

Oljelund 2006-09-17

### **Handel med människor - vad kan uppnås med samarbete**

Anförande vid nordiska rådets möte i Lahti den 20 september 2006

Titeln på dagens seminarium är vilket mervärde samarbete ger i kampen mot människohandel. Svaret på frågan är uppenbart. Handel med människor är gränsöverskridande och ett land kan inte ensamt föra den kampen.

Den är gränsöverskridande på många sätt. Först och främst fysiskt. Varan förs från ett land till annat. Trafficking måste inte definitionsmässigt vara gränsöverskridande. Den definition vi använder gör att det kan vara fråga om trafficking även om "varan" inte flyttas över någon nationsgräns, men det vanliga och det mest problematiska är just gränsöverskrinadet.

Men trafficking är gränsöverskridande även i annan mening. Det är fullt möjligt att den som är spindeln i nätet sitter i Prag och där tar emot beställningar, att kunderna finns i Sverige och att offren finns i Norge på andra sidan gränsen och att det hela leds och kopplas ihop med mobil eller över internet. Koppleriet blir osynligt eller i varje fall svårupptäckt..

Den är gränsöverskridande även i meningen att den juridiska beviskedjan i varje enskilt fall är lång och sträcker sig mellan länder och ofta kräver flera länders juridiska ingripanden för att leda till att ett brott kan uppdagas och leda till påföljd.

Den är självfallet också gränsöverskridande när det gäller att hjälpa de offer som tagits om hand, ofta barn och ungdomar. De måste erbjudas hjälp och stöd, först det land där de blivit utsatta och sedan i det hemland dit de vill återvända. Det kräver samarbete mellan sociala och andra myndigheter i olika länder. det gäller också mellan myndigheter och enskilda organisationer och kyrkliga samfund. Kyrkorna har ofta stor betydelse i ursprungsländerna.

De grundläggande orsakerna till att trafficking förekommer är många och måste sökas på olika håll. I det arbetet får inte heller finnas några gränser. Jag tror att det är viktigt att vi har klart för oss att orsakerna är sammansatta. det rör sig om fattigdom och inte bara om fattigdom i ekonomisk mening utan om att de flickor och kvinnor, och pojkar och män, som blir offer, blir det för att de befinner sig i det beroende som fattigdomen uttrycker för med sig. Brist på utbildning, brist på jämställdhet, brist på förmåga att kunna säga nej, brist på stöd från sin sociala omgivning, offer för våld och övergrepp i många olika

meningar. Det finns naturligtvis en annan orsak till trafficking, och det är efterfrågan. Om det inte fanns en marknad för sexuella tjänster, om det inte fanns kunder till varor som tillverkas av tvångsarbetare skulle det inte heller finnas någon handel med människor. Ofta handlar det om att vi i väst utnyttjar människor från fattiga och utsatta länder från syd eller öst.

I mitt eget land, Sverige, betonar vi just detta. Kriminaliseringen i Sverige enbart av kunden, inte av offret, är uttryck för det. Vi arbetar för att andra länder skall anamma samma synsätt

Det uppdrag jag fått att som svensk trafficking-ambassadör främja och samordna det svenska utrikesdepartementets arbete på det internationella området utgår från den breda definitionen på trafficking. Handel med människor för olika ändamål. Hittills har uppmärksamheten främst riktats mot trafficking för sexuella ändamål och det nationella handlingsprogram som vi nu håller på att utarbeta handlar om det. Men handel med människor för arbetskraftsändamål är minst lika viktigt och vi avser nu börja utarbeta ett nationellt handlingsprogram även för det, utgående från Palermo-protokollets breda definition.

Ofta finns det kopplingar. Den som missbrukas som arbetskraft utnyttjas ofta också sexuellt.

Det finns också ett samband mellan olika typer av kriminella ligor. (utveckla)

Samma är det med det handlingsprogram för arbete mot trafficking som vi sedan flera år använder i vårt utvecklingssamarbete. Det tar sikte på denna breda definition och det av goda skäl.

Det finns gemensamma nämnare för olika former av trafficking. För det första att de är brott mot grundläggande mänskliga rättigheter. För det andra att grundläggande orsakerna, root causes, kan vara desamma. För det tredje att den organiserade internationella brottslighet som sysslar med trafficking för sexuella ändamål och är länkad till alla annan internationell brottslighet, inte minst narkotika och kanske också terrorism. Om vi betraktar trafficking för sexuella ändamål som del av denna internationella brottslighet är trafficking inte bara ett hot mot de enskilda offrens säkerhet utan mot våra samhällens säkerhet i vidare mening.

Samarbete över gränserna är av alla de skäl jag nämnt oundgängligen nödvändigt. Det behövs mer och det behöver bli mer operativt och konkret. Jag skulle vilja påstå att vi idag, i det stora hela, har de internationella överenskommelser, den folkrätt, som behövs för att kunna bedriva ett aktivt samarbete. Vi har Palermo-protokollet,

barnkonventionen, CEDAW, det fakultativa protokollet till konventionen om barns rättigheter ang. försäljning av barn och barnporonografi, EU-rådets Framework decision den 19 juli 2002 om trafficking, OSSEs handlingsplan från 2003, och flera andra

Det är inte avsaknad av internationella överenskommelser som gör att vi inte kommit längre. Det är inte heller avsaknaden av nationell lagstiftning som alltid är huvudproblemet. De flesta länder har lagstiftning mot tvång av olika slag, mot tvångsarbete, mot övergrepp mot barn och kvinnor, mot koppleri (procuring) som räcker en god bit. Jag säger inte att det inte behövs mer internationella överenskommelser och effektivare lagstiftning i enskilda länder men vad som i första hand behövs är att polis, åklagare, domstolar och sociala myndigheter får uttalade uppdrag och tillräckligt med resurser för att kartlägga omfattningen av trafficking i de olika kommuner och polisdistrikt de har ansvar för, spåra upp förövare, inleda åtal där det är möjligt och ge de drabbade offren skydd. Detta är ett arbete som i högsta grad kräver samarbete med andra länder i samma region. Jag tror här på de stora fördelarna och lokalt, regional samarbete. Det är mer operativt och konkret och kan inrikta sig på konkreta fall.

De internationella ligor som bedriver människohandel fruktar inte internationella överenskommelser men de fruktar vad polis och åklagare kan åstadkomma närd kommer dem på spåren.

Som exempel på ett nära regionalt samarbete skulle jag vilja nämna den nordisk baltiska aktionsgruppen (task force) . Den bildades år 2002 mellan de nordiska och baltiska länderna å initiativ av Anna Lindh. . Den har haft en mycket praktisk inriktning. Nu upphör dess mandat men inte dess arbete. Sekretariatet har flyttats över till till CBSS.

Vad har the task force uppnått ?

Här några punkter:

- höjt det politiska medvetandet i deltagarländerna
- tagit initiativ till utarbetande av nationella handlingsplaner. Norge, Finland och Danmark har det, Sverige har en på gång (utveckla), Lettland och Estland har också, fast tidsbegränsade, Litauen har ingen ännu.
- bytt information om ” best practices” mellan medlemsländerna rörande, omhändertagande av offer, stöd och hemsändande, lagstiftning, förebyggande åtgärder, utåtriktad information
- antagit gemensamma benchmarks som medlemsländerna åtagit sig att nå upp till- En av dessa benchmarks är just ett åtagande att alltid samarbeta regionalt

- gemensamt arbete inom ett projekt för att underlätta återsändande och reintegrering av offer

- samarbete mellan rederier och andra transportföretag för att förebygga trafficking

- samarbete mellan ambassader

Sverige avser att under sitt ordförandeskap i CBSS (sommaren 2006-2007) verka för en successiv integrering av aktionsgruppens verksamhet till CBSS. En svensk sekondering till CBSS-sekretariatet är ett uttryck för att människohandelsfrågorna skall prioriteras under det svenska ordförandeskapet.

I CBSS (Östersjöstaternas råd) finns redan en expertgrupp i vilken ingår nationella experter av olika slag; poliser, åklagare, socialarbetare m fl. Här planerar man bl a att göra det möjligt för polis i ett land att delta i en utredning som pågår i ett annat land.

Det finns också ett traffickingarbete inom Barentsrådet. Det går ut på att förbättra det operativa samarbetet mellan länderna. En aktionsgrupp för rättsligt samarbete har tillsatts.

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Det finns alltså redan en hel del samarbete mellan de nordiska länderna och grannländerna runt Östersjön, framförallt de Baltiska.

Finns det utrymme för mer sådant samarbete? Ja, säkert. Men innan nya nordiska samarbetsformer föreslås är det naturligtvis viktigt att reda på vad som redan görs, så att det inte blir dubbelarbete, och var eventuella luckor finns och sedan ställa frågan om dessa luckor bäst täpps till genom nordiskt samarbete eller genom det nordiskbaltiska samarbetet och det som sker inom CBSS. Bra – ta med final report från aktionsgruppens möte i juni, om inte EU-enheten har ex så har jag!

Det nordisk-baltiska samarbetet fortgår på expertnivå med personer från ministerierna. Per Wallén kommer att ha denna roll från svensk sida. Denna expertgrupp kommer också att återrapportera till utrikesministrarna vid de nordisk-baltiska utrikesministermötena. Det är alltså administrationen av arbetet som flyttats över till CBSS.

Jag föreställer mig att medlemsförslaget att upprätta skyddat boende i Baltikum och Nordvästra Ryssland är ett välkommet initiativ som bör diskuteras vidare inom CBSS

Jag tror också att CBSS behöver den slag av kunskap som ett närmare erfarenhetsutbyte mellan socialarbetare som arbetar med kvinnor med skyddsbehov skulle kunna ge.

Huruvida det finns behov av en gemensam nordisk handlingsplan kan jag inte säga. Det förefaller viktigt att till att börja med lägga de nordiska ländernas handlingsplanerna sida vid sida för att se hur väl de överensstämmer och, återigen, identifiera luckor och tomrum.

Nordic Council's Citizens' Rights and Consumer Committee

Seminar on Trafficking in Human Beings

Lahti, Finland, 20 September 2006

Enhancing Cooperation Against Trafficking in Human Beings

Marco Gramegna  
President  
Experts Group on Trafficking in Human Beings  
European Commission

## Introduction

Serious violations of human rights exist in many countries in Europe. This is particularly visible in the case of persons who are victims of trafficking in human beings that affects all countries in the region in different forms and at different levels.

International law provides a framework for issues such as rights to life, security, liberty, not to be sold in marriage, and prohibitions on slavery, torture, inhumane or degrading treatment, and on forced and child labour, among others. This should apply to all individuals within a country's borders—regardless of their legal status or national origin. Many international and regional instruments prohibit trafficking and slavery of human beings. There is also a set of human rights treaties and principles to be applied to trafficking in human beings, particularly the 2003 *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*<sup>1</sup>, which is the leading international instrument supplementing to the *United Nations Convention Against Transnational Organized Crime*.

The Protocol goes beyond trafficking for the purposes of sexual exploitation and prostitution and covers as well other forms, such as forced labour in general. Its main purposes are "to prevent and combat trafficking in persons, paying particular attention to women and children"; protect and assist victims; punish perpetrators; and foster intergovernmental collaboration. All States Party to the UN Trafficking Protocol are required to establish trafficking as a criminal offence. At the regional level, the most recently adopted treaty is the 2005 Council of Europe Convention on Action Against Trafficking in Human Beings<sup>2</sup> It covers all forms of trafficking, including trafficking within national borders, and establishes a monitoring system that includes ministerial representatives and independent experts responsible for recommending actions.

In this connection, the Experts Group on Trafficking in Human Beings of the European Commission issued its Report<sup>3</sup> in December 2004. The Report makes an global analysis of Trafficking in Europe and, most importantly, makes 132 concrete recommendations for policy decisions and actions on prevention of trafficking, assistance, protection and social inclusion of trafficked persons and on law enforcement and cooperation strategies.

The European Union Council approved in December 2005 the EU Plan on best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings<sup>4</sup> that includes a table of actions to be taken by the EU member states in connection with prevention of trafficking in human beings, protection of its victims and investigation and prosecution.

Despite these instruments and plans, as well as of actions implemented so far by governments, NGOs, trafficking in human beings continue to exist in Europe<sup>5</sup> and there is no indication that this crime decreases, on the contrary, it is changing patterns and trends<sup>6</sup>.

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<sup>1</sup> [www.ohchr.org/english/law/protocoltraffic.htm](http://www.ohchr.org/english/law/protocoltraffic.htm)

<sup>2</sup> Council of Europe, 2005. *Council of Europe Convention against Trafficking in Human Beings and Its Explanatory Report*. Council of Europe Treaty Series. No. 197. Warsaw: Council of Europe. Web site: [www.coe.int/T/E/human\\_rights/trafficking/PDF/Conv\\_197\\_Trafficking\\_E.pdf](http://www.coe.int/T/E/human_rights/trafficking/PDF/Conv_197_Trafficking_E.pdf).

<sup>3</sup> European Commission, *Report of the Experts Group on Trafficking in Human Beings*, Brussels, 22 December 2004. [http://ec.europa.eu/justice\\_home/doc\\_centre/crime/trafficking/doc/report\\_expert\\_group\\_1204\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf)

<sup>4</sup> See Official Journal of the European Union, C 311/1 of 9.12.2005

<sup>5</sup> For a summarized account of the present situation, see UNODC: "*Trafficking in Persons, Global Patterns*", April 2006. [http://www.unodc.org/pdf/traffickinginpersons\\_report\\_2006ver2.pdf](http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf)

<sup>6</sup> See IOM, "*The changing patterns and Trends of Trafficking in Persons in the Balkan Region*", Geneva 2004.

## How to approach trafficking?

Trafficking in human beings constitutes a serious violation of human rights, therefore the integration of a human rights perspective is fundamental for the analysis of trafficking in human beings and the development of an effective response to it. The human rights perspective should be part and parcel of any strategy, policy and action to address trafficking<sup>7</sup>.

As stated by the European Commission's Experts Group on Trafficking in Human Beings: "Essential elements of a human rights based approach are the observance of international human rights norms and the principle of non-discrimination, standard setting and accountability, the recognition of human beings and, in particular, trafficked persons, as subjects and holders of rights, self-organisation, participation, empowerment and social inclusion of the groups and communities affected, including trafficked persons, and the integration of a gender, child rights' and, where applicable, ethnic perspective. Moreover, it should be ensured that counter-trafficking measures do not undermine, adversely affect or infringe upon the human rights of individuals, e.g. migrants, prostitutes, refugees or asylum seekers"<sup>8</sup>.

In this connection, it is important for governments, together with NGOs in each country, to develop a Human Rights Impact Assessment Model, as an instrument to monitor and evaluate the human rights effects of anti-trafficking laws, policies and practices to ensure that anti-trafficking measures comply with respect for and protection of human rights. It is also important in this connection, to develop counter-trafficking strategies that aim at the empowerment, social inclusion, participation and self-organisation of the groups affected or at risk.

## Different/complementary perspectives on trafficking in human beings

Trafficking in human beings is a highly complex phenomenon, involving elements of migration, organised crime, labour, human rights, prostitution, uneven international economic relations, gender issues, violence against women, feminisation of poverty and others.

It is now more than 15 years of accumulated experience of anti-trafficking activities by non-governmental organisations, governments, local institutions and groups, intergovernmental organisations and individuals. These actions have focused on prevention, assistance and protection of trafficked persons and law enforcement and juridical cooperation according with the mandate of each institutional actor and/or according with the multiple elements which constitute trafficking in human beings and the interpretation made by the different actors.

Trafficking has multiple implication and interpretations: It could only be seen as a problem of organised crime and the practices would then focus on the necessary legislation to be adopted to punish traffickers and the action of law enforcement and the judiciary, without major concern for the social and economic aspects of trafficking, such as the needs of victims and their exploitation.

Trafficking in persons could also be regarded as a human rights issue and the actions to counter it would focus on the need to protect and defend the rights of the victims. Indeed, trafficking is a violation and abuse of the human rights of trafficked persons and the rights of mental and physical integrity, life, security, dignity, and freedom from

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<sup>7</sup> See United Nations High Commissioner for Human Rights (UNHCHR), "*Recommended Principles and Guidelines on Human Rights and Human Trafficking*", New York and Geneva 2002.

<sup>8</sup> Report of the EC Experts Group on Trafficking in Human Beings, 2004, page 60.



slavery and slavery-like practices, torture. Related anti-trafficking activities would focus on the protection of those rights.

Trafficking is also a migration issue because the vast majority of trafficked persons are migrants and the majority are or become irregular migrants. Although this is a rather restricted view of trafficking in human beings, it is undeniable that migration plays an important role in the trafficking process. Narrow migration-oriented solutions and practices would concentrate only on the modification of migration policies and the protection of the rights of migrants in order to reduce illegal migration and, thus, trafficking.

Labour is a crucial component of trafficking because, at the end, trafficked persons start their process by searching for a job opportunity in another place and end up being trapped in forced labour. The forced labour concept<sup>9</sup> is crucial for the understanding of trafficking. Connected solutions and practices would concentrate on the regulation of the labour sector where trafficked persons are forced to work and the respect of their labour rights as well as on the criminalisation of exploitation under forced labour. Trade unions and labour inspectors should then be partners in the solutions.

Trafficking is also seen as a problem of gender discrimination due to the fact that the majority of trafficked persons are women who escape from societies with high levels of discrimination against women in terms of opportunities, remuneration and social inclusion. As trafficked persons, and due to their vulnerability, they are again victims of gender discrimination being forced into prostitution or domestic work.

Others see trafficking as only linked to prostitution or sex work and solutions and practices would only focus on the criminalisation, abolition or regulation of it and punishment of the clients, pimps or the prostitutes. Obviously this perspective would link trafficking in human beings with social and moral values and would exclude the whole problematic of this crime that is violation of human rights through forced labour exploitation.

Finally, some look at trafficking as an element of economic and social development, globalisation of the economy and inequalities of wealth among countries. The solutions would tend to target some of the root causes of trafficking such as poverty, lack of opportunities and employment, educational level, global trade inequalities, etc.

**IT IS VERY DIFFICULT TO TACKLE TRAFFICKING IN HUMAN BEINGS IF NOT THROUGH A HOLISTIC AND INTEGRATED APPROACH INVOLVING THE ABOVE ASPECTS AND ELEMENTS OF TRAFFICKING**

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<sup>9</sup> See International Labour Office's related publications, such as: *Human Trafficking and Labour Exploitation* (October 2004); *Forced Labour, Time for Action*, and *A Global Alliance Against Forced Labour* (2005), and the *Report* of the European Commission's Experts Group on Trafficking in Human Beings (Dec.2004)

Any policy and legislation aimed at curtailing trafficking in human beings must be comprehensive in order to involve all aspects of it, in particular the concept of forced labour, which forms the basis of it, being trafficking for sexual exploitation and prostitution, domestic work, labour exploitation or others.

In the countries of the Nordic Council all the above types of trafficking in human beings can be found, in particular trafficking for sexual exploitation of women and children from nearby countries such as Estonia and Russia, or far away ones such as Nigeria, Thailand and China, and also countries within the European context such as Romania, the Balkans, and Turkey. In Nordic countries we also witness trafficking of men from Asian countries, Turkey and Russia for the purpose of forced labour in construction and domestic work.

Therefore, when discussing the drafting of a plan of action on trafficking in human beings it is important to consider the possibility to cover all the above forms of trafficking and the potential victims of it, not only sexual exploitation of women, despite of still being the most important one. The main goal of traffickers is not sexual exploitation in itself. Their goal is the profit that any form of forced labour exploitation would produce. When traffickers find that the sex industry is not profitable because of law enforcement action against public prostitution, they would either shift their activities to more hidden places or definitely change their human trade to other forms of forced labour.

A plan of action on trafficking in human beings should also cover all areas of this crime. On the one hand, prevention activities that range from data collection and research to actions to raise the understanding and awareness of trafficking among the different stakeholders, including the victims and potential victims. On the other, assistance and protection of the trafficked persons once they have been trafficked in order to protect their human rights and their dignity as well as to reintegrate them into a normal life. This should include the provision of shelter, food, medical and psychological assistance, training, reintegration, return to their countries if feasible and employment creation.

Finally, law enforcement and judicial action should be part and parcel of any plan of action on trafficking.

### Cooperation

All the above activities include a wide variety of players and actors such as policy makers, legislators, judges, government officials and authorities in different sectors, NGOs, law enforcement officials, labour inspectors, social assistants, lawyers, physicians, researchers, intergovernmental organisations, and many others carrying out different activities according to their different mandates.

The cooperation among the different actors understanding respecting their complementary roles in the prevention and combat of trafficking in human beings is crucial for any effective implementation of a plan of action.

No isolated action would be effective. For example, a good legislation but without an effective enforcement would give no result. Police action alone could curtail the work of traffickers. However, that would need the complement of the assistance and protection of victims provided by NGOs and civil society organisations.

Efficient legal procedures and convictions would complement police action and, at the same time, would have a preventative effect because of the message it entails for traffickers.

## How to arrive to an efficient cooperation among all the actors?

The first is to understand each other's role and their complementarity.

Counter-trafficking activities must be carried out in a multi-agency and multi-disciplinary manner. Close co-operation between law enforcement agencies and non-governmental organizations is a crucial aspect of this response.

After several years, co-operation has at last been understood as necessary to fight organised crime and specifically trafficking in human beings. Many law enforcement agencies now enjoy co-operation and exchanges with relevant non-governmental and international agencies.

There are obvious difficulties in the relationship between law enforcement agencies and the non-governmental sector. Sharing of information creates suspicion between the two because of data protection and confidentiality. NGOs sometimes see their close contact with counter-trafficking investigators or police with concern to be too close to law enforcement and compromise their independence.

For law enforcement institutions and actors, there are concerns over the disclosure of personal and thematic data and the security skills of some of the non-governmental organizations that operate in this field.

Law enforcement agencies must acknowledge the key role played by NGOs for a comprehensive, holistic response to the needs of trafficked victims which otherwise could not be provided and that the non-governmental sector is much better placed and skilled to fulfil that role. Furthermore, that the non-governmental sector works directly with the victims and often receives more in-depth intelligence from them than investigators, therefore the complementarity of both sectors.

NGOs must acknowledge and accept the unique position, mandate and responsibilities of law enforcement agencies to fight the crime of trafficking and in the support of the victims. NGOs must understand their responsibility to pass intelligence to the law enforcement agencies in order to contribute to the counter-trafficking response in a cooperative manner.

NGOs are important sources of information and intelligence through the hotlines and the shelters they manage. They may collect information that victims would be otherwise reluctant to provide to law enforcement for different reasons. Governments should officially entrust and finance local NGOs to carry out activities for the assistance of victims.

Cooperation is needed between governmental and non-governmental agencies at local and national levels to for the proper identifications and referral of trafficked victims and in order to provide the most adequate assistance while protecting their human rights. This could be done through the creation of multidisciplinary teams to develop, monitor and evaluate policies and the establishment of national coordination structures.

The important role of NGOs will be developed in:

- The personal contact and work with trafficked persons, gaining trust and offering confidentiality.
- Tailoring individual assistance programmes to each case
- Conducting advocacy work for the rights of trafficked persons
- Providing a fast response to cases and situations as NGOs normally do due to their internal flexibility and non-bureaucratic decision-making structures.
- Training of law enforcement and other stakeholders

Secondly, law enforcement, immigration and other relevant authorities should exchange information in order to identify victims and perpetrators, on the types of travel documents used and on the means and methods used for trafficking by criminal organisations. The control of borders should also be tackled in a cooperative manner. Data collected and information gathered by the various agencies and institutions should be exchanged as a basis for the development of comprehensive and effective policies and practices.

Third, at the local (municipality) level, authorities should include trafficking in local action plans against criminality, establishing support services for trafficked persons, raising public awareness and implementing programmes for vulnerable groups (illegal women and children) to prevent them from trafficking.

Furthermore, it is important to facilitate cooperation, contacts and exchange of information between States, international and non-governmental organisations, regional organisations (European Commission, OSCE, Council of Europe and groups of individual experts in order to establish a Nordic Anti-Trafficking Network. It would build on the cooperative structures created at the national level.

Fifth, the establishment of National Referral Mechanisms (NRMs) as "a cooperative framework through which State actors fulfil their obligation to protect and promote the human rights of trafficked persons and coordinate their efforts in a strategic partnership with civil society"<sup>10</sup> is a very important structure that allows the implementation of multidisciplinary cooperation. The main components of the NRMs are tools for identification of trafficked persons, the elaboration of models of identification and the cooperation of law enforcement with civil society. It includes guidelines to set up components of a NRM such as shelters, specialised services, return and social inclusion, data protection, witness protection, confiscation of criminal assets, compensation of victims and residence permits.

The referral procedure would have different steps where governmental and non-governmental institutions participate:

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<sup>10</sup> See Kroeger, T.J.Malkoc and B.H. Uhl, *National Referral Mechanisms Joining the Rights of Trafficked persons. A Practical Handbook*. OSCE/ODIHR, Warsaw 2004,pp.15-16

DETECTION OF VICTIMS (by police, NGOs, Hot lines, individuals, consular staff)  
 ↓  
 CENTRAL COORDINATION AGENCY (Governmental)  
 ↓  
 ASSESSMENT OF VICTIM'S MEDICAL, SOCIAL AND LEGAL NEEDS (NGOs)  
 ↓  
 REFERRAL OF VICTIMS TO INSTITUTIONS FOR DIRECT ASSISTANCE (NGOs/IGOs)  
 ↓  
 COORDINATION OF VICTIM PROTECTION AND ASSISTANCE (NGOs and IGOs)  
 ↓  
 REGULARISATION OF RESIDENCE (Gov)  
 ↓  
 INITIATION OF LEGAL PROCEEDINGS (law enforcement and judiciary)  
 ↓  
 MONITORING (Govt. and NGOs)  
 ↓  
 SOCIAL INCLUSION (Govt. and NGOs)  
 ↓

OR RETURN AND REINTEGRATION IN COUNTRY OF ORIGIN.

Furthermore, governments should establish National Coordinating Committees or Round Tables on Trafficking, bringing together all major national actors involved in responding to trafficking. These should include representatives of ministries of Interior, Foreign Affairs (including consular sections), Social Affairs, Labour and Health, any other governmental office with a role to play on trafficking, national and international NGOs and intergovernmental organisations. These Committees or Round Tables should be cross sectoral, involving both governmental actors and civil society in order to have a multidisciplinary approach and the development of national strategies and action plans. The Round Table will create networks among national, regional and international structures for the efficient dissemination of information and feedback mechanisms.

Seventh, appointment of a National Coordinator on trafficking would ensure the participatory approach through which monitoring and evaluation exercises lead to the improvement of legislation, policy and practice on trafficking. The National Coordinator should chair the National Round tables and be responsible for the development and implementation of national strategies and action plans as well as for monitoring and evaluating their implementation.

Eighth, for the collection of data and information, the establishment of the position of an independent National Rapporteur on Trafficking in order to bring together existing information/data from different agencies, including law enforcement, intergovernmental organisations and NGOs. The information thus gathered should serve as a basis for national action plans and policymaking. The Rapporteur should be independent and should not have an executive operational or policy-coordinating task.

Finally, cooperation is not only needed at the national and local levels but at the regional one as well. In this connection, and to facilitate cooperation, contacts and exchange of information among all agencies and stakeholders in the countries concerned in order to

ensure the necessary regional cooperation with neighbouring countries and countries of origin it would be convenient to consider the establishment of a Nordic Council's Anti-Trafficking Network. The Network should put together the cooperative structures established at national level, particularly the national Referral Mechanisms, and should cover prevention, victims' protection and assistance and law enforcement and judicial cooperation. It should consist of contact points delegated by each member state and should include the National Coordinator chairing the national Round Table, as well as representatives of an NGO participating in the NRM and the Round Table.

## LEGISLATION

Finally, all the above would be possible through an appropriate and clear anti-trafficking legislation which is crucial for any action to punish traffickers and assist and protect victims. There are few good examples of legislation in the world that are precise and clear in conceptualisation and broadminded in the assistance and protection provided to trafficked persons.

A GOOD LEGISLATION SHOULD BE THE RESULT OF AN INTEGRATED AND MULTIDISCIPLINARY APPROACH TO THE CRIME OF TRAFFICKING IN HUMAN BEINGS.

The important concept is not only the treatment of traffickers as criminals and trafficked persons as victims of a crime whose human rights have to be protected, but also the necessity of creating the structures and providing resources for governmental and local institutions confronting trafficking in human beings and assisting its victims.

The law should define trafficking in human beings, makes this offence a crime to be punished; reinforces the accessory penalties (deprivation of the exercise of rights and obligations, closing down of venues and broader confiscation) and includes the necessary assistance and protection of victims and establishes the structure and the resources for

The assistance to victims should provide for the following:

- A specific residence permit for an initial period of 45 days for the victims of trafficking in persons who wish to stay in Belgium and work together with the legal authorities and file a complaint or making statements against the exploiter. This permit can be renewed every six months.
- Assistance by specialised shelters for the relief and assistance of victims. The law created the three shelters, one per region, in close coordination with the police for the referral system and identification. The centre coordinates them for Equal Opportunities and Combating Racism that ensures smooth collaboration among the centres.
- Witness protection for those victims who file legal cases against trafficking, in the form of total or partial protection of the identity of the witness, the provision of advice and support, psychological aid, secret address and a "contact" police officer.



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**Skriftligt spørgsmål  
om forsvundne personer og menneskehandel**

Journalnummer: 06-334-07

*Til de nordiske landes regeringer*

Polisk politi har ifl. Dagbladet Politiken efterlyst 123 personer, der alle formodes at have været ofre for menneskehandlere i Italien. De har været tvunget til at arbejde op til 15 timer om dagen under trusler, vold og indespærring, og man formoder, at mindst to personer er slået ihjel. (Politiken den 15.9.2006 s. 11).

De nordiske regeringer bedes oplyse, om polsk eller et andet lands politi har rettet henvendelse til et eller flere lande i Norden med en bekymring om forsvundne personer, der formodes at være ofre for menneskehandel.

København, den 15. september 2006

Line Barfod (EL)

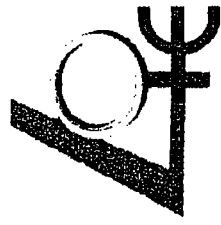


# European Women's Lobby (EWL)

- **Established 1990:** Aims to achieve equality between women and men
- **Membership based women's organisation from 25 countries:** National co-ordinations and European organisations
- **Lobbies European institutions:** European Commission, Parliament, Council and runs different projects on specific themes.
- **Works against all forms of Violence against women**, including trafficking and prostitution, through a specific Policy action centre against Violence + **specific projects:**

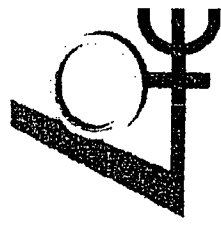
***Nordic-Baltic pilot project for the support, safe return, reintegration and rehabilitation of women victims of trafficking for sexual exploitation***





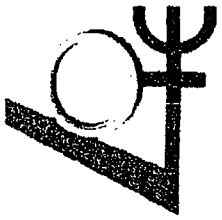
# 'Trafficking' / Människohandel – politiska utmaningar

- **Brist på politisk vilja** och politisk oenighet **vis-à-vis Internationella instrument**
- **Oenighet om vad vi menar med "trafficking"**
  - Luddigt användade av: 'Alla former av trafficking'
  - Vad betyder det att bekämpa 'trafficking'
  - Migration och Mänskliga rättigheter
- **Brist på Könsperspektiv**
- **Bristande fokus på assistans och stöd**



# 'Trafficking' / Människohandel

- **Gör skillnad mellan olika former av trafficking!**
  - Ja till begreppen människohandel, och kvinnohandel
- JA till att återinföra **könsperspektiv**
- JA till ett migrations perspektiv - men **Nej till anti-immigrations politik**
- JA till utökat **fokus pa assistans och stöd** till offer för människohandel
- JA till ett **internationellt resursfördelnings** perspektiv



**NORDIC-BALTIC TASK  
FORCE AGAINST  
TRAFFICKING IN HUMAN  
BEINGS**



# **Nordic-Baltic pilot project for the support, safe return, reintegration and rehabilitation of women victims of trafficking for sexual exploitation**



## Nordisk-Baltiska pilot projektet



Regional koordinator: European Women's Lobby

Finansiering: Nordiska länderna

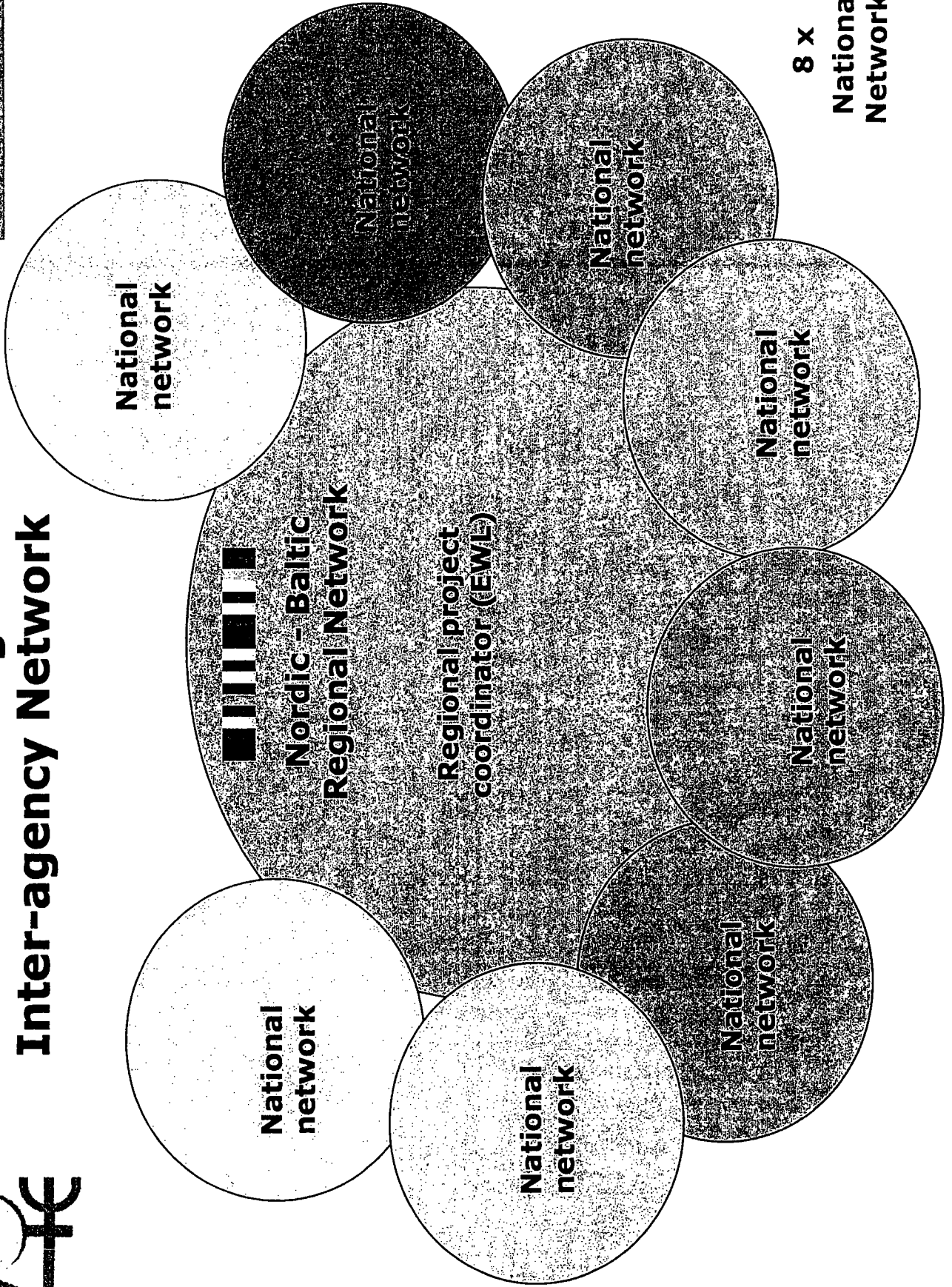
Projekt period: Oktober 2005- September 2008

### Övergripande målsättningar

- Utveckla och **implementera ett regionalt program** för stöd, skydd, planerade och trygga hemresor (rehabiliteringstöd) för kvinnohandelsoffer
- Fungera som en **startpunkt för långsiktig förändring** i regionen vad det gäller stöd och god re-integrering av kvinnohandelsoffer
- **Förstärka könspektivet** in politik, program och arbete mot trafficking



# Nordic-Baltic Regional Inter-agency Network



**8 x  
National  
Networks**



## Aktiviteter ...

- Nationella möten - konsultation + nätverksbyggande
  - Regionala Nordiskt-Baltiska nätverksmöten
  - Regional konferens(er)
  - Utvecklande av regionalt 'training programme'
- \*\*\*\*\*
- Koordinera öppnandet (ev förstärkandet) av 'safe houses' för kvinnohandelsoffer i de tre Baltiska länderna.
  - Nationella trainings i de tre Baltiska länderna

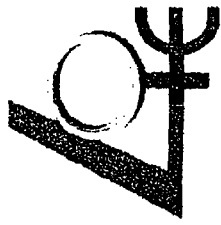




# Stöd och assistans



1. **Identifiering av kvinnohandelsoffer – en het potatis !!**
2. Reflektions period och uppehållstillstånd
3. Skyddat boende olika **stöd services**
4. "**Säker och trygg hemresa**" – vad betyder det?
5. Skydd, säkerhet samt **vittnes skydd**
6. Möjlighet till **ekonomiskt stöd** och / eller brottsoffer-  
kompensation



## Synergier... ?



- Samarbete med målsättningen att bygga upp den allra bästa nationella + regionala modellen för stöd till kvinnohandelsoffer.
- Arbeta tillsammans för att upprätta '**safe houses**' i alla Nordiska och Baltiska länder.
- Organiserande av **regionala 'trainings'** som fokuserar på olika aspekter av stöd till kvinnohandelsoffer
- Utvidga aktiviteterna till att också **omfatta andra länder i regionen**.