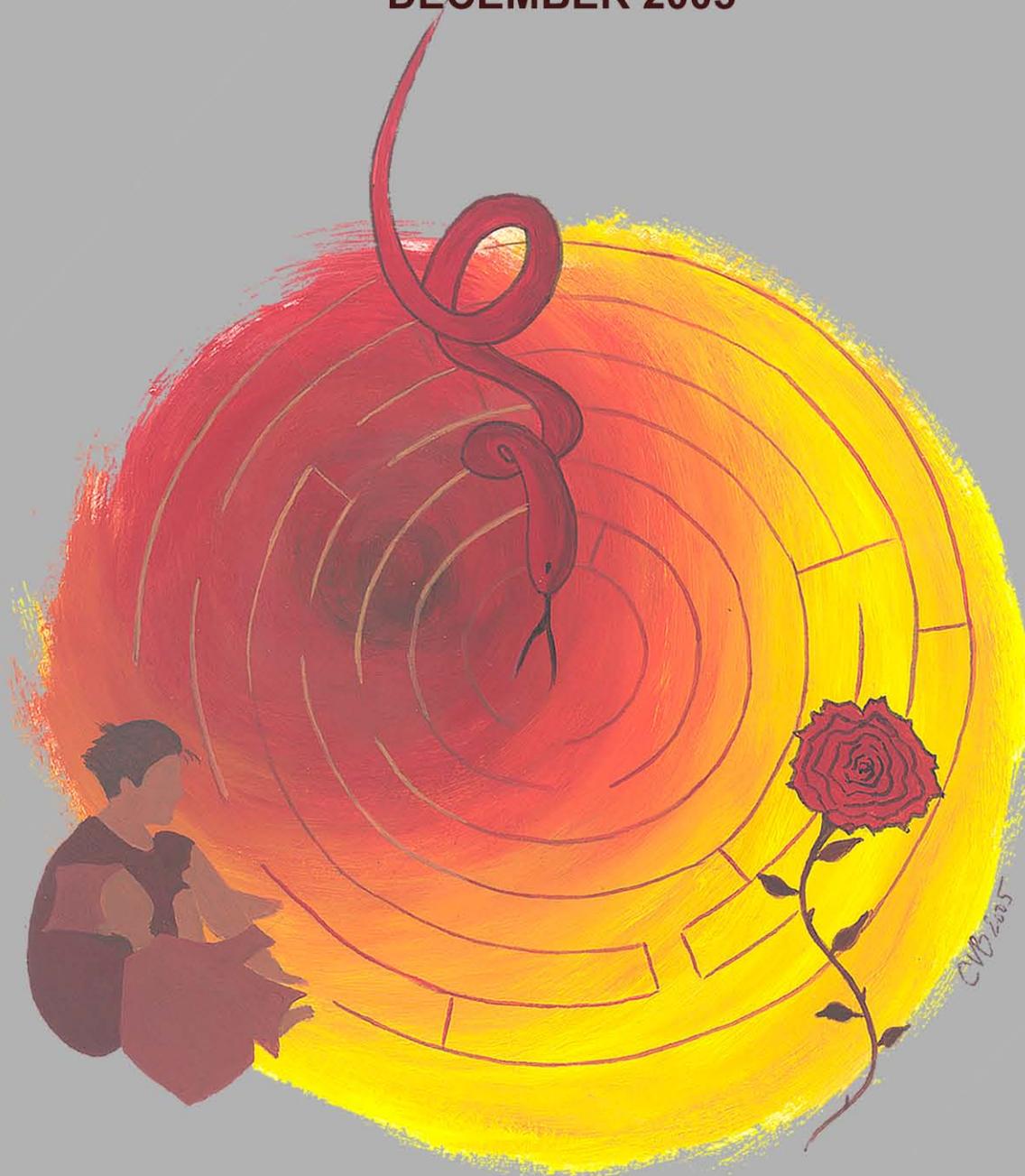


IDENTIFICATION AND PROTECTION SCHEMES FOR VICTIMS OF TRAFFICKING IN PERSONS IN EUROPE

TOOLS AND BEST PRACTICES

DECEMBER 2005



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The picture on the cover of this Manual was drawn and given as a gift to IOM by Mrs. Caroline Visart de Bocarmé, Belgian artist. The painting is called “Les Tourments de l’Espoir”, translated into “The Ordeals of Hope”.

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DECEMBER 2005

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Prepared within the Framework of the IOM Project
"Training of Border Guards, Police and Customs Officials
in Identifying and Providing Assistance to Victims of Trafficking"



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FOREWORD

Trafficking in persons for sexual and labour exploitation, domestic servitude, petty criminality or any other purpose represents a form of organized crime and human rights abuse that seriously hampers social stability. This transnational and cross-border phenomenon requires a comprehensive and coordinated response involving all relevant actors in the countries of origin, transit and destination.

In order to better distinguish trafficking victims from regular passengers or irregular migrants, avoid criminalization of trafficked and smuggled victims and protect the rights of victims as required by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime and the Brussels Declaration on Trafficking in Human Beings, IOM strongly recommends reinforcing counter-trafficking action through strengthening and maintaining cooperation networks involving various state officials and non-governmental sector representatives from all concerned countries.

Since the issue of trafficking is not only a national or a regional one, it is essential to encourage and strengthen international, cross-border action and cooperation. In addition to abusing human rights and violating labour and migration laws, trafficking in persons is also a problem of national and international security.

Thus far, the lack of sustainable cooperation and information exchange networks involving law enforcement officers (police, border guards, customs officials), immigration officers, expert international organizations and NGOs and other professionals, is among the reasons why trafficking is still a flourishing criminal activity and why many victims do not find adequate assistance and protection.

The Brussels Declaration, adopted by the Council of the European Union on 8 May 2003¹ is the main European Union reference document in Human Trafficking. It recommends that “specific training programmes aimed at front-line police and frontier personnel as well as the new recruits of both agencies, should be designed to increase their capacities to recognize the indicators of trafficking-related crime and to identify and rescue victims”.

Within this context and based on its extensive European expertise, IOM has launched a project called “Training of Border Guards, Border Police and Customs Officials in Identifying and Providing Assistance to the Victims of Trafficking”. The project was aimed at improving mutual knowledge of 13 countries among European Union Member States, candidate countries and neighbouring countries. The project assessed the working methods, legal state-of-play and respect of international rules by the border guards, law enforcement officers, immigration liaison officials and customs officials with respect to the identification, screening and protection of victims of trafficking and smuggling. It sought to strengthen the interagency cooperation between different authorities dealing with the victims in order to increase the

¹ O.J. C137/1 of 12 June 2003

efficiency in victims' protection and the combat against criminal networks. Furthermore, in line with the objectives of the new European Border Management Agency, the project was aimed at contributing to the development of a Common Core Curriculum for Border Guards Training as stated in the Article 5 of the Council Regulation 2003/0273 (CNS) of 11 November 2003.

Carried out in close cooperation with and with the active participation of Europol, Interpol, OSCE, the European Parliament and other professional institutions, the project built upon experience and recommendations of previous IOM initiatives.

This final publication summarizes the main findings and recommendations, which are the result of the contribution of 13 National Delegations from Europe actively participating in the entire process.

We hope that you will find the activities carried during the lifetime of the project useful for your daily activities in combating trafficking in persons in Europe. In particular, we hope that the three Training Conferences organized in Dublin, Budapest and Brussels, as well as this manual, will be considered as an added value to enhance national and transnational cooperation between all agencies and institutions active in this field in Europe.



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Regional Representative
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INTRODUCTION

This report presents the results of 12 months of active research and training activities carried out with delegations from 13 European countries.

In order to gather a better view on the situation on trafficking in persons in each of those countries, IOM carried out national research on legislation and practices related to the identification and protection of trafficking victims as well as on interagency cooperation at the national and international level. The results of this research were compiled into country reports.

The country reports have been summarized and adapted in order to follow the same structure and reflect the scale and nature of trafficking in each country. The existing legislation and practical guidelines or methodologies used in the target European countries, as well as their cooperation at the national and international level have been studied and incorporated into the reports.

These reports constituted the basic material for the preparation and development of the training curriculum through which three training conferences were organized. Each training conference addressed a specific counter-trafficking theme identified as a need during the research process.

This publication has been structured to provide the reader with easy access to the main information pertinent to the identification and protection schemes for victims of trafficking.

The first chapter provides valuable background information on European practices and legislation with regard to the identification and protection of victims. It also presents the cooperation at the international and national level among the participating countries. This general information, based on the national research and findings, provides the background on the training activities which are developed within the Chapter 2. It ends with an overview of needs and gaps in training facilities needed to combat trafficking in persons in Europe.

Chapter 2, entitled “Tools and Best Practices to Counter Trafficking in Persons in Europe”, is divided into three parts according to the topics of each of the Training Conferences, namely identification of victims, investigation of trafficking cases and victim protection. This chapter is aimed at enhancing the exchange of best practices and to create tools in order to help those persons who are in direct contact with trafficking victims.

The following chapter (3) reviews the recommendations developed for each of the topics in view of the recent policy developments at the European Union level with regard to fighting trafficking in persons. The recommendations are the result of active discussion and inputs by the participants of the training conferences.

All the summarized country reports are included in Chapter 4. Starting with methodological comments, the chapter is divided according to the status of the participating country as a Member State, candidate country or neighbouring country of the European Union.

In order to enhance the daily work activities and capacities of the reader, this document includes a Glossary on Counter-Trafficking (non-exhaustive) and a List of Contacts considered as useful information for frontline personnel confronted with human trafficking within an international and regional dimension.

1. OVERVIEW OF IDENTIFICATION AND PROTECTION MECHANISMS IN EUROPE

1.1 INTRODUCTION

This chapter gives a general overview of identification and protection mechanisms in Europe. The overview is based on the analysis of the country reports that were drafted for the purpose of this project in 13 European countries (Belgium, Bulgaria, Estonia, Finland, Hungary, Ireland, Lithuania, Moldova, the Netherlands, Romania, Slovenia, Ukraine and the United Kingdom). The individual country reports are included in Chapter 4 of this report. This chapter contains the most important conclusions that can be drawn out of the facts and figures provided by those country reports. Five aspects will be dealt with:

First, the scale and nature of trafficking in persons in Europe will be analysed.

Second, the legislation and practices with respect to victim identification will be compared in order to draw some general conclusions.

Third, a similar comparative analysis is done for protection mechanisms in Europe.

Fourth, the important aspect of interagency cooperation and information exchange at the national and international levels will be discussed.

Finally, training requirements of law enforcement agencies to counter human trafficking that were identified during the analysis of the country reports will be indicated.

The main goal of this overview is to present the reader with a brief summary of the situation in Europe regarding human trafficking, focusing on the question: “where we currently stand in Europe with respect to victim identification and protection mechanisms”. Accordingly, the overview will provide the necessary background for the core of this project, namely the development of tools and best practices to effectively counter human trafficking in Europe.

1.2 SCALE AND NATURE OF TRAFFICKING IN PERSONS

A major problem in Europe is the current lack of data on trafficking in persons. It is acknowledged that in order to fight the phenomenon in an efficient way, gathering and analysing quantitative and qualitative data is of the utmost importance.

There is a great need in European countries to set up adequate systems to collect and analyse data on trafficking in persons. At present, the available data originates almost exclusively from NGOs or international organizations. Because of this, it is not easy to draw (comparative) conclusions on the scale of trafficking in persons. Figures and statistics must be handled and analysed carefully.

Most countries indicate a rise in the number of trafficking cases over the last years, but this does not necessarily point to a rise in the phenomenon. It could also be an indication of the effect of anti-trafficking legislation which has been increasingly established throughout Europe or the effect of increased law enforcement efforts. Furthermore, statistical methods have significantly improved as well as the exchange of information on human trafficking. A final factor to be mentioned is the increasing public awareness on the phenomenon which could lead to an increase in the number of (potential) trafficking situations reported.

The majority of trafficking cases in the selected countries concern trafficking in persons for sexual exploitation. There has been, however, a recent increase in the number of cases of forced labour, illegal adoption and exploitation for begging.

In most of the countries observed, particularly in Southeast Europe, internal trafficking is noted in addition to cross-border trafficking.

Southeast and Central European countries are usually countries of origin as well as transit and sometimes (to a lesser extent) of destination. Western European countries and the United States remain preferred and “attractive” destinations.

Generally speaking, however, it is very difficult to pinpoint a country as a place of origin, transit or destination exclusively. This confirms the fact that trafficking is a cross-border, transnational phenomenon which must be seen from a broader international perspective.

Regarding the profile of the victims, a general observation is the increase of trafficking in minors. Moreover, figures point to an increased number of male victims, especially for exploitation on the labour market. The majority of the victims, however, are women and girls.

1.3 IDENTIFICATION

The majority of countries have specific legislation in place on trafficking in persons. Most countries have either ratified the United Nations Convention Against Transnational Organised Crime (UNTOC) or the related United Nations Trafficking Protocol or have concrete plans to do so. Generally speaking, it can be said that almost all European countries have criminalized trafficking in persons. The existence of a legal definition of a trafficking situation is an important step towards an effective identification of trafficking victims.

Because of the general implementation of European and international standards on the definition of trafficking in persons, a more common approach on identifying trafficking cases and victims is realized. This certainly is a positive evolution in the field of identification.

Specific legislation on identification and screening of trafficking victims is, however, far less common. Some countries have such legislation in place or have included provisions on identification in National Action Plans or Strategies, but these remain a minority.

The same remark can be made for the existence of national methodologies or guidelines on identification and screening of trafficking victims. Some of the countries have drafted a list of

indicators or work with standard questionnaires for interviewing suspected victims but this again is the exception. These guidelines usually contain similar indications in order to establish whether there is a (potential) trafficking situation. These indications relate to the way a person enters a country (behaviour at the border, travel documents, etc.) or to the specific characteristics of the (suspected) victim or (suspected) trafficker who accompanies that person. The guidelines also provide indicators for the identification of (potential) trafficking victims at the place of exploitation (working and living conditions, physical status).

Mostly, there is no formal process of identification and screening. The process of victim identification is largely conducted on an ad hoc basis by a range of agencies involved in the counter-trafficking effort, without much of a formal systematic approach. As a result, a clear understanding of how to identify victims of trafficking (or offenders) is currently lacking among a large part of the actors who are directly or indirectly involved in the identification process.

Most countries indicate that a wide range of national and international institutions are involved in the identification process. Among the channels most commonly used for identification are law enforcement officers, border guards, immigration staff, hotlines, NGOs, embassies, etc.

Police operations (mostly of a specialized nature) are clearly recognized as the primary channel of identification in most countries. The proper and rapid identification of a trafficked victim is the key issue for law enforcement officers. One of the dilemmas in this respect is to assess whether a person should be identified as a victim who should be protected or as an offender who should be prosecuted.

NGOs are also a very important player in the identification process. They are a crucial source of information for law enforcement authorities. IOM offices throughout Europe are said to have a key role in referring victims of trafficking to the competent authorities or institutions. In order to improve the understanding of trafficking issues among IOM staff and to coordinate the methods used to identify and provide standardized assistance to victims of trafficking, IOM has compiled in form of a Handbook guidelines. These guidelines set out detailed instructions to be observed by all IOM staff at every stage in the process of assisting victims of trafficking, from the point of initial contact and screening up to the effective social reintegration of the individuals concerned. Moreover, IOM developed a database to record and coordinate all cases involving trafficking victims who seek IOM assistance. The database was designed to sequentially address all the issues likely to arise in relation to the identification and subsequent support of identified trafficking victims. It thus provides also a common global methodology for the collection and analysis of trafficking data.

Social and Labour Inspection Services are increasingly involved in the fight against trafficking in persons, in particular in the identification of victims and the employer exploiting her/his labour.

While performing their duties, border guards often come in direct contact with trafficking victims. Although they recognize their role in counter-trafficking efforts, they usually find it difficult to identify victims since they have only a very limited amount of time to assess the

situation. Moreover, often the exploitation of the person has not yet started and the (potential) victim is not aware of the conditions that she/he is heading for.

Customs officers in most countries are not always convinced that they have a role to play in identifying trafficking victims. Neither do they feel themselves adequately equipped to perform this function. If they stumble upon a (potential) trafficking victim, they will usually refer her/him to the border guard services.

Generally speaking, the role of border guards and customs officers in the identification (and referral) of trafficking victims is quite limited.

Not only do frontline officers often have insufficient knowledge on how to identify a victim, even when there is a suspicion of someone being a (potential) victim, there is no clear or uniform approach on how to react or proceed in such a case. There is a lot of confusion regarding the division of responsibilities in the identification process. As a result, frontline personnel admit that a large number of victims are not identified.

Another element in this regard is that, partly due to the absence of clear guidelines on identification and screening, the identification greatly depends on the victim. If an individual does not approach law enforcement officers, border guards or NGO workers, then the identification of victims is rather difficult. Most actors acknowledge that this should change. More efforts should be put into “proactive identification”, namely identifying a (potential) victim before she/he actually becomes a victim. This is considered to be a real challenge in terms of identification of trafficking victims. Law enforcement authorities in many countries are currently developing or deploying such proactive methods.

Another obstacle recognized by many countries (especially by border guard services) is the fact that a lot of victims are simply not aware of the fact that they will be exploited once they reach their destination. It is very difficult to take action when such persons cross borders.

A last obstacle noted by most countries is that, in the last years, there has been a sharp increase in the number of trafficking victims entering the country of destination in a legal way (cf. the abolition of checks at the internal borders of the Schengen Zone and the lifting of visa requirements in some Eastern European countries). Frontline staff then have difficulties in taking action because, in fact, exploitation has not yet started. Consequently, there are few grounds on which appropriate measures can be taken.

It happens very seldom that a victim can be identified before leaving the country. In the few cases where women confessed that they had an arrangement with the driver and also disclosed the real purpose of their travel, this was mostly due to the fact that the trafficker had not “adequately” trained them before.

There is a general feeling that identification is a joint responsibility of all countries involved. Countries of destination point to the fact that transit and origin countries should take more efforts to prevent (re-)victimization and to identify (potential) trafficking victims at an early stage, even when no exploitation is noticeable yet.

1.4 PROTECTION

A significant number of countries have a (basic to extensive) legal framework for protecting and assisting victims of trafficking. Many countries have National Action Plans which also foresee measures in this area.

A significant number of victims return to their country of origin individually and apply to law enforcement authorities or to NGOs. In most countries, social assistance is offered in the framework of reintegration programmes of national and international NGOs and international organizations, including psychological, medical, legal and financial support and other types of assistance. The IOM Assisted Voluntary Return Programme is considered to be of key importance in this field.

Most countries offer some kind of witness protection programme to victims of trafficking who wish to cooperate with the Judicial Authorities during criminal proceedings. Special programmes or separate laws/regulations on trafficking victims are, however, exceptional. Most countries do not consider it appropriate to distinguish victims/witnesses of trafficking from victims/witnesses of other crimes. Moreover, most witness protection programmes are conditional and their utilization in practice is very limited, usually due to a lack of resources.

There is great disparity between countries regarding the existence of national referral systems. Some countries do not have such a system at all, others have some kind of alternative procedures and some have fully integrated and highly organized support systems. The role of NGOs and international organizations in this respect is generally considered to be of key importance.

The majority of countries foresee some kind of possibility for trafficking victims to obtain a residence permit. Required by the European Union legislation in this field (cf. Council Directive 2004/81/EC on the Residence Permit), some countries are planning to establish such a possibility. In a number of countries where it is currently not possible to obtain a residence permit, shelter is offered for a transitory period in State Centres.

In most countries, the offering of shelter and issuing of residence permits is conditional and depends on the willingness of the victim to testify against the traffickers and to cooperate during the criminal proceedings. This is not always successful because many victims are not willing to turn against their traffickers because of fear, uncertainty or a lack of faith in governmental officials. Moreover, it is very difficult for trafficked victims to obtain a definite permit to stay in the country of destination when the criminal proceedings are finished.

In most countries, important steps have been taken in the area of child protection, either through the adoption of new legislation or the issuing of specific National Action Plans. The protection, assistance, assisted voluntary return or reintegration programmes are usually better elaborated for children than for adult victims of trafficking in persons.

1.5 COOPERATION AT THE NATIONAL AND INTERNATIONAL LEVEL

Interagency cooperation and information sharing is considered in all countries to be a fundamental component of counter-trafficking activities.

Due to the multidimensional nature of trafficking in persons, most countries have a wide range of institutions dealing with some aspect of the phenomenon. In this context, several countries have established central coordination bodies or interministerial/interagency working groups, which gather a range of institutions dealing with trafficking in persons, in order to coordinate efforts to combat, prevent and discourage human trafficking.

Cooperation between governmental agencies such as law enforcement authorities and NGOs is usually considered to be good. The latter are said to be a valuable source of information. Although a certain amount of distrust sometimes hinders good cooperation, both actors recognize each other as helpful partners in their common effort to counter human trafficking and to assist trafficking victims.

Problems in cooperation at the national level still exist between those institutions which are (traditionally) not used to cooperating. Several initiatives have been launched, however, to improve this situation and to increase the flow of information on trafficking cases between all institutions involved.

In countries where there is no officially established system that ensures communication between agencies, an informal network of counter-trafficking specialists has emerged. Although those networks often work quite well and effectively, a frontline officer who faces problems in her/his daily operations cannot benefit from such an informal network. Therefore, those countries are considering establishing formal mechanisms of cooperation and communication.

Although international cooperation and cross-border information sharing is considered to be equally as important as cooperation at the national level, interagency cooperation at the international level is generally found to be too weak.

Most countries have bilateral agreements on cooperation in combating crime with various countries.

Significant progress has been achieved in the last years on regional cooperation in the area of trafficking in persons. The Southeast European Cooperation Initiative (SECI) and the Nordic Baltic Task Force on Trafficking in Human Beings are typical examples of this evolution. In the frame of these institutions, joint operations have successfully been set up and information is easily shared.

Moreover, at the European Union level, there is an increasing trend to harmonize Member States' legislation on the issue and to implement counter-trafficking activities in a standardized way (e.g. the current developments of an Action Plan on Trafficking in Human Beings in the context of the 2004 The Hague Programme "Strengthening Freedom, Security and Justice in the European Union").

Cooperation between police services of different countries through Europol and Interpol is considered to be a real added value. Europol has a good relationship with law enforcement authorities from various countries and the Europol Liaison Officer Network has become a well-established channel for transferring information from one country to another.

From a broader international perspective, Interpol is also recognized as a major player in the field of cross-border information exchange and just like Europol has developed special expertise in counter-trafficking activities.

The general feeling is that much has to be improved in the area of international (law enforcement) cooperation. Differences in legislation, culture and a certain degree of ignorance about the possibilities offered by institutions like Europol and Interpol are significant obstacles for efficient international cooperation in human trafficking cases.

While cooperation at the national level is well-structured in most European countries, cooperation with relevant authorities at the international level could be increased, especially in order to better understand the situation in the countries of origin for human trafficking, motivations for emigration and migration flows to destination countries.

1.6 TRAINING REQUIREMENTS

The final part of this chapter is aimed at indicating training gaps and needs identified during the analysis of the country reports.

The research conducted for this project showed that, while the national situation on human trafficking is well known to frontline officers, the phenomenon of human trafficking in the international context is less familiar to them. Information on the legal framework and the practices to combat trafficking in persons in other countries are assessed as valuable. By sharing expertise and best practices, countries could serve as a model for one another (e.g. some countries have a well-established victim protection system in place while others have little expertise in this field).

A relatively clear definition of trafficking currently exists in most European countries. However, officials at the operational level at borders and the airport, as well as police officers, often lack a basic conceptual understanding of this definition, which prohibits effective implementation in terms of the identification of victims.

Therefore, there is a need for developing tools to train these officers in clear criteria and operational procedures for screening. This way, potential victims could be filtered out from the general (migrant) population. Criminalization as such is not enough to effectively fight trafficking on the operational level.

The majority of countries indicate that significant efforts have already been given to train Law Enforcement Agencies as well as NGOs on the issue of trafficking. There is a general feeling that additional training activities should only be provided with a focus on highly specialized areas.

Moreover, training requirements seem to vary for the different groups who are in one way or another involved in counter-trafficking activities.

Police officers meet victims as part of their routine work. On the one hand, some countries indicate a clear need to raise the awareness of these officers in respect of victim identification and their referral to supporting organizations. On the other hand, a number of countries consider their police officers to be “adequately trained” and in no real need of further training. The possibility of training fatigue should always be considered.

It is a fact that the police are often a country’s most educated and active institution in the field of trafficking. Prosecutors and judges, however, are often not yet sufficiently familiar with the phenomenon and do not have much practical experience in trafficking cases.

Specifically with regard to the police, there is a need for developing the use and management of proactive intelligence-led investigative tactics.

In comparison with the police, the training needs of the Social and Labour Inspection Services seem to be higher. Since the focus of these Services is to inspect and sanction the employer, the victim-centred approach is missing. Should the inspectors of these Services be better trained about the phenomenon, they could play a more active role in the fight against trafficking in persons.

Immigration Services act more as an intermediary between the police, NGOs, prosecutors and victims and are seldom in direct contact with the victim. Therefore, their training requirements should focus more on sustainable ways to enhance information sharing and cooperation.

As already mentioned, there seems to be almost no awareness among European customs officials on the phenomenon of trafficking in persons and knowledge about the victim referral and protection mechanisms. The first challenge of training efforts would therefore be to raise the awareness of customs officers about the potential role that they could play in the identification and referral process.

Training courses on human trafficking would also be interesting for other institutions/organizations such as tax collectors (who come in contact with brothel owners) or people working at embassies. All these institutions should be aware of the signals of trafficking in persons.

According to NGOs from countries of origin, in order to improve provision of reintegration assistance to trafficking victims, it is necessary to study the practical experience of governmental officials, law enforcement officers and NGOs in destination countries.

Taking into account the multidimensional nature of trafficking in persons, developing general multidisciplinary counter-trafficking training activities for people with law enforcement, medical, educational, diplomatic, immigration or NGO backgrounds could be considered.

Case studies are pointed out as the best method for training activities. These case studies should mainly refer to the experience of frontline officers, meaning that they should include an appraisal of the local practice. A large number of frontline personnel interviewed said that training sessions should not be oriented too much towards theoretical aspects of trafficking in persons.

There is a certain consensus in European countries on the kind of information that should be provided during training activities. Among the topics mostly mentioned were how to identify victims and what to do when a victim is identified, basic knowledge about trafficking and traffickers and how to make a distinction between trafficking and smuggling.

In order to increase the ability of frontline personnel to assist victims, the training activities should also incorporate the principles of democratic policing, human rights and gender equality and should consist of elements such as gender awareness, intercultural qualification and anti-racist strategies.

One problem that should be mentioned with regard to the training on human trafficking is that, in the last years, a substantial number of training activities and training manuals were offered by different international organizations. In view of these previous, ongoing and future activities, one has to be careful not to duplicate training efforts.

Generally speaking, the information flow on human trafficking signals, experiences and best practices should be improved at the national level as well as at the international level. The challenge would be to make people aware of the fact that they can encounter (possible) human trafficking victims and to make them aware of the signals.

Connecting certain behaviour with signals of human trafficking is the main prerequisite for effectively identifying trafficking victims and should therefore be a main focus of training activities. In this way, tools and best practices could be developed based on the practical experience of the actors directly involved in combating human trafficking such as police and customs officers, border guards, NGOs, etc.

By sharing this information and experience with other countries or institutions, a more uniform and professional approach on combating trafficking in persons could be realized throughout Europe, while taking into account the specific needs and challenges existing within a particular country.

2. TOOLS AND BEST PRACTICES TO COUNTER TRAFFICKING IN PERSONS IN EUROPE

2.1 IDENTIFICATION OF VICTIMS OF TRAFFICKING

2.1.1 Introduction

The first training conference (Dublin, 12 to 14 September 2005) focused on the *Identification and Treatment of Victims of Trafficking*. It gathered 68 border guards, police, immigration and customs officers as well as representatives from law enforcement training institutions from 12 European countries, namely Belgium, Bulgaria, Estonia, Finland, Hungary, Ireland, Lithuania, the Netherlands, Romania, Slovenia, Ukraine and the United Kingdom.

More specifically, the first training conference intended to increase operational knowledge of and expertise on the following topics:

- The concept and process of human trafficking (international and European Union definitions; distinction between trafficking in persons and smuggling of migrants);
- The different methods and national practices used to identify trafficking victims;
- Ways to profile potential victims of trafficking;
- Referral mechanisms and national best practices in the treatment of trafficking victims.
- Interagency cooperation mechanisms at the national and international levels regarding the identification of trafficking victims.

Several presentations by international experts and interactive group discussions were held on aspects such as “What is Trafficking in Persons”, “Identification Methods for Trafficking Victims”, “Treatment and Referral of Trafficking Victims”, “Identification and Protection of Child Victims of Trafficking” and “Interagency Cooperation at National and International Level and the importance of Intelligence Sharing”.

Based on the outcome of these activities, four recommendations were made, which can help the development of tools and best practices with regard to the identification of trafficking victims.

2.1.2 The Methodology of Victim Identification

Recommendation 1:

The use of proactive monitoring tools to identify victims of trafficking is generally considered the most effective method. A non-exhaustive list of indicators can help frontline officers to identify victims of trafficking. It is crucial that frontline officers at the borders and in the country record information/observations into a database, as this information might become important for the investigation into trafficking cases at a later stage.

The process of victim identification can be divided into three stages.

A final decision should be taken based on the cumulative judgement of the three stages.

(1) The assessment of pre-interview indicators

There is no guaranteed identification process. Identification of trafficking victims depends on the cumulative judgement of all the available indicators.

These indicators should be developed locally to reflect current local knowledge.

In this first stage, all surrounding factors should be taken into account. These factors include age, gender, nationality, documentation, last location, evidence of abuse, assessment of the referring agency, current local and global knowledge of the modus operandi, trends, etc.

(2) The structured interview with the presumed victim

If the indicators point to a possible trafficking situation, the presumed victim should be interviewed.

The interview should be structured and should focus on recruitment, transportation and exploitation.

Also in the second stage, presumed victims should have access to available assistance. This assistance must never be dependent on the cooperation of the person.

Immediate physical safety and medical and psychological assistance should be the primary concerns in this stage.

Moreover, the possible victims should be given independent advice on their rights and responsibilities.

(3) The assessment of additional corroborative material

The main purpose of the third stage should be to find and assess available additional corroborative material. Verbal testimonies in particular should always be corroborated.

Proactive monitoring is considered a key in the field of victim identification. All border officials (police/customs/immigration) must be aware of and sensitized to the issues of trafficked persons.

An essential element of proactive monitoring is the “pre-screening” of victims which means that potential trafficking victims should be identified as soon as possible. Frontline officers should be able to quickly analyse available information and to assess the situation.

With regard to the identification of trafficking victims, different approaches exist in origin, transit and destination countries.

In countries of origin, for example, intelligence on human trafficking is mainly gathered through monitoring and interviewing victims of trafficking who return to their home country. Moreover, police try to investigate money flows in order to dismantle criminal networks operating in countries of origin.

Several best practices regarding proactive monitoring of trafficking in persons can be found in all European countries, irrespective whether it concerns a country of origin, transit or destination.

The following approaches shall be common to all countries when combating trafficking in persons:

- Sensitized border guards as a filter of cases of trafficking in persons, e.g. through interviewing suspected travellers;
- A database to insert observations at the borders (data that can be used at a later stage for investigations);
- Community policing and problem-oriented policing;
- Training of Consular Officers on trafficking in persons and exchange of information;
- Raids in night clubs and other places where trafficking victims can be found;
- Collaboration with NGOs for information sharing and hotlines.

In addition to proactive profiling by Intelligence Units, the use of support mechanisms for trafficking victims and the willingness of the victim to share information are of the utmost importance for the detection of trafficking cases.

The following (non-exhaustive) list of indicators could help police officers to identify a victim of trafficking in persons:

- **Travel:** (collective) travel documents (tickets, visa/passport), when travel is organized by others;
- **Identity Documents:** the presumed victim does not have free control over her/his own identity documents, or has only a false or falsified passport;
- **Work:** the involvement of an “agent” in bringing the person to an employer; obligation to work under bad circumstances and excessively long hours;
- **Mobility:** limited freedom of movement, no permission to leave, permanent surveillance, lack of access to medical care, no or controlled telephone communications, travel between home and the workplace organized by the facilitator;
- **Living conditions:** excessive rent for housing or the residence of a number of (irregular) immigrants in the same house or at the same address; the intercepted group does not stay in the proximity of the workplace or is lodged in the same region of the city;
- **Earnings:** the victim has no control over her/his earnings; a percentage of the earnings is paid to a middleperson; a need to pay excessively high travel expenses; a need to compensate the expenses of mediators before and during travel to and upon arrival in the country of destination; a difference in earnings compared with local salaries;
- **Psychological conditions:** fear of repatriation in case of illegal entry or stay; coercion of family in the country of origin; threat and use of violence.

Recommendation 2:

In order to verify whether a presumed victim is a “real” victim of trafficking, law enforcement personnel need to be qualified to conduct the identification interview. Moreover, the interview with the presumed victim is of importance as her/his statement is often crucial for the investigation into a trafficking case.

Based on the experiences and knowledge acquired locally through the identification of trafficking victims, including history and background, modus operandi, social characteristics, etc, victim profiles can be developed.

These profiles can, (where they exist), help a border guard who, in general, has 20 seconds to decide whether a passenger could be a victim of trafficking.

The main purpose of the victim interview should be to establish the full facts of the case history. These facts should then be used to corroborate the victim’s story. This corroboration should then serve as a basis to assess the credibility of the story.

A good interviewer should have a wide range of qualities. It is of utmost importance to not put pressure on the victim to provide testimony. The victim should be put at ease in order to build up trust.

Furthermore, the capacity of the interviewer to conduct an interview in an appropriate manner is more important than the gender of the interviewer.

The interviewer shall not insist on having answers to questions when there is a refusal to answer. Moreover, questions should be phrased carefully and sensitively. Open questions, rather than closed, should be used for the most part.

The interviewer should emphasize that her/his role is to help and to assist the victim and not to create further problems.

2.1.3 Identification of Child Victims of Trafficking

Recommendation 3:

As child victims of trafficking are exceptionally vulnerable, joint efforts must be made by all actors involved and specific attention and training should be given to the identification of child victims.

Potential child victims are easier to identify than adult victims of trafficking. Most countries give special attention to unaccompanied minors (minors travelling without parents or legal guardians). Unaccompanied minors are exceptionally vulnerable to falling into the hands of traffickers.

The age of a (potential) victim should always be carefully considered, based on the available facts.

If there is doubt about the given age, the person should be considered as a minor.

The following specific indicators can help to identify a child victim of trafficking. While the first six indicators mainly relate to the identification by frontline officers at the borders and inside the country, indicators 7 to 12 can help service care providers (NGOs) recognize a child victim of trafficking:

1. Fearful or anxious presentation;
2. Credibility of the story, e.g. age/nationality, as well as inconsistent/changing story;
3. Injuries and/or scars which are unexplained or inconsistent with the story;
4. Reluctance towards staff;
5. Sexual style of dressing/behaviour inappropriate to age;

6. Signs of unexplained money/gifts, expensive mobile phones, clothes, etc.;
7. Health situation (drugs and alcohol; sexual transmitted diseases (STD) testing);
8. Isolation, reluctance to relate to staff, peers, religious group;
9. Refusal to attend school;
10. Unexplained absence from accommodation, particularly patterns of overnight/weekend absences, and staying out late;
11. Visits to or contact with adults who avoid communication with service providers;
12. The disappearance of the child.

Regarding the last indicator, it should be mentioned that a number of children disappear from the service care and are often later identified in other European countries. This shows the international and organized structure and resources of child traffickers. Therefore, the complexity of the problem of child trafficking demands for a multi-agency approach.

2.1.4 Risk Assessment

Recommendation 4:

Continuous risk assessment in a trafficking case is vital for identifying appropriate responses with regard to the treatment of the victim and the conduct of the investigation. Moreover, it is necessary to assess the increase in existing risks or the creation of new areas of risks.

Trafficking in persons is a new phenomenon for a number of countries. Up to now, in these countries, victims have not been identified as trafficking victims and therefore no risk assessment has taken place.

Risk assessment is linked to proper and early victim identification. It is based on pure humanitarian and legal duties. Countries should not consider deportation or expulsion as an alternative to victim assistance.

A best practice model in this respect can be found, for example, in the Netherlands, where a three-month course exists for officers dealing with trafficking in persons. Risk assessment is included in this training.

Each country should have a standardized risk assessment process in order to regularize victim support and protection.

Risk assessment should be linked to victim protection programmes and should be institutional. NGOs and international organizations and other expert agencies should be continuously involved in the risk assessment process.

Risk assessment must be done immediately and should be followed by a continuous three-stage process:

- (1) Identification and assessment of the existing risks;
- (2) Identification of the appropriate response and assessment of the increase in existing risks or the creation of new areas of risks;
- (3) Decision-making and risk management.

These three stages of risk assessment should be carried out before a decision is taken about the appropriate treatment of the victim.

A victim of trafficking should never be removed from a country until the following matrix of risk assessment points has been considered:

- If the victim was identified in a country of transit or destination, are the risks so grave that it is not safe for her/him to return to the country of origin?
- If the safe return of the victim is not possible, what provisions for access to temporary residency status and NGO-international organizations' support exist in the country in which the victim has been identified?
- If the victim was identified in the country of origin, is it safe to allow her/him to return to his home town/village or reunite with the family or will she/he be at risk of being threatened or re-trafficked?
- If the victim is not safe, can the risks be addressed? Is there an NGO or international organization support capacity which can address the risks?
- Are there any social, cultural or religious factors that may make repatriation dangerous, i.e. is the victim being sent back to a family that sold her/him in the first place or does the faith of the victim mean that she/he is at risk if she/he is repatriated as a trafficked victim?

2.2 INVESTIGATION OF TRAFFICKING CASES

2.2.1 Introduction

The second training conference (Budapest, 27 and 28 October 2005) focused on *Investigation Methods for Trafficking Cases*. It gathered 63 border guards, police, immigration and customs officers as well as representatives from law enforcement training institutions from 12 European countries, namely Bulgaria, Estonia, Finland, Hungary, Ireland, Lithuania, the Netherlands, Moldova, Romania, Slovenia, Ukraine and the United Kingdom.

The objectives of the second training conference were to increase operational knowledge and expertise on the following topics:

- Investigative methods for trafficking cases;
- Multiagency international investigations into cases of trafficking in persons;
- Intelligence gathering and information sharing systems at the national and international level (Interpol I-24/7 Communication System, Europol);
- The problem of corruption in the field of combating human trafficking.

Furthermore, the training conference allowed the participants to exchange national investigation practices and experiences in interagency and international cooperation during three interactive working groups. These working group activities were based on real case studies on investigations into human trafficking offences which the national delegations prepared for the training conference.

Based on the outcome of these activities, five recommendations were made, which can help the development of tools and best practices with regard to investigation into trafficking cases.

2.2.2 Investigation Methods

Recommendation 5:

Successful investigation into trafficking cases requires the use of appropriate investigative techniques and timing (the right technique at the right moment) as well as sufficient financial means.

Generally speaking, there are three different investigative options, namely proactive investigation, reactive investigation and disruptive investigation.

(1) Proactive investigation

The proactive investigation in the context of trafficking in persons means police-led investigation, arrest and successful prosecution of traffickers *without relying on the cooperation and testimony of the victim.*

In other words, it is a combination of intelligence gathering, human and technical surveillance, work of undercover agents and standard investigative techniques to identify the traffickers and instigate proceedings against them.

The use of proactive investigation should be increased. It allows law enforcement Authorities to fight trafficking in persons without depending on the victim's testimony.

(2) Reactive investigation

Reactive investigation relies on the cooperation and testimony of the trafficking victim.

While using this investigation method, a law enforcement officer has to answer several questions: Do I have to react immediately? Are there any witnesses? If so, are they willing to testify and is it safe for them to testify? Is there any corroboration? Is witness protection required? If the witness is a victim, what are her/his needs?

Law enforcement officers should not jump into reactive investigation too quickly. Firstly, sufficient evidence/material should be gathered.

Moreover, an investigation in a human trafficking case should never rely solely on the victim's testimony.

(3) Disruptive investigation

The disruptive police-led investigation option should be used in cases where the level of risk for the victim demands an immediate response (e.g. when it concerns minors) and/or where the proactive approach is either not an option or precluded by the national legislation.

The disruptive investigative option is not a long-term solution, however, and might only displace or drive the problem to another location or "under ground".

Examples of disruptive investigative methods are the closing down of night clubs or sweeping operations on the street (checking everybody).

Often proactive and reactive investigative methods are carried out jointly during investigations into trafficking cases.

It is crucial for the safety of the victim that law enforcement agencies react rapidly. It is therefore important that specialized trafficking focal points work 24 hours/seven days a week.

A victim's testimony in the court can be crucial for the prosecution of a trafficker or a trafficking network. Therefore, funding should be available to allow victims to travel from the country of origin to the destination country to give testimony in the court. The REFLEX project, for example, provides this kind of funding for victim testimony in the court in the United Kingdom.

Moreover, a manual of successful investigations into trafficking cases would be a good reference tool for police officers with less experience in investigating trafficking cases.

Finally, governments should provide appropriate funding for investigations into trafficking cases.

2.2.3 National and International Multiagency Cooperation

Recommendation 6:

The complexity and transnational nature of trafficking in persons requires enhanced multi-agency cooperation at the national and international level to fight this crime effectively.

The necessity of interagency and international cooperation is recognized throughout Europe by all institutions involved in counter-trafficking activities. However, the sensitivity of information on trafficking cases and the distrust between certain agencies still form significant obstacles for efficient and increased interagency and international cooperation.

Agencies at the national and international level should cooperate in all aspects of the fight against trafficking in persons, namely the prevention, investigation/prosecution and protection. The multi-agency and cross-border approach should also be applied in counter-trafficking training courses.

Recommendation 7:

A legal basis in form of agreements (Memoranda of Understanding) or National Programmes on Fighting Trafficking in Persons shall exist that name the different actors (law enforcement authorities, NGOs and international organizations) and stipulate the importance of national and international multi-agency cooperation. A national coordinator or specialized unit on trafficking in persons should be the contact point for national and international contacts and requests.

At the national level, several services should cooperate on issues related to trafficking in persons, such as: law enforcement authorities (police, border guards), the judiciary, NGOs, international organizations, Social Services as well as at the executive level the Ministries of Interior, Foreign Affairs, Health, Labour and Social Affairs.

A legal basis in form of agreements or National Programmes on Fighting Trafficking in Persons naming the actors involved in counter-trafficking would enhance structured national multi-agency cooperation.

It would also be worthwhile to have a national focal person or specialized anti-trafficking unit to coordinate the investigations into trafficking cases.

Regular meetings between the different actors, either law enforcement authorities or NGOs and international organizations, are important to create trustful working relationships.

The advice of a National Rapporteur who monitors the situation regarding trafficking in persons could help to improve interagency national and international cooperation in human trafficking cases.

Recommendation 8:

To enhance mutual knowledge of the scope of human trafficking, counter-trafficking legislation and investigation practices, the exchange of personnel of law enforcement authorities between countries shall be improved. Moreover, existing channels to strengthen interagency cooperation at European Union level such as Europol and Eurojust should be used whenever possible.

In order to enhance international cooperation, an understanding of the counter-trafficking legislation and practices of other countries would be useful.

Staff exchanges between law enforcement authorities of different countries would increase the mutual understanding of the scope of trafficking in persons and their respective counter-trafficking legislation and methods.

Europol and the Europol Liaison Officers play an important role in the investigation into trafficking cases at the European Union level. An example of Europol's involvement is the Analytical Work File (AWF) Maritsa. The AWF Maritsa was opened in November 2003 and focused upon combating trafficking in women and children for sexual exploitation from Bulgaria and any other country in which the traffickers were Bulgarian nationals.

The objective of improving coordination of counter-trafficking actions at the European Union level is stressed in the European Union Action Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings (2005/C 311/01).

The same objective is also pointed out in the Communication from the European Commission of 18 October 2005 stating that “*Member States should ensure that national law enforcement agencies regularly involve Europol in the exchange of information, in joint operations and joint investigative teams and use the potential of Eurojust to facilitate the prosecution of traffickers*” [COM(2005) 514 final].

2.2.4 Information Gathering and Sharing

Recommendation 9:

In order to combat trafficking in persons, in particular during investigations, the use of national and international information gathering and sharing mechanisms should be improved, while respecting the relevant national legislation.

It would be necessary to standardize the collection of information on trafficking in persons at the national level and to feed it into a common database.

The recognition of the role that NGOs and international organizations can play in providing relevant authorities with important information on trafficking cases and patterns is of utmost importance.

At the international level, various mechanisms and networks have been developed to share information and intelligence such as multiagency working groups, Liaison Officers Network, Europol and Interpol.

At the regional level, cooperation initiatives such as the Southeast European Cooperation Initiative (SECI Centre) and the Nordic Baltic Task Force against Trafficking in Human Beings are of key importance.

It is crucial that information is shared in a fast and secure way to make these networks effective for conducting investigations into trafficking cases.

Interpol developed a global police communications system, called I-24/7, with the goal of connecting law enforcement officials in all Interpol Member States. The I-24/7 Communication System provide them with the means to share crucial information on criminals and criminal activities.

The I-24/7 Communication System is currently the only global database with 170 countries connected to the system. A specific template within the I-24/7 facilitates Interpol Member States to access and share standardized information on trafficking in persons and migrant smuggling.

Finally, a crucial aspect of international cooperation and cross-border information sharing is to avoid that the case becomes unlawful.

When a law enforcement officer in one country needs information held by a colleague in another country, the initial call for information maybe on an informal basis. However, appropriate steps should be taken to make sure that this information can later be used as evidence in the court.

To this end, the coordination mechanisms at Europol or Interpol should be used.

2.3 PROTECTION OF VICTIMS OF TRAFFICKING

2.3.1 Introduction

The third training conference (Brussels, 23 and 24 November 2005) focused on the *Protection of Victims of Trafficking in Persons*. It gathered 68 border guards, police, immigration and customs officers as well as representatives from law enforcement training institutions from 13 European countries, namely Belgium, Bulgaria, Estonia, Finland, Hungary, Ireland, Lithuania, Moldova, the Netherlands, Romania, Slovenia, Ukraine and the United Kingdom.

More specifically, the third training conference intended to increase operational knowledge and expertise on the following topics of:

- The protection of victims of trafficking in persons;

- The health issues related to victim protection;
- National practices for the treatment and protection of trafficking victims;
- Reintegration of trafficking victims in their country of origin;
- The role of NGOs and international organizations in protecting trafficking victims and their cooperation and interaction with law enforcement authorities;
- The specific requirements for child victim protection;
- The recent developments of the European Union policy on trafficking in persons;
- The mandate and work of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).

Several presentations by international speakers and interactive group discussions were held on aspects such as “Protection of Victims of Trafficking in Persons”, “Health Issues Related to Victims Protection”, “Reintegration of Victims of Trafficking in Persons to their Country of Origin” and “Specific Requirements for Child Victims Protection”.

Based on the outcome of these activities, four recommendations were made, which can help the development of tools and best practices with regard to protection of trafficking victims.

2.3.2 Victim Protection Mechanisms

Recommendation 10:

The adequate provision of protection to victims of trafficking requires national and international cooperation, harmonized training and stronger working relations with NGOs and international organizations, as well as a special recognition of the health issues related to victim protection.

In the field of victim protection, particular attention should be paid to the treatment of the victim as witness.

Victims are often concerned about their physical safety, the safety of family/friends, their residence status in the destination country, confidentiality towards the police and fear of the traffickers.

Moreover, victims should be informed as to how they can access mechanisms of justice, prompt redress, legal protection and assistance. They should above all be treated as victims of a serious crime and not be criminalized as offenders.

Treating a trafficked victim as a witness requires knowledge of the core concerns and rights of victims, the interview criteria, model of interviewing, and guidelines for witness protection.

Victims of trafficking should not be treated as illegal immigrants and should not be sent to their country of origin without a reflection period.

More funding is needed to support the travel of witnesses to give their testimony in the country of destination.

Stronger international cooperation is needed (e.g. bilateral agreements) for the protection of victims of trafficking as witnesses.

Two main types of witness protection can be distinguished: State-run full witness protection programmes and composite partnership (police-International Organization-NGO) schemes.

The general principle is that the responsibility for security and safety measures resides at all times with the law enforcement agency.

Special attention needs to be given to the health issues related to victim protection. Knowledge of these issues is essential for understanding the core concerns of victims and for protecting border guards, police officers and others who have direct contact with victims of trafficking.

The long-lasting consequences that trafficking often has on victims' physical, reproductive, and mental health requires the provision of appropriate health promotion and health care services. Not only is this a humanitarian obligation to the victim but it is also a means to protect public health in countries of origin, transit, and destination.

2.3.3 Protection of Child Victims of Trafficking

Recommendation 11:

Child victims of trafficking require special attention to specific signs and symptoms as well as need special protection.

The increased vulnerability and special rights and needs of trafficked children (e.g. specific health and mental health needs) require that they receive specific protection.

The best interest of the child must be taken into consideration in all actions concerning trafficked children.

Child victims should not be subject to criminal procedures or sanctions for offences;

In cases of unaccompanied minors, steps should be taken to identify and locate their family members as soon and effectively as possible;

If the safe “return back home” is not possible or is inappropriate, alternatives for accommodation in the child’s best interest should be found as soon as possible;

Persons working with child victims of trafficking, whether an interviewer or social workers, should be adequately trained.

2.3.4 Victim Interview

Recommendation 12: *As the victim interview is one of the key aspects of the victim protection framework, specific ethical standards shall be respected in any communication with the trafficked victim.*

The victim-witness should be treated sensitively, with empathy and with full respect for human rights.

The basic *Do no harm* principle should be respected at all times.

Optimum conditions should be created to minimize the stress of the interview. No undue pressure should be put on the victim to give testimony.

Above all, the victim should be given a fair opportunity to tell her/his story.

The interviewer has the duty to follow interview criteria that adequately address the concerns and rights of the victim.

The **PEACE** (*Preparation, Explanation, Account, Closure, Evaluation*) model for interviews is a framework that ensures that these criteria are met.

(1) Preparation

The interview shall be conducted by an interview team, consisting of a lead and secondary interviewer. Interviewers must be carefully selected, taking into account their background and training.

A pre-interview psychological assessment and pre-interview evidential analysis should be carried out by the interview team.

A timeframe and interview schedule should be made. An appropriate venue should be selected and the necessary equipment should be foreseen.

The interview team should be thoroughly briefed.

It is essential that the interview is conducted in the first language of the victim, even if the victim is fluent in the host language. Whenever necessary, a properly trained and accredited interpreter should be used.

(2) Explanation

A proper introduction should be given to each interview. The interviewers should identify themselves in a clear way.

In the preliminary conversation, it should be made clear that the police are there to help and not to make things worse.

All the relevant procedures should be explained in detail. No false promises or guarantees must be made.

The victim should be informed about the “methodology” of the interview. The victim should be told that she/he can ask clarification if the question or procedure is not clear; that she/he can say if she/he cannot remember something or does not know; that she/he can take time to answer the questions; and that she/he can take a break at any time.

The interviewers should ensure that the victim has clearly understood all of what has been explained.

The victim shall have the possibility to request and receive clarifications at all times during the interview.

Finally, it should be reconfirmed that the victim is prepared to participate in the interview.

(3) Account

The interview style should be courteous, respectful and sensitive. The surroundings should be as informal as possible.

An authoritarian approach should be avoided, as well as over-familiarity.

The questions should be simple and the victim should be encouraged to participate in the conversation.

The interviewer should be an active listener. Free speech should be allowed and interruption should be avoided.

(4) Closure

This phase is of crucial importance.

An abrupt termination should always be avoided. Adequate time should be allocated.

The given answers should be reviewed, cross-checked and clarified where necessary.

The victim should be allowed to ask questions her/himself.

The victim shall be asked about her/his future plans.

(5) Evaluation

The evaluation process should be conducted after each interview and again at the end of the series of interviews.

All evidence gathered should be evaluated in search for corroboration.

The conduct of the interviewee and the performance of the interviewers should be evaluated.

2.3.5 Reintegration

Recommendation 13:

More cooperation is needed between governmental authorities, international organizations and NGOs in order to better ensure the successful protection and reintegration of victims of trafficking.

The objective of reintegration is to reinsert trafficked victims into society in a safe, dignified and sustainable manner.

This objective can only be achieved if victims are assisted on a voluntary basis, their confidentiality and privacy is respected, they actively participate in the decision-making process, receive individually tailored support and a comprehensive continuum of care.

Specialized NGOs and international organizations have a key role in providing assistance to victims. However, their success often depends on support from governmental authorities. Therefore, more legislation and resources are needed to continue providing assistance to victims of trafficking. Moreover, cooperation between these NGOs, international organizations and governmental authorities is of crucial importance.

Successful social and economic reintegration of trafficking victims in the country of origin is crucial to prevent re-trafficking.

3. CONCLUSIONS AND RECOMMENDATIONS

3.1 GENERAL

The results of the current study show that trafficking in persons is a complex phenomenon with both international (cross-border) and multidisciplinary dimensions. Among all actors involved, there is growing consensus on the fact that coordination of efforts is key for effectively countering trafficking in persons.

The international community has a joint responsibility to take appropriate and firm action and to meet the challenges posed by this international crime phenomenon and to provide an unambiguous and comprehensive response.

In this respect, account should be taken of the recent European Union Action Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings (2005/C 311/01), which was developed within the framework of The Hague Programme “Strengthening Freedom, Security and Justice in the European Union” (Section 1.7.1), endorsed by the European Council in November 2004.

The European Union Action Plan puts strong emphasis on coordination of counter-trafficking actions. The implementation of the Action Plan is guided by four broad principles:

- European Union Action should be focused on improving the collective understanding of the issues and joining up efforts to maximize effectiveness;
- The importance of promoting a human right- and victims-centred approach is recognized;
- The European Union should strengthen its operational response to trafficking in persons;
- Member States should increasingly intensive ways of moving cooperation forward.

At present, a harmonized and comprehensive policy is being developed at national, European and international levels. The European Union policy against trafficking in persons addresses the entire trafficking chain, comprising countries of origin, transit and destination alike. It is not only oriented towards Member States, but also towards candidate countries, neighbouring countries and other third countries, including the European Trans-Atlantic partners.

Furthermore, the European Union anti-trafficking policy is linked with the development of a broader migration policy which can offer a substantial contribution in reducing and preventing trafficking in persons.

The most important conclusions and recommendations emanating from this study (including the research in 13 European countries and the three training conferences which followed), have been developed with due consideration of the European and international policies,

especially the 2002 European Union Brussels Declaration on Preventing and Combating Trafficking in Human Beings, the European Charter of Human Rights and the European Commission Communication on Fighting Trafficking in Human Beings – An Integrated Approach and Proposal for an Action Plan (COM(2005) 514 final).

The conclusions have been drafted to reflect the 2005 European Union Action Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings, and to foster the implementation of international and European standards with regard to screening, identification and protection of victims of human trafficking.

3.2 AWARENESS-RAISING

According to the 2005 European Union Action Plan, action at the European Union level requires permanent improvement of the European Member States' and Commission's collective understanding of the scale and nature of trafficking in persons (2, i).

Awareness-raising activities in the field of trafficking in persons aim at preventing trafficking in persons through providing information with a particular focus on vulnerable groups.

The relevant target groups of awareness-raising campaigns should include potential victims, policy makers, law enforcement officers, diplomatic and consular personnel and other relevant public officials, such as medical and social services and employment officials.

Various channels of formal and informal communication could be used and Governments should cooperate with other relevant actors, including NGOs in countries of origin, transit and destination.

The media have an important function in bringing forward the perception of the problem of human trafficking. This perception should include a clear definition and explanation of the phenomenon.

Well-publicized telephone hotlines serve two main purposes: (1) they can act as an independent source of advice and guidance to potential victims; (2) the hotlines can be used as a first point of contact for trafficked victims who can then be referred to the full available range of support measures. Such hotlines should be established in the countries of origin, transit and destination.

A number of actions included in the Annex to the 2005 European Union Action Plan aim to improve knowledge on the scale and nature of trafficking in persons by, inter alia, developing common guidelines for the collection of data including comparable indicators.

In order to raise awareness in countries of origin, transit and destination, the European Union Action Plan also aims to develop European Union campaign materials in cooperation with the NGO community.

3.3 SCREENING AND IDENTIFICATION

According to the 2005 European Union Action Plan, European Member States should ensure that appropriate referral mechanisms be in place to enable the early identification and referral of trafficked persons. In this respect, Member States should work to develop an appropriate governmental coordination structure (3, ii).

Participants of the first training conference in Dublin in September 2005 stressed the importance of the identification interview, as the victim's statement is often crucial for the investigation into the trafficking case. (See Recommendation 2, chapter 2.1.2).

Furthermore, according to the European Union Action Plan, Member States should review policies on unaccompanied minors to protect this particularly vulnerable group (4, vi).

Identification of trafficked persons is a fundamental issue in all anti-trafficking strategies. It is a complex and time-consuming process requiring professional guidance and support structures.

Research and analysis should develop profiles of trafficked victims (and traffickers), including the design of a list of key trafficking indicators for use by frontline police and border personnel to enable them to make the distinction between trafficked victims and irregular migrants.

The use of proactive monitoring tools, such as a list of indicators, for the identification of victims of trafficking was also recommended by the law enforcement officers during the first training conference of the project. (See Recommendation 1, chapter 2.1.2).

Since law enforcement agencies only identify a limited number of trafficked persons, outreach work, drop-in centres and hotlines should be developed in order to establish contacts with presumed trafficked persons and to build the necessary trust and confidence.

In order to ensure that trafficked children are identified as early as possible, all relevant agencies (law enforcement, labour, social service, health and education agencies, outreach workers, hotlines) should cooperate and share information. Whenever there is a suspicion that the child is a victim of trafficking, she/he should be referred to the appropriate child welfare authorities.

The specific vulnerability of child victims of trafficking was acknowledged during the three training conferences of the project. Participants strongly advocated for specific attention to child victims of trafficking and for training to identify child victims of trafficking. (See Recommendation 3, chapter 2.1.3).

The Annex to the European Union Action Plan lists a range of actions to enable early identification of victims to prevent exploitation. These include, inter alia, the complete development of the Visa Information System (VIS) as soon as possible. Moreover, human trafficking should be mainstreamed in the work of the European Agency for the Management of Operation Cooperation at the External Borders of the Member States of the European Union (Frontex).

The core objective of Frontex is to coordinate (and finance) operational border security cooperation between the European Member States (in/with third countries, at borders and hinterland). Moreover, Frontex assists Member States on the training of border guards, carries out risk analyses and supports Member States in organizing joint return operations. The European Union Action Plan also foresees complementary cooperation of Frontex with Europol.

3.4 INVESTIGATION

According to the 2005 European Union Action Plan, the investigation of human trafficking should be afforded the same priority as other areas of organized crime in that specialist investigative techniques and disruption strategies should be employed. European Member States should provide for necessary organizational structures, specialized personnel and adequate financial resources to their law enforcement authorities to effectively combat human trafficking (4 ii and iii).

Law enforcement officers participating at the second training conference in Budapest in October 2005 highlighted the fact that appropriate investigation techniques, timing and sufficient financial means are required for successful investigations into trafficking cases. (See Recommendation 5, chapter 2.2.2).

All countries involved in the fight against human trafficking should develop and refine proactive, intelligence-led investigative techniques that are designed to identify, investigate and successfully prosecute traffickers without reliance on the testimony of the victims (4 vii).

These techniques could include, for instance, targeted multi-agency intelligence gathering and analysis, coordinated proactive financial investigation and the use of a range of human and technical intrusive and non-intrusive surveillance techniques.

3.5 ASSISTANCE AND PROTECTION, RETURN AND REINTEGRATION

According to the 2005 European Union Action Plan, European Member States should provide protection and assistance to victims as part of a balanced effective prosecution in line with national conditions and practice (4, vii).

The starting point of any support and assistance service should be to acknowledge the individual characteristics and prospects of the trafficked person through an individual needs assessment.

Victims of trafficking should be granted access to a full range of support measures. These should include shelter accommodation, physical, sexual and psychological health care and support. The provision of such treatment must be on a consensual and fully informed basis.

The special needs of trafficked children must be addressed in providing such support measures. This was also recommended by the participants of the third training conference in Brussels in November 2005. (See Recommendation 11, chapter 2.3.3).

Trafficked persons should be entitled to such assistance and protection regardless of their willingness or capacity to press charges and/or give testimony against their traffickers. Governments have the duty to timely and adequately fund the provision of shelter, protection and assistance to victims.

Above all, trafficked victims should be treated as victims of a serious crime. They should be neither re-victimized nor further stigmatized.

Drawing up Protocols of minimum standards between law enforcement authorities, NGOs and international organizations on the immediate treatment of trafficked victims should be considered.

The need for stronger working relations and national and international cooperation between law enforcement agencies, NGOs and international organizations to provide adequate victim protection was acknowledged by the training participants in Brussels. (See Recommendation 10, chapter 2.3.2).

Removing trafficked victims should be avoided when they can contribute to the investigation against the traffickers and when it might place them in danger.

In this respect, continuous risk assessment is vital in order to identify appropriate responses with regard to the treatment and protection of the victim and other third parties. (See Recommendation 4, chapter 2.1.4).

Moreover, the victim interview is one of the key aspects of victim protection. Therefore, specific attention was given to the specific ethical standards regarding communication with trafficking victims during the training conference in Brussels. (See Recommendation 12, chapter 2.3.4).

Following a reflection period of not less than three months, a residence permit as set forth in Article 8 of the European Union Council Directive on a Temporary Residence Permit for Victims of Trafficking (2004/81/EC of 29 April 2004), should be granted to identified trafficked persons, irrespective of their willingness to cooperate as a witness and regardless of whether or not the perpetrators are prosecuted.

Following a temporary residence permit, trafficked persons should qualify for a long-term or permanent residence permit on one (or more) of the following grounds: (1) having successfully completed a social assistance programme and having found employment; (2) humanitarian grounds; and (3) asylum.

Voluntary and safe return programmes should be developed by European Member States, in cooperation with countries of origin and in close partnership with local NGOs, in order to ensure that trafficked persons who return to their home countries have access to immediate and long-term social assistance, in order to secure their safety and well-being, to enable them to find viable means of existence, to prevent re-victimization and to reduce the risk of re-trafficking.

In order to build and strengthen effective links between organizations providing support and reintegration services and Member States, the Annex to the European Union Action Plan

foresees the development of a Model Protocol between Member States and NGOs to include minimum levels of support, liaison points in key services and standards of working practices.

With regard to the successful protection and reintegration of trafficked victims, training participants in Brussels recommended enhanced cooperation between governmental authorities, NGOs and international organizations. (See Recommendation 13, chapter 2.3.5).

3.6 COOPERATION AT THE NATIONAL AND INTERNATIONAL LEVEL

The complexity and transnational nature of trafficking in persons require enhanced national and international multiagency cooperation. According to law enforcement officers gathering at the international training conference in Budapest, agreements or national programmes on fighting trafficking in persons could be a good legal basis on which to structure national and international contacts and requests. (See Recommendations 6 and 7, chapter 2.2.3).

According to the 2005 European Union Action Plan, European Member States and institutions should continue to cooperate with relevant international organizations (e.g. IOM, the United Nations agencies, OSCE and the Council of Europe) and, at the national level, relations with and the capacity of relevant NGOs should be strengthened and institutionalized (5, ii).

Moreover, regional solutions to prevent trafficking in persons, to protect and assist those in need and to ensure the safe return and the effective and secure reintegration of victims are considered essential. Regional initiatives such as the Nordic Baltic Taskforce and the Southeast European Cooperation Initiative (SECI) should continue to be promoted (5, iii).

Furthermore, the European Union Action Plan also encourages European Member States to ensure that national law enforcement authorities regularly involve Europol in the exchange of information, in joint operations and joint investigative teams and that the potential of Eurojust is used to facilitate the prosecution of traffickers (4, viii). Finally, police cooperation between special units to fight trafficking in persons in European Member States and countries of origin should be enhanced (5, ix).

In order to enhance mutual understanding of the trafficking phenomenon and counter-trafficking legislation and practices, training participants in Budapest strongly advised that staff exchange of specialized law enforcement authorities between countries should be enabled. (See Recommendation 8, chapter 2.2.3).

All international bodies, governments and other actors internationally active in fighting and preventing trafficking in persons and those involved in the provision of assistance to victims should intensify their cooperation and exchange of information. In this way, a better coordinated response can be achieved; overlaps and duplications of work can be avoided and the impact of actions taken at the international level maximized.

Participants of the training conference in Budapest recommended that national and international information-gathering and -sharing mechanisms shall be improved while respecting the relevant national legislation. (Recommendation 9, chapter 2.2.4).

The Annex to the European Union Action Plan foresees several actions to be taken in the field of international cooperation and coordination regarding human trafficking. European Member States should agree to share information through the I-24/7 system and the trafficking and smuggling messaging service to Interpol, to share pertinent information and intelligence with Europol. Moreover, Europol and Interpol are encouraged to strengthen their links.

European Member States should put intelligence into the relevant Analytical Work File at Europol. Europol and Frontex should develop complementary cooperation, especially with regard to their analytical activities concerning the trafficking phenomenon.

3.7 TRAINING

Based on IOM's past experience, specifically within the framework of the activities of this project, training is recognized as a key element for any strategy or action plan to combat trafficking in persons.

Training in the field of trafficking in persons should be *multidisciplinary* and target a wide scope of actors such as judges, public prosecutors, police investigators, frontline and border personnel, migration personnel, labour inspectors, trade unions, journalists, psychologists and physicians, school and university teachers, international organizations, NGOs, international military and police peacekeepers, social workers, consular personnel and public administration officials. It can also be useful to invite representatives of Customs and media to participate in joint counter-trafficking courses.

Each training programme requires a *need assessment*, identifying the target group and training objectives.

There should be *continuous training* bearing in mind the frequent rotation of staff in governmental institutions. In order to reinforce training and to update operational officers about new legislation and trends regarding trafficking in persons, other information channels (e.g. newsletters) should be used.

Training on trafficking in persons should be carried out at the national and international level. The exchange of best practices from other institutions and countries is a useful training tool.

Training modules should cover all forms of exploitation. A specific approach should be developed regarding economic exploitation, forced labour, illegal adoptions, illegal trade in organs and tissues, in addition to exploitation for sexual purposes.

Interagency cooperation at national and international level and the cross-border approach should be inserted into the training modules for all aspects of the fight against trafficking in persons, namely the prevention, investigation/prosecution and protection.

In order to increase the ability of frontline personnel to assist victims, the training should incorporate the basic principles of democratic policing, human rights, and gender equality.

4. ANNEX: COUNTRY REPORTS

4.1 METHODOLOGY

The country reports are the result of research carried out between April and June 2005 in nine European Union Member States (Belgium, Estonia, Finland, Hungary, Ireland, Lithuania, the Netherlands, Slovenia and the United Kingdom), two European Union candidate countries (Bulgaria and Romania) and two European Union neighbouring countries (Moldova and Ukraine). The IOM Offices in each country served as the focal point for the research activities.

The research focused on certain central topics such as the scale and pattern of trafficking in persons, the existence of national methodologies in identifying and screening victims of trafficking, the functioning of national support mechanisms for victims of trafficking and the responsibilities, roles and approaches of national administrations in this field.

Moreover, the research looked at the way in which national authorities or services cooperate and exchange information with regard to screening, identifying and protecting victims of trafficking and at the state of international and cross-border cooperation between the national authorities in countries of origin, transit and destination.

The participating IOM offices were invited to conduct interviews with officials who are, one way or another, in direct contact with trafficked persons in the identification and assistance process, namely border police officers (border guards), law enforcement officers (mainly police officers but also judges and prosecutors), immigration liaison officers and customs officials.

In addition to this target group, social and/or labour (inspection) services and NGOs were also included in the research, given their important role in the identification and assistance of trafficking victims. Finally, contacts were also established with the national coordination units or national rapporteurs on trafficking in persons, if they exist in the respective country.

In preparation for the research, the IOM offices in the participating countries collected reports, articles, legislation and any other documents pertaining to the issues relevant to the research. The IOM Counter-Trafficking Survey Database and Counter-Trafficking Module Database as well as reports from NGOs were valuable information sources.

Once the relevant information and data were collected, a qualitative survey was carried out among the target group with the help of a questionnaire. The questionnaire was developed as an outline of questions to be posed during individual face-to-face (or telephone) interviews with the target group. The questions were adapted in light of the specific national situation (country of origin, transit and destination) and background of the interviewee.

Based on the information and data collected in the framework of the research, the project focal points in the participating IOM offices were asked to prepare a country report of a maximum of 20 pages. The individual country reports are summarized and are sometimes slightly adapted in order to make them follow the same structure. This will make it easier for the reader to get an overview of the situation in the different countries.

The structure of each country report consists of four elements.

First, general information is provided on trafficking in persons in the particular country. Is it a country of origin, transit or destination and why is this so? To what extent is the phenomenon of trafficking present in the country and what is the victims' profile? Is there a special registration or monitoring system for victims of trafficking?

Second, the process of identification and screening of trafficked persons is outlined. What are the main channels for identification? Are there any guidelines to help in identifying trafficked persons?

Third, the victim protection schemes are described. All possible systems/actions designed to help and protect trafficking victims are dealt with, such as national referral mechanisms, witness protection programmes, residence permits and assistance and return procedures.

Fourth, the cooperation and information exchange at national and international level is explained.

The research results are presented by classifying the 13 countries as an EU Member State, candidate country or neighbouring country of the European Union.

4.2 EU MEMBER STATES

Belgium

1. Scale and Pattern of Trafficking in Persons

Belgium is both a destination and transit country for trafficked persons, primarily from Southeast Europe (Albania, Bulgaria and Romania), sub-Saharan Africa (Nigeria) and Asia (China). However, as exploitation of trafficked persons has increasingly become a transnational phenomenon - traffickers transport the victims across international borders in order to exploit their labour in different countries - it becomes more difficult to refer to a single destination country.

In order to define the scope of the trafficking phenomenon in Belgium, different databases and information sharing systems have been set up. Since 2004, the Centre for Equal Opportunities and Opposition to Racism has managed a database which gathers the information received from three victim support centres via the intake interview with the trafficked victim. The data includes information on age, sex, country of origin, travel and form of exploitation, etc.

The Immigration Service also collects data on trafficked persons, but can only keep records on the victims for whom a residence document has been requested. Last but not least, the police run a database that registers information on interventions, investigations and interceptions regarding human trafficking and smuggling.

In 1997, three non-governmental organizations were officially recognized as specialized victim support centres, namely Payoke for the Region of Flanders, Pag-asa for Brussels and Sürya for the Region of Wallonia.

Despite the decrease in newly assisted migrants in 2004, the Centres have been faced with an increasing number of victims over the years. However, the question must be asked as to whether the general increase over the years is caused by higher numbers of victims trafficked to Belgium or to better identification and referral mechanisms. Moreover, since the investigation and prosecution of trafficking cases can last for several years, the centres are assisting a higher number of trafficked persons each year – the figure was 450 in 2004.

The majority of the assisted victims have been exploited sexually. However, a large number of trafficked victims have also been exploited for their labour in the service sector (restaurants, bars, and hotels), textile industry, agriculture, construction, domestic work and sports.

Depending on the type of exploitation, the profile of the victims is slightly different. Persons trafficked to Belgium for the purpose of sexual exploitation originate mainly from Albania, Bulgaria, Moldova, Nigeria, the Russian Federation and Ukraine. The victims forced to work in prostitution are mostly women.

Another important observation by the specialized local police officers is that Albanian-trafficked victims reported that they were often recruited with false expectations and then forced to work in prostitution. On the other hand, Bulgarian women were apparently aware of the fact that they would work in prostitution in Belgium. They did not, however, know under which conditions they would work in Belgium.

Persons trafficked for the purpose of economic exploitation mainly originate from China and Ecuador, while people from Albania, Moldova and the Russian Federation are rarely found. The nationalities also differ between the sectors of economic exploitation (such as construction sites or sweatshops). Two-thirds of the victims in economic exploitation are male, except for the Ecuadorians, in which case the large majority is female.

The majority of victims trafficked for all kinds of exploitation are between 18 and 30 years old, with a significant number of persons between 21 and 25 years old.

2. Identification

a. Policy and Legal Framework

On 13 April 1995, the Belgian government passed the Law on the Suppression of Trafficking of Persons and Child Pornography amending the Criminal Code (art. 380bis) and the Immigration Law of 15 December 1980 (art. 77bis). In September 2005, a new law amending the Law of 1995 was adopted in Parliament. This new law puts the Belgian legislation in line with the recent international and European obligations such as the United Nations Trafficking Protocol.

The work of the police towards combating trafficking in persons is mainly defined through the Directive regarding the Criminal Policy in the Field of Trafficking in Persons and Child Pornography, the so-called COL 12/99 of the Board of Public Prosecutors issued on 31 May 1999. In 2004, this Directive was replaced by the so-called COL 10/2004 concerning the Search and Pursuit in the Field of Trafficking in Persons, issued by the Ministry of Justice.

The overall aim of this Directive is to create a frame and to define the criteria for a more uniform approach towards trafficking in persons in the field. It aims to distinguish more clearly between smuggling and trafficking in order to be able to better address the fight against human trafficking. It defines the process of locating and identifying potential victims of trafficking and the assistance mechanism that victims are offered through referral to specialized services.

Indicators annexed to the Directive and addressed to a restricted audience have been collected in order to help the field officers to decide whether a person is likely to be a victim of trafficking. These indicators are related to the person's journey to Belgium, travel documents, working conditions (salary), living conditions (accommodation and freedom of movement), physical status (signs of ill-treatment) and relations with the country of origin.

The Annex also provides some indicators for the identification of traffickers.

It should be highlighted that the list of indicators is neither exhaustive nor definitive but gives a basis for the identification of trafficked persons. Furthermore, it is an attempt to unify the approach and language in the assessment of trafficking cases.

For police officers who have specialized in trafficking in persons for years, the above-mentioned list of indicators annexed to the Directives 10/2004 only has an indicative character and is useful as a reference. However, for non-specialized police officers, the list may be more important as it raises their awareness towards potential trafficked victims during "normal" police controls.

In addition to the police, Social and Labour Inspection Services are involved in the identification of trafficked victims. In May 2001, a cooperation protocol was signed between the Social Inspection Services of the Federal Public Service of Labour and Employment and the Federal Public Service for Social Affairs and Social Security in order to coordinate joint

controls. More specifically, this so-called “Mini-Protocol Trafficking in Persons” precisely defines a structured and coordinated way to carry out monthly controls in each region targeting one of the six sectors defined as risk sectors of illegal employment and exploitation (exotic restaurants, construction, agriculture, horticulture, textile manufactories, prostitution).

b. National Methodology on Identifying and Screening of Victims of Trafficking

Belgium is part of the Schengen Area and has no external land borders with countries outside of the Schengen Area. Border controls are only carried out at international sea- and airports. Consequently, the possibility of identifying trafficked victims at the borders is limited.

Most of the time, trafficked persons are identified at the place of exploitation during controls or interceptions carried out by specialized police teams or the Social and Labour Inspection Services. These so-called first-line services play a crucial role in the identification of potential victims of trafficking.

In Belgium, most of the time, specialized police teams identify presumed trafficked victims. Controls and investigations are done at two different levels. Specialized teams/officers from the Federal Police work on the regional level. At the local level, specialized units have been created and staffed according to the scope of the trafficking phenomenon in the respective police zones. In general, their work and approach is based on the above-mentioned Directive 12/1999, replaced in 2004.

The specialized units at the local level often focus on trafficking in sexual exploitation. Police officers work in close contact with the field of exploitation, i.e. the prostitution district. It allows them to observe the situation in the district and to recognize when new prostitutes arrive.

The specialized police officers as plain-clothes policemen in order to facilitate the contacts in the field and to build confidence between potential victims and police officers. However, police officers reported that this is not easy because prostitutes are often reluctant towards police officers. Moreover, the high mobility of prostitutes makes it even more difficult to build a trustful relationship between the world of the prostitutes and the local police.

Through regular controls and proactive investigation, the police officers try to collect as much evidence as possible in order to convict traffickers. A number of these elements rely on the victim’s identification and cooperation, such as identity/travel documents, housing, phone numbers, etc. Information on money flows arranged by the victims between Belgium and the home country is very important in order to be able to detect whether the victim is involved in an international network.

In addition to the proactive investigation at the local police level, multi-agency controls are carried out at the regional level. These controls are coordinated by the Regional Prosecutor for Trafficking in Persons and involve different institutions such as the police and Social and Labour Inspection Services.

As well as their involvement in multi-agency controls, social and labour inspection services carry out joint controls in risk sectors of illegal employment and exploitation once a month.

Although, according to Article 81 of the Immigration Law from 15 December 1980, Customs has the competence to check the identity documents of foreigners, there is now a clear distinction of tasks between the customs and border police at international air- or seaports. Accordingly, the controls of persons do not fall within the mandate of Customs.

If, while searching for goods in trucks or boats, a customs officer finds a hidden person of foreign origin, she/he will refer the migrant to the police, according to the Instructions of 21 June 2000 annexed to the Immigration Law of 1980.

When it comes to the involvement of the Immigration Service, in addition to their presence at multi-agency controls, its staff can come in contact with possible victims when interviewing a migrant within the asylum procedure. In many cases, the asylum application is a way for the trafficked person to “regularize” his/her stay in Belgium. It has been observed that the trafficker often accompanies the victim to the Immigration Service.

Interviews with the Victim Support Centres confirmed that most of the victims who are referred to assistance services, have been identified by the police. The specialized NGOs are not involved in field operations but act exclusively on the side of providing assistance.

3. Protection

a. Policy and Legal Framework

In 1994, the Belgian government issued the “Ministerial Circular Concerning the Granting of the Residence Permit and Work Permits to Foreigners who are Victims of Trafficking in Persons” (7 July 1994), which replaced the Circular of 11 May 1993 stipulating a number of dispositions in favour of the victims of trafficking.

The 1994 Circular provides the legal basis for known or suspected victims of trafficking to remain in Belgium under certain conditions. It has to be noted that the Circular applies to trafficked persons in the broadest sense, i.e. trafficked and smuggled persons.

The 1994 Circular was completed in 1997 and further modified in 2003. The “Directive to the Immigration Office, Prosecutor Offices, Police and Social Inspection Services concerning the Assistance to Victims of Human Trafficking”, passed on 13 January 1997, describes the modalities of the protection measures and responsibilities of the different services as foreseen in the 1994 Circular. The 2003 Directive modifies, above all, the recognition of the permanent residence status of the victims of trafficking.

The 1994 Circular foresees three different protection stages corresponding to the development of the judicial procedure:

- First Phase: Reflection Period – Issuance of the Order to Leave the Country

The 1994 Circular (1997 Directive) provides for a reflection period and delays the expulsion from Belgium for 45 days on the conditions that the victim has ceased all connections with the environment into which she/he was trafficked and is supported by a specialized Victim Support Centre.

- Second Phase: Investigation Period – Issuance of a Temporary Residence Permit

The 1994 Circular foresees that if the victim decides to cooperate and presses charges against the trafficker, she/he will be issued a three-month residence permit called the Declaration of Arrival by the Immigration Service. If the criminal investigation lasts for more than three months, the Immigration Service may either extend the Declaration of Arrival for another three months or approve a second temporary residence permit, the Certificate of Registration in the Immigration Register (*Bewijs van Inschrijving in het Vreemdelingenregister*) which is valid for six months.

Although the right to employment is not granted during the reflection period, the Declaration of Arrival and the Certificate of Registration in the Immigration Register allow the person to work if an employer has obtained proper authorization of employment from the regional authorities.

In addition to the obligation to cooperate with police authorities, the victim also has to agree to be assisted by one of the three specialized Victim Support Centres. If she/he does not respect the conditions of the assistance programme offered by the Centres or if she/he renews the contact with the environment of exploitation, the residence permit can be revoked.

- Third Phase: Conviction Period – Issuance of a Permanent Residence Permit

Once the investigations are concluded and the offender has appeared before the criminal court, the victim may request a permanent residence permit. In determining this request, the Immigration Service takes into consideration the conviction of the trafficker as well as the significance of the information provided by the victim for the criminal proceedings. This information is provided by the Prosecutor's Office.

In the case that a trafficked person resided in Belgium for more than two years and his/her judicial file is still ongoing, she/he can apply for permanent residency under humanitarian grounds. This is the so-called STOP procedure agreed between the specialized Centres, the Centre for Equal Opportunities and Opposition to Racism and the Immigration Service. This STOP procedure is not part of the 1994 Circular and there are no written guidelines for its enforcement.

The Code of Criminal Procedure allows a witness to testify without the presence of the offender (article 73). Furthermore, partial or full anonymity is legally guaranteed by the Law of 8 April 2002 concerning the Anonymity of Witnesses. This provision only applies for witnesses called in the judicial proceedings but not for interrogations by the police services or the prosecutor.

Moreover, the protection of witnesses is regulated in the Law of 7 July 2002 concerning the regulation for the protection of threatened witnesses and other provisions. The protection can be applied for the witness and its family and ranges from provision of a secure phone number, relocation in Belgium to issuing a new identity. A request for financial assistance can be requested from the prosecutor.

Finally, it has to be underlined that the two laws are not limited to victims of trafficking. However, in the case of trafficked victims, the witness protection provisions have, so far, been rarely applied.

b. Practice of the National Support (Referral) System

The relatively low numbers of referrals to the Belgian Victim Protection System does not result from a lack of knowledge about the system by the police. Specialized police teams on the local and regional levels are aware of the indicators used to identify victims of human trafficking and the Belgian victim protection mechanism. However, the question is whether non-specialized police officers are aware of the specific indicators and protection mechanism and would thus recognize and refer a potential trafficking victim during their daily work.

Moreover, the low number of referrals to the Belgian victim protection system could also result from victims' low confidence in the system, and a choice against making use of the system. In fact, it was estimated by the Brussels specialized police services that, in total, less than 10 per cent of the identified victims asked to be supported by the Belgian protection system. Moreover, of the persons who are referred to the Victim Support Centres, only between 25 and 50 per cent are actually assisted.

Once the trafficked person obtains any of the above-outlined residence documents (including the Order to Leave the Country), they are entitled to all basic services such as housing, education, financial assistance, medical care, etc.

The Belgian victim protection mechanism stipulates that the victim must cooperate with the law enforcement authorities. Brussels local police officers reported during the interviews that they try to get as much information as possible during the first interrogation. Once the person is placed in a centre, contacts with the police are limited. The victim might be called to identify a person. The NGO may contact the police if the victim has problems, for example if she/he has been contacted and threatened by the traffickers or other persons from the former place of exploitation.

IOM Brussels is a close partner of the Belgian government in assisting trafficked victims during their voluntary return to the country of origin. In general, the return is managed through the Return and Emigration of Asylum Seekers ex-Belgium Programme. During the last five years (2000 to 2004), 52 victims of trafficking returned to their countries of origin in the framework of the Programme.

4. Cooperation at the National and International Level

a. National Level

The 1997 Directive underlines the necessity for an efficient collaboration between the police, public prosecutors, social and labour inspection services and the specialized victim support centres.

The cooperation between the different institutions is considered to be positive. The police consider the specialized NGOs, Immigration Service and the magistrates/prosecutors as their main partners. The Federal Police at the airport also maintain good cooperation with the airline companies and the firms that carry out the check-in of the passengers.

The representatives from the NGOs consider the different services of the Federal and Local Police as well as the Prosecutors to be their main counterparts. The Victim Support Centres also maintain close contacts with each other and the Centre for Equal Opportunities and Opposition to Racism. They meet every two months.

In order to increase the cooperation on the political and decision-making level, a Task Force on Trafficking in Persons was established at the Prime Minister's level in 2000. This task force gathers all departments dealing with trafficking in persons. Its aim is to further determine the elements of the integrated policy towards trafficking in persons and enhance cooperation between the services involved.

One of the first proposals was to set up an Information and Analysis Centre on Trafficking and Smuggling in Persons. Located in the Federal Public Service for Justice, the Centre will collect all information, data and strategic knowledge from the different actors/institutions.

Moreover, in 2004, a Royal Decree reorganized the composition and work of the Interdepartmental Coordination Group on Trafficking in Persons. All services working in a direct or indirect way on trafficking are involved (Federal Police, Prosecutor's Office, the Immigration Service, the Federal Public Service of Foreign Affairs and the Centre for Equal Opportunities).

b. International Level

At the European and international level, the Central Unit Trafficking in Persons of the Federal Police is the contact point for Europol and Interpol. It functions as the central point of entry and exit for all official police requests and information regarding trafficking in persons. Moreover, bilateral cooperation exists with a number of countries and is handled by the Central Unit. The Unit also maintains cooperation with non-police agencies and international organizations and is the contact point for any request.

Furthermore, the role of the police liaison officers posted abroad has to be mentioned. In the field of trafficking in persons, their involvement is two-fold. On the operational level, the liaison officers facilitate the contacts between the Belgian and national/local police in the

concerned countries in order to obtain practical information for trafficking cases. On the strategic level, their task is to gather information and assess future trends in the field of organized crime, including trafficking in persons.

Estonia

1. Scale and Pattern of Trafficking in Persons

Estonia and other Baltic States were previously considered to be destination countries for internal migration from the Soviet Union, though in the last ten years Estonia has become a country of origin for migration to more developed countries, especially those within the European Union.

It is estimated that by mid-2004 up to 20,000 people of Estonian descent were working abroad, mostly in Finland (ca. 10,000) and Ireland (ca 1,500 to 2,000 people). Norway, Spain, Sweden and the United Kingdom have also been identified as destination countries. These figures relate to labour migration from Estonia, however, and only provide rough estimates of the real migration statistics. They do not capture the vast majority of irregular migrants, including victims of trafficking, who largely escape official accounting.

Several studies on trafficking to, through and from Estonia have been carried out over the past years, but the scope and pattern of trafficking in Estonia remains, on the most part, unclear due to a lack of relevant or inadequate legislation, inefficient referral mechanisms, sporadic court cases and only a small number of assisted victims.

Different sources agree that the main destination countries for trafficked women originating from Estonia are Finland, Sweden, and more recently, Norway. There are isolated cases in Germany, Japan, the Netherlands and the United States, each country having witnessed up to ten cases of trafficking. The remaining countries (Belgium, Italy, Slovenia, Spain and the United Kingdom) each account for single cases only. As Estonia has historical and cultural ties with Norway, Finland and Sweden, these countries are more likely destinations for trafficking victims.

To date, there is little evidence of trafficking of women to Estonia, although this may reflect a lack of evidence, rather than a lack of trafficking: evidence may be hard to come by because potential victims of trafficking are no doubt regarded, first and foremost, as illegal migrants.

It is also difficult to estimate with any degree of precision the total number of women trafficked out of Estonia. Until more concentrated efforts are made to improve the collection of statistics related to trafficking, all figures and estimates should be treated with caution. Without an adequate mechanism for gathering and analysing statistics, it is possible for statistics to be either inflated or downplayed. Also, because of Estonia's inadequate legislation relating to trafficking, it is possible that trafficking cases are "hidden" among other criminal cases or not recognized at all.

2. Identification

a. Policy and Legal Framework

Under the existing Penal Code, the *corpus delicti* used to regulate trafficking in persons only partially considers the act of trafficking in persons. In the majority of cases, according to Estonian Law, only persons directly involved in (sexual) exploitation can be charged in trafficking-related cases. Since no separate *corpus delicti* for trafficking in persons exists in Estonia, open dialogue between law enforcement agencies should be seen as a first step to the Penal Code's development in this area. On 20 September 2002, Estonia signed the United Nations Trafficking Protocol.

Estonia began to draft its Anti-Trafficking Action Plan for 2006-2009. By mid-2005, the Action Plan was still being drafted by the Ministry of Justice and had been sent for comments to other ministries, departments and NGOs.

The draft Action Plan provides a comprehensive counter-trafficking approach covering: (1) prevention of trafficking and legislation; (2) prosecuting crimes related to trafficking; and (3) assistance to victims. The adoption of the Action Plan could result in improved coordination of national legislation in order to comply with international and European Union standards, hopefully leading to the application of Estonian legislation for trafficking cases.

A legal framework to identify victims of human trafficking in Estonia does not exist. There is also no internal policy on identification of victims or referral/monitoring mechanism on the institutional level.

The main argument against the creation of a separate special register/database for victims of human trafficking is that the existence of recorded data could influence the victims, who may not want their cases to be recorded, although this obstacle could be overcome with an anonymous system.

The general consensus is that, due to the relatively small number of trafficking victims in or from Estonia, there is no need to create a special registration and monitoring system, but according to the latest draft of the Action Plan to combat trafficking in persons, it is suggested that in the future, cases be registered in the police "POLIS" database or State Register of criminal matters.

b. National Methodology on Identifying and Screening of Victims of Trafficking

There are no mechanisms, methodologies or guidelines in Estonia that help identify victims of trafficking.

Experience shows that the main channels for identification of victims until now have been:

- The police: when a trafficking case is discovered or a trafficked person reports to the police;

- Border guards: if a person is identified as a victim, or reports to a border guard while crossing the border that he or she is a victim;
- Women's or children's shelter: when a trafficked person looks for shelter or assistance;
- NGOs: mostly through telephone hotlines operated by NGOs (in 2005 the line was operated by the NGO AIDS Support Centre);
- Social security workers;
- Estonian embassies: if a trafficked person applies for help in a foreign country;
- IOM: through its global network of offices.

As for other institutions involved in combating trafficking and identifying victims, the Ministry of Justice should be mentioned. The Ministry coordinates the Anti-Trafficking Action Plan at a general level and in theory would also be ready to play a role as a referral institution if someone contacted the Ministry directly and asked for help. The case would then be directed to the Prosecutor's Office.

Several experts mentioned the Border Guard Service as the main identification point, though the border guards themselves were apparently not convinced of their role in this regard. According to their understanding, the time of contact of a trafficked person with a border guard officer is generally too short, leaving almost no time to correctly assess the situation.

One of the reasons why the profiling mechanism at the border is not efficient enough is definitely the lack of methodology and specific training. At the moment, border guards in the field have no methodology to identify a victim other than a victim's own report, which makes such profiling almost impossible.

The role of border guards in identifying victims of trafficking should change with the implementation of the Anti-Trafficking Action Plan for 2006-2009. According to the Action Plan, the new tasks of the Border Guard Service focus on the strengthening of border control, as needed, and the Action Plan foresees that in the future, special attention will be paid to unaccompanied persons under 15 crossing borders or travelling with persons to whom they are not related.

Customs Officers do not feel that they play any role in the identification of victims of trafficking or smuggling. However, they indicated that in case a situation arises during control of transport or a shipment which gives rise to suspicion, then border guards are contacted immediately.

The police mostly deal with combating organized prostitution and look at trafficking as a crime closely linked to prostitution. This is not surprising, given that there is no clear definition of trafficking and no relevant *corpus delicti* to regulate trafficking in persons in the Estonian Penal Code.

3. Protection

a. Policy and Legal Framework

It is quite apparent that the support system, at least on a legislative level, is far more developed than the referral and identification mechanisms. In December 2003, the new Victim Support Act was passed in Estonia. The new Act broadened the system of victim support and increased the amount of compensation the government should provide to victims. Chapter Two of this Act (in force since 1 January 2005) defines the essence of support for victims and also states that the Ministry of Social Affairs is responsible for the provision of victim support services in accordance with the principle of regionality.

Although the term “trafficking in persons” is not used in this Act, the range of victims who can apply for support under the provisions of this Act is quite broad and, in principle, includes those persons who have fallen victim to trafficking.

At present, victims of trafficking are treated the same way as other victims of crime, e.g. they can be given protection as anonymous witnesses in criminal proceedings. Also, there is a new Law on Witness Protection (*Tunnistajakaitse seadus*) that will come into force as of 1 January 2006. The same law will be applied to victims of human trafficking. The Code of Criminal Procedure also contains a paragraph on witness safety (§ 67).

In addition to the assistance provided to trafficking victims by the Law on Witness Protection (not yet in force) and the Victim Assistance Act, which have a general field of application, no separate/special legislation or special national referral mechanism for trafficked persons exists in Estonia.

Furthermore, there is no special witness protection programme for victims giving testimony in trafficking cases in Estonia.

Finally, it is not possible for trafficking victims to obtain a residence permit (except in cases in which a person has refugee status). There are, however, plans to implement the Council Directive 2004/81/EC on the residence permit.

b. Practice of the National Support (Referral) System

In the phase of criminal procedure, the police and Prosecutor’s Office play the main role in assisting victims of trafficking. Social Aid Departments provide victim assistance in accordance with the Victim Support Act. In theory, this support includes counselling, assistance in communication with authorities and state compensations. Experts noted the important role of NGOs and IOM in this process.

IOM has carried out several training courses for social workers in Estonia on how to assist victims of trafficking and has also published a special manual for social workers. However, the fact remains that, on the State level, practical assistance for victims is rather weak.

There is no standard for assistance of trafficking victims in Estonia, nor is there a special agency or institution responsible for such assistance. The gap is partially filled by NGOs and IOM, which can only assure such assistance when the funding is available from foreign donors. As a result, front line officers often do not know what to do with the victim and who to turn to when dealing with victims or potential victims.

Even if a victim could be identified at the border, border guards have little information about which agencies or NGOs could be contacted to help trafficked persons. There is no 24-hour-a-day, seven-day-a-week hotline, and those NGOs which generally operate hotlines from nine a.m. to six p.m. on working days are of little help. There seems to be nothing in place should a victim appear on a Sunday, for instance.

4. Cooperation at the National and International Level

a. National Level

The following institutions deal with counter-trafficking in Estonia: Ministry of Justice, Ministry of Interior, Ministry of Social Affairs, Ministry of Foreign Affairs, police, Prosecutor Office, Customs, border guards, Social Welfare Departments, Ministry of Education. Other institutions include AIDS Prevention Centre, AIDS Support Centre, “Living for tomorrow”, Women’s shelter, Children’s shelter, the Estonian Women’s Studies and Resource Centre (ENUT) and IOM.

Research conducted by ENUT in 2004 revealed that the police, border guards, social welfare representatives and the Department of Citizenship and Migration considered the level of cooperation between different institutions to be rather weak. The main problems include a lack of information sharing and, as a result, duplication of efforts. The Prosecutor Office reported having quite good cooperation with the police in investigating trafficking cases.

It seems that the only institutions clearly cooperating are Customs and Border Guard Services.

There is no officially established system that ensures communication between agencies. As a result, an informal network of specialists dealing with counter-trafficking has emerged. In Estonia, this network works quite well and effectively on the level of Ministries/Departments responsible for strategic decisions in the area of counter-trafficking. However, when a front line officer faces problems in her/his daily operations, she/he cannot benefit from such an informal network.

Poor cooperation between institutions at the national level has been highlighted previously in several reports. It is believed that this situation will improve considerably after the enforcement of the Anti-Trafficking Action Plan. Within the new framework, each ministry will have a concrete task in this respect and each will assign a person to be responsible for the completion of the respective task(s). There is also a plan to create a network on counter-trafficking, consisting of institutional representatives. Nonetheless, the draft Plan remains rather unclear with regard to reporting mechanisms, timelines for actions taken and measures implemented.

While governmental institutions have problems communicating and working efficiently with each other, each expert reported that cooperation with NGOs was positive.

b. International Level

International cooperation was considered to be good. Information exchanged with law enforcement colleagues abroad includes all types of knowledge about crimes committed or crimes planned, and information about criminals. Such exchanges of information are carried out through existing international networks: the Ministry of Justice is responsible for participation in the European Judicial Network; the police use Europol and Interpol channels. Moreover, Estonia is planning to become part of the Schengen Group as of 2007.

Estonian authorities reported having close cooperation, above all, with Nordic countries. Specifically, Finland and Sweden were mentioned. The Nordic Council of Ministers plays a significant role in raising awareness about trafficking in Estonia.

In June 2001, at the Women and Democracy Conference in Vilnius, the Nordic and Baltic Ministers of Gender Equality decided to carry out a joint Nordic-Baltic information campaign against trafficking in women. In August 2001, the Nordic and Baltic Ministers of Justice also decided to join the campaign, which aimed to increase knowledge and awareness, and to initiate discussion about problems surrounding the issue of trafficking in women.

Regarding Baltic-Nordic cooperation, an important role is played by another network, namely, the Task Force on Organized Crime in the Baltic Sea Region, established in 1996 and consisting of personal representatives of the heads of government in order to elaborate measures for an immediate implementation and other specific proposals to reinforce the regional cooperation in the fight against organized crime.

The task force consists of representatives from Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, the Russian Federation, Sweden, the Presidency of the European Union and the European Commission. The work of the Task Force has, among other things, been concentrated on smuggling of persons and trafficking in women.

In May 2000, it was decided to set up an Operative Committee on Trafficking in Women. The purpose of the Committee is to explore the extent of the problem and to implement suitable initiatives within the task force cooperation.

Finally, within the framework of the new Law on Witness Protection, there is a multilateral agreement with Latvia and Lithuania that makes it possible to give victims of crime a new place of residence in those countries, although it is not yet in force.

Finland

1. Scale and Pattern of Trafficking in Persons

There is still a lack of data on the scope of human trafficking to, through, and from Finland and it is therefore difficult to estimate the dimensions of the problem. There is also a lack of information about the nature of trafficking. According to a 2004 estimate, there were some 5,000 Russian women and 1,000 Estonian women working in Finland but other studies suggest that some 10,000 to 15,000 women sell sexual services in Finland annually. The percentage of women who can be considered trafficked is unknown.

Finland is recognized as a transit country through which people are trafficked at least to Norway, Spain and Sweden. The Finland country report “Trafficking in children for sexual purposes” (EC STOP II programme, updated in September 2003) indicates that there is no known organized trafficking of minors in Finland.

According to available sources, trafficking in Finland to date has mostly taken the form of trafficking for sexual exploitation.

There is also a lack of information about the link between trafficking, irregular migration and illegal labour. There have recently been some cases of labour abuse in Finland (registered after the establishment of an Inspector Group for Illegal Migration and Labour in Summer 2004), which may also fall into the category of trafficking in persons. The frequency of such cases has increased in the construction sector in particular, and the Finnish police strongly suspect the involvement of trafficking and organized crime.

The Finnish authorities believe that the majority of migrants and prostitutes have actually entered the country legally, at least in the technical sense that they have the required documents, whether these are genuine or fraudulent. This does not necessarily mean that these people are not victims of trafficking.

2. Identification

a. Policy and Legal Framework

New criminal provisions on trafficking in persons and aggravated trafficking in persons were incorporated into the Penal Code of Finland in August 2004.

Until now there has not been a policy or legal framework regarding victim identification.

The National Plan of Action for Combating Trafficking in Human Beings (approved by the government in its General Session on 25 August 2005) provides guidelines for the identification of victims and proposes measures to disseminate information on trafficking in persons and to increase awareness thereof. The Working Group which wrote the Action Plan aimed at examining the whole cycle of trafficking from the recruitment of victims to their safe return and integration in society in the country of origin or destination. The Plan of Action

adopts a multidimensional and human rights-based approach to trafficking in persons, paying particular attention to child and gender issues. The Plan of Action is meant to be taken into account in various sectors of activities of the government.

b. National Methodology on Identifying and Screening of Victims of Trafficking

The main channels for identification of victims of trafficking in Finland are the police, border guard and NGOs. There is no common understanding in Finland on determining exactly who the victims of trafficking are and which of them are entitled to receive services and protection.

For the NGOs, the biggest problem is that, when there is reason to doubt that someone might be a victim of trafficking, there is no national strategy on how to proceed and, most importantly, there is no clear understanding of who has administrative and financial responsibility.

The 2005 Finnish National Plan of Action against Trafficking in Persons includes a list of indicators that may help identify whether a person is a potential trafficking victim (i.e. Guidelines for identifying trafficked persons) and proposes measures to disseminate information on trafficking in persons and to increase awareness thereof.

The Plan of Action lays the groundwork for the development of a system for identification of victims. The Plan contains an extensive list of indicators. The indicators are facts relating directly to the way a person enters the country as well as facts related to the person as such.

3. Protection

a. Policy and Legal Framework

In case of detection, trafficking victims are normally deported on the grounds that they are in the country illegally. They can also be refused entry to Finland immediately at the border due to the grounds mentioned in the Aliens Act.

In terms of witness protection, there is currently no witness protection programme or provisions specific to victims of trafficking in Finland. However, draft legislation is under consideration. More generally, temporary leave to remain in the country for a person cooperating with the criminal justice system may be possible in exceptional circumstances. Victims are usually entitled to free legal assistance and a legal counsellor in the police investigation and a hearing in court.

More attention will be placed on the protection of victims in the future. The National Plan of Action for Combating Trafficking in Human Beings (March 2005) has three points of departure in this respect.

The first point of departure is a *Human Rights and Victim-based Approach*: the prevention of human rights violations occurring in the context of trafficking in persons and the protection of the rights of victims are set as the cross-cutting objectives of the Plan of Action.

The special situation of children is to be taken into account in all types of action against trafficking in persons. The victim-based approach focuses on the individual needs of victims for protection and assistance as well as on a broad understanding of their experiences. The situation of the victim is assessed as a whole with a view toward finding in cooperation with the victim such solutions as would best enhance her/his rehabilitation and prevent re-victimization.

The second point of departure of the Plan of Action is the *Gender Aspect*. The gender aspect highlights the specific experiences of female and male victims, taking into account that trafficking in persons affects women and men differently.

The third point of departure is a comprehensive and multidimensional approach, underlining the importance of cooperation among different professionals.

The provisions of the National Action Plan specifically aimed at the protection and assistance of victims include emergency assistance, support services for victims and child victims, legal assistance and counselling, integration, as well as changes to the Aliens Act to allow for temporary residence permits for victims.

b. Practice of the National Support (Referral) System

At the moment, there is no established referral system in Finland. However, a national referral system is included in the Plan of Action.

The Pro-support Centre, established in 1990, is a support service centre for prostitutes, subordinated to the private Diaconia Institution in Helsinki that provides health care and social services. At present, the Centre is the only organization in Finland that offers support services for prostitutes, whether Finnish or foreign, and it is also the only agency independent of the authorities that monitors the prostitution situation in the country on a full-time basis. The activity of the Support Centre is concentrated in the capital region. It employs seven permanent workers who regularly visit the working areas of prostitutes, actively attempting to establish contacts with them.

4. Cooperation at the National and International level

a. National Level

The Ministry of Interior (particularly the Headquarters of the Border Guard Service, the Directorate of Immigration, the National Bureau of Investigation), the Office of the Prosecutor General, the Ministry of Foreign Affairs, and NGOs deal with the issues related to counter-trafficking in Finland. Other important authorities are the Ministry of Social Affairs and Health and the Ministry of Education.

The Customs Office does not consider identification of trafficking victims within their scope of work, although if they detect some cases concerning trafficking in persons at the border, they inform the border guards' nearest operative unit and the latter will then take responsibility for required actions.

Customs are also able to make border checks but they do these only at those border crossing points where checks have been agreed upon with police and border guards. These checks take place mainly on fishing boats, freight ships, six smaller inland airports, and several land border crossing points, intended to identify goods trafficking.

The Border Guard Service is informed of potential cases of trafficking. In certain cases, joint investigative units are set up, bringing officials from the border guard, police, and customs together.

The NGOs providing aid for prostitutes cooperate with NGOs providing anonymous, free of charge services, with municipal service providers and also with law enforcement agencies. However, they respect women's anonymity and the women's own opinion about what kind of services they want. Sharing of information happens at a general level, not at the case level (and never without a person's own permission). NGOs cooperate very actively with Russian counterparts due to the origin of the prostitutes and networking in the TAMPEP network.

The 2005 National Plan of Action for Combating Trafficking in Persons stresses the importance of a comprehensive and multidimensional approach, underlining the importance of cooperation among different professionals. The Ministry of Labour has been tasked with taking on responsibility for the scheme of services to assist victims of human trafficking. The Ministry of Labour will also direct implementation of the National Action Plan, together with the Ministry of Interior. Each relevant Ministry is responsible for the implementation and monitoring of measures within its own field of activity.

b. International Level

At the international level, the Finnish Ministry of Interior cooperates with Europol and Interpol. It also has close cooperation with all the Nordic countries and Estonia. Cooperation with other countries in the region is on a case-by-case basis rather than through established, regular communication mechanisms.

Finland is also involved in other organizations combating trafficking in the region including the Intergovernmental Consultations Group on Asylum, Refugees and Migration Policies in Europe, North America and Australia (IGC), IOM and several task forces, including the Nordic Baltic Task Force on Trafficking in Human Beings and the Working Group for Cooperation on Children at Risk of the Council of the Baltic Sea States.

Finland currently holds the Presidency of the Task Force on Organized Crime in the Baltic Sea, which has an increasing focus on combating trafficking. Finland has a bilateral agreement with Estonia on crime prevention and liaison officer arrangements and bilateral cooperation with the Nordic countries.

As a member of the IGC, Finland has the possibility to participate in special working groups dealing with trafficking in persons and has access to a web-tool that can be used to analyse routes and phenomena.

The level of information sharing is highest with Europol. As regards Interpol, it is based on specific questionnaires, while with other international organizations the shared information is considered on a case-by-case basis. No special programme for information sharing has been implemented.

Hungary

1. Scale and Pattern of Trafficking in Persons

Given both its geographical position at the external borders of the European Union and its situation of relative economic prosperity, compared to other Central and Eastern European countries, Hungary functions as a country of origin, transit and final destination for trafficking victims. Hungarian women and girls are trafficked to destinations in Western Europe, including France, Germany and Italy, as well as to North America for the purpose of sexual exploitation. Some are promised summer jobs as waitresses, but are then usually transported with false documents and then forced into prostitution.

Its position along one of the most heavily used trafficking routes into Europe makes it an important transit country. It must be highlighted that, as Hungary is considered as one of the main transit countries, the crime of trafficking in persons is difficult to identify and investigate as the exploitation phase has usually not yet begun.

Internal trafficking occurs from areas of high unemployment in Eastern Hungary to Western Hungary. Persons from mainly rural areas, little villages from the South of Hungary, are trapped for sexual exploitation in the capital city of Budapest and in border areas of high commercial transit. Traffickers often target adult female orphans recently released from state institutions along with rural young women.

In 2004, the investigation was terminated in eight cases, partly because it was not a criminal offence (two cases) or the criminal offence could not be established (six cases). There were 22 cases of trafficking of Hungarian women, with the trafficking carried out by 23 known offenders. With respect to the victims in these 22 cases, there were 22 victims, of whom 21 were women. The victims were, for the most part, young adults, aged 18-22. As regards the age of the victims, it can be seen that the young matures are highly represented (13). The high number of unemployed women among the victims shows the greater vulnerability of people in disadvantaged economic conditions, who are looking for an occupation and a way to earn their living.

2. Identification

a. Policy and Legal Framework

Human trafficking was for the first time regulated by the Hungarian Criminal Code in 1998 among the crimes directed against “personal freedom and human dignity”.

On 1 April 2002, several modifications to the Criminal Code entered into force, including the Regulation on the Trafficking in Persons and Pornography. According to the amendment, the former definition of trafficking has changed to meet international standards. The definition follows the wording of the United Nations Trafficking Protocol.

Hungary lacks a formal process for enforcement officials to identify victims and also to refer them to NGOs. There is an ongoing effort to establish a referral system as well as an effort to draft a formal process of identification of victims.

b. National Methodology on Identifying and Screening of Victims of Trafficking

At present, the police have an investigative right in trafficking cases, but there are no formal guidelines on identification. The experience of the police officers as well as their routine can be an added value during the identification process.

The investigative authority of the Hungarian Border Guards Service will be expanded (by the amendments on the Act on Border Guards) with the right to investigate facts of trafficking in persons and the violation of personal freedom. Hungarian border guards have vast experience in investigating human smuggling cases, which could serve as a basis for their future authority to investigate trafficking cases as well.

It can be said that the police has the unique right to identify victims of trafficking although the Ministry of Family, Youth and Equal Opportunities will soon establish a toll-free hotline which will not be exclusively a trafficking hotline, but will also be for victims of domestic violence. The operators of the hotline will receive training on how to conduct profiling of possible victims.

3. Protection

a. Policy and Legal Framework

Hungary lacks a formal referral system, but the government is making significant efforts to establish one.

Although the formal referral system is not yet in place, some NGOs (NANE, White Ring Public Benefit Association Hungary, ESTER Foundation, Escape Association, Baptist Aid) are very active and helpful in this field. A recently opened shelter is offering reception and short-term stay in a secure housing environment for victims returning to Hungary in the pre-departure stage, before returning to their home country, or for internally trafficked victims. Services also include initial psychological counselling. The shelter is managed by a Hungarian NGO.

The witness protection programme in Hungary is available to victims and witnesses of crimes, including trafficking in persons. The programme, however, is relatively new to the Hungarian criminal procedure and police officers are not yet fully aware of the advantages of the system.

Article 95 of the Code on Criminal Procedure ensures that the witness shall be provided with protection in the interest of protecting her/his life, bodily integrity or personal liberty, and in the interest of ensuring that the witness fulfils the obligation to give testimony and can do so without fear.

b. Practice of the National Support (Referral) System

Temporary residence permits are available to trafficking victims, under certain conditions: the Office of Immigration and Nationality of the Ministry of Interior can issue temporary residence permits on a humanitarian basis. These permits can be issued upon the proposal of the national service or law enforcement authorities to a foreigner who has cooperated with the authorities in a manner that significantly promoted the success of evidence in an investigation. Since January 2002, three temporary permits have been issued based on the above definition.

In order to achieve the aim of establishing a national referral system, the Department of Consular Affairs and Judicial Cooperation (Ministry of Foreign Affairs) established a working group with participation of the Ministry of Interior, State Secretariat for Crime Prevention, National Police, the International Police Cooperation Centre, the Office of Immigration and Nationality of the Ministry of Interior, the Ministry of Youth, Family Affairs and Equal Opportunities, IOM, Hungarian Border Guards and NGOs.

The draft plan distinguishes between victims depending on whether they are referred from abroad or internally.

When Hungarian victims are referred by foreign law enforcement authorities to the International Police Cooperation Centre, the Hungarian Interpol Office directly refers the victim to the NGO operating the shelter. When the victim is referred by the Hungarian Consulate abroad, in line with Act No. XLVI on Consular Protection, the Consul ensures assistance and refers the victim to the Department of Consular Affairs and Judicial Cooperation which will then refer the victim to the NGO operating the shelter. In case of IOM referral (other IOM offices requesting assistance concerning a Hungarian victim), IOM Budapest refers the victim directly to the shelter.

When it concerns internal victims of trafficking (within the territory of Hungary), the relevant Hungarian authority (border guards, police) refers the case towards the International Police Cooperation Centre which then refers the case directly to the NGO operating the shelter. It has been agreed that both the police and the border guards will issue an internal order that regulates the detailed process between these two authorities.

When the hotline for victims is operational (hotline operators will receive training on filtering), the Ministry of Youth, Family Affairs and Equal Opportunities will direct the possible victim to its regional crisis centre and a personal interview will be conducted. If a victim is identified as such, the shelter-operating NGO will be contacted directly.

4. Cooperation at the National and International Level

a. National Level

From the organizational point of view, it must be highlighted that a National Rapporteur as such does not exist in Hungary. There is a Crime Prevention Office within the Ministry of Interior but it is not dedicated primarily to trafficking issues.

On the central level, the main responsible body is the Trafficking Department, established on 1 July 2004 within the Directorate Against Organized Crime of the National Bureau of Investigation at the National Police Headquarters. At present, 16 police officers are working in the department. On the county level, the respective county police are responsible. There are two to three police officers specialized in trafficking cases in each county police force. If the trafficking case stretches over more than one county, the Central Coordinating Body is the Trafficking Department at the National Police Headquarters.

The exchange of information within the various police units/departments is easily managed, as they are obliged to share relevant information.

In 2004, the Integrated Management Centre was established, operated by the border guards. The Immigration and Naturalization Office, the Finance and Customs Authority, the Labour Authority and the police participate in the Centre. The main objective of the Centre (with the participation of relevant law enforcement authorities) is to enhance law enforcement efforts against irregular migration and related activities.

Cooperation among other organizations, such as the labour authorities, the Ministry of Foreign Affairs (Department of Consular Affairs and Judicial Cooperation), Office of Immigration and Nationality of the Ministry of Interior, the border guards and Customs Office functions quite well. Excellent cooperation also exists between NGOs and international organizations in the field of trafficking.

Further and more intensive cooperation between the border guards and the police has great significance in this field, as the border guards are frequently the first to encounter smuggling cases, of which some may later be identified as trafficking cases.

It should be highlighted that cooperation amongst the relevant actors became stronger with the establishment of the American-Hungarian Working Group to combat trafficking in persons. The main aim of the Working Group is to make a significant effort in developments according to the US State Department Trafficking in Persons Annual Report. In order to achieve its goal, the members of the Working Group harmonize their efforts in the field of combating human trafficking.

b. International Level

The Act of 2002 on the International Cooperation of Law Enforcement Agencies and the Act of 2003 on Criminal Cooperation of European Union Member States regulate the application

of special measures, means and methods, aiming at the increase of efficiency of prosecution and law enforcement. In addition to these, there are special bilateral and multilateral cooperation agreements in criminal matters with different countries (e.g. Albania, Austria, Bulgaria, Croatia, Estonia, France, Germany, Greece, Israel and Italy), to increase the efficiency and facilitate police cooperation.

In practice, there is improving cooperation with foreign countries to facilitate better police cooperation in combating organized crime and trafficking in persons.

Ireland

1. Scale and Pattern of Trafficking in Persons

The lack of data on trafficking makes it hard to establish the prevalence of trafficking for sexual or labour exploitation in Ireland. There is no national registration or monitoring system in place. Organizations working in the field of counter-trafficking, including IOM Dublin, were unable to provide any figures for the annual flow of internationally trafficked persons in Ireland.

The Garda National Immigration Bureau, both a division of the Gardai and the immigration service, has stated jointly with the Police Service of Northern Ireland that, in the context of organized crime, “there is no evidence of human trafficking into any part of Ireland”.

The NGO Ruhama works with prostitutes in the Dublin area. Ruhama has studied its records and states that since 2000 they have encountered 20 definite cases of human trafficking for the purposes of sexual exploitation and have identified a further 80 women who they, from their knowledge and experience, believe to have been trafficked.

Ruhama identified all these women as being between the ages of 17 and 32. The majority come from the Eastern European countries of Albania, Estonia, Latvia, Lithuania, Moldova, Ukraine and Uzbekistan. A sizeable minority come from Africa (Nigeria is the most common country of origin). South America and particularly Brazil were also seen as relevant. The vast majority of these women had arrived in Ireland through another country, most commonly the Netherlands, Northern Ireland or the United Kingdom.

The Dublin unit of the Health Service Executive Service for Separated Children Seeking Asylum (the Separated Children’s Service) estimate that approximately 20 children in their care in 2005 were trafficked, the majority of these for the purpose of sexual exploitation.

2. Identification

a. Policy and Legal Framework

Irish legislation on trafficking in persons is incorporated into two statutes, the 2000 Illegal Immigrants (Trafficking) Act and the 1998 and 2004 Child Exploitation and Pornography Acts.

There are plans for specific legislation on trafficking, driven by the Irish government's desire to ratify the United Nations Trafficking Protocol and the 2005 Council of Europe Convention Against Trafficking in Human Beings as well as to comply with its obligations under European Union legislation. As a consequence of these initiatives, legislation is expected in 2006 in relation to both the criminal justice area and the protection of victims of trafficking.

A definite obstacle to identifying the crime of trafficking in Ireland is the current lack of legislation. The only relevant statute for adult trafficking is the 2000 Illegal Immigrant (Trafficking) Act. While this statute purports to address the issue of trafficking, it in fact criminalizes the smuggling of migrants into Ireland.

There are no provisions in Irish law concerning the identification of victims. Particularly relevant to the identification of victims of trafficking, the Irish government has stated that it intends, by late 2005 or early 2006, to incorporate into Irish law the definition of trafficking from Article 1 of the 2002 European Union Trafficking Framework Decision.

There is currently no Irish government policy on victim identification and no policy of national cooperation on the issue.

b. National Methodology on Identifying and Screening of Victims of Trafficking

It is accepted by all the agencies, NGOs and government departments that the Garda National Immigration Bureau has the lead role in the identification of victims of trafficking. The Garda National Immigration Bureau stated that the main way that victims of trafficking are identified is through policing. The Garda National Immigration Bureau stated that it identifies victims at airports, ports and in the course of other Gardai investigations. In addition, it receives referrals from the Service for Separated Children and NGOs.

As the Garda National Immigration Bureau holds the dual role of police officer and border guard, any other authority in this area has a very secondary role. The customs service, for instance, has no formal role in the identification of victims of trafficking and no apparent legislative authority or training in the area. The Customs Service is aware of the issue of trafficking and has on occasion picked up suspected cases that the Garda National Immigration Bureau had missed.

The lead agency in the area of child sexual and labour exploitation is the Service for Separated Children. The greatest number of children referred into the care of the Service for Separated Children are referred from the Office of the Refugee Applications Commissioner. This is due to the fact that if an unaccompanied minor arrives at the Office to make a claim for asylum, he or she will immediately be referred to the Service for Separated Children.

The other organization that appears to have a major role in the identification of victims is the NGO Ruhama. Ruhama has identified women who they feel are trafficked and will on some occasions advise them to seek the assistance of the Gardai.

Ruhama found that the women who had been trafficked into Ireland were very difficult to identify as they were generally involved in indoor prostitution and were therefore hidden away. On the question of identification, Ruhama stressed that there was generally very little awareness of trafficking, which meant that, when faced with a possible trafficking situation, most agencies would not recognize it as such. It is for this and the other reasons stated above that very few trafficked women in Ireland are identified.

There are no national indicators or guidelines in place to aid the identification of victims of trafficking and the majority of organizations working in the field would not be familiar with their use. Neither the Garda National Immigration Bureau nor the Gardai have specific indicators in place to identify victims of trafficking. The Garda National Immigration Bureau stated that the use of guidelines and/or indicators is part of the general training of new Gardai recruits.

The Customs Service stated that they did not have any guidelines in place to identify victims of trafficking but that they did have indicators in place to identify suspected drug smugglers and the two profiles would share a lot of similar characteristics.

The NGO Ruhama is currently in the process of developing indicators for use in its work, while the Service for Separated Children has an informal list of indicators in place. This list is also in the process of being formalized.

The indicators currently being used by the Service for Separated Children to identify potential child victims of trafficking for sexual exploitation would include the following: inconsistencies between adult and child; sense of fear; drilled with a mobile phone; patterns of dress change (limited access to money); very fixed movements; injuries and scars; reluctance to say who they might be meeting; unexplained telephone calls; active involvement in sexual health; a request for sexual health results in writing.

3. Protection

a. Policy and Legal Framework

There is no national policy on the protection of victims of trafficking and, pursuant to this, there are no official standards in place for the assistance of victims of trafficking nor is there official monitoring or evaluation of assistance provided to victims of trafficking.

There is also currently no automatic right to residence permits for victims of trafficking. There is a witness protection programme, but this is not specific to victims of trafficking.

There are protection provisions in place for victims of crime, but none specific to victims of trafficking. These provisions include the Gardai policy which gives all victims of crime some basic information. This information would include the name of the officer in charge of the case and the status of the case. In the case of a female victim of crime, the Gardai would, if necessary and appropriate, arrange emergency accommodation, often in one of the refuges for victims of domestic violence. There are no provisions in place to organize accommodation for

men, though, if the situation arose, they may be referred to one of the homeless hostels or offered a place in the cells. Health care would also be offered by the Gardai in the form of a medical examination if this appeared necessary.

Until 31 March 2005, the services of the Victim's Support Scheme provided advice, assistance and support to all victims of crime. Unfortunately, government funding was withdrawn from the national scheme and there is currently no national victim support service in operation in Ireland.

There is a national system in place for the referral of children in the care of the Separated Children's Service to the Gardai or the Garda National Immigration Bureau in cases when there are concerns about the status of a particular child. The referral is made under the "Children First" Guidelines. There is also a separate referral system in place to refer children into the care of the Separated Children's Service from the Garda and the Office of the Refugee Applications Commissioner. There are also services in place for all children in the care of the Separated Children's Service. None of these services are specific to victims of trafficking.

Although there is currently a lack of policy and legislation on the protection of victims of trafficking, remedying this situation is now higher on the government's agenda, given the need to improve protection provisions in order to meet the standards of the United Nations Trafficking Protocol and in order to ratify the Council of Europe Anti-Trafficking Convention of 2005. As a consequence, the government has indicated that it intends to include provisions in this area in the proposed Residence and Immigration Bill. The Residence and Immigration Bill is at the consultation stage and input has been requested from interested parties. It is intended to be put before the Parliament for enactment in Spring 2006.

The first major issue that the Residence and Immigration Bill will address is the creation of a single protection procedure for victims of trafficking. It is intended that this protection procedure will be operated by the Reception and Integration Agency. This agency is currently charged, among other functions, with the task of providing accommodation and services to asylum seekers. It is therefore intended that the package of protection available in the direct provision service for asylum seekers will be available to victims of trafficking.

The short-term residence permit proposed in the Residence and Immigration Bill will be subject to the condition that the victim of trafficking cooperates with the Gardai. This cooperation will not necessarily involve testifying. The proposed short-term residence permit would be in the form of a standard humanitarian "leave to remain" visa. The holder would not be identified as a victim of trafficking. This type of visa would entitle the holder to work and to access public services.

There is no specific return programme for victims of trafficking at this time, although it has been recognized that one could benefit some victims. There is also no specific witness protection programme and no intention to put one in place. There is a general witness protection programme, to which admission is discretionary and, as the Garda National Immigration Bureau points out, only on a very strict basis.

b. Practice of the National Support (Referral) System

There is no national referral mechanism in place for victims of trafficking, although, as stated above, it is envisaged that such a system will be put in place. In practice there is an informal system of referrals between the Gardai, governmental departments, governmental agencies and NGOs.

The Gardai and, in particular, the Garda National Immigration Bureau are seen as the leading agencies by the majority of state and non-state actors. The Gardai do offer some protections on a case-by-case basis to suspected victims of trafficking.

The protection offered include referring women to refuges and to organizations that assist female victims of sexual violence, for instance the Rape Crisis Centre, Women's Aid and Ruhama. These organizations can provide support and assistance to women.

Ruhama is identified by the Garda National Immigration Bureau and other NGOs as being of particular assistance and is the only organization in Ireland offering a range of services to victims of trafficking. Ruhama assesses the needs of each victim on an individual basis. Ruhama offers support and has often organized accommodation in refuges, offered counselling (rarely taken up) and will refer victims to appropriate legal assistance.

The majority of other NGOs recognize the role that Ruhama plays in the Dublin area and refer potential victims of trafficking either directly to them or to the Garda National Immigration Bureau. Although Ruhama only works in the Dublin area, the Garda National Immigration Bureau is a national body and has referred women to refuges across the country.

Although there is no formal protection scheme for child victims, the Separated Children's Service does put together an individual protection package for each child. This is achieved by the provision of direct services for children and accessing other services on their behalf. The Separated Children's Service also has a network of links with the Gardai, the Garda National Immigration Bureau and NGOs, especially Ruhama and other counselling and protection bodies.

Separated children arriving in Ireland are placed in the care of the Separated Children's Service, in particular in the Separated Children Seeking Asylum units. The unit in Dublin has the majority of unaccompanied children arriving in the state. Assistance provided to children includes accommodation, counselling, health care, legal assistance and education.

Protection is also provided to children on their return to their country of origin. While no specific return programme for trafficked children exists, the IOM Voluntary Assisted Return and Reintegration of Unaccompanied Minors Programme is in place. A child is only returned home under this programme if there is a care plan in place in his/her country of origin, and if return is agreed to be in the best interests of the child. This is organized through IOM in close cooperation with the Health Services Executive.

4. Cooperation at the National and International Level

a. National Level

Regarding the identification of victims, the Garda National Immigration Bureau identified the institutions that deal with trafficking on the national level as the Department of Equality, Justice and Law Reform and Separated Children Seeking Asylum. The Department of Equality, Justice and Law Reform is the government department that deals with the policy and legislative issues concerned with trafficking and as such, although it has no direct role in the identification of victims, it does have an important role in drafting legislation and developing policy in this area. The cooperation between the Garda National Immigration Bureau and the Department of Equality, Justice and Law Reform involves the sharing of data on immigration and asylum issues.

The Garda National Immigration Bureau believes that it has an excellent working relationship with all the relevant bodies involved in the identification of victims of trafficking and collaborates and shares intelligence on this issue. The Garda National Immigration Bureau is not sure how far this collaboration could be extended without the sharing of data becoming a data protection issue.

The Customs Service, while playing a secondary role to the Garda National Immigration Bureau in the identification of victims of trafficking, does have a role to play, particularly in the sharing of intelligence with the Garda National Immigration Bureau. Customs has a database which is separate from that of the Garda National Immigration Bureau and neither organization has access to the database of the other organization.

There is a system of liaison officers in place who are used to channel information from one organization to the other. Customs share information with the Garda National Immigration Bureau on methods of concealment of drugs, trends in drug importation and movements of people.

There is also a forum for customs agents from around the country to discuss and share experiences and best practices. This forum has never been used to discuss human trafficking. The Customs Service would like to see a more formal structure in place to share information with GNIB.

b. International Level

The Garda National Immigration Bureau shares police investigative data on the issue of trafficking with Interpol, Europol and Eurojust. In terms of national cooperation, the Garda National Immigration Bureau cooperates with the United Kingdom most frequently, particularly the authorities in Northern Ireland. The data shared is usually confined to information on people brought before the courts. On occasion, specific information on an individual may be shared by police forces across Europe.

The Garda National Immigration Bureau does have a very small number of Gardai Liaison officers. Their role is to share information and to coordinate with local police forces and airlines. There are currently plans to expand the role and numbers of these Gardai Liaison Officers and to place them at airports in Europe.

IOM has an important role in international cooperation in the identification of victims of trafficking, most immediately by the sharing of information on victims of trafficking between its offices worldwide. IOM also shares policy developments and information between its offices, thereby increasing the level of knowledge and expertise among the IOM community in identifying victims of trafficking.

The Service for Separated Children shares information with IOM Dublin and, through IOM Dublin, with the countries of origin of trafficked children. Information has also been shared on specific cases with Interpol.

At the international level, Ruhama has cooperated, among others, with similar NGOs in other European countries and with the US Embassy in the compilation of the Trafficking in Persons Report.

Lithuania

1. Scale and Pattern of Trafficking in Persons

Lithuania is an origin, transit and destination country in terms of trafficking in persons. The scale of trafficking in persons is one of the most significant in the Baltic States.

Trafficking in persons in Lithuania is mostly related to sexual exploitation. The phenomenon of trafficking in persons is linked with street prostitution, illegal companies in which women are sexually abused, brothel activities and export/import of women.

Immigrants from the neighbouring countries (Belarus, the Russian Federation and Ukraine) constitute approximately 15 per cent of all prostitutes within Lithuania. However, at the moment, the import of prostitutes from Belarus, the Russian Federation and Ukraine has diminished because of the lower payment rates of sexual services, stricter border control and the increased risk of deportation.

At present women are trafficked to Belgium, the Czech Republic, Denmark, France, Germany, Greece, Italy, the Netherlands, Norway, Poland, Spain, Switzerland and the United Kingdom.

The intensive trafficking in women to Poland is explained by the fact that Poland is a transit country. At present, fewer prostitutes are imported from Belarus and Russia. According to the data of the Ministry of Interior, the main countries of destination are Israel, Turkey and the United Arab Emirates.

Despite the efforts of governmental institutions and non-governmental organizations, the scale of trafficking in persons is not decreasing. According to Europol data, every year about

3,000 women in total are trafficked from three Baltic States (Estonia, Latvia and Lithuania), 1,200 of these from Lithuania.

The statistical data on trafficking victims from Lithuania are slightly inaccurate, however, since women detained abroad with Lithuanian passports, are not always Lithuanians, but rather Belarusian, Russian or Ukrainian. The main reason for this fact is that Lithuanian passports are more easily altered for false identities.

The victims of trafficking in persons are mostly women who grew up in orphan homes or problematic families. Many are girls who ran away from home, started to live as tramps and later became prostitutes. Until adulthood, such girls are sold from one procurer to another and are exploited in Lithuania. Usually, they leave the country after obtaining identity documents.

Currently, the spread of drug addiction is having a considerable impact on this phenomenon. More and more victims are becoming dependent upon traffickers and drug syndicates. The possibility and desire to earn easy, quick and big money is the main motive for taking a risk.

Victims are recruited in the whole territory of Lithuania. They are transported abroad through specific transit centres. Consequently, members from one organized group recruit victims, while the members from another organized group transport them. Sometimes members from one organized group are allowed to operate in the territory which is controlled by other organized groups. Therefore, there is no competition among organized groups.

2. Identification

a. Policy and Legal Framework

Trafficking in persons is a crime according to the Criminal Code of Lithuania (article 147). There are other interrelated crimes in the Criminal Codes such as buying or selling children, illegal migration, procurement, engagement into prostitution, fraud of documents, border crossing violations, the production and distribution of pornography, etc.

Lithuania ratified the United Nations Convention against Transnational Organized Crime (UNTOC) in 2002 and the related United Nations Trafficking Protocol in 2003.

Recently, the Programme of Prevention and Control of Trafficking in Human Beings 2005-2008 was adopted as the follow-up of the Programme 2002-2004. Lithuania was the first country in the Baltic States to prepare two specialized programmes of anti-trafficking activities.

b. National Methodology on Identifying and Screening of Victims of Trafficking

There is no national methodology on identifying victims of trafficking. Every governmental or non-governmental institution follows different legal/social norms and standards. Accordingly, victims are identified and treated in different ways.

The police are the main institution in the process of identification of victims. Police officers follow the standards of the Criminal Procedure Code. The injured party is a person who suffered physical, material or moral detriment during the criminal activity. The person attains the status of injured party on a factual basis (the physical, material or moral harm done by the criminal actions) or legal basis (the decision of a pre-trial investigator, public prosecutor or pre-trial judge, where the particular person is recognized as injured party).

According to the police officers, if a person is satisfied with the situation, for instance, a situation of prostitution, she/he does not appeal for help or assistance. Therefore the police are not able to identify her/him as a victim. If a woman was engaged into prostitution against her own will, she will be considered as a victim. However, if she is satisfied with her work, she is not considered to be a victim, according to the Criminal Procedure Code.

The State Border Guard Service, under the Ministry of Interior, issued guidelines for the identification of victims at the borders and trained border guards to follow these guidelines. However, if the passport and other documentation are correct, the officers do not have the authority to stop women or other persons. Victims are free to contact the border officers and ask for help at the border. The border officers, suspecting a possible trafficking case, are competent to talk to victims face-to-face without any witnesses.

Where the police identify victims in a narrow sense, NGOs and other social institutions follow the international trafficking definition, which is more comprehensive (cf. article 3 United Nations Trafficking Protocol). NGOs consider most women as victims regardless of whether she was engaged in prostitution against her will or not.

3. Protection

a. Policy and Legal Framework

In addition to the counter-trafficking provisions in the Criminal Code, there are some specific legal norms which address the issue of protection of victims in Lithuania.

The 1996 Law on Protection Against the Criminal Influence on Criminal Procedure Participants, Operational Activities Participants and Justice and Law Enforcement Institutions Officials indicates the main protection remedies against criminal influence, the application and methods of remedies.

The Criminal Procedure Code regulates the situations when anonymity for victims may be applied. The procedural actions are carried out in a specific way.

Furthermore, two projects of legislation are being prepared concerning (a) the exemption of victims' will from criminal responsibility for prostitution and illegal migration if they give testimony in the cases; and (b) a special resident status for illegal trafficking victims in Lithuania under certain conditions.

A national policy as regards protection of trafficked victims is foreseen in the Programme of Prevention and Control of Trafficking in Human Beings 2005-2008. It sets out the following strategic objectives with respect to protection of victims:

- The improvement of protection of trafficking victims;
- Effective social prevention of trafficking;
- The provision of social assistance for trafficking victims, especially women and children and social reintegration into society;
- Close and coordinated cooperation of governmental, municipal institutions and non-governmental and international organizations with regard to anti-trafficking activities.

According to the Programme for 2005-2008, the victims' support comprises the following objectives and implementation remedies:

- In order to regulate the *legal status of victims* in accordance with the legislation and given recommendations of the European Union and international organizations, the Law Institute is obliged to prepare the recommendations and proposals on the legal status of trafficking victims (including social, legal and other aspects).
- In order to *improve the social protection and assistance* for trafficking victims, it is planned to sponsor projects of governmental institutions and NGOs devoted to social protection, other protection and referral procedure.
- In order to ensure a *safe and expeditious return from foreign countries*, it is planned to elaborate a system of return to the country of origin.
- In order to provide *expedient targeted assistance for trafficking victims*, it is planned to elaborate the network of information for trafficking and forced prostitution victims, for directions to various services which would provide social, legal, psychological, medical assistance and protection.
- Other initiatives are planned in order to improve *medical and any other assistance for persons* related to the problems of prostitution (especially in regions).

b. Practice of the National Support (Referral) System

The police are the most visible institution in a democratic society. They remain the target institution as regards the protection of victims, since their duty is to protect every member of society.

On the initiative of criminal police, the protection of victims who consent to testify against traffickers is provided by public police patrol officers. Other victims fall under the Protection Programme of injured party and witness system, where certain requirements must be met.

The specific legal norms for the protection of injured parties and witnesses in applying the anonymity procedure are regulated in the Criminal Procedure Code. The injured party and witness are eligible to ask the public prosecutor or pre-trial investigation officer to grant them anonymity.

The Ministry of Foreign Affairs assisted 19 victims during 2003 to return from foreign countries to Lithuania. The referral procedure is applied to trafficking victims in general terms. There are no specific exemptions or benefits for trafficking victims. Lithuania has obligations under the readmission agreements with particular foreign countries in which the specific referral procedure is determined in particular cases.

The work of criminal police officers is impeded by the daily problems of trafficking victims: having returned to Lithuania and consented to testify against the traffickers, the victims do not, for the most part, have a place of residence.

IOM Vilnius organizes and arranges assistance for trafficking victims in foreign countries and in Lithuania. In particular, the following services are provided: safe travel, transit services and arrival assistance, urgent medical and psychological assistance, mediation with other organizations, provision of other protection and assistance, a temporary place to live and intensive psychological rehabilitation.

The assistance net abroad consists of the NGOs of the relevant country, the IOM offices, the Lithuanian Embassies and the law enforcement institutions of the relevant foreign countries. This system very often serves as the provider of information about the victims in the foreign countries.

The Missing Persons' Families Support Centre provides direct assistance to trafficking victims in terms of accommodation and shelter, assistance in administrating necessary documents, medical, psychological, social help and legal consultations, support in rehabilitation and integration into society, educational activities, assistance in preparing and getting the official documents and arrangement of vocational and professional training.

The Vilnius Mothers' and Children's Guesthouse provides services such as urgent assistance for women for 24 hours, safe accommodation services (up to three days) and specialist consultation about the ways to receive assistance from particular institutions. Women living in Vilnius are eligible to receive long-term assistance in the guesthouse (up to six months). When living in the guesthouse, women are provided with full financial, social, medical and psychological support.

The Lithuanian Caritas Programme "Assistance for Trafficking Victims" provides medical, social and legal assistance. Victims are conferred with temporary shelter in rehabilitation apartments. Women are fully supported financially.

The Vilnius Caritas Women and Children's Care Home provides help and assistance for women and children in critical situations in the whole territory of Lithuania.

4. Cooperation at the National and International Level

a. National Level

National institutions in one way or another engaged in victims' identification process are:

- The Public Prosecutor's Office is the institution which is responsible for the organization and governance of the pre-trial investigation of these crimes. The Public Prosecutor's Office arranges all necessary pre-trial actions or entrusts pre-trial investigation officers with these tasks. The role of the Public Prosecutor's Office, when contemplating the anti-trafficking practice and programmes, is therefore predominant.
- The Lithuanian Criminal Police Bureau of the Organized Crime Investigation Board and its structural territorial departments in police stations are responsible for the control, prevention and pre-trial investigation of crimes and other law violations.
- The activities of the Migration Department under the Ministry of Interior are relevant to trafficking victims in connection with illegal migration.
- The main responsibilities of the State Border Guard Service under the Ministry of Interior are to conduct the pre-trial investigation of any illegal crossings of Lithuanian borders, trafficking in persons and other crimes. The State Border Guard Service gets the information about the traffickers and related persons from public sources, the law enforcement institutions of Lithuania and foreign countries and from undercover co-workers.

Cooperation between NGOs and law enforcement institutions is a long-term process. Their cooperation can relate to several aspects such as referral of victims, exchange of information, interrogations and testimony.

The Programme of Prevention and Control of Trafficking in Human Beings provides specifically for better cooperation between governmental institutions and NGOs.

b. International Level

At the international level, the Lithuanian police cooperate with Europol, Interpol and the corresponding institutions of other states on the basis of bilateral agreements.

The Programme of Prevention and Control of Trafficking in Human Beings also determines specific objectives regarding international cooperation.

The State Border Guard Service under the Ministry of Interior participates in many multilateral operations and in information exchange such as the Operative Committee within the Task Force Organized Crime of the Baltic Council, the Baltic Sea Region Border Control Cooperation Conference, the Siofok Conference on border issues held in Hungary and the International Centre for Migration Policy Development.

The Netherlands

1. Scale and Pattern of Trafficking in Persons

The Netherlands is primarily both a country of origin and a destination country for the trafficking of women and girls for the purpose of sexual exploitation. In addition, the Netherlands is also a transit country. In an interview with a coordinator of the Facilitation Detection Team at Schiphol Airport (*Sluisteam Schiphol*) of the Royal Military Constabulary (*Koninklijke Marechaussee*), it becomes clear that Schiphol is a large airport that serves as a transit airport for trafficking in persons.

Human trafficking in the Netherlands can be divided into trafficking on a national level and international trafficking. In the first case, people are recruited in the Netherlands and are forced into prostitution by different methods of coercion. The number of Dutch citizens who are trafficked in the Netherlands has increased strikingly. The reason for this is the growing “lover boy” phenomenon, which is mainly conducted by young Moroccan and Antillean pimps.

The second form of trafficking is international trafficking. The victims are recruited abroad, generally with the prospect of good earnings, and through legal or illegal border crossing are then brought to the Netherlands. Most victims are employed in prostitution, which is not always mentioned to them in advance. Once they are in the Netherlands, the victims become dependent on the trafficker(s) through different methods of coercion, and they have to give the majority of their earnings to the traffickers.

Trafficking victims come from all parts of the world. There has been a remarkable increase in the number of trafficking victims from Bulgaria and Romania.

With regard to the scope of trafficking in the Netherlands, it remains difficult to determine the exact number of people who are trafficked each year. The problem remains that there is always an unknown number of victims and offenders who do not come into contact with assistance organizations and official institutes. Furthermore, there are also some victims and offenders who do come into contact with assistance organizations and official institutes, but who are not registered.

In spite of four years of decreased registration, the figures demonstrate that the registration of victims of trafficking has increased throughout the past 12 years. In 2004, registration has reached its highest point so far, namely 405 registered victims of trafficking in persons. The main reason for the enormous growth of the registered victims is the increased national attention towards human trafficking. It has received more attention from institutions involved in tracing, screening and identification of trafficking victims. In addition, it has become an important issue on the Dutch political agenda.

2. Identification

a. Policy and Legal Framework

Since October 2000, it is legal to work in prostitution for people who are at least 18 years old and who are working without any form of coercion. Trafficking in persons in the Netherlands is defined by the law as involuntary coercion or exploitation in the sex industry. However, as of 1 January 2005, the Netherlands adopted a new law. This new law is laid down in article 273(a) of the Criminal Code and is titled “Exploitation”. This offence covers more than just “trafficking for sexual purposes”. It includes all forms of socio-economic exploitation of persons through coercion, deceit and violence; it also includes provisions for organ trafficking, which has become a punishable offence.

On 1 April 2000, the Netherlands, as one of the few European countries, appointed a National Rapporteur on Trafficking in Human Beings. In order to be able to fulfil her duties, she has at her disposal the Bureau National Rapporteur Human Trafficking (*Bureau Nationaal Rapporteur Mensenhandel*).

The task of the Dutch National Rapporteur on Trafficking in Human Beings is to collect information – facts and figures as well as results and effects of the Dutch policy pursued – and to report on it to the Dutch government.

On 20 December 2004, the Dutch government adopted a National Action Plan on Human Trafficking. This Action Plan is a reaction of the government to the recommendations of the National Rapporteur on Trafficking in Human Beings, who recently presented the third report on human trafficking in the Netherlands. The main measures of the Action Plan concern (inter)national legislation, prevention, protection of victims of trafficking, investigation and prosecution of trafficking cases, as well as research and registration.

The legal framework does not include any rules with regard to victims’ identification. However, the Dutch policy does include measures to be taken with regard to the identification of (possible) trafficking victims.

The first measure concerns raising public awareness on trafficking especially for the benefit of recognizing signals of trafficking and/or (possible) trafficking victims. The awareness raising shall be addressed primarily to people who (can) come into contact with (victims of) trafficking such as owners of sex institutions, prostitutes and customers of prostitutes. The customers should receive special attention, because they can play an important role in identifying (victims of) trafficking and informing the police. In addition, awareness on trafficking and its signals should also be raised in other (not prostitution) related sectors. It is essential to point out that people can anonymously mention trafficking by use of the special hotline “M”.

A second measure to raise more public awareness is to distribute a list with (possible) signals of trafficking among organizations/institutions that can come in contact with (victims of) trafficking. If possible, the organizations/institutions should include trafficking as part of their curriculum.

b. National Methodology on Identifying and Screening of Victims of Trafficking

The police play an important role in identifying (possible) victims of trafficking. Since the ban on brothels has been lifted, it is the task of the police to better supervise the prostitution sector. In order to do so, each police force has established a special team that supervises and/or investigates the prostitution sector.

The main goal of such a team is to check sex institutions for illegal and involuntary prostitution, prostitution of minors and trafficking. The teams strive to check all sex institutions at least six times per year. If they do not comply with the set conditions for running a sex institution, it can be considered as infringing the law. In such a case, appropriate measures will be taken. In the worst case, a sex institution can lose its licence.

If a team, during a standard check of a sex institution, comes across prostitutes who possess false documents or have an illegal status, they will be brought in and interrogated. The interrogator will be focused on picking up signals that indicate trafficking. If there are indications that the person might be a victim of trafficking, the investigation team will start an investigation.

Some prostitutes do not stay in one place for very long, but regularly move to other places. Because of regular relocation, it came about that police from different forces were in contact with the same (possible) victims of trafficking without being aware of the fact. In order to improve its information-sharing with regard to trafficking victims in the Netherlands, the so-called Victim Registration System (*Slachtoffer volgsysteem*) has been developed by employees of the National Police Project on Prostitution and Trafficking in Human Beings to avoid recurrence of such situations. The system is developed to register possible victims of trafficking and functions as explained below.

In the Netherlands, the Attorney General establishes guidelines about how to fight human trafficking. These guidelines include a list of signals that can indicate if a prostitute might be a trafficking victim. All signals are assigned with a number (from one to ten). The number determines how severe the signal is. The higher the number is, the more likely the possibility that a person is a victim of human trafficking.

If, during the supervision of registered brothels/sex clubs, a member of the police force comes across a prostitute, during the supervision of registered brothels/sex clubs, who could be a trafficking victim, they will use the list of signals and the assigned numbers. All the numbers of the signals are counted up. If the total is ten or more, the police speak of a (possible) victim of human trafficking. In this case, the personal data of the person will be registered in the system.

Through this system, the different police forces can see what (possible) victims have been encountered, where they have been encountered and what signals she/he has given that can indicate human trafficking. The system is developed for the benefit of the investigation as well the benefit of the protection of the victim.

3. Protection

a. Policy and Legal Framework

In addition to its law on trafficking, the Netherlands have developed and adopted a policy which serves mainly to trace and prosecute trafficking offenders. It also provides victims with certain rights. This policy is laid down in the Circular for Immigrants, Regulation B9 and provides temporary residence rights to trafficked persons. Next to facilitating the investigation and prosecution of trafficking, the regulations' aim is to offer assistance to and protection of victims.

This regulation offers a (possible) victim of trafficking a three-month reflection period.

When the reflection period has expired and if the victim has decided not to make a statement or report of the offence, preparations to deport the victim will be put into operation. A victim who decides to report will be provided with a temporary residence permit for the duration of the investigation and possible court proceedings. In addition, the victim has the right to safe shelter, medical, psychological and legal assistance, insurance and an individual income in the form of unemployment benefits. However, as soon as the investigation has stopped or a court verdict is given, the residence permit is withdrawn and the victim will be asked to leave the country.

Despite of the regulated rights of victims to protection and assistance, the B9 Procedure does have some limitations. First, after the expiration of the temporary residence permit, victims hardly ever receive a permanent residence permit, not even on humanitarian grounds. Secondly, it remains difficult to obtain the assistance of victims during the investigation and court proceedings to testify against the offenders. The prospects of receiving only a temporary residence permit and the fear of reprisals and intimidation often influence the victims' decision not to press charges.

In order to comply more with the international legislation on trafficking, the National Action Plan also includes measures to be undertaken or improved with regard to the protection of and assistance to trafficking victims.

Another measure that is discussed concerns the shelter for victims of trafficking. Victim assistance organizations as well as the police point to a shortage of reception places for victims of trafficking.

b. Practice of the National Support (Referral) System

The Netherlands does not have a national referral mechanism. The National Action Plan, however, contains several measures with regard to the assistance to and protection of trafficking victims.

Guidelines exist on how to treat (potential) victims and what rights victims have during the investigation and prosecution process (*B9 Regulation*).

In addition, several organizations exist which play a significant role in the assistance and protection of trafficking victims. One of the most important is the Foundation Against Trafficking in Women (*Stichting Tegen Vrouwenhandel*), founded in 1987. Since 1999, the foundation has been mentioned in the circular for immigrants, Regulation B9, as the organization which is in charge of the initial assistance and registration of trafficking victims. All police forces as well as other organizations and institutions are obliged to report all (possible) victims of trafficking to the foundation. The foundation registers all the data given to them and provides an annual overview of the phenomenon in the Netherlands.

Furthermore, the foundation is the coordinator linking requests for and offers of assistance. By keeping up a network of assistance organizations and institutions, they will provide victims with safe shelter and make sure that they will receive the assistance they need. It forms the essential link in assisting and protecting human trafficking victims in the Netherlands.

In addition, the foundation is a participant of the La Strada Network. Together with eight other NGOs in Central and Eastern Europe, the network aims to prevent trafficking in persons, especially women and children in Central and Eastern Europe.

4. Cooperation at the National and International Level

a. National Level

Every two months, the Information Unit Human Trafficking organizes a national meeting for the coordinators of prostitution and trafficking teams from all 25 police forces. Every coordinator reports on the situation/trends on trafficking in his/her region.

With regard to cooperation, the police are in contact with several assistance organizations/institutions that are directly involved with human trafficking victims, like the Foundation Against Trafficking in Women, but also with organizations/centres that provide shelter. Cooperation between the police and victim assistance organizations/institutions is quite well-developed.

In general, cooperation between the police and social assistance organizations goes quite well. The police even participate in some structural working groups for social assistance organizations.

b. International Level

At the international level, there are many cooperative efforts of several organizations. More and more, cooperation at the international level increases with regard to information gathering, information exchange, analyses and feedback. The Dutch police have Memoranda of Understanding with several countries (for example with the Czech Republic and Slovakia). Moreover, joint investigation teams will be established in the near future.

The police cooperate with Interpol and Europol. Finally, the police have liaison officers who represent the Netherlands in several other countries.

Many things still need to be reinforced regarding international cooperation. One bottle-neck, for example, is differences in legislation between countries. For example, in the Netherlands, prostitution in registered brothels/clubs/etc is a legal profession. But in many other countries, prostitution is illegal. This often forms a barrier for cooperation.

Slovenia

1. Scale and Pattern of Trafficking in Persons

Slovenia is mostly a transit country for victims of trafficking but is increasingly a country of destination and, in some cases, also a country of origin.

Because of its geographical position, close to both East and West, Slovenia above all appears to be a transit country, but it also plays the role of country of origin and destination country. Slovenia forms part of the Balkan route, one of the well-known routes used by organized crime and traffickers in persons.

In this context, trafficking in persons is mainly limited to trafficking in women with the aim of sexual exploitation, in which case Slovenia is, owing to its geographical position, mainly a transit country. Eastern Europe is a key region of origin from which women - as victims of trafficking – originate (mostly from Ukraine and, in most cases, in organized forms). Their residence on Slovenian territory is usually legal (they have legal documents such as visas, work permits and residence permits) and restricts them to the night clubs whose owners are usually only one of the links in international organized criminal groups.

Women from Bulgaria, the Czech Republic, Moldova, Romania, the Russian Federation, Slovakia and Ukraine, as well as a few from Bosnia and Herzegovina, Croatia and Kosovo (Serbia and Montenegro) work in these bars. It is not clear how many of these women have been trafficked. The level of trafficking in any particular location depends upon the scale of the sex industry. Border areas show a particular concentration of brothels and bars.

Victims of trafficking from Eastern European countries, mostly Moldova, Romania and Ukraine, enter Slovenia via Hungary, while victims coming from the Balkan region come to Slovenia via Croatia. The main land route out of the Balkans to Italy goes through Bosnia and Herzegovina, Croatia and Slovenia. There are a high percentage of border apprehensions by the Slovenian border police at the green border with Italy. Cases of women going from Hungary to Italy though Slovenia have also been identified.

The rising number of media advertisements for sexual services, the increasing number of night clubs where sexual favours are obtainable for payment, and the number of work permits for so-called exotic dancers are relevant indicators of trafficking in women for sexual exploitation.

2. Identification

a. Policy and Legal Framework

In 2004, certain amendments to the Criminal Code relating to prostitution and trafficking in persons came into effect. They were drafted by the Ministry of Justice in cooperation with the Interdepartmental Working Group on Combating Trafficking in Persons and relate particularly to the new criminal offence of trafficking in persons referred to in article 387a of the Criminal Code which is the basis for taking active measures regarding victim identification.

There are no specific provisions in the legislation about victim identification.

The National Coordinator for Counter-Trafficking has mentioned that there are certain guidelines which help identify trafficked persons such as the UNICEF Guidelines for the Protection of the Rights of Children Victims of Trafficking in Southeast Europe, the International Centre for Migration Policy Development Manual for Police and documents from the Stability Pact for Southeast Europe.

b. National Methodology on Identifying and Screening of Victims of Trafficking

Victims are identified either at borders, in the country or they report to the police or other institutions themselves. The most involved institutions are the police, the Consular Sector of the Ministry of Foreign Affairs and the Employment of Foreign Workers Service.

The identification is made:

- At borders and airport (mostly through police checks or raids);
- In the country (through different hotlines which operate by the NGO SOS Telephone, NGO Ključ, and some telephone lines of other NGOs which work in the fields of medical care for migrants, refugees, etc. In addition, trafficked persons sometimes turn directly to NGOs, depending on their needs, as well as to international organizations in the country such as IOM and UNHCR.

3. Protection

a. Policy and Legal Framework

There are no specific provisions in the legislation about the protection of trafficked victims. However, the Witness Protection Act is under preparation.

Despite the absence of legal instruments, some protection is given to the victims if they decide to cooperate with the State Prosecutor's Office or the court.

Moreover, in the current Criminal Code some protection could be secured for a witness if her/his life is endangered, but this is limited only to protection while in the court building.

b. Practice of the National Support (Referral) System

There are two referral systems in the country:

First, in July 2002, a *circular letter* was written in the framework of the Interdepartmental Working Group on Combating Trafficking in Persons and was distributed to all regional police stations in the country. Five organizations are listed (IOM, NGO Ključ, NGO Slovene Philanthropy, NGO The Medical and Consultation Clinic for People without Health Insurance and NGO SOS Telephone) which are assisting trafficked victims within their mandate. This circular letter has, however, never been fully applied.

Secondly, *agreements* between the NGO Ključ, the Ministry of Interior and the State Prosecutor Office were signed, stipulating the referral to this NGO in certain cases.

Furthermore, IOM Ljubljana offers assistance with regard to assisted voluntary returns. When funds are available, IOM can also provide other pre-return activities such as short-term accommodation, counselling and, in cooperation with some NGOs, also psychosocial help, medical check-ups, etc. IOM also refers the victims to the IOM office in her/his country of origin for reintegration programmes if they exist.

A victim can get a residence permit, initially a so-called “leave to remain” foreign status (based on the Aliens Act) for a period of three months in which she/he could recover and stay in the safe apartment of the NGO Ključ or elsewhere.

After three months, the victim has to testify if she/he wants to get a temporary residence permit for another three months, which could be then prolonged until the end of the trial. This status is linked to a special paper issued by the Supreme State Prosecutor’s Office.

On 24 May 2005, a Memorandum between the government and IOM on Cooperation in the Field of Assisted Voluntary Return has been signed, which will offer the possibility of assisted voluntary return to selected categories of migrants.

4. Cooperation at the National and International Level

a. National Level

The Interdepartmental Working Group on Combating Trafficking in Persons was established by decision no. 240-05/2003-1 of the Government of Slovenia on 18 December 2003. Before this date, the Interdepartmental Working Group operated within the framework of the Ministry of Foreign Affairs and the Stability Pact for Southeast Europe.

The development of counter-trafficking policies at the national and international level created the need for a concrete definition of the Slovenian strategy and the appointment of a body for

its implementation. The establishment of a governmental body tasked with developing counter-trafficking policy was therefore an attempt to find a better solution for clamping down on human trafficking in Slovenia and enhancing connections with comparable European Union mechanisms and the Southeast European region.

The Interdepartmental Working Group on Combating Trafficking in Persons is comprised of representatives of ministries and governmental bodies and members of domestic and international non-governmental and international organizations.

b. International Level

At the international level, the police cooperate with IOM, UNHCR, ICMPD, Interpol, Europol, SECI and the neighbouring police in border regions.

The Customs Administration cooperates with Europol, Interpol and the World Customs Organization.

The Ministry of Foreign Affairs cooperates mostly with Austria.

The State Prosecutor Office cooperates only with the institutions as prescribed in the Criminal Code, international treaties and with Eurojust.

The NGO Slovene Philanthropy cooperates with Albania, Bosnia and Herzegovina and Croatia.

United Kingdom

1. Scale and Pattern of Trafficking in Persons

The United Kingdom is a destination country where victims of trafficking are being forcibly exploited. The first research conducted on human trafficking to the United Kingdom was the “Stopping Traffic” report that was published as a Home Office Police Research Series in 2000. This research estimates that between 142 and 1,420 women are trafficked into the United Kingdom during a year.

Most research done on trafficking into the United Kingdom has focused on London and sexual exploitation. However, the government through the trafficking toolkit they have developed recognizes that trafficking for domestic servitude and forced labour also exists in the United Kingdom.

With regards to children being trafficked for exploitation in the United Kingdom, there is some evidence that it exists, but it seems hard to get an understanding of the extent to which it does. In UNICEF United Kingdom’s report, it is estimated that at least 250 children have been trafficked into the United Kingdom in the last five years.

There is evidence that the United Kingdom is a transit country for trafficking. The early experience in Sussex, where West African children went missing from social services' care after having arrived at London Gatwick and claimed asylum as unaccompanied minors, concluded that many of these children were en route to exploitation in Italy.

The United Kingdom is not a traditional country of origin for victims of trafficking as such, but there is evidence that some women enter the United Kingdom legally to work and fall prey to traffickers once they are in the country. This seems especially to relate to victims from the countries which recently joined the European Union.

2. Identification

a. Policy and Legal Framework

The United Kingdom intends to ratify the United Nations Convention Against Transnational Crime and the United Nations Trafficking Protocol as soon as all the legislative requirements to bring the law into compliance with the Convention are met.

The major legislative requirement of the protocol is the criminalization of trafficking for sexual exploitation, forced labour and removal of organs. The requirement of trafficking for sexual exploitation is met in the Sexual Offences Act 2003 (Chapters 57, 58 and 59) which covers trafficking into, through and out of the United Kingdom for the purpose of sexual exploitation.

There is not yet a National Action Plan incorporating an end-to-end approach to combating trafficking, but one is currently in the process of being drafted.

b. National Methodology on Identifying and Screening of Victims of Trafficking

There are no national guidelines for the United Kingdom Immigration Service on identifying victims of trafficking upon arrival at ports of entry or in-country. However, following the Home Office Policy Paper "Secure Borders, Safe Haven: Integration with Diversity in Modern Britain", there was an initiative by the United Kingdom government to increase awareness among frontline staff by developing a *Best Practice Toolkit* on trafficking.

In regard to identification tools in particular, the toolkit has a section on the "victim's perspective" where frontline officials can get a further understanding of what might characterize a victim. It contains details on what they might have experienced, their relationship with the traffickers, risks, insecurities as well as needs and fears.

In March 2005, the United Kingdom Immigration Service issued interim guidelines on child protection and trafficking which is accessible for all immigration officers across the country. The guidelines outline immigration officers' duties towards children, recognizing child protection concerns, information about referral processes, sources for help and assistance, guidelines on interviewing and on trafficking in children.

3. Protection

a. Policy and Legal Framework

The Poppy Project is the only government-funded safe house for victims of trafficking. It is limited to providing assistance to adult female victims of trafficking who are forced into sexual exploitation. The criteria for assistance under the Poppy Project are the following: having been brought to the United Kingdom; having worked as a prostitute within the last 30 days; having been forcibly exploited; having come forward to the authorities and being willing to cooperate with the authorities.

The Poppy Project is not open for women who are referred from ports of entry, women who have not worked in prostitution within the last 30 days (scope for limited discretion), women who have exhausted all avenues of appeal through the asylum process (if they have claimed asylum) and women trafficked for other purposes than for sexual exploitation.

If the victim has cooperated with police and testified, there are no measures to allow her to remain in the United Kingdom apart from claiming asylum (the Poppy Project has a good success rate as such with regards to claims – 85%).

There are no *specialist* support services for child victims of trafficking. Children who are trafficked, regardless for which purpose, are automatically eligible for support from the social services. The Children's Act of 1989 places a duty of care on the Social Services to provide services for children in need under section 17 and accommodation under section 20. Child victims of trafficking will be eligible for the same support as other children in need regardless of nationality or recourse to public funds.

IOM London offers assisted voluntary return to victims of trafficking in the United Kingdom. There is, however, no specialist voluntary return and reintegration programme available for victims of trafficking.

There is no specialist voluntary return assistance for victims of trafficking, there is no funding to assist victims from another European Union country, and there are, furthermore, no specific provisions for reintegration assistance for victims of trafficking. IOM London does its best to refer victims of trafficking on to already existing reintegration structures in the country of origin. However, the availability of such structures depends on local funding.

b. Practice of the National Support (Referral) System

The Best Practice Toolkit developed by the government contains information about the support available in the United Kingdom and contact details of agencies, but it has no clear instructions on referral mechanisms for the various scenarios.

With regard to adult victims of trafficking and the practices of referrals onto existing support structures, there are very clear limitations. The Poppy Project only accepts ports of entry referrals if the victims have been exploited in prostitution in the United Kingdom within the

last 30 days prior to a referral. This does not allow for a victim who has a fair idea that she/he will be exploited, to “escape” at ports of entry and subsequently seek support. Frontline staff have nowhere to refer such a person.

4. Cooperation at the National and International Level

a. National Level

REFLEX was initiated in 2000 and is a multi-agency task force remitted to deal with organized immigration crime. It coordinates operations against organized immigration crime, it develops intelligence and strategic planning and targets the infrastructure which supports the crime. REFLEX brings together the intelligence, police and law enforcement agencies and it is chaired by the Director General of the National Crime Squad.

In relation to trafficking in persons, REFLEX aims to adopt a comprehensive approach starting in the source countries, through transit countries and to the United Kingdom. The intelligence side of REFLEX is led by the Immigration and Nationality Department’s Intelligence Service for overseas operations and the National Criminal Intelligence Service for United Kingdom operations. All the intelligence is currently brought together by the National Criminal Intelligence Service.

There is a challenge with respect to identifying victims of trafficking at ports of entry in the United Kingdom due to the enormous volume of passengers arriving at ports each year. The first priority of the Immigration Service is to provide a fast, effective and efficient service to those who are legally entitled to enter the United Kingdom.

More efforts should be made in sharing information in order to build on past experience. Past experience shows that learning does take place but accomplishes less when approached on an ad hoc basis rather than through an established and centrally coordinated structure. If structures and resources were available for a wide dissemination of lessons learnt throughout all ports of entry in the United Kingdom, they could be locally adapted to meet the specific circumstances.

The government did launch the Trafficking Toolkit, aimed at raising awareness and providing a specific tool for frontline staff, but many have found the toolkit too generic to be of great use to frontline personnel. There was also general little awareness about the toolkit among frontline immigration officers at ports of entry.

b. International Level

In terms of overseas intelligence work, there is a network of immigration liaison officers at strategic locations abroad. Their aims are to disrupt organized immigration crime networks in cooperation with local law enforcement agencies; to gather intelligence and to identify major overseas traffickers.

The airport liaison officers are based abroad and their role is not to identify victims of trafficking but rather to advise airlines on inadequate travel documentation of passengers.

4.3 CANDIDATE COUNTRIES

Bulgaria

1. Scale and Pattern of Trafficking in Persons

Bulgaria is primarily a country of origin for trafficking in persons for the purpose of sexual exploitation. Bulgaria has also recently emerged as a country of origin for victims trafficked for labour, begging and delinquency and, in a handful of cases, for illegal adoption. Also documented are cases of foreign nationals trafficked to or through Bulgaria for the purpose of both sexual and labour exploitation.

In Bulgaria there is currently no centralized data registry for victims of trafficking, nor is there consistent methodology for the collection of information on victims. However, systematic data collection on trafficking is foreseen under the umbrella of the National Commission was established in 2005. According to its mandate, Bulgaria's State Agency for Child Protection should also possess a registry of minor trafficking victims, which is currently being developed and was put into operation in 2005.

For the most part, victims of sexual exploitation are trafficked to European Union countries. Bulgarian victims have been trafficked to 11 different European Union countries, accounting for 60 per cent of victims in 2003 and 82.2 per cent in 2004. Changes in Schengen visa regulations are a significant factor in this increase. However, it is impossible at this stage to determine whether this has led to increased trafficking in Bulgarians or whether it has simply had an impact on destinations.

Finally, it must be noted that in both 2003 and 2004, Bulgarian women were trafficked for sexual exploitation within the country – they made up 19.2 per cent of all victims in 2003 and 11.9 per cent in 2004. These victims were generally referred to IOM Sofia by Bulgarian law enforcement authorities.

Generally speaking, Bulgaria is a transit country in the process of trafficking women from the Russian Federation, Romania, Moldova and Ukraine for the purpose of sexual exploitation. It is a country of origin mainly for the European Union countries. Bulgaria is also a destination country for Ukrainian, Russian and Moldovan women.

Trafficking affects mainly, but not exclusively, women and children. They are most frequently trafficked for sexual and/or labour exploitation, though they sometimes end up in situations of forced begging, delinquency, adoption, false marriage, or as victims of the trade in human organs.

The total number of Bulgarian victims identified and assisted between 1 January 2000 and 31 December 2004 is 620. The total number of foreign victims identified and assisted in Bulgaria between 1 January 2000 and 31 December 2004 is 86.

There is no accurate profile typical for a potential victim of trafficking. However, there are some basic characteristics that are relatively constant: the victims are predominantly women aged between 18 and 25, mostly unemployed and of poor socio-economic status, having a low level of education and coming from families with problems.

2. Identification

a. Policy and Legal Framework

With the amendments of the Criminal Code, which came into force on 1 October 2002, the Republic of Bulgaria criminalized trafficking in persons as a specific form of organized crime. A separate Section IX “Trafficking in Human Beings” was added in Chapter II “Offences against the Person”.

The Combating Trafficking in Persons Act, which came into force on 20 May 2003, addresses a variety of matters such as coordination of the state authorities and non-governmental organizations in the fight against trafficking in persons, prevention of trafficking in persons, protection of the victims and their motivation for cooperation with law enforcement and judicial authorities. Pursuant to this law, an inter-agency commission (National Committee) was set up to combat trafficking in persons.

By decision of 26 January 2005, the National Committee adopted a 2005 National Programme for Prevention and Counteraction to the Trafficking in Persons and Protection of the Victims. The 2005 National Programme includes measures oriented towards providing assistance and guidance to victims of trafficking and protection of their rights.

b. National Methodology on Identifying and Screening of Victims of Trafficking

The basic channels for the identification of victims of trafficking are specialized police operations, the exchange of information and international cooperation with police authorities, deported Bulgarian citizens from European Union Member States, information provided by diplomatic and consular representations of Bulgaria abroad, the IOM Programme for Voluntary Repatriation, NGOs and hotlines for requesting help.

Officials of the Ministry of Interior take an active part in the identification of victims of trafficking in persons. They are the first to meet the victims of trafficking and, after an initial interview with a victim of trafficking, they take measures against the participants in trafficking in persons. On the one hand, if necessary, the victims are accommodated in appropriate places. On the other hand, identification and collection of evidence begins in order to prove the criminal activities of the organizers.

A questionnaire for interviewing victims, worked out by the Southeast European Cooperation Initiative (SECI) Centre in Bucharest, is used to identify victims of trafficking. The manual of best practices is also used in the investigation of trafficking cases. This manual also covers the problem of the identification of victims. The Academy of the Ministry of Interior’s Programme envisages a specialized training course for policemen and cadets on the subject of

trafficking in persons. In this course, a great deal of attention is paid to the identification of victims of trafficking.

3. Protection

a. Policy and Legal Framework

The Combating Trafficking in Persons Act introduces two regimes of provision of shelter and assistance to the victims namely a general and a special one.

The *General Protection Regime* embraces all persons who are victims of trafficking and provides them with an initial stay in the shelters with an option of prolongation. In this way, all victims have access to specialized assistance and support rendered by the centres.

The Combating Trafficking in Persons Act introduces two types of specialized facilities: shelters for temporary asylum and centres for protection and assistance to the victims of trafficking in persons.

According to the *Special Regime*, the status of specialized protection can be given for the period of the criminal proceedings to persons who are victims of trafficking in persons and have agreed to cooperate in finding the perpetrators.

The authorities in charge of pre-trial proceedings have the obligation, once victims of trafficking have been identified, to inform them without delay of the possibility of acquiring the special protection status if they declare their willingness to cooperate with the authorities within one month. The protection includes permission to stay for a long period in the country and prolongation of the stay in the shelters.

The permission for a long period of stay is granted by the Law on Foreigners in the Republic of Bulgaria. Persons given permission to stay in the country have the right to work and study and are entitled to all training and reintegration Programmes of the Ministry of Labour and Social Policy for the term of their stay.

The status of special protection is granted by a Prosecutor's Act ruling. The law foresees the possibility to cancel this status under certain conditions when the person has renewed his contacts with the perpetrators of the offence; when the authority which has granted the status believes that the declared willingness is fictitious or when there is danger to the social order and national security.

Special provisions are foreseen for child victims of trafficking, in particular, granting a regime of protection and assistance in accordance with the requirements of the international and local legislation.

Moreover, protection is foreseen for victims who participate as witnesses in criminal proceedings according to article 97a of the Criminal Procedural Code. A specific form of witness protection is the possibility for witnesses to be interviewed by video conference or

telephone conference (article 463a). More recently, in an effort to develop legislation in conformity with international standards, the Law on Protection of Persons Threatened in Connection with Criminal Proceedings came into force on 25 May 2005.

b. Practice of the National Support (Referral) System

When a victim of trafficking in persons is identified, she/he is immediately referred to IOM where she/he is accommodated and sheltered and obtains medical, psychological, psychiatric and legal assistance. Through the Ministry of Labour and Social Policy, the Social Assistance Agency, IOM and other interested institutions, the victims are included in appropriate forms of training, vocational and professional improvement courses and integration. In some cases, support is provided to the family with a view to a total reintegration of the victim.

The role of the Ministry of Interior in the system of protection of victims is to identify the victims of trafficking and to refer them to the respective government institutions, international organizations or NGOs where they can obtain adequate assistance. Meanwhile, all necessary measures are taken to detect the traffickers and institute penal proceedings.

According to the Combating the Trafficking in Human Beings Act, an extended residence permit in the country can be given to foreign citizens. The consent of the trafficked victim to cooperate with the investigation against traffickers is required in order to obtain such a residence permit.

A procedure for returning trafficking victims via diplomatic and consular representations of the country abroad is provided in the National Programme for Combating the Trafficking in Persons. The IOM Programme for Assisted Voluntary Return is also applied. The Combating of the Trafficking in Persons Act specifies which institutions participate in the reintegration of trafficking victims.

4. Cooperation at the National and International Level

a. National Level

The Ministry of Interior cooperates with all institutions, international organizations and NGOs which are concerned with trafficking in persons. These are the Ministry of Foreign Affairs, the Ministry of Labour and Social Policies, the Government Agency on Children Protection, the Social Assistance Agency, the Central Commission on Combating Unlawful Acts of Minors and Underage Persons under the Council of Ministers, IOM, the Bulgarian Red Cross, the Centre Nadya Foundation, the Animus Association Foundation, the Sexual Health Centre, etc.

The Ministry of Interior delivers the collected data on trafficking in persons to the Prosecutor's Office and the judicial authorities.

With a view to join efforts and strengthen the interaction between the police services, a Special Purpose Work Group for Combating Human Trafficking was created. It includes

officers at the National Service for Combating Organized Crime, the National Border Police Service, the National Police, the National Gendarmerie, and the Interpol National Centre in Bulgaria.

In 2002, Regional Units under the Regional Directory of Interior Affairs were developed as part of the efforts aimed at improving the administrative capacity for combating illegal migration and trafficking in persons. These units coordinate the operations in which the various regional services in this sphere are involved.

The aforementioned National Committee performs a wide range of counter-trafficking activities. It organizes and coordinates joint actions between the various agencies and organizations on implementing the law. It identifies and supervises implementation of national policies and strategies in the field of counter-trafficking and protection of victims.

Furthermore, it develops and presents to the Council of Ministers annually a national programme to prevent and combat trafficking in persons and to protect the victims. It also studies, analyses and prepares statistical accounts of the data relating to trafficking in persons, participates in international cooperation, organizes the carrying out of information, awareness and training campaigns, elaborates training programmes for officers who do certain jobs connected with prevention and combating trafficking in persons.

Moreover, it guides and controls the activities of the local commissions and centres for protection of victims of trafficking and registers natural persons and legal non-profit bodies which give shelter to victims of trafficking.

b. International Level

The Ministry of Interior exchanges information with counterpart services abroad in the context of investigations of trans-border organized criminal groups engaged in human trafficking. The exchange of information is done on the basis of bilateral and multilateral agreements and police cooperation.

The Ministry of Interior activates the cooperation with police services in all interested countries by providing assistance in investigation proceedings, by instituting parallel investigation proceedings in the Republic of Bulgaria and by direct participation in their measures and operations. Close cooperation exists between Bulgaria and, inter alia, Belgium, the Czech Republic, Germany, Greece, the Netherlands, the United Kingdom and the United States of America.

Representatives of the Ministry of Interior were appointed in Austria, Belgium, the Czech Republic, the Former Yugoslav Republic of Macedonia, France, Germany, Greece, Italy, the Netherlands, Poland, Romania, Russia, Spain, Serbia and Montenegro and Turkey. They are responsible for relations with the respective police services in these countries.

Within the SECI framework, the Ministry of Interior takes an active part in all initiatives of the Working Group on Trafficking in Persons at the Regional Centre of Combating Trans-border Crime in Bucharest, which aims to coordinate the regional law enforcement efforts by

conducting joint operations and training of officials. In this regard, the Ministry of Interior took an active part in the preparation and conducting of the international SECI operations Mirage 2002, Mirage 2003, Leda and Mirage 2004.

On 25 August 2003, the Agreement on cooperation between Bulgaria and Europol came into force. This strengthened the cooperation between the European Union Member States acting via Europol in Bulgaria in the sphere of severe forms of international crime, including trafficking in persons and illegal migrants.

Romania

1. Scale and Pattern of Trafficking in Persons

Romania ranks among the most important countries of origin for trafficking in persons in Southeast Europe. Most of the victims are trafficked for sexual exploitation but there are also cases of forced labour or cases of exploitation for begging, the latter including mainly minors or disabled persons.

The present trends position Romania as an origin and transit country in the trafficking system, the country being less attractive as a destination country, compared to other countries in the region. IOM statistics regarding assisted victims of trafficking indicate that between January 2000 and March 2005, only 4 per cent were foreign nationals coming from Moldova, trafficked to Romania.

However, the expected accession to the European Union might significantly change the present dynamics due to the increasing growth of Romania's economy, which is likely to cause an increase in the demand for sexual services or may enhance the attractiveness of the country for labour migrants. Existing data reveal that Romania is becoming an attractive destination for labour migrants from Moldova. Statistics indicate feminization of the flows and a higher concentration of migrants from rural areas.

Destination countries accounting for the highest number of assisted victims of trafficking in women are Greece, Italy and Spain. Countries in the Balkan area are becoming less significant. Secondary destinations with a lower number of victims are Belgium, France, the Netherlands, and Turkey. The change has been caused by the retreat of the peacekeeping forces in the Balkan region and by the mutual imposition of visa requirements between Romania and the Former Republic of Yugoslavia. Also, an important predictor for the increasing trends in the European countries has been the lifting of the visa requirement in 2002. It is now much easier to legally cross the Hungarian frontier.

Statistics collected by the Romanian Border Police in 2004 indicate that 56 victims identified were exploited on the labour market, 25 were exploited for begging, 116 were exploited on the sexual market and three victims were exploited for committing petty crimes.

The extent of trafficking in persons for sexual exploitation as compared to other trafficking purposes is even more visible in the statistics from the Department for Fighting Drug Trafficking and Organized Crime: in 2005, during the first five months, 1,327 victims have been identified out of which 1,013 have been forced to offer sexual services, 193 have been exploited on the labour market, 84 have been forced to beg and 37 have been subject to other exploitation methods. However the number of victims exploited on the sexual market might be underestimated since the probability of escape is lower in such cases. Also, victims who do not cooperate with the authorities are excluded from these statistics.

Victims from Moldova and Ukraine are mainly in transit through the Romanian territory, since the sexual market in Romania is not so profitable. Similarly, internal trafficking in persons can be considered as a launching pad for external trafficking. Profits are much lower in Romania, with a sexual encounter paying only ROL 200,000 to 500,000 (5 to 10 EUR) for sex workers in the street.

Most victims obliged to provide sexual services come from Moldova (eastern region of Romania) and the southern regions of Romania. A remarkable difference between the regions of origin is that a large percentage of the victims cooperating with the law enforcement authorities originate from Transylvania. It appears that the cultural and educational background of these victims increases the probability of cooperation with the law enforcement authorities. As compared to Transylvania, Moldova is characterized by a poor educational and socio-economic environment, which might feed the victims' resistance towards authorities.

The socio-demographic profile of victims exploited on the sexual market indicates that victims come from disrupted family backgrounds, have a low educational background and scarce economic possibilities. Actually, it is not the precarious economic situation that pushes women out of the country but the subjective poverty and the high expectations induced by successful migration models. Most victims come from the 15 to 25 age categories, with lower vulnerability to trafficking at the extreme ends of this cohort. IOM statistics indicate that between 2000 and 2005, out of the 956 victims assisted, eight were minors under 14 years old and 187 were younger than 18. The highest number of victims assisted is concentrated in the 18 to 20 age range. The average age of assisted victims has gradually increased from 20.74 in 2000 to 23.57 during the first months of 2005.

In spite of the fact that these figures are an indicator of the magnitude of trafficking in persons, they only account for the number of assisted victims and do not assess the entire scale of the phenomenon.

2. Identification

a. Policy and Legal Framework

The basic piece of legislation which criminalizes trafficking in persons is Law 678/2001 on the Countering and Prevention of Trafficking in Human Beings, with all its subsequent amendments and modifications. The Criminal Code also includes regulations referring to crimes that are similar to those criminalized by the Trafficking Law.

After the passing of Law 678/2001, in judging potential trafficking in persons cases, the procedural practice recommends that the special law be applied as well as the Criminal Code, including the general principles. However, in spite of this principle, the overlapping between some of the actions criminalized by the Criminal Code and by the special Trafficking Law has created confusion.

The new criminal code that is expected to come into force in 2005 will eliminate some of the gaps identified by judges in determining the victim status of a person, favouring more coherent decisions at judicial level.

b. National Methodology on Identifying and Screening of Victims of Trafficking

The main stages when victims of trafficking are identified in Romania, as a country of origin, are during the recruitment or the border crossing process. However, present trends show that presumed victims often leave the country legally. As a consequence, the border police authorities stated that it is difficult to identify a victim before the moment she/he crosses the border and therefore to prevent the entrapment in a trafficking situation abroad. Border authorities also indicated that they encounter difficulties in identifying potential victims coming from Ukraine and Moldova, since they also enter the country legally.

Commonly, victims of trafficking are identified if they file a complaint. Also, there are situations when the identification of a victim is the result of investigations initiated by specialized officers at the request of the prosecutor. Data are collected mostly based on proactive and reactive methods. When investigating a potential trafficking case, law enforcement authorities are interested in identifying the correspondence between each victim's experiences and the trafficking situation as defined by the law.

The cases of labour exploitation are even more difficult to identify. The most vulnerable labour migrants are those resorting to an illegal migration strategy. However, this is no longer a significant trend since most migrants leave as tourists. The act of trafficking is usually related to irregular migrants who are not involved in a social network facilitating migration. The occurrence of these cases has, however, diminished due to the institutionalization of such networks and to the repeated controls initiated by the labour-mediating companies and in the international businesses.

In such cases, victim identification based on complaints is easier than in trafficking in women for providing sexual services. Labour migrants would cooperate with the authorities more often since the experience of these migrants is usually not quite as traumatic.

3. Protection

a. Policy and Legal Framework

There are several legislative provisions aimed at victims' protection in different areas. According to Law 678/2001, all trafficked victims can benefit from assistance services provided by the state upon request. However, access to the state centres is conditional upon

the victims' participation in the criminal trial. The duration of the victims' stay in such a centre can be extended, if requested by law enforcement agencies, from ten days to three months, depending on the duration of the criminal trial. The centres aim to offer adequate conditions for accommodation, food, psychological and medical assistance.

The law stipulates the founding of nine centres that will operate under the authority of the county councils in different towns. The financial support of the centres will be ensured by county council's funds. County employment agencies in the respective towns are expected to provide counselling to victims of trafficking. Centres may also shelter foreign victims of trafficking.

The Anti-Trafficking Law further specifies that associations or foundations providing food, psychological, medical and legal assistance for victims of trafficking supplement these services. The non-governmental services will be supported with subsidies from the state or local budget.

Important steps have been made in the area of child protection. Border authorities consider that the coming into force of the new legislation regarding the Protection of Children's Rights in 2004 has significantly contributed to lowering the number of Romanian unaccompanied minors. Moreover, in August 2004, The National Action Plan for the Prevention and Fighting against Trafficking in Children has been adopted. The plan targets the founding of a national network of transit centres in nine different towns for the protection and assistance of returned children and for child victims of trafficking, especially from neighbouring countries.

Law 211/2004 stipulates the founding of the Office for the Victims Protection and for the Social Reintegration of the Offenders (currently acting under the name of Probation Department), under the coordination of the Ministry of Justice. The Probation Department is meant to supplement the psychological assistance of the victims, to offer judicial counselling and to inform the victims about their rights and, in particular, the state's responsibilities to support victims. The departments are attached to each of the 41 Courts of Law, representing an interface between the law enforcement authorities and the assistance services. The law also specifies the granting of physical protection at the request of the victim with the support of the Ministry of Interior. The law targets not only victims of trafficking in persons but also victims of other violent crimes.

According to Law 682/2002 regarding the Witness Protection Programme, if there is enough evidence to consider that a victim of trafficking is in serious danger of being threatened and followed by members of the trafficking network, she/he will be included in a Witness Protection Programme. As a consequence, the victim or the entire family will be given a different identity and a new residence. Physical protection will also be assured by specialized officers. However, physical protection will only target victims testifying against the traffickers.

According to Emergency Ordinance 79/2005, foreign victims of trafficking can be issued temporary residence permits upon request, during or after a maximum of 90 days period for recovery and reflection. They can be accommodated in special state centres and can benefit

from social and medical assistance. The Authority for Aliens (upon the request of the prosecutor or the Court of Law) has the responsibility of granting such permits for six-month periods that may be extended if necessary. These permits are only relevant for participating in a criminal trial.

In spite of the comprehensive anti-trafficking legislation, some authorities consider that there are still some important gaps hindering victim assistance and protection. The legislation specifies the necessity of collaboration between the governmental and the non-governmental sector but there are no specifications regarding the modalities of cooperation and partnership between the two levels as regards victim assistance and protection. Access to public funds by the non-governmental sector is still unsatisfactory.

b. Practice of the National Support (Referral) System

In spite of the impressive theoretical framework of the Anti-Trafficking Law, some of the legislative provisions are not functional in practice. The county councils set up the assistance centres and hired human resources to provide help to victims referred to such centres. However, most of these centres are not active and the most significant assistance effort is still associated with the non-governmental sector and IOM, which refers victims to the non-governmental shelters.

Some of the 41 Probation Departments attached to the Courts of Law have not yet assisted any victims of trafficking, while others have quite a big number of such cases. However, the founding of the Probation Departments is considered as progress from the perspective of victims' access to information as regards their rights and possibilities of benefiting from state assistance.

With respect to the Witness Protection Programme, no victim has yet been considered in enough danger as to be included in the programme. Traffickers who threatened returned victims were, in most situations, arrested.

An important aspect of the non-governmental programmes for victim assistance is that they do not impose a limit on the duration of assistance. Considering the fact that some victims have lower chances of reintegration, the six-month assistance period may be extended. However, should this be the case, the NGOs will also progressively limit the direct support, by accommodating victims in private apartments and monitoring each case evolution. Sometimes victims will only return monthly for psychological counselling. The NGOs also facilitate the victims' reinsertion in the labour market.

Training courses are secured through cooperation with private training companies accredited by the state. Some NGOs have also signed collaboration protocols with companies that take the responsibility of hiring victims in order to help them reintegrate (e.g. ADPARE cooperates with a Belgian chocolate firm with a local branch factory). Should victims not require accommodation in a shelter, assistance programmes will also target families. In such cases, NGOs would also work with the victim's family, helping relatives understand the trafficking experience and its consequences.

4. Cooperation at the National and International Level

a. National Level

Cooperation between NGOs and international institutions or between the former and other non-governmental organizations for the victims' referral, or for improving victim assistance is an important foundation of the victim assistance programmes. In contrast, cooperation between the governmental sector and the non-governmental organizations is sometimes difficult.

The most important aspect regarding cooperation at the national level is the Inter-ministerial Working Group coordinated by the Directorate for Fighting Organized Crime and Drug Trafficking (the Crime Squad), uniting the governmental level with several structures representing the non-governmental sector.

The most important institutions within the Inter-ministerial group are IOM, the Ministry of Justice, the Prosecutor's Office, the Ministry of Labour, Social Solidarity and Family, the Ministry of Education, the Ministry of Health, the border police, the Directorate for Fighting Organized Crime and Drug Trafficking and the National Office for the Prevention of Trafficking in Persons and Victims Protection.

The activities of this group mainly target the elaboration of the new National Action Plan for the prevention and countering of trafficking in persons, the founding of the National Agency for the Prevention of Trafficking in persons, victims' protection monitoring and the assessment of the evolution of the governmental assistance centres that should be functioning according to Law 678/2001. The cooperation between the state and NGOs might enhance the understanding of the victims' behaviour and set the foundation for better collaboration between the victims of trafficking and the authorities involved in migration management, facilitating investigations and therefore favouring the formal recognition of the victim's statute.

There are problems regarding the collaboration with some of the ministries, such as the Ministry of Health, which does not usually attend the group meetings. The Ministry of Health is, however, an important actor in the reintegration process. In view of their lacking collaboration, victims' medical assistance is usually negotiated at the informal level. NGOs often pay money for providing appropriate assistance to victims of trafficking. Also, they would go to private clinics for medical examinations.

b. International Level

At the international level, the border police exchanges information with the designated foreign liaison officers in Romania. Wherever it is necessary, information is requested from Interpol, usually regarding the persons identified as potential victims of trafficking in persons.

Romania is part of the Southeast European Cooperation Initiative (SECI).

There are mixed teams at contact border points such as in Oradea County, including officers from Austria, France, Germany, Italy, Romania and Spain.

The SECI Mirage operation has been an exemplary action based on cooperation between 11 SECI Member States. During this common action, the law enforcement authorities initiated raids in clubs, discos, restaurants, hotels and impresario firms. Romanian officers have conducted investigations in Turkey and common investigations with Turkey as well as Serbia and Montenegro. As a result of the operation, 393 victims have been identified, of whom 54 were internally trafficked and 339 were exploited on the international level.

4.4 NEIGHBOURING COUNTRIES

Moldova

1. Scale and Pattern of Trafficking in Persons

Moldova is primarily a country of origin, particularly for women and girls trafficked for the purpose of sexual exploitation to the Middle East and European countries to the west and south of Moldova. It is also, to a lesser extent, a transit country to European destinations for victims trafficked from former Soviet States. Moldovan victims are increasingly trafficked to Turkey, the Middle East (including Israel and the United Arab Emirates), and the Russian Federation (particularly minors).

New information indicates that Moldovan men are trafficked to Baltic and other former Soviet States for the purpose of labour exploitation, especially in the agricultural and construction sectors. Moreover, an increasing number of families is trafficked to Poland for forced begging. The small breakaway region of Transnistria in Eastern Moldova is outside the central government's control and remains a significant origin and transit area for trafficking in persons.

Moldovan authorities lack a standard system for coordinated data collection. Between 2001 and 2005, over 1,500 victims of trafficking (women and children) were returned to Moldova through IOM offices, Moldova's embassies as well as through referrals from NGOs and law enforcement agencies.

Currently there is no national, central level, database on (repatriated) victims of trafficking. Key members of the National Committee for Combating Trafficking in Human Beings indicated this gap as one of the government's major weaknesses in its capacity to analyse trafficking trends and develop timely policy responses. Currently, governmental stakeholders depend almost completely on data from international organizations and NGOs.

IOM Chisinau reported 271 newly registered cases in 2004 who agreed to be assisted after their trafficking experience and 75 cases during the first three months of 2005. Despite the fact that there are more than 30 countries of destination for trafficking, the main countries – with a growing caseload – remain the Russian Federation and Turkey (54% of the caseload in 2004 and 67% during the first three months of 2005) and Israel and the United Arab Emirates (13% of the caseload in 2004 and 11% during the first three months of 2005).

Cases of internal trafficking occur and are referred for assistance, making up 5 per cent of the caseload in 2004 and the first three months of 2005.

Data received from the Anti-Trafficking Unit of the Ministry of Internal Affairs report 330 cases (with a clearly identified country of destination for 282 cases) while two interviewees at Transport Police Unit reported 250 and 391 cases returned back to Moldova in 2004 from Balkan countries, the Russian Federation, Turkey and the United Arab Emirates. The Department of Border Guards declares that 3,000 Moldovan citizens were deported back to their home country during the year 2004, 25 per cent of whom were people of 18 to 25 years of age and 60 per cent were 25 to 40 years of age (no figure for victims of trafficking amongst deportees).

2. Identification

a. Policy and Legal Framework

In January 2005, the Government of Moldova established a working group with NGO participation to draft a new National Action Plan that will replace the outdated 2001 Action Plan. Additionally, the government drafted and sent to Parliament in February 2005 new legislation to comprehensively address all aspects of trafficking. The Anti-Trafficking Law was approved by the government and passed the first hearing in Parliament in June 2005.

Currently there are no measures that specifically foresee the identification of victims of trafficking within Moldovan legislation.

The Draft Law on Prevention and Combating Trafficking in Human Beings introduces a new element regarding presumption and defines the term “victim of trafficking” by indicating that she/he is a physical person who was or is presumed to have been subject to the offence of trafficking in persons or the offence of trafficking in children.

Moreover, the mentioned Draft Law briefly outlines the process of identification of trafficking victims. Article 15, paragraph 1 states that identification entails verifying persons presumed to have been trafficked. Article 15, paragraph 2 further indicates that public authorities and members of the NGO community who have a reasonable belief that a person was trafficked are to initiate the identification process.

Besides these two brief explanations, the Draft Law does not go into details as to what “verification” actually means and what specific measures are to be undertaken. Once the Draft Law enters into force, the law enforcement officers will be able to use these provisions as guidance.

b. National Methodology on Identifying and Screening of Victims of Trafficking

While most of the interviewed agencies reported that NGOs, the National Toll Free Hotline as well as other hotlines are the main sources of identification for victims of trafficking, they also referred to the law enforcement authorities as the principal source of information.

A significant number of victims have been identified by law enforcement authorities. However, in 2004, the percentage of all trafficked victims of sexual exploitation identified by law enforcement declined substantially to 36.4 per cent. Instead, more victims were identified by NGOs, international organizations and Moldovan embassies. Based on the data presented by the Anti-Trafficking Unit of the Ministry of Internal Affairs, the principal channels used for identification of victims of trafficking are information collected during operational activities, referrals from the victim's relatives and friends and information collected through international collaboration with the other counter-trafficking actors.

Law enforcement authorities also rely on NGOs, international organizations, hotlines and local authorities in the identification of victims of trafficking.

Currently, identification of Moldovan trafficking victims abroad occurs on an ad hoc basis through the embassies and with the aid of NGOs, who will refer the case to the nearest Moldovan Embassy. Embassy officials then check the victim's citizenship through a national database, and verify the validity of the travel documents that she/he is travelling with. In cases where the documentation is false, or where the victim does not have any documentation, embassy officials issue a new passport and identification card and waive the requisite fees.

Given the particular situation in Moldova, there are a number of counter-trafficking actors and non-governmental agents, including IOM, La Strada Moldova and the Centre for Prevention of Trafficking in Women (CPTW). Each of the organizations mentioned possesses a number of tools and methodologies applicable to the identification of victims of trafficking.

La Strada Moldova operates the National Toll Free Hotline where the SOS calls as well as calls for various consultations are received. Through a telephone conversation, the operator may identify the case of trafficking using the La Strada standard screening questionnaire.

The CPTW exists as a structure that identifies victims of trafficking and provides them and their relatives with legal consultations for some three years. Finally, IOM as well as other international organizations are also screening cases themselves and referring victims for assistance.

Many Moldovan victims are not identified as such for a number of reasons: (1) they are unwilling or scared to turn to official channels for assistance; (2) in many countries of destination there are no effective mechanisms for identification of trafficking victims due to lack of knowledge/awareness among consular staff; (3) even if identified, referral mechanisms for rehabilitation assistance are often not well developed; and (4) victims are often treated as illegal migrants and deported.

3. Protection

a. Policy and Legal Framework

The Criminal Code of the Republic of Moldova and the National Plan of Action on Combating Trafficking in Human Beings constitute the main legal framework in force, which

foresees measures for protecting and assisting victims of trafficking. The Draft Law on Prevention and Combating Trafficking of Human Beings will act as an additional legislative background with regard to protection and assistance of trafficked victims.

Articles 165, paragraph 4 and 206, paragraph 4 of the Criminal Code absolve adult and minor victims of any criminal liability connected to the fact that they were trafficked, if they agree to cooperate with the law enforcement officials. However, the Draft Law on Anti-Trafficking excludes the requirement that victims have to cooperate in investigations or agree to testify in order for them to receive protection and assistance. Therefore, when the mentioned law enters into force, victims of trafficking will not be obliged to cooperate, being *per se* entitled to receive adequate housing, medical care, etc.

The National Plan of Actions on Combating Trafficking in Human Beings lists the following measures for protecting and assisting victims of trafficking:

- Establishment of specialized reception centres within Moldova's welfare system which would help reintegrate victims into society;
- Development of means for meeting victims, giving them shelter, accompanying them to their places of residence, counselling, monitoring of cases;
- Based on bilateral agreements concluded with other states, creation of procedures regarding the repatriation of victims of trafficking;
- No charge for the issuing of travel and identification documents for the return of the victims;
- Provision of social support services upon the return of victims, etc.

Moreover, the previously cited Draft Law improves and foresees additional measures for protection and assistance of victims of trafficking, expressly designating the responsibility of various governmental institutions to carry out the respective tasks, so that victims can truly be protected and assisted upon their return.

b. Practice of the National Support (Referral) System

Moldova does not have an officially functioning referral mechanism. Unfortunately, IOM programmes remain the only comprehensive possibility of assisting and protecting victims of trafficking. However, the Anti-Trafficking Unit signed cooperative agreements with two leading anti-trafficking organizations, under which it has referred several hundred victims for assistance.

The repatriation of trafficking victims is organized following different procedures, depending on the country of destination and the respective embassy involved. Some returnees are accompanied, and/or received upon arrival at the airport. Other victims are simply returned alone, without notifying care providers in Moldova, and without being provided with information about assistance options in Moldova. Consequently, the return may not be safe and the returnee is left highly vulnerable to re-trafficking.

Recovery assistance to these returnees as well as reintegration assistance is offered primarily

through the only Rehabilitation Centre in Moldova for Trafficked Persons, operated by IOM Chisinau and other comprehensive IOM programmes. The Moldovan government provided not sufficient funding to NGOs for victim assistance.

Finally, Moldova has not implemented its Witness Protection Law adopted in 1998. The Law on State Protection for Victims and Witnesses exists without proper implementation mechanisms or adequate funding. The law does not provide special protection for victims as witnesses and it does not include adequate measures such as alternatives to live testimony, physical separation of victims/witnesses from defendants or other safeguards for protecting privacy and safety of victims and their families. However, in certain cases, police posted guards outside witnesses' homes. Still, a majority of victims did not feel secure enough to take action against their traffickers.

4. Cooperation at the National and International Level

a. National Level

A number of governmental authorities are directly involved in identifying and referring victims of trafficking: Anti-Trafficking and Transport Police Units of the Ministry of Internal Affairs, Consulate Department of the Ministry of Foreign Affairs and European Integration, Department of Border Guards, and the Customs Department.

Government participated in the counter-trafficking activities through the National Committee to Combat Trafficking in Human Beings sessions, although the committee has a consultative function only. IOM undertakes significant efforts to establish and support dialogue between various national state and non-state agencies, strengthening their capacity and from time to time substituting for them.

The law enforcement agencies support participation of NGOs and international organizations in providing social, medical, psychological assistance to victims of trafficking as well as legal assistance during the investigations and court hearings.

According to the law enforcement representatives, cooperation exists between regional law enforcement units as well as with the other state agencies involved in prosecution and criminalization such as the Border Guards Department, the General Prosecution Office and the Judiciary.

b. International Level

At the international level, the Southeast European Cooperation Initiative Centre and activities within it should be mentioned. Thanks to its existence, more efficient communication between law enforcement representatives as well as NGO partners (i.e. CWPT) are able to request and exchange information related to missing persons, clarification on cases, etc. IOM offices support and frequently facilitate communication between counterparts in different countries.

Ukraine

1. Scale and Pattern of Trafficking in Persons

Ukraine is one of the main countries of origin in Europe for trafficking in persons for the purpose of various forms of exploitation. Between 2000 and 2005, 2,062 victims of trafficking were assisted by IOM Kyiv.

Victims of trafficking assisted by IOM Kyiv had been trafficked to nearly 50 different countries, including countries as far away as South Korea, Nigeria and Yemen. Nonetheless, 49 per cent of the victims assisted by IOM were trafficked to only three countries: Turkey, the Russian Federation and Poland. Between 2000 and 2002, the major countries of destination were the Former Yugoslav Republic of Macedonia (FYROM), Bosnia and Herzegovina and Kosovo (Serbia and Montenegro). Since 2003, Turkey, the Russian Federation and Poland have been the main countries of destination.

Because of its geographic and economic situation, Ukraine serves not only as a country of origin but also as a country of transit for trafficked persons, especially women and children. The porous border crossings between the Russian Federation, Moldova and Belarus, as well as Ukraine's proximity to the European Union and its common borders with European Union Candidate Countries, are all factors conducive to the trafficking through Ukrainian territory.

Facing difficult socio-economic conditions and massive unemployment, women from Ukraine seek unskilled, low-wage employment abroad as waitresses, housekeepers, au-pairs, exotic dancers, etc.

Research carried out in Ukraine in July 1998 also established that the exclusion of women from the formal and regulated labour market contributes to creating a strong push factor for women to seek work abroad (IOM Research Report, 1998:14). The lack of accurate information on immigration laws and regulations prevent these women from making realistic migration decisions.

While victims are trafficked for a variety of purposes such as pornography, forced labour and other economic exploitation and begging, the vast majority of victims are trafficked for the purpose of sexual exploitation. Even when women are trafficked for other purposes, sexual exploitation commonly occurs.

Although victims are of all ages and all socio-economic profiles, the majority of them are women and have an average age of 26 years. They usually have higher or incomplete higher education. They are usually lured away from their home country by false promises of well-paid jobs abroad, listed in newspapers, advertisements or simply spread by word-of-mouth.

Numerous cases show that traffickers are changing their methods to recruit a new and potentially more profitable group of people, namely minors, i.e. younger than 18 years. Despite the relatively low figure at present, recent trends indicate that trafficking victims are getting younger. This development directly relates to the progressive increase of trafficking to the Russian Federation.

2. Identification

a. Policy and Legal Framework

In March 1998, the Ukrainian Parliament amended the Criminal Code by adopting Article 124-1, making Ukraine one of the first countries in Europe to formally criminalize this offence by including a discrete trafficking provision.

Subsequently, in April 2001, the Criminal Code was again amended. According to Article 149 of the new Criminal Code (which came into force in September 2001), trafficking in persons is an indictable criminal offence.

The Comprehensive Counter-Trafficking Programme for 2002-2005, adopted in June 2002, incorporates 33 tasks in the prevention and prosecution of trafficking and the protection of trafficked persons in Ukraine.

Amongst Ukraine's most recent and pertinent development in counter-trafficking is the ratification of the United Nations Convention Against Transnational Organized Crime (UNTOC) and the supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (United Nations Trafficking Protocol).

The only specific legal provision relating to identification of trafficking victims is Article 49 of the Criminal Procedure Code, according to which law enforcement officers should assess the trafficked victim as a person who has suffered moral, physical and/or material damage and issue a resolution recognizing the person as a victim.

b. Methodology on Identifying and Screening of Victims of Trafficking

In Ukraine, trafficked persons are identified by various mechanisms such as hotlines, law enforcement bodies, religious communities, governmental bodies and IOM volunteers.

Law enforcement bodies still remain the key source of identification of trafficking victims, as they identify trafficking victims in the course of their operational activities.

In 2004 alone, criminal investigation bodies of the Ministry of Interior investigated 159 criminal cases initiated under article 149 involving 355 crimes of trafficking in persons. Moreover, 208 traffickers were brought to justice and 517 victims of trafficking were identified, all of them women, including 40 minors.

The Ministry of Interior follows the Ukrainian Constitution, Ukrainian laws and regulations, internal agency orders and guidelines. It also follows methodological recommendations, developed with the participation of all Ukrainian law enforcement agencies and based on modern international experience.

NGOs, national as well as international, also play a major role in the identification of trafficking victims. National NGOs are primary referring organizations of victims of

trafficking to IOM and are crucial partners for IOM in its overall strategy to combat this phenomenon. Since 2001, 76 per cent of all referrals for direct assistance have been from NGOs within Ukraine. In addition, many victims who get assistance from IOM and its NGO partners in turn refer other victims of trafficking to them.

3. Protection

a. Policy and Legal Framework

The only form of victim protection currently in existence under Ukrainian law is the support and assistance directly related to criminal proceedings, such as witness protection as provided by the Law on the Protection of Individuals Involved in Criminal Proceedings. While these protections are extensive in theory, in reality they are rarely utilized due to a lack of resources. Furthermore, their application is often conditional.

Should eligibility requirements be met, Article 7, Paragraph 1, Subparagraphs (a) to (i) of the Law on Protection of Individuals Involved in Criminal Proceedings, sets out a range of security measures that can be considered, such as bodyguards and guards watching home and property, issuance of special individual protection means and warning devices, use of technical means of tracing and listening in on telephone and other communications, visual surveillance, replacement of identity papers, change in appearance, transfer to a different place of work or enrolment in a training course, change of residence, enrolment in a children's pre-school educational institution or social welfare institution, securing confidentiality of information on the person under protection and court hearings by video camera.

Article 17 of the same law requires the victim's consent before any of these security measures can be implemented. Furthermore, in order for protection to function properly, its recipients must agree to comply with certain conditions.

There is no special programme or a separate law/regulation on trafficking victims/witnesses protection, as it is not considered appropriate to distinguish victims/witnesses of trafficking from witnesses/victims of other grievous crimes.

In addition to its laws on witness protection, Ukraine also has laws addressing the conditions under which the victim should testify at the preliminary hearing and at the subsequent trial. There are four ways in which concerns related to testifying may be addressed within the Ukrainian Criminal Justice System: closed hearing, court hearing held *in camera*, witness testimony given in the absence of the defendant and the exemption of the protected witness from the obligation to report to a court hearing, provided that he/she confirms his/her previous testimony in writing.

According to the Office of the Prosecutor General of Ukraine, the Legal Support Directorate, by Decree of the President of Ukraine of 28 December 2004, approved the Concept for Ensuring Protection of Legitimate Rights and Interests of Victims of Crime.

This Concept specifies priorities of state policy for assistance to victims of crime and development of an efficient system to protect their legitimate rights and interests.

In order to ensure efficient protection of legitimate rights and interests of crime victims, the Concept introduces the best international practices of dealing with trafficking victims, including respect for their human rights, compassion, mitigation of adverse effects of the crime, etc. On 20 April 2005, a Decree of the Cabinet of Ministers of Ukraine approved the Action Plan for Implementation of the Concept for Ensuring Protection of Legitimate Rights and Interests of Victims of Crime for 2005-2006.

As a priority, the Action Plan stipulates the need to develop a law in Ukraine for compensations for damages incurred by victims of crime.

b. Practice of the National Support (Referral) System

The majority of trafficking victims return to Ukraine individually and apply to law enforcement bodies or to NGOs.

According to the 2002-2005 Comprehensive Programme, the Consular Division of the Ministry of Foreign Affairs has officially instructed its foreign offices to accelerate procedures for confirming the identity and citizenship of Ukrainian victims of trafficking and for processing their documents from abroad, through direct contacts with the Department for Citizenship, Passport System and Immigration of the Ministry of Interior.

The consular offices were also provided with contact information of IOM missions in their respective countries. Simplified procedures have recently been introduced to assist victims of trafficking, and to facilitate the return of Ukrainian victims from abroad to Ukraine.

Today, when a victim of trafficking approaches a Ukrainian Embassy or Consulate, the Ministry of Foreign Affairs usually refers this victim to IOM in order to avoid situations in which victims who are being deported or repatriated by train or by boat are intercepted by traffickers and re-trafficked.

After their return to Ukraine, trafficking victims can receive social assistance in the framework of reintegration programmes of national and international NGOs and international organizations, including psychological, medical, legal, financial support and other types of assistance.

According to the interview conducted with Ukrainian NGOs in the Ternopil and Odessa regions, NGOs provide the following types of assistance to all trafficking victims:

- Temporary accommodation in shelter facilities, in the framework of IOM reintegration programme;
- Medical examination and treatment in IOM Rehabilitation Centre and in local public health facilities;

- Legal services from the moment of submission of allegations to law enforcement bodies up to a court's verdict and the processing of claims for moral and physical damage caused by the crime of trafficking in persons;
- Processing of family law cases (divorces, alimony and children's custody matters, paternity identification);
- Settlement of social support issues (provision of social support to low-income families and families with children);
- Processing of labour contracts for employment;
- Restoration of housing rights;
- Renewal of lost documents;
- Applications for assistance to law enforcement bodies in places of residence, centres of social services for youth and other governmental authorities.

For purposes of further social reintegration, trafficking victims are provided opportunities to attend occupational training courses and refresher training courses.

Agreements are maintained with district, city and oblast employment centres on priority employment of trafficking victims.

IOM assists victims of trafficking upon their return to Ukraine, or upon referral within Ukraine through NGOs or law enforcement agencies. Regular contact is maintained with victims in order to monitor their reintegration process and to determine whether they or their families have been threatened and/or harassed.

The IOM Ukraine Counter-Trafficking Programme offers a reintegration assistance package to assure the victim's dignified reintegration into society.

4. Cooperation at the National and International Level

a. National Level

According to the Counter Trafficking Department of the Ministry of Interior and the Office of the Prosecutor General, Legal Support Directorate, the range of state institutions that mainly deal with issues of combating trafficking in persons includes the Ministry of Interior, the Security Service, the Office of the Public Prosecutor, the Ministry for Youth and Sports, the Administration of the State Border Guard Service, the Ministry of Labour and Social Policy, numerous NGOs and international organizations. Moreover, a specialized Counter-Trafficking Unit within the Ministry of Interior was established and specialist investigators in each of the *oblasts* were appointed to deal specifically with all trafficking cases within their jurisdiction.

Over the past few years, several bodies have been created to coordinate activities against trafficking such as the Coordination Council for the Prevention of Trafficking in People under the Ombudsman of the *Verkhovna Rada*, the Coordination Council for the Prevention of Disappearance of People as a result of the Decree of the President of Ukraine No. 20/200.

In the sphere of combating trafficking in persons, the Office of the Prosecutor General cooperates with the above institutions and with the *Verkhovna Rada* Parliamentary Committees, the Parliament, the Cabinet of Ministers and the Ministry of Justice to develop relevant laws and regulations.

The Ministry of Interior cooperates with all relevant ministries and agencies. As part of their cooperation, the parties exchange various types of information.

On 25 December 2002, the Interministerial Coordination Council for Combating Trafficking in Persons was established as a permanent advisory body to coordinate implementation of counter-trafficking actions.

The range of key functions of the Inter-ministerial Council incorporates the coordination of the implementation of actions stipulated by the Comprehensive Programme for Combating Trafficking in Persons for 2002-2005. It also addresses issues that need inter-agency coordination within the prevention of trafficking and counter-trafficking, such as the search for missing persons, return and rehabilitation of trafficking victims and participation in development of counter-trafficking mechanisms.

Furthermore, the 2002-2005 Comprehensive Programme requires that the Ukrainian government “ensure involvement of international and non-governmental organizations in [the] implementation of projects, aimed at prevention and combating trafficking in persons, protection of rights of victims of trafficking, search for persons who disappeared abroad, return and rehabilitation of victims of trafficking in persons”.

b. International Level

Cooperation between Ukrainian and foreign law enforcement agencies regarding trafficking in persons and illegal migration is mostly based on bilateral cooperation agreements on combating crime with, among others: Bulgaria (1994), the Czech Republic (1997), Germany (1992 and 1995), Hungary (1995), Israel (1994), Kazakhstan (1999), Latvia (2000), Moldova (1999), Poland (1992), Romania (1992 and 1999), Turkey (1994) and Uzbekistan (1995).

These instruments set forth the basis for carrying out joint investigations and arrests, sharing information, creating joint programmes for addressing certain issues (such as trafficking), sharing experience and best practices, establishing liaison officers, carrying out joint training sessions, etc.

According to the response received from the Counter-trafficking Directorate of the Ministry of Interior, the Ministry of Foreign Affairs facilitates Ukrainian law enforcement participation in Europol activities, in joint international counter-trafficking programmes and initiation of a cooperation agreement with Europol.

In 2003, Ukrainian law enforcement officers participated in Europol's "Operation Sunflower", which led to the simultaneous arrests of more than 80 traffickers operating in Austria, France, Italy, Poland, Portugal, the Russian Federation, Spain, Ukraine and other European countries.

In 2002, Ukraine became a country-observer in the Regional Centre of the Southeast European Cooperation Initiative (SECI), which incorporates 13 countries of Southeast Europe. Within this framework, the Ministry of Interior annually participates in the international crime prevention operations code named "Mirage".

In the sphere of combating trafficking in persons, the Ministry of Interior closely cooperates with international NGOs, including IOM, the Organisation for Security and Cooperation in Europe (OSCE), the United Nations Development Programme (UNDP), La Strada Ukraine, the International Women's Human Rights Centre, etc.

According to an interview conducted with the Consular Department of the Embassy of Ukraine in Hungary, Ukrainian Embassies maintain exchange of statistical data and other information on actions against illegal migration and trafficking in persons with local national police, border guards, immigration authorities, etc.

GLOSSARY²

Abduction

The act of leading someone away by force or fraudulent persuasion.

See also child exploitation, kidnapping, trafficking.

Adoption

The statutory process of terminating a child's legal rights and duties toward the natural parents and substituting similar rights and duties toward adoptive parents (family law).

In international law, the term is used to denote the agreement of the parties as to what the text of a proposed treaty shall be.

See also child adoption.

Assisted voluntary return

Logistical and financial support to rejected asylum seekers, trafficked migrants, stranded students, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.

See also repatriation, return.

Best practices

Means to further the application of existing norms and principles, both at the international and the national levels. Best practices may be translated into operational directives, codes of conduct or other manifestations of soft law, but should not lead to a weakening or erosion of positive law. They are characterized by: being innovative, developing creative solutions; showing a positive impact on the level of implementation of migrants' rights; having a sustainable effect, especially by involving migrants themselves; and having the potential for replication.

Bilateral

Involving two parties or two States.

See also multilateral, treaty.

Border management

Facilitation of authorized flows of business people, tourists, migrants and refugees and the detection and prevention of illegal entry of aliens into a given country. Measures to manage borders include the imposition by States of visa requirements, carrier sanctions against transportation companies bringing irregular aliens to the territory, and interdiction at sea. International standards require a balancing between facilitating the entry of legitimate travellers and preventing that of travellers entering for inappropriate reasons or with invalid documentation.

See also border control.

² The majority of the terms have been extracted from International Organization for Migration, *International Migration Law: Glossary on Migration*. Geneva, 2004.

Border officials	A generic term describing those officials whose primary task is to guard the border and enforce the immigration (and possibly customs) laws of the State. Also termed “border guards”, “border police” or “aliens’ police”.
Border control	A State’s regulation of the entry of persons to its territory, in exercise of its sovereignty. <i>See also border management.</i>
Brussels Declaration	The Declaration aims at further developing European and international co-operation, concrete measures, standards, best practices and mechanisms to prevent and combat trafficking in persons in Europe. The Brussels Declaration was endorsed at the European Conference on <i>Preventing and Combating Trafficking in Human Beings – Global Challenge for the 21st Century</i> in September 2002, bringing together representatives from the European Union Member States, Candidate Countries, European Union Neighbouring Countries as well as United States of America, Canada, China, international organizations, NGOs and European Union institutions. The Council of the European Union adopted the conclusions of the Brussels Declaration on 8 May 2003.
Budapest Declaration	Participants of the Regional Conference on Public Health and Trafficking in Human Beings in Central, Eastern and Southeastern Europe, held in March 2003 in Budapest, endorsed the Budapest Declaration on Public Health and Trafficking in Human Beings and committed themselves to the promotion and realization of its recommendations.
Child	An individual being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier (Art. 1, United Nations Convention on the Rights of the Child, 1989). <i>See also minor.</i>
Child adoption (international)	Adoption of a child from a foreign country. <i>See also adoption.</i>
Child exploitation	According to the Convention on the Rights of the Child, 1989, and the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999, child exploitation includes: economic exploitation (any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development), sexual exploitation (sexual abuse, prostitution, child’s pornography) and abduction of, sale of or trafficking in children, or any other forms of child exploitation.

See also abduction, child labour, exploitation, kidnapping, slavery, trafficking, worst forms of child labour.

Child labour

Any work performed by a child which is detrimental to his/her health, education, physical, mental, spiritual, moral or social development.

See also child exploitation, slavery, worst forms of child labour.

Coercion

Compulsion by physical force or threat of physical force.

Country of destination

The country that is a destination for migratory flows (legal or illegal).

Country of origin

The country that is a source of migratory flows (legal or illegal).

See also state of origin.

Country of transit

The country through which migratory flows move (legal or illegal).

See also state of transit.

Criminal Intelligence on Trafficking

Thematic and specific information concerning trafficking victims, traffickers and trafficking modus operandi. The expression used by law enforcement agencies is ‘criminal intelligence’; in police terms, ‘intelligence’ is the product of intelligent analysis of a variety of sources of information.

Deception

In the migration context, this term not only refers to false or wrong information, but also to the intentional abuse of capitalizing on the lack of information available to the migrant.

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Detention

Restriction on freedom of movement, usually through enforced confinement, of an individual by government authorities. There are two types of detention. Criminal detention, having as a purpose punishment for the committed crime; and administrative detention, guaranteeing that another administrative measure (such as deportation or expulsion) can be implemented. In the majority of the countries, irregular migrants are subject to administrative detention, as they have violated immigration laws and regulations, which is not considered to be a crime. In many States, an alien may also be detained pending a decision on refugee status or on admission to or removal from the State.

Discrimination	A failure to treat all persons equally where no reasonable distinction can be found between those favoured and those not favoured. Discrimination is prohibited in respect of “race, sex, language or religion” (Art. 1(3), United Nations Charter, 1945) or “of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Art. 2, Universal Declaration of Human Rights, 1948).
Disruptive police-led investigation	This option is used for cases where the level of risk to the victim of trafficking demands an immediate response and/or where the pro-active investigation is either not an option or precluded by the national legislation. However, it has to be mentioned that the disruptive investigative option is not a long-term solution and may only displace or drive the problem to another location or “under ground”.
Economic migrant	A person leaving his/her habitual place of residence to settle outside his/her country of origin in order to improve his/her quality of life. This term may be used to distinguish from refugees fleeing persecution, and is also used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without bona fide cause. It also applies to persons settling outside their country of origin for the duration of an agricultural season, appropriately called seasonal workers.
Entry	Any entrance of an alien into a foreign country, whether voluntary or involuntary, legally or illegally.
Exclusion	The formal denial of an alien’s admission into a State. In some States, border officials or other authorities have the power to exclude aliens; in other States, exclusion is ordered by an immigration judge after a hearing. <i>See also deportation, expulsion, involuntary repatriation, refoulement, repatriation, return, voluntary repatriation, voluntary return.</i>
Exploitation	The act of taking advantage of something or someone, in particular the act of taking unjust advantage of another for one’s own benefit (e.g. sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs). <i>See also child exploitation, forced labour, slavery, trafficking in persons.</i>
Expulsion	An act by an authority of a State with the intention and with the effect of securing the removal of a person or persons (aliens or stateless persons) against their will from the territory of that State.

Forced/compulsory labour

All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself/herself voluntarily (Art. 2(1), International Labour Organization Convention No.29 on Forced Labour, 1930).

Forced return

The compulsory return of an individual to the country of origin, transit or third country, on the basis of an administrative or judicial act.

Fraud

A misrepresentation of the truth or concealment of a material fact in order to obtain some benefit.

Fraudulent document

Any travel or identity document that has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or that is being used by a person other than the rightful holder (Art. 3(c), United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000).
See also travel documents.

Fundamental human rights

Within the large scope of human rights, some human rights are claimed to be of particular significance. Support for this view comes from the non-derogability of some rights. Thus, Art. 4(1), International Covenant on Civil and Political Rights, 1966, permits derogation “in time of public emergency threatening the life of the nation” but prohibits any derogation from Arts. 6 (right to life), 7 (torture), 8(1) and (2) (slavery and servitude), 11 (imprisonment for breach of contractual obligation), 15 (retroactive criminal liability), 16 (recognition as a person in law) and 18 (freedom of thought, conscience and religion). This notwithstanding, the trend is to regard all human rights as universal, indivisible, interdependent and interrelated, to be treated in fair and equal manner, on the same footing and with the same emphasis.
See also human rights, prohibition of torture, slavery, torture.

Health

A state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity.

Health assessment

In the migration context, the function of reducing and better managing the public health impact of population mobility on receiving countries as well as to facilitating the integration of migrants through the detection and cost-effective management of health conditions and medical documentation.

High-risk Cases

Cases in which the victim has been or is cooperating with law enforcement authorities and which the traffickers either know of, or suspect.

Human rights

These liberties and benefits which, by accepted contemporary values, all human beings should be able to claim “as of right” in the society in which they live. These rights are contained in the International Bill of Rights, comprising the Universal Declaration of Human Rights, 1948 and the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights, 1966 and have been developed by other treaties from this core (e.g. The United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979; The United Nations International Convention on the Elimination of All Forms of Racial Discrimination, 1965).

See also fundamental human rights.

**Identification of victims of trafficking
Three stage identification process**

Assessment of pre-interview indicators (1), the structured interview with the presumed victim (2) and the assessment of additional corroborative material (3). A final decision can be taken based on cumulative judgement of the three stages. Three perspectives have to be taken into consideration, namely the legal context, the criminals and the victims.

Illegal entry

Act of crossing borders without complying with the necessary requirements for legal entry into the receiving State (Art. 3(b), United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000).

See also irregular migration, undocumented alien.

Inhumane treatment

Physical or mental cruelty so severe that it endangers life or health.

Internal migration

A movement of people from one area of a country to another for the purpose or with the effect of establishing a new residence. This migration may be temporary or permanent. Internal migrants move but remain within their country of origin (e.g. rural to urban migration).

See also international migration, rural-rural migrants, rural-urban migrants, urban-rural migrants, urban-urban migrants.

International migration

Movement of persons who leave their country of origin, or the country of habitual residence, to establish themselves either permanently or temporarily in another country. An international frontier is therefore crossed.

See also internal migration.

Interview

The process of questioning or talking with a person in order to obtain information or determine the personal qualities of the person. An interview is a common step in the identification process of victims of trafficking.

See also PEACE model.

Involuntary repatriation

Repatriation of refugees to the country of origin induced by the receiving country by creating circumstances which do not leave any other alternative. As repatriation is a personal right (unlike expulsion and deportation which are primarily within the domain of State sovereignty), as such, neither the State of nationality nor the State of temporary residence or detaining power is justified in enforcing repatriation against the will of an eligible person, whether refugee or prisoner of war. According to contemporary international law, prisoners of war or refugees refusing repatriation, particularly if motivated by fears of political persecution in their own country, should be protected from refoulement and given, if possible, temporary or permanent asylum.

See also deportation, expulsion, forced return, refoulement, repatriation, return, voluntary repatriation, voluntary return.

Irregular migrant

Someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country. The term applies to migrants who infringe a country's admission rules and any other person not authorized to remain in the host country (also called clandestine/illegal/undocumented migrant or migrant in an irregular situation).

See also illegal entry, irregular migration.

Irregular migration

Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is illegal entry, stay or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term "illegal migration" to cases of smuggling of migrants and trafficking in persons.

See also irregular migrant, regular migration, undocumented alien.

Judiciary

Branch of government responsible for interpreting the laws and administering justice; a system of courts; a body of judges.

Kidnapping

Unlawful forcible abduction or detention of an individual or group of individuals, usually accomplished for the purpose of extorting economic or political benefit from the victim of the kidnapping or from a third party. Kidnapping is normally subject to the national criminal legislation of individual States; there are, however, certain kidnappings that fall under international law (e.g. piracy).

Labour migration

Movement of persons from their home State to another State for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad.

Law Enforcement Agencies

Refers to police, border police, immigration police, customs or any other law enforcement officials.

Mental Health

The importance of mental health has been recognized by the World Health Organization since its origin, and is reflected by the definition of health in the World Health Organization Constitution as “not merely the absence of disease or infirmity” but rather, “a state of complete physical, mental and social well being”. Different concepts of mental health emerged that include subjective perception of well being, self efficiency, autonomy, competence, intergenerational dependence, and self actualization of a person’s intellectual, and emotional potential.

Migrant

At the international level, no universally accepted definition of migrant exists. The term migrant usually understood to cover all cases where decision to migrate is taken freely by the individual concerned for reasons of “personal convenience” without intervention of an external compelling. This term therefore applies to persons, and members, moving to another country or region better their material or social conditions and improve the prospect for themselves or their family.

Migrant worker

A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national (Art. 2(1), United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990).

Migration

A process of moving, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, uprooted people, and economic migrants.

Migration management	A term used to encompass numerous governmental functions and a national system of orderly and humane management for cross-border migration, particularly managing the entry and presence of foreigners within the borders of the State and the protection of refugees and others in need of protection.
Minor	A person who, according to the law of the relevant country, is under the age of majority, i.e. is not yet entitled to exercise specific civil and political rights. <i>See also child.</i>
Multilateral	In relation to treaties and negotiations, multilateral (or multipartite) connotes the involvement of more than two States in the process. <i>See also bilateral, treaty.</i>
Organized crime	Widespread criminal activities that are coordinated and controlled through a central syndicate. <i>See also smuggling, trafficking.</i>
Organised Crime Group	Defined under the United Nations Convention Against Transnational Organised Crime as consisting of three or more persons, acting together over a period of time to commit serious crime for gain.
Palermo Protocols	Supplementary protocols to the United Nations Convention against Transnational Organized Crime (2000): Protocol Against the Smuggling of Migrants by Land, Sea and Air; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and Protocol against the Manufacturing of and Trafficking in Illicit Firearms, Ammunition and Related Materials.
Passport	A government document identifying a person as a national of the issuing State, which is evidence of the holder's right to return to that State. In Western traditions, passports have been used for foreign travel purposes, not as domestic identity documents. The passport is the accepted international certificate or evidence of nationality, although its evidentiary value is <i>prima facie</i> only. <i>See also travel documents.</i>
PEACE model for interviews	When interviewing a victim of trafficking certain criteria shall be met by the interviewer, namely to address the concerns and rights of the victim. The PEACE model for interviews foresees five stages: P-Preparation, E-Explanation, A-Account, C-Closure and E-Evaluation.

Permanent residence	The right, granted by a host State to a non-national, to live and work therein on a permanent (unlimited) basis.
Policy	General principles by which a government is guided in its management of public affairs.
Pro-active investigation	In the context of trafficking in persons, it means police-led investigation, arrest and successful prosecution of traffickers without relying on the cooperation and testimony of the victim. In other word, it is a combination of intelligence-gathering, human and technical surveillance, work of undercover agents and standard investigative techniques to identify the traffickers and instigate proceedings against them. <i>See re-active and disruptive investigation.</i>
Profiling of victims of trafficking	Develop knowledge/expertise of victims, in categories such as age, gender, education level, employment, economic status, marital status, and reasons for leaving their country of origin, recruitment, transportation, type of exploitation.
Prosecution	A criminal proceeding in which an accused person is tried.
Protection	All activities aimed at obtaining respect for individual rights in accordance with the letter and spirit of the relevant bodies of law (namely, Human Rights Law, International Humanitarian Law, Migration Law and Refugee Law).
Push-pull factors	Migration is often analyzed in terms of the “push-pull model”, which looks at the push factors, which drive people to leave their country and the pull factors, which attract them to new country.
Re-active investigation	It relies on the cooperation and testimony of the trafficking victim. Using this investigation method, a law enforcement officer has to clarify several questions: Do I have to react immediately? Are there any witnesses; if so, are they willing to testify and is it safe for them to testify? Is there any corroboration? Is witness protection required? If the witness is a victim, what are the needs? <i>See pro-active and disruptive investigation.</i>
Receiving country	Country of destination or a third country. In the case of return or repatriation, also the country of origin. Country that has accepted to receive a certain number of refugees and migrants on a yearly basis by presidential, ministerial or parliamentary decision. <i>See also country of destination, country of origin, third country.</i>

Re-emigration	The movement of a person who, after having returned to his/her country of departure, again emigrates. <i>See also emigration, return.</i>
Reflection period for victims of trafficking	Or “cooling-down” period for the victim to make a decision on whether to cooperate with law enforcement authorities and to testify against the traffickers. The duration of the reflection period varies between 0 and 90 days in which the trafficked person has access to temporary residence. Moreover, it is advised that the trafficked person gets informed about the criminal justice system and has access to specialist investigators.
Refoulement	The return by a State, in any manner whatsoever, of an individual to the territory of another State in which his/her life or liberty would be threatened, or s/he may be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; or would run the risk of torture. Refoulement includes any action having the effect of returning the individual to a State, including expulsion, deportation, extradition, rejection at the frontier (border), extraterritorial interception and physical return. <i>See also deportation, expulsion, forced return, involuntary repatriation, persecution, return.</i>
Refugee	A person who meets the criteria of the United Nations High Commissioner for Refugees Statute and qualifies for the protection of the United Nations provided by the High Commissioner, regardless of whether or not s/he is in a country that is a party to the Convention relating to the Status of Refugees, 1951 or the 1967 Protocol relating to the Status of Refugees, or whether or not s/he has been recognized by the host country as a refugee under either of these instruments.
Regular migration	Migration that occurs through recognized, legal channels. <i>See also irregular migration.</i>
Reintegration	Re-inclusion or re-incorporation of a person into a group or a process, e.g. of a migrant into the society of his country of origin. <i>See also assimilation, integration.</i>
Reintegration (cultural)	Re-adoption on the part of the returning migrant of the values, way of living, language, moral principles, ideology, and traditions of the country of origin’s society.
Reintegration (economic)	Reinsertion of a migrant into the economic system of his/her country of origin. The migrant shall be enabled to earn his/her own living. In developmental terms, economic reintegration also aims at using the know how which was acquired in the foreign country to promote the economic and social development of the country of origin.

Reintegration (social)

Reinsertion of a migrant into the social structures of his/her country of origin. This includes on the one hand the creation of a personal network (friends, relatives, neighbours) and on the other hand the development of civil society structures (associations, self-help groups and other organizations).

Repatriation

The personal right of a refugee or a prisoner of war to return to his/her country of nationality under specific conditions laid down in various international instruments (*Geneva Conventions, 1949 and Protocols, 1977, the Regulations Respecting the Laws and Customs of War on Land, Annexed to the Fourth Hague Convention, 1907*, the human rights instruments as well as in customary international law). The option of repatriation is bestowed upon the individual personally and not upon the detaining power. Repatriation also entails the obligation of the detaining power to release eligible persons (soldiers and civilians) and the duty of the country of origin to receive its own nationals. Repatriation as a term also applies to diplomatic envoys and international officials in time of international crisis. *See also assisted voluntary return, involuntary repatriation, return, right to return, voluntary return.*

Residence

The act or fact of living in a given place for some time; the place where one actually lives as distinguished from a domicile. Residence usually just means bodily presence as an inhabitant in a given place, while domicile usually requires bodily presence and an intention to make the place one's home. A person thus may have more than one residence at a time but only one domicile.

Residence permit

A document issued by a state to an alien, confirming that the alien has the right to live in the State.

Return

Refers broadly to the act or process of going back. This could be within the territorial boundaries of a country, as in the case of returning Internal Displaced Persons and demobilized combatants; or from a host country (either transit or destination) to the country of origin, as in the case of refugees, asylum seekers, and qualified nationals. There are subcategories of return which can describe the way the return is implemented, e.g. voluntary, forced, assisted and spontaneous return; as well as subcategories which describe who is participating in the return, e.g. repatriation (for refugees).

See also assisted voluntary return, deportation, expulsion, refoulement, repatriation.

Return migration

The movement of a person returning to his/her country of origin or habitual residence usually after spending at least one year in another country. This return may or may not be voluntary. Return migration includes voluntary repatriation.

Re-victimisation	According to the United Nations High Commissioner for Refugees Recommended Principles and Guidelines on Human Rights and Human Trafficking, “ <i>Trafficked persons shall not be detained, charged or prosecuted for the illegality of the entry or involvement in unlawful activities to the extent that such involvement is a direct consequence of the situation as trafficked person</i> ”.
Risk Assessment	Means of continuously assessing the physical and juridical risk to trafficking victims and other third parties in response to generic and specific events. This shall be done immediate and then continuous in a three-stage process: Identify and assess the existing risk (1); Identify appropriate police response and assess any new or increased areas of risk arising from it (2); Decision making and risk management (3).
Rural-rural migrants	Internal migrants who move from one rural area to another. <i>See also internal migration.</i>
Rural-urban migrants	Internal migrants who move from rural to urban areas. <i>See also internal migration.</i>
Schengen Agreement	Intergovernmental agreement signed in 1985 to create a European free-movement zone without controls at internal land, water and airport frontiers. In order to maintain internal security, a variety of measures have been taken, such as the coordination of visa controls as external borders of Member States. Although the Schengen Agreement was concluded outside the context of the European Union, it has been brought into the realm of the European Communities/European Union under the Amsterdam Treaty, 1997.
Screening	The process of checking for a particular attribute or ability. In the migration context, a preliminary (often cursory) review to determine if a person is “prima facie” eligible for the status applied for.
Sending country	A country from which people leave to settle abroad permanently or temporarily. <i>See also country of origin.</i>
Shelters	Secure accommodation for trafficking victims, such as a Shelter, Reception and Rehabilitation Centre, or Halfway House, provided directly by International Organization for Migration or in cooperation with Non-Governmental Organizations partners or other contractors.

Slavery	<p>The status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised (<i>Art. 1, Slavery Convention, 1926 as amended by 1953 Protocol</i>). Slavery is identified by an element of ownership or control over another's life, coercion and the restriction of movement and by the fact that someone is not free to leave or to change employer (e.g. traditional chattel slavery, bonded labour, serfdom, forced labour and slavery for ritual or religious purposes). <i>See also child labour, worst forms of child labour.</i></p>
Smuggler (of people)	<p>An intermediary who is moving people in furtherance of a contract with them, in order to illegally transport them across an internationally recognized State border. <i>See also smuggling, trafficking.</i></p>
Smuggling	<p>The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (<i>Art. 3(a), United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000</i>). Smuggling contrary to trafficking does not require an element of exploitation, coercion, or violation of human rights. <i>See also illegal entry, trafficking.</i></p>
State of origin	<p>The State of which the person concerned is a national (<i>Art. 6(a), United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990</i>). <i>See also country of origin.</i></p>
State of transit	<p>Any State through which the person concerned passes on any journey to the State of employment or from the State of employment to the State of origin or the State of habitual residence (<i>Art. 6(c), United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990</i>). <i>See also country of transit.</i></p>
Temporary protection	<p>Procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there exists also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection.</p>

Third country	A country other than the country of origin of a person. <i>See also country of destination, country of origin, receiving country, State of origin, State of transit.</i>
Trafficker, human	An intermediary who is moving people in order to obtain an economic or other profit by means of deception, coercion and/or other forms of exploitation. The intent ab initio on the part of the trafficker is to exploit the person and gain profit or advantage from the exploitation. <i>See also exploitation, smuggler, trafficking.</i>
Trafficking in persons	The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (Art. 3(a), United Nations Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Organized Crime, 2000). <i>See also abduction, coercion, exploitation, fraud, smuggling, trafficker.</i>
Transportation	The movement of goods or persons from one place to another by a carrier. <i>See also conveyance.</i>
Travel documents	Generic term used to encompass all documents which are acceptable proof of identity for the purpose of entering another country. Passports and visas are the most widely used forms of travel documents. Some States also accept certain identity cards or other documents. <i>See also passport, visa.</i>
Treaty	An international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation (<i>Art. 2.1(a) Vienna Convention on the Law of Treaties, 1969</i>).
Unaccompanied minors	Persons under the age of majority who are not accompanied by a parent, guardian, or other adult who by law or custom is responsible for them. Unaccompanied minors present special challenges for border control officials, because detention and other practices used with undocumented adult aliens may not be appropriate for minors. <i>See also child, minor.</i>

Undocumented alien	An alien who enters or stays in a country without the appropriate documentation. This includes, among others: one (a) who has no legal documentation to enter a country but manages to enter clandestinely, (b) who enters using fraudulent documentation, (c) who, after entering using legal documentation, has stayed beyond the time authorized or otherwise violated the terms of entry and remained without authorization. <i>See also illegal entry, irregular migration.</i>
Urban-rural migrants	Internal migrants who move from urban to rural areas either for “new settlement” purposes or as return migration for those who have been rural-urban migrants. <i>See also internal migration.</i>
Urban-urban migrants	Internal migrants who move from one urban area to another, generally for employment. <i>See also internal migration.</i>
Victim of human trafficking	An individual who is a victim of the crime of trafficking in persons. <i>See also trafficker, trafficking in persons.</i>
Violence against women	Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (<i>Art. 1, United Nations Declaration on the Elimination of Violence against Women, 1993</i>).
Visa	An endorsement by a consular officer in a passport or a certificate of identity that indicates that the officer, at the time of issuance, believes the holder to fall within a category of non-nationals who can be admitted under the State’s laws. A visa establishes the criteria of admission into a State. International practice is moving towards issuance of machine-readable visas which comply with International Civil Aviation Organization standards, printed on labels with security features. <i>See also passport, travel documents.</i>
Voluntary return	The assisted or independent return to the country of origin, transit or another third country based on the free will of the returnee. <i>See also assisted voluntary return, forced return, involuntary repatriation, return, repatriation, voluntary repatriation.</i>

Vulnerable groups

Any group or sector of society that is at higher risk of being subjected to discriminatory practices, violence, natural or environmental disasters, or economic hardship, than other groups within the State; any group or sector of society (such as women, children or the elderly) that is at higher risk in periods of conflict and crisis.

Working permit

A legal document giving authorization required for employment of migrant workers in the host country.

Worst forms of child labour

All forms of slavery or practices similar to slavery (such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict); the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; or any other work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

See also child exploitation, child labour, trafficking in persons.

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