



Organization for Security and Co-operation in Europe

Presentation by Ms. Eva Biaudet, OSCE Special Representative for Combating Trafficking in Human Beings, Helsinki 26 March 2009, at the seminar “Side Effects of Free Mobility”

Ladies and Gentlemen, Dear Colleagues and Friends,

I want to warmly thank the City of Helsinki, my home town where I have been active in local politics and a member of the City Council for many years, for inviting me to speak at this innovative seminar looking into various side effects of free mobility facing European cities.

Being a former Parliamentarian and Minister, I know that the challenges we face in relation to free mobility and migration definitely have to be tackled at both state and municipal levels, and therefore I am of course also delighted that two of my former colleagues, the Finnish Minister of Migration and European Affairs Astrid Thors, and the Minister of Justice Tuija Brax have prioritized this event and chosen to share with us their views on how to address these difficult issues. I also interpret their presence as a strong commitment from the side of the Finnish Government to find viable solutions that fully respect the human rights and dignity of migrants, and especially those ending up being severely exploited – the victims of human trafficking.

I am very pleased to be able to share with you all a few thoughts on one specific negative side effect of increased migration and free mobility – one of the most pressing human rights issues we face in Europe in the 21st century – various forms of human trafficking – or in other words modern day slavery.

My presentation will have a special focus on children and draws on experiences from the whole OSCE region, which consists of 56 participating States – actually covering not only geographical Europe, but including also North America, the Caucasus and Central-Asia, in fact most of the northern hemisphere – from Vancouver in the west to Vladivostok in the east.

STATUS QUO

My first observation is quite general and concerns where we stand in Europe today vis-à-vis the fight against human trafficking. In the OSCE region as a whole, and in particular within the EU, I have to

say, that most States already have come quite far when it comes to implementing the available international instruments such as the UN Palermo Protocol and the Council of Europe Convention, and in introducing new legislation. However, most countries still have not done very much in translating policies into practice so that they would have a significant impact in reducing vulnerability, increasing victim identification or increase prosecution of traffickers. My perception is that politicians and officials, when it comes to trafficking, tend to believe that once new legislation and new policies are in place they can “tick the box” and move on to the next topic, when of course, the only solution to the problem is to make the fight against trafficking a true political priority and lifting the problem of exploitation of vulnerable people in today’s societies in general much higher up on national and local agendas.

Furthermore, as long as we look at human trafficking almost solely from the perspective of organized crime and trans-nationality, we will fail, since modern day slavery is far more about discrimination and indifference occurring within societies. Trafficking exists because of our failures to identify risks – not of criminality, but risks of vulnerable people to fall victims of abuse and exploitation. Trafficking victims indeed often face multiple forms of discrimination – because of their gender, because of their nationality and because of their ethnicity – simply because they represent “the other, the less worthy”. Trafficking unfortunately will exist for as long as our societies will tolerate the exploitation of these people in vulnerable positions.

ECONOMIC CRISIS

This seminar comes very timely indeed, since because of the economic crisis the pressure will grow even larger for people to seek their livelihood through migration, at the same time as we will see a lot of migrants returned to their home countries because of decreasing opportunities and hardening of attitudes. We are in fact facing an impossible equation, since there will be an increased political pressure to cut public spending for protection of vulnerable people and migrants in particular, and at the same time an increasing number of people all over Europe who will find themselves in more vulnerable positions than ever. Just to mention one example, I am quite worried about an increase of human trafficking in Romania and Bulgaria if budgeting for protection and assistance to victims of trafficking and spending in general towards improving living conditions, education and health care for populations vulnerable to trafficking, such as Roma, will decrease.

I am of course also alarmed to see that attitudes against foreigners have risen all over Europe, not to speak about more frequent occurrence of outright xenophobic statements.

In this particular time when global unemployment is likely to become higher than ever before, combined with the fact that the world's population is growing at a much faster rate than new jobs can be created, we have to recognize that the structural challenges combined with migration and free mobility are of enormous proportions. And, if we fail in our policy responses, almost all European countries and major European cities will face an increased number of not only migrants but increasingly vulnerable women, children and men who either have been trafficked for the sole purpose of exploitation, or people who after having migrated to Western European countries easily will fall prey to traffickers because of lack of opportunities.

INTERNAL TRAFFICKING AND TRAFFICKING WITHIN EU

Moving on to the subject of internal trafficking, I want to be clear in saying that finding viable solutions to having less people exploited in European cities definitely cannot be examined only as a problem of migration and free mobility. For a long time, cities have been target areas not only for transnational, but increasingly, also internal trafficking, where the risk for traffickers and exploiters to be caught are even lower than when speaking about transnational trafficking. Based on international surveys we know that internal trafficking often can be a bigger problem than the transnational form.

There are a few aspects in particular I want to highlight which relate to internal trafficking. The first is that some states, including EU and candidate countries, have not yet put in place appropriate legislation for this exploitation. This not only means that internal traffickers, if they are detected, usually get away with lesser sentences, but most importantly also that victims are not eligible for assistance. Sometimes national laws even require that an illegal entry has taken place, excluding all trafficking taking place within the EU. I find this unacceptable since internal trafficking by now is a well known phenomenon to all Governments and since countries know that where internal trafficking has been included as an offence in criminal codes, convictions for internal trafficking make up a substantial amount of all trafficking convictions. Because of this, I strongly recommend states to include internal trafficking in their national laws as a matter of priority.

I further want to emphasize, that a lot of the other than internal human trafficking, that takes place in Europe, however, is EU-internal. Not the least because of this it is also high time we recognize that

only a minimal part of all trafficking can be stopped at borders, regardless how well trained or well-equipped our border-guard services will be. In fact we already from before do know that the solution neither to trans-national nor internal trafficking is enhanced border control.

What does trafficking within the European Union then look like today? I want to give you a few examples that show how complex this phenomenon is:

- it is about Polish men seeking job opportunities abroad and finding themselves working as slaves under gun-threat in the agricultural sector in southern Italy – doing 15 hour days month after month, living in barracks without water and sanitation, and if they are lucky to be alive, having to return home without a penny in their pockets.
- it is about trafficking networks systematically luring young “fall-out” boys from the UK to Sweden to work on construction sites and paving roads with cobble-stones while being kept in prison-like conditions.
- it is about Dutch girls as young as 13 years old having experienced sexual abuse, drug addiction, and homelessness, who fall in love with pimps or so called “loverboys”, ending up being exploited in the streets and in brothels in the Netherlands.

And human trafficking within the EU is also about:

- Romanian mothers selling their babies for 600 Euros for illegal adoption to Western European countries.
- it is about gangs of Roma children being smuggled to and exploited in European cities by adults making fortunes from having the children begging and committing street crime and fraud.
- it is about under-aged Lithuanian girls being promised work selling ice-cream in the summer in the UK, but instead being exploited in prostitution, beaten and threatened with death if they don't obey their traffickers.
- and it is also about a Nigerian woman or girl from Cap Verde who finds her “European experience” to be selling sex in a Spanish night club, under violence and threats directed towards her family, should she think about escaping.

VULNERABILITY AND VIOLENCE

Human trafficking all over the world in fact is very much about abuse and exploitation of vulnerable children. The stories we hear all over are the same. Young children of all ages are being exploited for

petty crimes and begging. Young girls in particular, often not more than between 12 and 14 years old are lured into prostitution.

Based on research we also know that worldwide, sexual exploitation by far is the most commonly identified form, making up 80% of all identified cases. And we know that the vast majority, almost 80 % of the victims identified have been women and girls. Women are in fact heavily represented in all categories of modern day slavery – not only as victims of sexual exploitation or domestic servitude but quite surprisingly, for example also in labour exploitation taking place in the agricultural sector. Another thing we know is that sexual abuse is very much present in all different form of trafficking, and is used as method for breaking down the will and strength of victims. The story of identified victims is usually the same – they have been sexually assaulted, threatened with increased debt, beatings or death, and too often these threats involve their children and families.

The most recent report of the US Government on human trafficking refers to a research which found that over two thirds of women exploited in prostitution suffer from post-traumatic stress disorder, equivalent to battered women seeking shelter or refugees suffering from state-organized torture. The effects on the mind of trafficking victims easily make them lose their memory – they have difficulties in telling about their exploitation consistently or they simply appear un-collaborative. Still, most governments do not yet recognize that victims need sufficient time to recover from the trauma they have suffered, before they are prepared to co-operate with law enforcement, not to mention testifying against their traffickers.

LOCAL OWNERSHIP

My next point concerns local ownership – an issue that is particularly relevant for this event. What I have learned, working with this issue for several years now, is that what we decide at the OSCE or any other international organisation – or even at the governmental level in any concerned country – has very little relevance if local authorities don't assume their responsibility. Although not much has happened so far I remain hopeful that the situation for victims of trafficking can improve, since I am convinced that most European countries already have the capacities needed at the local level to provide protection and assistance to trafficked and exploited people.

Local authorities, especially in major European cities, clearly need specific budgets and resources to be able to respond more adequately, in particular to the growing number of children being exploited for

various purposes – in the commercial sex business, for organized begging and for committing petty crimes. This is a very demanding task that requires special skills, and we need to ensure that all children, indifferent to their possible irregular status, are protected, also before a trafficking identification has been possible. We need to train personnel and fund specialized service providers, many times NGOs doing invaluable outreach work, and we have to become better in recognizing signs of vulnerability in early stages and intervene immediately. In this regard I want to commend the organisers of this conference, the City of Helsinki, for funding important outreach work done by the Helsinki Deaconess institute.

What however makes our task much harder is that exploited children often don't identify themselves as victims; they distrust authorities, and often decline assistance because they are afraid of being deported or feel they are being patronized by service providers portraying them as helpless victims. Therefore, we have a big challenge in getting better at designing strategies that take the views of these children into account. Service providers, weather they are authorities or NGOs, need to speak the same language as these children, understand their priorities and offer them alternatives corresponding with their needs in a gender and age sensitive way. If we want results, these children cannot only be treated as beneficiaries of assistance but have to be an active part of the solution. The key words to successful integration, being it in the country of origin or destination, are safety and empowerment. I also think we need increased cooperation between authorities, not only at the international but also at the local level. We need direct exchange of knowledge between for example social workers and police liaison officers, enabling practical assistance in a flexible manner. There should be no international or hierarchical boundaries in gathering best available knowledge for a solution that can help a child. It is high time for local child protection services to become international actors.

ORGANISED BEGGING

A problem that already has been mentioned several times during this conference is organised begging. In nearly all major European cities we are faced with adults and children begging in the streets, much of it being orchestrated by organised domestic or foreign criminal groups. And perhaps we by now also know that by giving begging adults and children money, we at the same time support traffickers and uphold the structures that keep vulnerable people marginalised. Allowing this to continue is a violation of the human rights and dignity of these people, especially when children are involved.

What should then be done? Increased outreach work and screening for trafficking should of course always be an immediate measure, another step is to forbid begging altogether, but most importantly we need to look at what alternatives these people have. Often their living conditions in their home countries are appalling and they have no means to provide themselves and their children with livelihood and they don't have access to adequate education. The question is not only that countries for example like Romania, Bulgaria, Hungary, Slovakia and Poland and municipalities and cities in these countries have to do more to increase living conditions and opportunities for example for the Roma population, but also how destination countries in Western Europe can contribute to empower these persons by designing strategies that focus on participation and integration instead of only exclusion?

FOREIGN UNACCOMPANIED CHILDREN

I also have grave concerns about the pattern of so called "lost children" – foreign unaccompanied children who often arrive in European countries as asylum seekers. These children are generally perceived simply as smuggled and therefore do not receive adequate protection. Research however shows that they often are likely to be on the way to be exploited for example in the sex-trade or domestic servitude.

Also Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, has voiced his deep concerns over the special vulnerability of foreign unaccompanied children. Hammarberg emphasises that, "a child who finds him or herself in the care of the state should be afforded an equal level of protection and rights as Nationals, and particular attention needs to be paid to the prevention of disappearances". These children have an unconditional right to medical treatment and education – but we all know these rights are not respected in all countries.

The least we have to do is to ensure that accommodation centres are staffed by experienced and professional personnel, but in fact compulsory child protection measures might be the most effective mean. The Norwegian experiences, where foreign unaccompanied children against their own will have been put under guardianship of the state has shown very positive results. But it has also shown that detecting human trafficking among unaccompanied minors does take a lot of time and resources. It can take several months before a trafficked child is ready, if ever, to open up and tell her or his story to authority representatives in a foreign country.

Countries of origin and destination, whether they are EU-states or not, share responsibility for the flourishing of trafficking and therefore together have to seek durable solutions to protect people from exploitation. I want to be very clear in particular when saying that returning children to their home countries is not an option before an individual risk assessment has been made. Children have a right to return home, but only after assessing his or her case individually, taking the child's view into account. If basic needs such as physical and mental treatment and education cannot be guaranteed in their home country children cannot be returned and have an unconditional right to stay.

POLITICAL WILL

Ladies and gentlemen, my final points concern the need to increase political will at all levels to fight human trafficking and the need to reduce demand for cheap labour and sexual services that fosters modern day slavery. Without comprehensive measures in all countries to reduce demand, we will never reach the tipping point in our fight to eradicate trafficking from our societies. There is an urgent need to develop legislation that makes people truly accountable for exploitation. The criminalisation of demand is of course only one way – but can be a most effective measure in this regard. But most importantly, there is an urgent need to start serious discussions about whether we want to protect all our fellow human beings, regardless of their ethnicity, nationality and legal status from abuse and exploitation, or remain indifferent. The choice is ours.

Thank you for your attention!