pornography and illegal migration. Both topics actually do not fall within the narrow scope of trafficking in human beings, however they are indirectly related to it.

More details can be found at: [http://www.vlada.si/en/projects/fight\\_against\\_trafficking\\_in\\_persons/](http://www.vlada.si/en/projects/fight_against_trafficking_in_persons/)

## Spain

With a view to implementing the international agreements on the matter properly, on 12 December 2008 the Council of Ministers of the Spanish Government approved the Integrated Plan to Combat Trafficking in Human Beings for purposes of Sexual Exploitation, which is intended to be the first instrument for integrated planning of the fight against Trafficking in Human Beings for purposes of Sexual Exploitation in Spain.

The Plan covers five practical areas for action, in which there is provision for development mechanisms to achieve the objectives proposed:

- *Area I: Measures to raise awareness and for prevention and investigation*
  - Enhance knowledge of the phenomenon and its true dimensions from a multidisciplinary point of view;
  - Make the public aware of the problem, in practice the student population, families and teaching staff, as well as firms, institutions and the organisers of public and trade events;
  - Improve systems for prevention and early detection;
  - Improve the capacity of State Security Forces and Bodies to investigate and combat trafficking.
  
- *Area II: Training and education measures*
  - Step up the specialised training of State Security Forces and Bodies and of officials and professional personnel of public and private administrations and institutions concerned by the phenomenon of trafficking.
  
- *Area III: Measures to assist and protect victims*
  - Guarantee the protection of victims and witnesses;
  - Improve attention to and information of victims regarding rights and appeals;
  - Provide victims with specialised legal assistance in their own languages;
  - Provide full protection for victims who are illegal residents.

The legal measures applied in Spain according to the protection of victim, include:

- O. L. 2/86 of the State Law Enforcement Agencies, Art. 5,2: their members “must behave properly with respect to the citizens, whom they must give assistance and protection whenever is possible and whenever they are required to.
- The rights included in the articles 109 and 110 of the Spanish Criminal Law: during the first declaration of the offended individual, he will be informed on his right to take part in the proceedings and on the reparation and compensation of damages.
- The O. Law 38/2000 of 24 October, which modifies the Art. 771.1 of the Spanish Criminal Law: the Judicial Police is obligated to inform in writing the victims, offended or damaged individuals about their rights, such as a) to take part in the proceedings without the obligation of bringing any lawsuit; b) the right to have a court-appointed counsel; c) to urge to apply their rights.
- Law 35/95 dated on 11 December on assisting the direct or indirect victims of violent crime or against the sexual freedom.
- Law 19/94 on witnesses or experts on the trial which lets that their affiliation, residence and working place data do not appear at the judicial proceedings or police reports.
- Directive 2004/81/CE of the Council dated on 29 April 2004 (it is not included in our Legislation yet) related to issue a residence permits to individuals from third countries who have been victims of alien traffic or who have been subject of illegal immigration assistance, that cooperate with the authorities. Such Directive includes a reflection time for the victims.
- O.L. 4/2000 on the rights and freedoms of foreigners in Spain and their social integration. According to the Art. 59, it is possible to grant a residence permit, on exceptional circumstances, to victims or witnesses of illegal immigration, alien traffic and of working or sexual exploitation **by taking advantage of their emergency situation**, that collaborate in the investigation by giving significant information.

- *Area IV: Legislative and procedural measures*
  - Improve legal machinery for giving victims immediate and adequate attention;
  - Accelerate the adoption of precautionary measures and measures concerning evidence produced during preliminaries to trial;
  - Confiscate the economic gains made by organisations involved in trafficking.
  
- *Area V: Coordination and cooperation measures*
  - Step up both internal and international police cooperation;
  - Make possible more effective cooperation on investigations and trials in cases of trafficking;
  - Design and strengthen machinery for cooperation with NGOs and institutions involved in combating trafficking and in assisting victims.

## **Sweden**

### Organisation

The field of counter trafficking is a responsibility for The Swedish National Police Board under The Ministry of Justice. Under the Swedish National Police Board 21 independent regional Police Authorities are responsible for the operative work of fighting human trafficking. In the light of the Hague declaration, the Government commissioned the National Police Board in December 1997 to be national rapporteur.

Trafficking cases are dealt with by the police authorities in the region where the case was first been detected. The NCID is responsible for the supporting the regional police authorities in this area. There are currently three specialized units in the capital areas focusing on the matter of trafficking for sexual purposes and related crimes such as procuring etc.

According to Swedish Social Services Act (section 5 paragraph 11) the municipalities are responsible for providing support to victims of crime. Hence, the municipalities are obliged to provide victims of trafficking with the support that they need, for example psychological support, shelters or other forms of social assistance. The assistance is often provided by the social welfare units in the municipalities in close cooperation with the law enforcement agency handling the case.

The purpose of this close cooperation is to give the victims of trafficking a speedy and effective assistance. In some regions social welfare officers operate out of (are located within) the specialized police force units. This has proven to be a very efficient way of operating during investigations. It's also proven to be an effective way to guarantee qualitative and humane assistance to the victims in accordance with their individual needs. This type of organization can be found in Stockholm for example. Prosecutors also take part in this close cooperation together with the Swedish Migration Board. Furthermore, the municipalities often provide the support in cooperation with or jointly with civil society actors and NGOs as many shelters are run by NGOs.

Since 2005 regional operative teams have been up and running in the three capital areas in Sweden; Stockholm, Göteborg and Malmö. The teams are composed of key stakeholders in each region such as the police, the social welfare units and the municipality, the Swedish Migration Board and the International Public Prosecution Office. These regional teams are also complemented by local teams of civil society actors which are contacted on a need basis.

The return of victims is coordinated between local municipalities, police and NGOs (and to some extent also the Migration Board) where the victim is residing or where the crime has been investigated. On accordance with measure 7 in the Swedish National Action Plan the County Administrative Board of Stockholm has been commissioned to assess the current system and develop a joint nation wide cooperation model for safe return of victims.

Relevant Swedish legislation:

January 1, 1999: Legislation prohibiting the purchase of sexual services. This legislation is currently under evaluation until spring 2010.

July 1, 2002: Legislation imposing criminal liability for trafficking in human beings for sexual purpose

July 1, 2004: Amendments made extending the criminalization to all forms of trafficking in human beings (including trafficking within borders)

## Development cooperation

As regards trafficking in human beings within Swedish international development cooperation, the work of the Swedish International Development Cooperation Agency (Sida) is based on the government's strategic document "Poverty and Trafficking in Human Beings" (2003). In the document, a series of guidelines are provided. In short, the phenomenon of trafficking is to be regarded as a complex problem rooted in poverty, lack of respect for and protection of human rights, and gender inequality. Counter measures should be focused on the worst and most prevalent forms of trafficking, i.e. trafficking of women and children for sexual purposes and trafficking for labour exploitation, in particular forced labour and child work. In 2005, a review of the strategic document's implementation was published. Sida is continuously working according to this document. It recommended that inter alia that:

- more emphasis should be put on prevention
- there should be a clearer focus on empowerment,
- the number of cooperation partners should be extended,
- sustainability of measures should be put more at the forefront,
- boys, men, refugees and displaced persons should be included,
- the geographical spread of the measures should be increased,
- the link between trafficking and organised crime should be more strongly emphasised,
- a number of evaluations should be initiated.

## The Swedish Action Plan Against Prostitution and Trafficking in Human Beings for Sexual Exploitation

On 10 July 2008, the Government of Sweden adopted an Action Plan for Combating Prostitution and Human Trafficking for Sexual Purposes. The plan covers five priority areas:

1. Greater Protection and Support for People at Risk
2. More Emphasis on Preventive Work
3. Higher Standards and Greater Efficiency in the Justice System.
4. Increased national and International Cooperation
5. A Higher Level of Knowledge and Awareness.

Altogether, the Swedish government will be investing SEK 213 million (around 22 million EUR) in 36 measures from Oct 2008 to the year 2010.

## Training

Training seminars for law enforcement, judicial authorities, labor inspectors and officers of the Social Service Agencies are being organized by the competent authorities.

## The European Council Directive 2004/81/EC

The European Union Council Directive 2004/81/EC on residence permits issued to third-country nationals who are victims of trafficking has been transposed into national legislation in 1 Oct 2004 by amendments to the Aliens Act. Victims of human trafficking can receive an extendable 30 day reflection and recovery period. The inquiry leaders also apply for time-limited residence permits to citizens of the European Union in these cases.

## Convictions

Through our comprehensive legislation we have so far had 125 convictions for trafficking in human beings for sexual purposes or grave procuring; and 1 for labour trafficking.

## CBSS

The Council of the Baltic Sea States (CBSS) is an international regional organisation focusing on intensified cooperation among th Baltic Sea States. The aim of the regional political forum is to achieve a greater unity between the CBSS member states and other partners by means of favourable and equitable economic development and secure democracy. Among other things, the CBSS runs trainings on human trafficking for dipolomatic and consular personnel.



## Combating/preventing child-sex tourism

Behind a large number of of child pornography websites there are criminals profiteering from Child abuse images. Similar to all Internet-based trade, child pornography profiteers charge money for the privilege of viewing graphic sexual abuse images of children, often via ordinary payments systems. In 2007 ECPAT Sweden and the national bank, Skandiabanken initiated efforts aiming at establishing a SwedishFinancial Coalition against Child Pornography. As of mid 2008 Skandiabanken has been disrupting transactions related to child pornography websites it detects on its system. The Swedish Banking Association has announced their support of ECPAT Sweden's and Skandiabankens proposal for such a financial coalition.

## United Kingdom

Human trafficking is an appalling crime where people are treated as commodities and traded for profit. Our overall aim is to make the UK a hostile environment for trafficking and protect victims and potential victims from this abhorrent crime.

The UK has a comprehensive victim-centred strategy in place to tackle human trafficking, contained in an Action Plan. This was launched in March 2007; updated on 2<sup>nd</sup> July 2008. The Action Plan sets out the Government's strategy on tackling all forms of human trafficking. The plan details 85 actions to tackle trafficking across four key areas of: prevention; investigation/law enforcement/and prosecution; providing protection and assistance to adult victims of trafficking; and child victims.

We have established an Inter-Departmental Ministerial Group on Human Trafficking to co-ordinate work on this issue across Government. Additionally, we have established an NGO Stakeholder Group, chaired jointly by the lead Home Office Minister and the Solicitor General to act as a consultative forum on Government policy on trafficking and related issues.

On 17 December 2008 we ratified the Council of Europe Convention on Trafficking. This represents a key milestone in our concerted fight against trafficking. As part of our implementation of this treaty, which came into force on 1<sup>st</sup> April 2009, we have created a multi-agency National Referral Mechanism to improve identification and protection of trafficking victims.

Our aim is to ensure that all victims receive the right support and protection. We have invested in enhancing our victim care arrangements as a result of our ratification of the Council of Europe Convention. Victims of human trafficking can receive: an extendable 45 day reflection and recovery period; one year renewable residence permits in certain circumstances; accommodation; advocacy; counselling; legal advice; interpretative services; and reintegration assistance if they decide to return home.

Through our comprehensive legislation we have so far had 100 convictions for trafficking; 3 for conspiracy to traffick for the purpose of sexual exploitation, and 5 for labour trafficking. Combating trafficking is a high priority for our police and specialist law enforcement agencies.

Trafficking is core police business. In 2006 we established the United Kingdom Human Trafficking Centre. This is a multi-agency organisation that acts as a central point of co-ordination of for intelligence, analysis and operational activities around human trafficking. It works very closely with law enforcement agencies throughout the country and with NGOs as well as the Home Office in helping combat human trafficking.

Human trafficking is often a cross-border crime and the Government is committed to working with international partners to address this problem.

During our Presidency of the EU in 2005 we launched the EU Action Plan on trafficking. We are playing a leading role in a G6-inspired initiative (involving the Netherlands, Italy, Ireland and Poland) to assist in enhancing international co-operation, knowledge and develop victim care capabilities.

We are working with key partners to prevent trafficking through addressing the root causes by alleviating poverty through DfID programmes and building capacity in source and transit countries through the Serious Organised Crime Agency.

## **European Commission**

For over a decade now, the Commission has been funding a number of activities in the fight against trafficking around the world, through a comprehensive approach that addresses prevention, protection of victims and prosecution. The Commission's scope of work includes both trafficking towards Europe and intra-regional trafficking for labour and sexual exploitation in third countries. In addition to country and regional cooperation through the geographic instruments, the fight against trafficking is a priority in several thematic instruments, such as former AENEAS Programme (2004-2006) and currently, the Thematic Programme on Migration and Asylum, the Instrument for Human Rights (EIDHR), and the thematic programme 'Investing in People', particularly regarding child trafficking and child labour. Projects are spread around the world, from North, Sub-Saharan and South Africa, to the Middle East and the Gulf, Eastern Europe, Central and Southeast Asia and Latin America.

A number of short-term actions have also been conducted in the framework of the TAIEX instrument, namely seminars for law enforcement, prosecution, police and social services from the candidate and potential candidate countries and ENPI countries, as well as study visits to Member States. Israel, Ukraine, Moldova and all the Western Balkans have been among the most important TAIEX beneficiaries in this area so far.

Under "MIEUX - Migration EU Expertise", a new project modeled in TAIEX funded by the European Commission and run by ICMPD, it will be possible to provide short-term technical assistance to third countries (including those not covered by TAIEX) to better tackle irregular migration, including trafficking in human beings, as part of a comprehensive approach to migration management.

A number of projects funded by the Commission focus on support and training for the enactment of anti-trafficking legislation, investigation and prosecution. The EC is funding a €6,3 million project in South Africa to increase the government's capacity to deal with trafficking and enhance inter-sectoral coordination and cooperation.

In collaboration with UNODC, two projects are currently ongoing in Africa and one globally with the aim to assist countries in bringing their legislation in compliance with the Trafficking and Smuggling Protocols to the UN Convention against Transnational Organised Crime, and advocate for their ratification. Great emphasis is given to collaboration with local actors. The Commission supports local civil society groups, councils, creating platforms for cooperation and advocacy and community-based networks for prevention, as for example in the Philippines and Cambodia.

Another key area is the protection of victims in third countries, through legal, medical, and social support services, the establishment of shelters, and the protection of the rights of trafficked victims in host third countries, as for example a project on Indonesian women trafficked to Malaysia. The Commission also supports the socioeconomic reintegration of trafficked victims, helping and empowering returning victims to meet their material and social needs, combat the stigma, and avoid being re-trafficked, as for example a project on returned victims from Europe to Thailand and the Philippines; cooperation in the area of trafficking is often linked to work on gender. The Commission also supports campaigns to raise awareness in schools and in the community, through community leaders and the local media, currently in Morocco and in Albania.

Data collection and analysis, mapping the trafficking networks and the routes they follow, is another key area of work, as for example in a research project running in the Gulf States.

In the context of prevention, the Commission is promoting the rights of migrant workers through a project in Israel, and creating legal migration alternatives to irregular migration and trafficking in persons for labour and sexual exploitation, in Moldova, Ukraine, Georgia, Armenia and Azerbaijan. International cooperation between third countries and the EU is currently promoted through projects on cooperation against trafficking between Brazil and Portugal/Italy, and between Nigeria and Italy.

With regards to child trafficking and child labour in particular, the EC is funding a comprehensive project in Zambia through EDF with activities ranging from data collection and mapping of trafficking for domestic labour, capacity building, awareness raising campaigns and outreach to the public and populations at risk. In Zimbabwe, a project under the EIDHR aims to protect children from violence, abuse and exploitation in cross border movements and in child trafficking.